



Gloucester City Council

Planning Committee

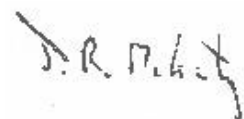
Meeting: Tuesday, 1st March 2016 at 6.00 pm in Civic Suite, North Warehouse, The Docks, Gloucester, GL1 2EP

Membership:	Cllrs. Taylor (Chair), Lewis (Vice-Chair), Hilton, McLellan, Smith, Hobbs, Hanman, Williams, Brown, Dee, Toleman, Chatterton and Etheridge
Contact:	Tony Wisdom Democratic Services Officer 01452 396158 anthony.wisdom@gloucester.gov.uk

AGENDA

1.	APOLOGIES To receive any apologies for absence.
2.	DECLARATIONS OF INTEREST To receive from Members, declarations of the existence of any disclosable pecuniary, or non-pecuniary, interests and the nature of those interests in relation to any agenda item. Please see Agenda Notes.
3.	MINUTES (Pages 7 - 18) To approve as a correct record the minutes of the meeting held on 2 February 2016.
4.	LATE MATERIAL Please note that any late material relating to the applications detailed below will be published on the Council's website as a supplement in the late afternoon of the day of the meeting
5.	COMMUNITY INFRASTRUCTURE LEVY To receive a presentation by Peter Brett Associates on the Joint Core Strategy 'Plan Viability, Community Infrastructure Levy and Affordable Housing Study'.
6.	BAKERS QUAY - 15/01144/FUL & 15/01152/LBC (Pages 19 - 114) Application for determination:- Alteration, including partial demolition, refurbishment and restoration of Downings Malthouse and Downings Malthouse extension, the demolition and redevelopment of Provender Mill and the restoration and extension of the Transit Shed to provide commercial floorspace for A3/A4 purposes at ground floor level in Downings Malthouse, Provender Mill and the Transit Shed, conversion of basement and ground floors of the Downings Malthouse extension for ancillary car parking and the upper floors of Downings Malthouse, Downings Malthouse extension and

	new build Provender Mill to provide 162 new residential units and the restoration of four three storey cottages. The development of the 105 bed hotel and freestanding unit for use for A3/A4 purposes on the site together with ancillary parking, turning, access and landscaping.
7.	<p>UNIVERSITY OF GLOUCESTERSHIRE OXSTALLS CAMPUS, FORMER DEBENHAMS PLAYING FIELD, FORMER BISHOPS COLLEGE, PLOCK COURT - 15/01190/OUT (Pages 115 - 198)</p> <p>Application for determination:-</p> <p>Outline planning application (with all matters reserved except for access) for the erection of a new 10,000sqm business school, the provision of new student accommodation (up to 200 beds) and the creation of additional car parking at the University of Gloucestershire Oxstalls Campus, Oxstalls Lane and the Debenhams Playing Field, Estcourt Road. Provision of new and improved sports facilities at Oxstalls Sports Park, Debenhams Playing Field, Oxstalls Campus and Plock Court Playing Fields, including on land currently occupied by the Former Bishops College, to include – the provision of new multiuse sports hall, 2 x 3G all weather sports pitches with associated 500 seat spectator stand, floodlighting, replacement cricket pavilion and additional parking; improved vehicular access at Oxstalls Lane, Plock Court and Estcourt Road, new vehicular access at Estcourt Close, improved pedestrian and cycling connections and associated highways, landscaping and ancillary works.</p>
8.	<p>LAND AT WINNYCROFT LANE, MATSON - 14/01063/OUT (Pages 199 - 302)</p> <p>Application for determination:-</p> <p>Outline application for the erection of up to 420 dwellings and community space/building, as well as associated landscaping, public open space, access, drainage, infrastructure, earthworks and other ancillary enabling works.</p>
9.	<p>126 TREDWORTH ROAD - 15/00797/COU (Pages 303 - 314)</p> <p>Application for determination:-</p> <p>Proposed Change of Use from florist to takeaway and construction of flue.</p>
10.	<p>DELEGATED DECISIONS (Pages 315 - 332)</p> <p>To consider a schedule of applications determined under delegated powers during the month of January 2016.</p>
11.	<p>DATE OF NEXT MEETING</p> <p>Tuesday, 12 April 2016 at 6.00pm.</p>



Jon McGinty
Managing Director

Date of Publication: Monday, 22 February 2016

NOTES

Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows –

<u>Interest</u>	<u>Prescribed description</u>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made or provided within the previous 12 months (up to and including the date of notification of the interest) in respect of any expenses incurred by you carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between you, your spouse or civil partner or person with whom you are living as a spouse or civil partner (or a body in which you or they have a beneficial interest) and the Council (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged
Land	Any beneficial interest in land which is within the Council's area. For this purpose "land" includes an easement, servitude, interest or right in or over land which does not carry with it a right for you, your spouse, civil partner or person with whom you are living as a spouse or civil partner (alone or jointly with another) to occupy the land or to receive income.
Licences	Any licence (alone or jointly with others) to occupy land in the Council's area for a month or longer.
Corporate tenancies	Any tenancy where (to your knowledge) – (a) the landlord is the Council; and (b) the tenant is a body in which you, your spouse or civil partner or a person you are living with as a spouse or civil partner has a beneficial interest
Securities	Any beneficial interest in securities of a body where – (a) that body (to your knowledge) has a place of business or land in the Council's area and (b) either – i. The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or ii. If the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, your spouse or civil partner or person with

whom you are living as a spouse or civil partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For this purpose, “securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

NOTE: the requirements in respect of the registration and disclosure of Disclosable Pecuniary Interests and withdrawing from participating in respect of any matter where you have a Disclosable Pecuniary Interest apply to your interests and those of your spouse or civil partner or person with whom you are living as a spouse or civil partner where you are aware of their interest.

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For further details and enquiries about this meeting please contact Anthony Wisdom, 01452 396158, anthony.wisdom@gloucester.gov.uk.

For general enquiries about Gloucester City Council’s meetings please contact Democratic Services, 01452 396126, democratic.services@gloucester.gov.uk.

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- Do not stop to collect personal belongings;
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HUMAN RIGHTS

In compiling the recommendations on the following reports we have given full consideration to all aspects of the Human Rights Act 1998 in relation to the applicant and/or the occupiers of any affected properties. In particular, regard has been had to Article 8 of the ECHR (Right to respect for private and family life, home and correspondence); Article 1 of the First Protocol (Right to the use and enjoyment of property) and the requirement to ensure that any interference with the right in this Article is both in accordance with the law and proportionate. A balance needs to be drawn between the right to develop land in accordance with planning permission and the rights under Article 8 and also Article 1 of the First Protocol of adjacent occupiers. On assessing the issues raised by the applications no particular matters, other than those referred to in the reports, warrant any different action to that recommended.

EQUALITY ACT 2010

In considering this matter, full consideration has been given to the need to comply with the Public Sector Equality Duty under the Equality Act 2010 and in particular to the obligation to not only take steps to stop discrimination, but also to the promotion of equality, including the promotion of equality of opportunity and the promotion of good relations. An equality impact assessment has been carried out and it is considered that the Council has fully complied with the legal requirements.

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PLANNING COMMITTEE

MEETING : Tuesday, 2nd February 2016

PRESENT : Cllrs. Taylor (Chair), Lewis (Vice-Chair), Hilton, McLellan, Hobbs, Hanman, Williams, Brown, Dee, Toleman, Chatterton, Etheridge and Hansdot

Officers in Attendance

Jon Sutcliffe, Development Control Manager

Michael Jones, Solicitor, One Legal

Adam Smith, Principal Planning Officer, Major Developments

Ed Baker, Principal Planning Officer, Housing Delivery

Andy Birchley, Senior Planning Compliance Officer

Tony Wisdom, Democratic Services Officer

APOLOGIES : Cllr Smith

76. DECLARATIONS OF INTEREST

Councillor Toleman declared a personal and prejudicial interest in agenda item 5, Llanthony Priory as a Trustee of the Llanthony Priory Trust. He retired to the public gallery during consideration of this application.

77. MINUTES

The minutes of the meeting held on 12 January 2016 were confirmed and signed by the Chair as a correct record.

78. LATE MATERIAL

Members' attention was drawn to the late material in respect of agenda items 5 and 6 which had been published on the internet as a supplement to the agenda.

79. LLANTHONY PRIORY - 15/01271/FUL

Councillor Toleman had declared a personal and prejudicial interest in this application as a Trustee of the Llanthony Priory Trust. He retired to the public gallery during consideration of this application.

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The Principal Planning Officer presented his report which detailed an application for Llanthony Priory to include the following:-

Re-use of two historic buildings for class D1 use.

Works to Medieval range including attached Victorian farmhouse to include removal of brick noggin, new windows, new disabled access, interior alterations, repair of historic fabric.

Works to Brick range to include formation of new roof, new mezzanine structures, new ground floor slab, new windows, external cladding, internal partitioning, repair of historic fabric.

Landscaping including new car parking provision, resurfacing of pathways, service provision, felling of trees, new planting including trees.

Sub-ground servicing provision. Alterations to vehicular access and site perimeter fencing. Architectural and amenity lighting.

He advised that the heritage benefits of the application would secure the future of the buildings. He outlined the highways and drainage issues and drew Members' attention to paragraphs 6.35 to 6.38 of the report.

He referred to the revised condition and recommendation contained in the Late Material.

Philip Staddon addressed the Committee in support of the application.

Mr Staddon advised that he had been one of the founding trustees of the Trust set up in 2007 to find a solution to the future of the site. The Council had done its best to manage the site but a solution had eluded it.

He believed that the application represented that solution. The site included six Grade One listed buildings presently at risk and the proposals would reconnect the site with the community.

It was intended to introduce active floor space for a range of activities and Gloucester College, as tenants of the Medieval range, would provide a source of income for the Trust.

He believed that highways issues had been addressed as well as possible within the constraints on the site. The Trust had explored the potential for alternate access arrangements but they were not in a position at the present time to guarantee an alternative.

The Trust was happy to accept the proposed drainage conditions and believed that the Gloucester Quays development had addressed the flood mitigation issue.

He noted that the Heritage Lottery Fund was the principal source of funding and he requested that any outstanding matters be addressed by condition to enable the

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project to be progressed with the Heritage Lottery Fund. He thanked the Council for their support of this project.

The Vice-Chair welcomed the application and believed that an alternative access through the Public House access road would benefit both the Trust and the public house. He asked about the bricks to be used and was advised that the Conservation Officer and Heritage England had requested details and the matter would be covered by the relevant authorities.

Councillor Hilton welcomed the application as a considerable improvement to an historic site whose regeneration had been hampered in the past by its surroundings. He believed that the alternative access would be desirable. He assumed that there would be public access to the site and that appropriate signage would be provided. He suggested that a sprinkler system be installed to provide security against fire and reduce insurance costs.

The Principal Planning Officer undertook to liaise with architect and advised that Building Regulations could include a requirement for such a system.

The Chair agreed with the previous speakers regarding the alternative access but indicated that he would not support it being imposed as a condition.

The Principal Planning Officer recommended that the Committee awaited confirmation that the Environment Agency had withdrawn their objection although they could override that recommendation.

Councillor Williams suggested that consent be granted outright rather than await the Environment Agency's confirmation of not objecting.

The Vice-Chair did not believe that the application would make much difference to the surface water run-off.

The Principal Planning Officer explained the flood compensation measures associated with the Gloucester Quays permission as set out in the report.

RESOLVED that planning permission be granted subject to the conditions in the report with the following amendment:-

Condition

The development hereby permitted shall not commence until details for the disposal of surface water have been submitted to and approved in writing by the Local Planning Authority. The details submitted shall include proposals for the disposal of surface water in accordance with the principles of Sustainable Urban Drainage Systems (SUDS) and shall be accompanied by an assessment of the impact of the proposed solution on buried archaeological remains and the setting of listed buildings. The approved details shall be implemented prior to the first occupation of the development for the use hereby permitted and maintained thereafter for the life of the development.

Reason

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To ensure that the development is provided with a satisfactory means of drainage, to reduce the risk of creating or exacerbating a flooding problem, to minimise the risk of pollution and preserve heritage assets and their setting in accordance with Policies SD9, SD15 and INF3 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 100, 103 and 131 of the NPPF and Policies FRP.1a, FRP.6, FRP.11, BE.23, BE.31, BE.34, BE.35 and BE.36 of the City of Gloucester Second Deposit Local Plan 2002.

80. SHIELD HOUSE, 2 CREST WAY - 15/01428/FUL

The Principal Planning Officer presented his report which detailed an application for the reconfiguration of premises including two and single storey extensions, plant and alterations to access at Shield House, Crest Way.

He advised that car parking spaces would be reduced from 38 to 13 and the development was expected to create ten jobs.

The application represented welcome investment and a significant improvement to the site.

He reported that the highway authority had no objection subject to conditions and referred Members to the late material which contained an amended recommendation and two additional conditions.

He amended the drawing numbers in Condition 2.

Andrew Bence addressed the Committee in support of the application.

Mr Bence referred to paragraphs 6.6 and 6.7 of the report and he advised that the application would provide a facility for customers of all sizes to rent space for their IT equipment.

There were over eighteen fibre optic networks nearby and the facility would attract businesses to Gloucester.

Around ten jobs would be created on site which would be recruited locally and would also create additional jobs within customers own premises. The intention was to create an IT hub for the South West and Midlands.

Councillor McLellan welcomed the application but expressed concern regarding the path to Duncroft Road. He asked that should it be necessary to close the path during construction it should be for the shortest possible time.

Councillor Brown advised that the pathway was very well used.

The Principal Planning Officer advised that if the path was a Public Right of Way then temporary closure would be a matter for the County Council.

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Councillor Brown questioned the source of any noise from a data centre and the Chair noted that it would emanate from air conditioning plant.

Councillor Hobbs believed that the application represented a significant improvement over the existing building but expressed concern over the fencing proposed.

The Principal Planning Officer advised that he had raised this issue with the agent who had submitted a design for the fencing that would be painted black and which had alleviated his concern.

The Development Control Manager noted that the fencing was designed to be visually permeable and that its design was more attractive than other forms of fencing such as palisade fencing.

Councillor Etheridge asked that the security lighting be designed to minimise impact on residents.

RESOLVED that planning permission be granted subject to the following conditions:-

Condition 1

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Condition 2

The development hereby permitted shall be carried out in accordance with the approved drawings 1322_300, 1322_305 and 1322_306 received on 29 October 2015; drawing numbers 1322_304A, 1322_308A, 1322_309A, 1322_311 and 1322_312 received on 30 November 2015; and drawing number 1322_313 received on 01 December 2015.

Reason: To ensure that the development is carried out in accordance with the approved plans and in accordance with policies contained within Second Deposit City of Gloucester Local Plan (2002).

Condition 3

Notwithstanding the Town and Country Planning (Use Classes) Order 1987 and Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and/or re-enacting those orders with or without modification), the premises shall not be used other than as an electronic data centre and shall not be used for any other purpose falling within Use Classes B1 or B8; without express planning permission.

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Reason: Alternative use would require further consideration by the Local Planning Authority because of traffic/parking implications, having regard to the provisions of the Gloucester Local Plan, Second Stage Deposit 2002.

Condition 4

The development hereby approved shall not be occupied or operated until the parking and turning areas have been provided in accordance with the approved plans. Such areas shall not be used for any purpose other than the parking and turning of vehicles and shall remain free of obstruction for such use at all times.

Reason: To ensure adequate car parking within the site, having regard to the provisions of the National Planning Policy Framework.

Condition 5

The development shall not be occupied until visibility splays have been provided extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 54m distant in both directions (the Y points). The area between the visibility splays and the carriageway shall be maintained at all times so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.6m and 2.0m at the Y point above the adjacent carriageway level.

Reason: In the interests of highway safety, having regard to Policy TR.31 of the Gloucester Local Plan, Second Stage Deposit 2002.

Condition 6

The development hereby approved shall not be occupied unless covered bicycle storage has been provided in the location shown on the approved plans. The covered bicycle storage shall be retained in accordance with the approved plans at all times

Reason: To ensure adequate provision and availability of cycle parking, having regard to Policy TR.33 of the Gloucester Local Plan, Second Stage Deposit 2002.

Condition 7

The building shall not be clad, rendered or faced in brick unless in accordance with sample panels, which shall have first been constructed on site and approved in writing by the Local Planning Authority.

The sample panel shall show the type, size, colour, bond, pointing, coursing, jointing, profile and texture of the external facing materials.

The approved sample panels shall be retained on site and made available for inspection by the Local Planning Authority for the duration of the construction works.

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Reason: In the interests of the character and appearance of the area, having regard to Policy BE.7 of the Gloucester Local Plan, Second Stage Deposit 2002.

Condition 8

The external windows shall be recessed at least 225mm from the outer wall/exterior elevation.

Reason: In the interests of the character and appearance of the area, having regard to Policy BE.7 of the Gloucester Local Plan, Second Stage Deposit 2002.

Condition 9

The boundary fencing shall not be installed unless in accordance with the design specification and photographs submitted by the agent on 04 February 2016 and shall have a black external finish. The boundary fencing shall be retained as such at all times and shall not be replaced with an alternative design or colour finish.

Reason: In the interests of the character and appearance of the area, having regard to Policy BE.7 of the Gloucester Local Plan, Second Stage Deposit 2002.

Condition 10

The development hereby approved shall not be occupied or operated until a lighting scheme to light the public alley on the south side of the site has been implemented in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be retained at all times.

Reason: To ensure that the adjacent alley is satisfactorily lit in the interests of crime prevention and safety, having regard to Policy BE.5 of the Gloucester Local Plan, Second Stage Deposit 2002.

Condition 11

No development shall commence on site unless details of a surface water drainage scheme, which shall incorporate Sustainable Urban Drainage System (SUDS) principles, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall accord with the submitted Drainage Statement by Momentum Structural Engineers, dated 08.01.2016, unless otherwise first agreed in writing by the Local Planning Authority.

The scheme shall include a programme for implementation of the works; and proposals for future maintenance and management.

The development shall not be carried out unless in accordance with the approved surface water drainage scheme.

Reason: To ensure sustainable drainage of the development, having regard to Policy FRP.6 of the Gloucester Local Plan, Second Stage Deposit 2002. Approval is required upfront because the design of the drainage is an integral part of the development and its acceptability.

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Condition 12

No development shall commence on site unless details of a surface water attenuation/storage works have been submitted to and approved in writing by the Local Planning Authority. The scheme shall accord with the submitted Drainage Statement by Momentum Structural Engineers, dated 08.01.2016, unless otherwise first agreed in writing by the Local Planning Authority.

The scheme shall include a programme for implementation of the works; and proposals for future maintenance and management.

The development shall not be carried out unless in accordance with the approved surface water drainage scheme.

Reason: To ensure sustainable drainage of the development, having regard to Policy FRP.6 of the Gloucester Local Plan, Second Stage Deposit 2002. Approval is required upfront because the design of the drainage is an integral part of the development and its acceptability.

Condition 13

Noise levels attributable to services equipment and emergency plant shall not exceed the limits as set in the tables below.

Proposed Building Services Equipment:

	Maximum Acceptable 'Rating Noise Level' at the facade of the building	
Period	Kingstone Avenue (Residential)	Ley Court (Commercial)
Day 0700 - 1900	37 dB(A) $L_{Aeq, 1 hr}$	47 dB(A) $L_{Aeq, 1 hr}$
Evening 1900 - 2300	35 dB(A) $L_{Aeq, 1 hr}$	N/A
Night 2300 - 0700	31 dB(A) $L_{Aeq, 15 mins}$	N/A

Noise from the emergency plant, which may be used during power outages:

Period	Maximum Acceptable Noise Level from Emergency Equipment at the facade of the nearest residential buildings (Kingstone Avenue)
Day 0700 - 1900	50 dB(A) $L_{Aeq, 15 mins}$
Evening 1900 - 2300	46 dB(A) $L_{Aeq, 15 mins}$
Night 2300 - 0700	43 dB(A) $L_{Aeq, 15 mins}$
Period	Maximum Acceptable Noise Level from Emergency Equipment at the facade of the nearest commercial building (Ley Court)
Day 0700 - 1900	57 dB(A) $L_{Aeq, 15 mins}$

Reason: To safeguard the amenities of the area, having regard to Policy BE.21 of the Gloucester Local Plan, Second Stage Deposit 2002.

Condition 14

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No construction related activities, including deliveries to or dispatched from the development, shall be undertaken outside the following hours:

Monday to Friday	0800 to 1800
Saturdays	0830 to 1300

No such construction related activities or deliveries shall take place on Sundays or Public Holidays.

Reason: To safeguard residential amenity, having regard to Policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

81. EAST OF STEPHENSON DRIVE, QUEDGELEY - 15/01534/FUL

The Development Control Manager presented the report which detailed an application for the erection of six B8 units with associated ancillary offices, parking and landscaping on land to the east of Stephenson Drive, Waterwells.

He advised that this was the third similar application for this site as the two previous consents had expired. He confirmed that no issues had been raised by residents.

RESOLVED that, subject to the Lead Local Flood Authority (LLFA) and the City Council's Drainage Engineer confirming that they have no objection to the proposal, the Development Control Manager be authorised to grant planning permission subject to the conditions in the report together with any additional drainage conditions recommended by the LLFA and the City Council Drainage Engineer.

82. HUCCLECOTE MEWS - 15/01527/MOD

The Development Control Manager presented the report which detailed an application for the variation of a legal agreement under planning permission 22758/07 to remove the requirement to provide accommodation for a warden at Hucclecote Mews, 78, Hucclecote Road.

He drew Members' attention to the representation at paragraph 5.2 of the report and he confirmed that there was no policy in place to justify retention of the requirement.

RESOLVED to approve the variation of the Legal Agreement thereby removing the requirement to provide any dedicated warden accommodation at the site.

83. PLANNING ENFORCEMENT QUARTERLY PROGRESS REPORT (OCTOBER - DECEMBER 2015)

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The Senior Planning Compliance Officer presented his report which detailed the level and nature of enforcement activity undertaken by the Planning Enforcement team between October and December 2015 and for 2015 as a whole together with an update on formal action being taken against more serious planning breaches.

He displayed illustrations of recent work including:-

- Junction of Worcester Street/Kingsholm Road – requirement for screening and landscaping.
- Encroachment at Kingsholm Road.
- Direct action on land at the back of Barnwood Road.
- The Water Poet, Eastgate Street.
- Shopfront at Texas, Parkend Road.
- Banner on Eastgate House.
- ‘A’ board trailers Cole Avenue.
- Unauthorised caravan.
- Tindale Mission Hall.

The Chair was advised that the Inspector’s decision in respect of the appeal for 90, Longford Lane was still awaited.

Councillor McLellan was advised that the occupier of the New Olympus theatre had been prosecuted for criminal damage and the owners of the building had been advised of their responsibilities under the terms of the Enforcement Notice.

Councillor Etheridge reported a new ‘A’ board trailer at Quedgeley. The Senior Planning Compliance Officer undertook to investigate and advised that in certain circumstance he had, through the County Council, powers to impound such trailers.

Councillor Dee referred to unauthorised car sales outside St Barnabus Hall and was advised that it was difficult to address such issues through planning legislation and it would be more appropriate to take action through Environmental Protection of the highway authority.

Members thanked the Officer for his report.

RESOLVED that the report be noted.

84. DELEGATED DECISIONS

Consideration was given to a schedule of applications which had been determined under delegated powers in the month of December 2015.

RESOLVED that the schedule be noted.

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85. DATE OF NEXT MEETING

Tuesday, 16 February 2016 at 6.00pm and Tuesday 1 March 2016 6.00pm.

Time of commencement: 6.00 pm

Time of conclusion: 7.15 pm

Chair

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GLOUCESTER CITY COUNCIL

COMMITTEE : **PLANNING**

DATE : **1ST MARCH 2016**

ADDRESS/LOCATION : **BAKERS QUAY**

APPLICATION NO. & WARD : **15/01144/FUL & 15/01152/LBC
WESTGATE**

EXPIRY DATE : **15/01144/FUL – 5TH FEBRUARY 2016
15/01152/LBC – 20TH OCTOBER 2015**

APPLICANT : **ROKEBY MERCHANT (GLOUCESTER) LTD**

PROPOSAL :

Alteration, including partial demolition, refurbishment and restoration of Downings Malthouse and Downings Malthouse extension, the demolition and redevelopment of Provender Mill and the restoration and extension of the Transit Shed to provide commercial floorspace for A3/A4 purposes at ground floor level in Downings Malthouse, Provender Mill and the Transit Shed, conversion of basement and ground floors of the Downings Malthouse extension for ancillary car parking and the upper floors of Downings Malthouse, Downings Malthouse extension and new build Provender Mill to provide 162 new residential units, and the restoration of 4 no. three-storey cottages. The development of the 105 bed hotel and freestanding unit for use for A3/A4 purposes on the site together with ancillary parking, turning, access and landscaping all at Bakers Quay Gloucester

REPORT BY : **ADAM SMITH**

NO. OF APPENDICES : **SITE PLAN**

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The application site is the land widely known as Bakers Quay. It borders the canal to the west and St Ann Way to the south. To the east and north east is the Gloucester Quays outlet centre. To the north at the canalside is the group of buildings occupied by Numold.

1.2 Bakers Quay was constructed in the late 1830s with the widening of the canal. The application site, on the southern part of Bakers Quay, includes four grade 2 listed buildings. At the north east corner of the site between Merchants Road and High Orchard Street is the grade 2 listed Downings Malthouse. This includes a range of brick buildings up to 4 storeys in height with a basement,

at the south west corner a concrete silo and to the north east a row of four brick cottages fronting High Orchard Street.

- 1.3 Across Merchants Road at the canalside is the grade 2 listed Downings Malthouse extension. It was built 1899-1901 and is linked by a bridge across Merchants Road to Downings Malthouse. It is a single large floor plan building up to 5 storeys high with a basement, with oversailing upper floors above the canalside path and it abuts the Numold site to the north.
- 1.4 South of this is the building known as the 'transit shed'. Also grade 2 listed, it was built in 1867 for the Midland Railway Company and can be seen on historic maps at the end of the rail lines coming in from the east.
- 1.5 South of this and adjacent to St Ann Way are the remains of the grade 2 listed Provender Mill and beyond the Engine House. Provender Mill was a five storey building with a basement. It comprised of an original block at the canalside of 1862, with a larger extension to the east side from 1890-95. Members will be aware that there was unfortunately a substantial fire at this building at the beginning of October 2015 that caused significant damage to the building. Several elements of the building were removed immediately after the fire in the interests of public safety, and further demolition works for safety were undertaken over subsequent weeks. The standing remains comprise the lower three storeys, decreasing towards the canalside where the fire took hold, such that the only remnant of the hoist housing over the canalside path is the ground floor supporting plinth.
- 1.6 To the south side is the associated single storey Engine House. This has also been subject to fires in recent years but they have not caused anywhere near the same destruction and it remains as a largely complete standing structure.
- 1.7 Downings Malthouse, Downings Malthouse extension, the transit shed and Provender Mill all appear on the Council's Buildings at Risk register.
- 1.8 The application includes the following proposals for the buildings:

Downings Malthouse

- 1.9 Conversion and new build at ground floor to provide three restaurant units, and conversion of the upper floors to 42 residential units. Refurbishment of the four cottages is also proposed to provide four 3-storey dwellinghouses. At basement level the removal of part of the arched walls in the kiln is proposed. In more details these comprise:
- 1.10 At ground floor the conversion of the central part of the building to a restaurant, including new openings in the north and south walls to link the parts of the building, including the removal of part of the arches in kiln (part is to be retained and made visible at basement and part retained as a feature at the back of the room). New openings are proposed to the Merchants Road elevation for entrances/shopfronts and also in the return northern side wall. New openings and partitioning is proposed to provide for access, storage, substations, etc in the High Orchard Street side of the main building, and

insertion of a new stair core for access off High Orchard Street to the upper floors.

- 1.11 A single storey extension is proposed to the north of the main central block and behind the cottages, for a restaurant unit. The lean-to behind the cottages would be demolished to make way for this. A new opening in the north side wall of the main building is proposed to link in the restaurant space. The extension is designed as two pitched roof bays with glazed gable ends fronting Merchants Road with a canopy to front.
- 1.12 The concrete silo to the south is proposed to be demolished and in its place a single storey extension constructed for a restaurant in a similar style to the extension on the north side. New openings in the south eastern warehouse are proposed to link into the restaurant space. New works are proposed within this warehouse to provide for a residential entrance core off High Orchard Street to the upper floors. The extension is designed as two pitched roof bays with glazed gable ends fronting Merchants Road and in this case glazing to the south side as well opening out to an external seating area here.
- 1.13 A new stair core is proposed between the main building and southern restaurant extension on the Merchants Road side for access to the upper floors (it projects up to all floors). This would be faced in a cladding material and connect to the link bridge from Downings Malthouse extension.
- 1.14 At first floor the proposals include the subdivision of the main building into flats around a central atrium space, including new floor structure, new openings in the internal walls to provide access and windows and to open up space at the east side for a flat unit. The insertion of floors and subdivision of the south eastern warehouse to flats is proposed and a lift core rising through the floors. Across the upper floors in the kiln a new floor structure is proposed at each level.
- 1.15 At second and third floors a similar layout is proposed but with an opening in the floor at the atrium. Depending on the structural solution for this building, this may be a new floor structure entirely accommodating this arrangement. At third floor of the south eastern warehouse a new extension is proposed above the 'chopped off' flat roof of the building providing for additional flats. This is designed off the same footprint projecting vertically for one storey with a pitched roof and four feature turrets at the ridge. It would be faced in a cladding material.
- 1.16 At roof level the proposals involve the replacement of the roof materials and insertion of rooflights into the main building to serve the atrium space and the north and east side flats.
- 1.17 Various new/amended windows, including blank windows opened up, new windows in the same style as existing, and on the Merchants Road elevation two new projecting feature windows at the upper floor of the two gables of the main building are also proposed.

Downings Malthouse extension

- 1.18 The proposals involve the conversion of the lower two floors for car parking associated with the reuse of the upper floors for 74 residential units. In more detail this comprises:
- 1.19 At basement several new internal openings are proposed to facilitate vehicular circulation as is the removal of one of the kilns at the north side and removal of various columns. The new circulation core providing a stairwell will extend down into the basement. Ramped access is proposed down from the external ground floor level on the south side.
- 1.20 At ground floor similar alterations are proposed, with new openings formed, columns removed, and a new opening in the southern wall to provide the vehicular access up to ground floor and down to basement.
- 1.21 At first, second, third and fourth floors the layout and works are similar. The central core of the building is to be removed to provide natural light. Residential units are proposed around the perimeter with new window openings. At third and fourth floors new projecting 'feature' windows are proposed, two on the southern elevation, one on the east. Also at third floor the link bridge over Merchants Road is proposed to be dismantled and rebuilt and used as an amenity space for one of the flats.
- 1.22 In addition at fourth floor several alterations to the roof are proposed – in the canalside elevation to open up the roof slope to provide balcony areas and a new pitched roof extension over the flat roof at the north side to provide for additional flat accommodation and balconies facing north.
- 1.23 At roof level, over the central atrium roof lights are proposed to provide for natural light. The existing signage on the canalside is to be repainted.

Transit shed

- 1.24 The existing transit shed would be dismantled and the existing columns and roof trusses retained for reuse. A new structure would be built, with the columns included, for use as a restaurant, with an extension to the south side also for restaurant use, with a narrower linking structure between.
- 1.25 The structure comprising the columns and trusses would be re-erected in the same siting. A new functioning shell would be erected within the existing structure, set back from the columns to allow them to be viewed. The new elevations would be clad in glass and vertical profiled dark grey metal cladding.
- 1.26 The extension building has been modified in the amended proposals. It proposes a main block of similar height, width and footprint to the existing, The roof form has been turned through 90° in the amended scheme to form two pitched oversailing roofs fronting the canal, with a further projecting gable to the south. The extension would be largely glazed, with brick columns and rainscreen cladding interspersed and to the service areas.

- 1.27 The narrower linking structure between the rebuilt transit shed and the extension would be of a simple appearance clad in a dark grey vertical profiled metal cladding.

New build and conversion - Provender Mill/Engine House

- 1.28 The scheme has been amended following the fire and now proposes the demolition of the remains of Provender Mill and construction of a new building of five storeys with roof accommodation, on the same footprint.
- 1.29 The new building at Provender Mill would be a copy at gable end of the original listed building, with the middle section in a more modern style having a cladding finish down to ground level, punctuated with vertical strips of aligned windows and balconies. The hoist housing at the canalside elevation would also be replicated on the same footprint and form but with a cladding finish.
- 1.30 At ground floor it would comprise three restaurant units with a residential entrance and core between. At the upper floors the proposals are for 1 and 2-bedroom flats, including into the hoist housing overhanging the canalside and the roofspace. There is now an increase to 46 units (38 in the original conversion proposals). The first floor units on the south side would have access to a roof terrace above a link section to the Engine House.
- 1.31 The Engine House would be converted for a restaurant and works include the introduction of new partitioning for the restaurant, lowering of windows in the south, east and west elevations with single pane glazing below the existing sills, and insertion of a mezzanine floor for additional staff accommodation.
- 1.32 Also proposed is the construction of the single storey link building between Provender and the Engine house for servicing/storage for the restaurants and kitchen space for the Engine house restaurant with an opening formed in the north wall of the Engine house. This would have brick pitched roof gable ends with the terrace area between. The 1920s flat roof extension to the south side of the Engine House is proposed to be demolished

New build – hotel

- 1.33 This comprises a 6 storey, 104 bed hotel. It would be sited in the south east corner of the site, adjacent to the wedge of land belonging to Peel Holdings on the corner by the access road off St Ann Way. It would measure 21m high to roof ridge, 45m long by 15.5m wide overall.
- 1.34 It would have a pitched roof with projecting gable feature to the west side and a projecting stair core to the north side. Facing materials are proposed as red brick and aluminium curtain walling, with a slate roof, and a different cladding material to the projecting gables.

New build – drive through café

- 1.35 This comprises a single storey building with drive-through facility. This would be sited parallel with Baker Street opposite the Gloucester Quays car park entrance rotunda. It would measure approximately 16m by 10m in footprint with an angled roof oversailing to the south west facing ‘front’ of the building.

- 1.36 The building would be articulated with two elevations of largely glazing facing south east and south west towards the St Ann Way approach with the other two of a solid metal cladding material including the drive through servery. It is likely that some external cladding components will be in the corporate colour of the tenant, and also some brickwork feature walls.

Associated works

- 1.37 Access to the southern part of the site would be provided with a new entrance off Baker Street with the road into the site continuing broadly down the alignment of Merchants Road.
- 1.38 Merchants Road between the two Downings Malhouses is proposed to be resurfaced to continue the 'Gloucester Quays' area paving southwards. The area between the buildings at the southern section of the site would be resurfaced including the provision of a substantial amount of surface car parking to service the buildings (163 spaces, 70 dedicated to the hotel). An electricity substation is proposed south east of the drive through next to the Baker Street. A building to house a diesel generator is also proposed next to the hotel. Trees are proposed at the Baker Street entrance to the site and down into the car parking areas, and a hedge to the perimeter of the car park behind the hotel.
- 1.39 The application is referred to the Planning Committee given the scale and sensitivity of the proposals. It is reported at this stage of negotiations at the applicant's request, referring to the apparently imminent termination of the contractual arrangements. Presenting the scheme to the Committee now will give Members the opportunity to determine the application before this deadline passes. This timetable has dictated to a large degree the progress on negotiations to date.
- 1.40 This report considers both the planning application and the associated application for listed building consent.

2.0 RELEVANT PLANNING HISTORY

Pre-2002 application

- 2.1 In 1990 the Council produced a Planning Brief for Bakers Quay as a result of the allocation of the site for mixed-use development in the Draft Local Plan 1990 (later to become the 1996 Interim Adoption Copy Local Plan) and an approach by Peel Properties. It indicated the need to progress development through a comprehensive scheme, although no provision was made for large scale retail development.
- 2.2 Peel Properties were actively considering the redevelopment of the whole area and submitted a planning application for a substantially office-based scheme. However because of land assembly issues and other reasons, the scheme was not progressed and the application was withdrawn.

- 2.3 Later in 1994 planning permission and listed building consent for Mill View were granted by the Planning Committee at High Orchard Cottages, Malthouse 2 and Provender Mill for conversion and alterations to provide 67 1 bed units and 51 2 bed units together with access and parking facilities. An application for a second phase of development of the West Midlands Farmers land including restaurant, offices, retail and residential was also submitted, but withdrawn following disposal of the site.
- 2.4 By this time the Planning Brief was revised to reflect the practicalities of incremental development given the ownership situation. Before Mill View could agree terms with West Midlands Farmers, the latter sold the site to another party (understood to be the current owner).
- 2.5 An outline application for the demolition of existing buildings and erection of retail store, office building, car parking and access was submitted in 1997 by Peel Developments and WM Morrison Supermarket Plc for the Peel owned land (St Ann Way to Llanthony Road between High Orchard Street the Southgate Street buildings). A range of concerns were raised and the applicant chose to hold the application in abeyance.

02/00271/OUT

- 2.6 This was the application for outline planning permission for the Gloucester Quays site. The application was for major mixed use development comprising new build and reuse of existing buildings to accommodate residential development (approx. 1000 units); food retail store (approximately 7,800 sq. metres); retail factory outlet centre (approximately 20,000 sq. metres); new Gloscat education campus (approximately 19,000 sq. metres); employment development (approximately 9500 sq. metres); hotel (80 beds); leisure development (approximately 6000 sq. metres) and the provision of associated car parking, servicing and infrastructure including a new road link across canal. Outline Planning Permission was granted by the Secretary of State on 22nd June 2006 and parts of the site built out at Bakers Quay/the outlet centre, and the Sainsbury store at Monk Meadow.

06/00358/FUL

- 2.7 This was an application for the construction of the canal bridge and link road, control building and associated works. It was granted subject to conditions on 6th June 2006 and is constructed.

06/01338/FUL

- 2.8 This application was for the construction of a new road junction on St Ann way to serve Gloucester Quays and Peel Centre and revised layout to existing car park at the Peel Centre. It was granted subject to conditions on 9th January 2007 and is constructed.

07/00444/FUL

- 2.9 This application sought the variation of conditions 6, 7 and 12 of the outline planning permission 02/00271/OUT, to amend the approved masterplan, vary the maximum parameters of the environment statement (Buildings Heights)

and redistribute part of the A3, A4, and A5 floorspace in the Factory Outlet Centre. Permission was granted 3rd July 2007.

07/00708/REM

- 2.10 This reserved matters application was for a mixed use scheme consisting of a Retail Factory Outlet Centre, 15 residential flats, leisure floorspace (including A3, A4 & A5 food & drink) together with associated multi-level car parking (1311 spaces), bus and taxi facilities and landscaping. Approval of reserved matters was given 4th September 2007.

07/00710/FUL

- 2.11 This full application was for the erection of a budget hotel (up to 106 bedrooms) including an additional 96 car parking spaces (forming part of the Gloucester Quays Factory Outlet Shopping Centre). It was granted permission subject to conditions on 4th September 2007.

07/00711/CON

- 2.12 This was an application for conservation area consent for the demolition of existing structures and buildings with the Phase D area of Bakers Quay to facilitate redevelopment. Buildings demolished included the single storey building at the front of former Matthews furniture store and the utility building between Sudbrooke House and The Goat Inn. It was granted subject to conditions on 7th September 2007.

07/01191/CON

- 2.13 This application was for conservation area consent for the demolition of buildings and structures within the Phase F Area of Bakers Quay to facilitate the redevelopment - nos. 7, 9 and 11 Llanthony Road and Units 1 and 2 No. 3 Merchants Road. It was granted subject to conditions on 29th October 2007.

08/00017/REM

- 2.14 This was an application for approval of reserved matters pursuant to the varied outline application, comprising one and two storey buildings and associated structures and conversion of existing buildings, for A3/A4 food and drink uses, and associated landscaping (Phase F1/Block Q). It was approved subject to conditions on 11th March 2008.

08/00024/FUL

- 2.15 This was an application for the variation of conditions 3 and 4 of Planning Permission 07/00444/FUL (varied conditions 7 and 12 respectively of (02/00271/OUT) to vary the maximum parameters for the development and re-distribute the approved floorspace within the site (incorporating an increase in the class A3, A4 and A5 uses within the factory outlet shopping area). The application was granted permission on 11th March 2008.

08/00681/FUL

- 2.16 This was an application for the construction and use of a first floor within building B16/Block Q (details approved by 08/00017/REM) for food and drink use (A3/A4/A5) in conjunction with ground floor uses, and use of first, second

and third floors of the retained 'Cooks Glass' building for food and drink use (A3/A4/A5) in association with ground floor use.

08/01142/FUL

- 2.17 This application was for the erection of a kiosk (Use class A3) in Pillar and Lucy Square. It was granted subject to conditions on 2nd October 2008 and constructed but has since been demolished.

08/01319/FUL

- 2.18 This application was for the variation of condition 7 of 02/00271/OUT to vary the maximum parameters for the development (incorporating an increase in the height of the hotel and its capacity from 80 to 120 bedrooms, and a re-allocation of parking spaces within Phase E only of the development) and Condition 6 of 02/00271/OUT to amend the approved masterplan (at Phase E of the development). It was granted subject to conditions on 6th January 2009.

09/01096/REM & 09/01098/LBC

- 2.19 This was an application for the submission of reserved matters (the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site) for building 'B10' of the Gloucester Quays development (B10 comprising the grade 2 listed Downings Malthouse and new build), to provide office and 'leisure' (use classes A3, A4, A5, D2) floorspace and 12 no. residential units. It was approved subject to conditions 23rd February 2010 but never implemented.

09/01097/FUL

- 2.20 This was an application to vary condition 7 of the outline planning permission to redistribute the approved floorspace and uses within the Bakers Quay part of the site. It was granted planning permission on 10th February 2010.

11/01291/FUL

- 2.21 This was an application for the construction of a new first floor and roof structure to, and the use of part of the ground floor of, Blocks L, M and N of Gloucester Quays Factory Outlet Centre (buildings located between Merchants Road and High Orchard Street) for a 10-screen cinema (use class D2), change of use of 6 outlet centre units in Blocks L, M and N and the ground floor of Block P to restaurant and take-away use (Class A3 and A5), and associated external alterations. It was granted permission subject to conditions on 23rd July 2012 and is constructed.

12/00244/FUL

- 2.22 This was an application for the change of use of the ground and first floor of Unit 111, and the first floors of Units 108 and 109, of Gloucester Quays and the erection of a mezzanine floor to Unit 111 for use as a health and fitness club/gymnasium (use class D2). It was granted permission subject to conditions on 24th May 2012.

13/00384/FUL, 13/00385/FUL & 13/00386/FUL

- 2.23 These were applications to change the use of highway and circulation areas around Gloucester Quays, Merchants Road and Llanthony Road to allow

outside seating for food and drink units. They were all granted subject to conditions on 29th May 2013.

13/00870/OUT

- 2.24 This was an outline application (appearance and landscaping reserved for future consideration) for the erection of a 'Drive thru' cafe unit (Class A3) including creation of new vehicular access. It was refused due to its design and siting on 11th February 2014.

13/01172/FUL

- 2.25 This application was for engineering works within Pillar & Lucy Square to provide new fountains and hard landscaping, including replacement balustrades at Pillar and Lucy House. It was granted subject to conditions on 24th March 2014.

14/00709/FUL

- 2.26 This application was for the renewal of the Gloucester Quays outline planning permission for mixed use regeneration, comprising re-use of buildings and new build to accommodate residential, employment, retail and leisure uses and an education centre for Gloscat including enhancement works to listed buildings and Llanthony Priory together with public transport facilities, improvements to the road network including a new bridge over the canal and associated landscaping, car parking and servicing. It was granted subject to conditions and legal agreements on 4th January 2016.

14/01386/FUL

- 2.27 This is an application to vary Conditions 5, 6 and 7 of the Gloucester Quays outline planning permission to alter the masterplan and schedule of development. It is currently pending consideration.
- 2.28 A large number of additional applications have also been dealt with in the adjoining land such as listed building consents, demolition approvals and advertisements but are not listed in full here.

3.0 PLANNING POLICIES

- 3.1 The following planning guidance and policies are relevant to the consideration of this application:

Central Government Guidance - National Planning Policy Framework

- 3.2 This is the latest Government statement of planning policy and is a material consideration that should be given significant weight in determining this application.

Decision-making

The NPPF does not alter the requirement for applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In assessing and determining applications, Authorities should apply the presumption in favour of sustainable development. For decision-making, this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent, or relevant policies are out of date, granting planning permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole; or
 - specific policies in the NPPF indicate development should be restricted.

Authorities should look for solutions rather than problems and decision-takers should seek to approve applications for sustainable development where possible.

Core planning principles

Planning should:

- Be genuinely plan-led;
- Be a creative exercise in ways to enhance and improve places;
- Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs;
- Secure high quality design and a good standard of amenity;
- Take account of the different roles and character of different areas;
- Support the transition to a low carbon future, take account of flood risk and encourage the use of renewable resources;
- Contribute to conserving and enhancing the natural environment and reducing pollution;
- Encourage the effective use of land by reusing brownfield land;
- Promote mixed use developments;
- Conserve heritage assets in a manner appropriate to their significance;
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable;
- Take account of and support local strategies to improve health, social and cultural wellbeing and deliver sufficient community and cultural facilities and services to meet local needs.

Building a strong, competitive economy and Ensuring the vitality of town centres

The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. The NPPF retains a recognition of town centres as the heart of communities and encourages the pursuit of policies to support their vitality and viability.

The sequential and impact tests are maintained for planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up to date Local Plan. Where an application fails to satisfy

the sequential test or is likely to have significant adverse impact on one or more the 'impact' factors, it should be refused.

Promoting sustainable transport

Seeks to ensure developments generating significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Decisions should take account of whether;

- The opportunities for sustainable transport modes have been taken up;
- Safe and suitable access to the site can be achieved for all people;
- Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented on transport grounds whether the residual cumulative impacts of development are severe.

Delivering a wide choice of high quality homes

To boost significantly the supply of housing, Authorities should

- Use their evidence base to ensure that their Local Plan meets the full objectively assessed needs to market and affordable housing in the housing market area, as far as is consistent with the policies set out in the NPPF;
- Identify and update annually a supply of specific deliverable site sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5%;

Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the Authority cannot demonstrate a five year supply of deliverable housing sites.

Requiring good design

Emphasis is retained on good design, seeking to ensure that development will function well and add to the overall quality of the area, establish a strong sense of place, optimise the potential of the site to accommodate development, respond to local character and history while not discouraging innovation, ensure safe and accessible environments, and are visually attractive as a result of good architecture and appropriate landscaping. Permission should be refused for development of poor design that fails to take opportunities for improving areas.

Promoting healthy communities

Encourages the involvement of all sections of the community. Decisions should aim to achieve places which promote;

- Opportunities for meetings between members of the community who might not otherwise come into contact;
- Safe and accessible environments;
- Clear and legible routes, high quality public space that encourage use.

Decisions should also;

- Plan positively for shared space, community facilities and other local services;

- Ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

The importance of access to high quality open spaces is also emphasised.

Meeting the challenge of climate change, flooding and coastal change

Seeks to secure reductions in greenhouse gas emissions, supporting the delivery of renewable and low carbon energy and associated infrastructure.

In terms of flooding, authorities should direct development away from high flood risk areas, but where development is necessary, make it safe without increasing flood risk elsewhere. The use of sustainable drainage systems is encouraged.

Conserving and enhancing the natural environment

Sets out that the planning system should contribute to and enhance the natural and local environment by:

- Protecting and enhancing valued landscapes, geological conservation interests and soils;
- Recognising the wider benefits of ecosystem services;
- Minimising impacts on biodiversity and providing net gains where possible;
- Prevention of unacceptable risks or adverse affects by pollution;

Authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight.

Authorities should aim to conserve and enhance biodiversity by applying the following principles;

- If significant harm cannot be avoided, mitigated or compensated for, refuse permission;
- Opportunities to incorporate biodiversity in and around developments should be encouraged;
- Refuse permission for development resulting in the loss or deterioration of irreplaceable habitats unless the need for and benefits of the development clearly outweigh the loss.

Developments should be prevented from contributing to or being put at unacceptable risk from soil, air, water or noise pollution, remediate and mitigate land where appropriate, and limit the impact of light pollution.

Conserving and enhancing the historic environment

Retains the general approach to protect and enhance heritage assets, and to require applicants to assess the significance of assets affected by development proposals, including any contribution made by their setting.

Authorities should identify and assess the particular significance of any heritage asset that may be affected taking account of the available evidence and expertise.

In determining applications, Authorities should take account of;

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality;
- the desirability of new development making a positive contribution to local character and distinctiveness.

Great weight should be given to the asset's conservation. The more important the asset, the greater the weight. Significance can be harmed or lost through alteration or destruction of the asset or development within its setting. Any harm or loss should require clear and convincing justification.

Where substantial harm or total loss of significance of an asset would occur, applications should be refused unless it can be demonstrated that this is necessary to achieve substantial public benefits that outweigh that harm or loss or all of the following apply:

- the nature of the asset prevents all reasonable uses of the site; and
- no viable use of the asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

Where a proposal will lead to less than substantial harm to the significance of a designated asset, this should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Authorities should look for opportunities for development within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

Planning obligations and conditions

Planning obligations should only be sought where they meet all of the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonable related in scale and kind to the development.

Where obligations are being sought authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled. As with most of the NPPF topics, the Planning Practice Guidance provides further clarity, with detailed guidance on considering viability in decision taking.

Planning conditions should only be imposed where they are

- Necessary;
- Relevant to planning and to the development to be permitted;
- Enforceable;
- Precise; and
- Reasonable in all other respects.

The National Planning Practice Guidance has also been published to accompany and in part expand on the National Planning Policy Framework.

For the purposes of making decisions, the NPPF sets out that policies in a Local Plan should not be considered out of date where they were adopted prior to the publication of the NPPF. In these circumstances due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF.

The Development Plan

3.3 Section 38 of the Planning and Compulsory Purchase Act 2004 has established that - “The development plan is

(a) The regional spatial strategy for the region in which the area is situated, and

(b) The development plan documents (taken as a whole) which have been adopted or approved in relation to that area.

If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy that is contained in the last document to be adopted, approved or published (as the case may be). If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

Local Plan

3.4 The statutory development plan for Gloucester remains the City of Gloucester Local Plan (Adopted 1983 and partially saved until the Local Development Framework is adopted). Under the terms of the NPPF, weight can be given to these policies according to their degree of consistency with the NPPF.

Relevant saved policies are as follows:

H1 – Release of land for residential development to cater for 5 years requirement

H1d – Presumption against development of other sites except minor infill other than those identified in H.1a and H.1c

H4 – The City Council will seek to ensure that there is a satisfactory provision of housing for those sections of the community whose needs are not adequately met by the private sector.

A2 – Particular regard will be given to the City’s heritage in terms of archaeological remains, listed buildings and conservation areas.

A5c – Llanthony Priory has particular significance for Gloucester’s tourist industry. Its conservation and maintenance and the conservation of its setting are matters of importance.

T1f – Provision for pedestrians in the city centre outside the main shopping area.

T6 – Measures will be introduced to encourage cycling.

S1a – Major comparison shopping facilities will not normally be permitted outside the main shopping area other than in accordance with the specific provisions of other policies.

S2b – Major convenience shopping facilities will not normally be permitted outside the main shopping area.

L1 - The City Council will ensure the provision of an adequate level of public open space in the City through the retention of existing areas, the inclusion of public open space within areas of new development and, where areas of shortfall are identified, the maintenance of a watching brief to consider opportunities for these to be made good.

L1.c – On new housing developments, public open space will be provided in centralised locations which are accessible to the residents. Plots will not be less than half an acre in size and the needs of all sections of the community will be considered when they are laid out.

L1.e – Where developers require the City Council to adopt areas of public open space and amenity space there will be an agreement between the Council and the developer which will include the deposit by the developer of a financial sum sufficient to cover the maintenance costs of that land for ten years.

L2.b – Where appropriate, the City Council will seek to provide additional sports pitches on the public open space which is incorporated into new housing developments.

3.5 Subsequent to the 1983 plan there has also been the City of Gloucester (Pre-1991 Boundary Extension) Interim Adoption Copy October 1996), and City of Gloucester First Stage Deposit Local Plan (June 2001).

3.6 Regard must also be had to the 2002 Revised Deposit Draft Local Plan. This has been subjected to two comprehensive periods of public and stakeholder consultation and adopted by the Council for development control purposes. This cannot be saved as it is not a formally adopted plan, however with it being adopted for development control purposes it is still judged to be a material consideration.

3.7 2002 Plan Policies

Western Waterfront mixed use allocation

FRP.1a – Flood risk

FRP.5 – Maintenance of water courses

FRP.6 – Surface water run-off

FRP.7 – Water supply

FRP.9 – Light Pollution

FRP.10– Noise

FRP.11 - Pollution

FRP.15– Contaminated land

BE.1 – Scale, massing and height
 BE.2 – Views and skyline
 BE.4 – Criteria for the layout, circulation and landscape of new development
 BE.5 – Community safety
 BE.6 – Access for all
 BE.7 – Architectural design
 BE.9 – Design criteria for large commercial development
 BE.12 – Landscape schemes
 BE.13 – Landscape strategy
 BE.15 – Provision of open space in major development
 BE.16 – Provision of public art
 BE.17 – Design criteria for large scale residential development
 BE.18 – Vehicular circulation and parking in new residential development
 BE.21 – Safeguarding of amenity
 BE.22 – Alterations to and development within the curtilage of listed buildings
 BE.23 – Development affecting the setting of listed buildings
 BE.24 – Demolition of a listed building
 BE.25 – Consent for demolition of a listed building
 BE.26 – Relaxation of policies
 BE.27 – The principle of enabling development
 BE.28 – Linking enabling development to the heritage objectives
 BE.29 – Development within conservation areas
 BE.31 – Preserving sites of archaeological interest
 BE.32 – Archaeological assessment
 BE.34 – Presumption in favour of preserving archaeology
 BE.36 – Preservation in situ
 BE.37 – Recording and preserving archaeology
 TR.1 – Travel plans and planning applications
 (TR.5 – South west bypass, TR.6 – Developer contributions to the south west
 bypass – now delivered)
 TR.9 – Parking standards
 TR.11 – Provision of parking for people with disabilities
 TR.12 – Cycle parking standards
 TR.16 – Shared parking
 TR.18 – Safe and secure car parks
 TR.28 – Contributions towards bus priority routes and facilities
 TR.31 – Road safety
 TR.33 – Providing for cyclists/pedestrians
 TR.39 – Footpaths/cycleways along the river and canal
 TR.40 - Taxis
 H.1 – Allocations for mixed use including housing (MU.2 Western Waterfront)
 H.7 – Housing density and layout
 H.8 – Housing mix
 H.15 – The provision of affordable housing
 H.16 – Affordable housing mix, design and layout
 H.18 – Lifetime homes
 E.1 – Mixed use allocations (MU.2 Western Waterfront)
 E.4 – Protecting employment land
 S.2a – Bakers Quay (factory outlet centre)
 S.4a – New retail development outside designated shopping centres

- CL.3 – Late night uses inside the central area
- T.1 – Visitor attractions in the central area
- T.3 – New hotel development in the central area
- C.1 – Cultural facilities
- C.4 – Cultural facilities in the Western Waterfront (MU.2)
- OS.1 – Public open space
- OS.2 – Public open space standard for new residential development
- OS.3 – New housing and public open space
- OS.4 – Design of public open space
- OS.5 – Maintenance payments for public open space
- CS.11 – Developer contributions for education

Emerging Plan

- 3.8 In terms of the emerging local plan, the Council has prepared a Joint Core Strategy with Cheltenham and Tewkesbury Councils which was submitted to the Planning Inspectorate on 20th November 2014. Policies in the Submission Joint Core Strategy have been prepared in the context of the NPPF and NPPG and are a material consideration. The weight to be attached to them is limited, the Plan has not yet been the subject of independent scrutiny and does not have development plan status, although the Examination in Public has been ongoing since May 2015. In addition to the Joint Core Strategy, the Council is preparing its local City Plan which is taking forward the policy framework contained within the City Council's Local Development Framework Documents which reached Preferred Options stage in 2006.

On adoption, the Joint Core Strategy, City Plan and any Neighbourhood Plans will provide a revised planning policy framework for the Council. In the interim period, weight can be attached to relevant policies in the emerging plans according to

- The stage of preparation of the emerging plan
- The extent to which there are unresolved objections to relevant policies; and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the National Planning Policy Framework

- 3.9 The following policies are of relevance and the plan is subject to representations through the consultation which affects the weight that can be attributed to the policies:

- SP1 - The Need for New Development
- SP2 – Distribution of new development
- SD1 – Presumption in favour of sustainable development
- SD2 – Employment
- SD4 – Sustainable design and construction
- SD5 – Design requirements
- SD7 – Landscape
- SD9 – Historic environment
- SD10 – Biodiversity and geodiversity
- SD11 – Residential development

SD12 – Housing mix and standards
SD13 – Affordable housing
SD15 – Health and environmental quality
INF1 – Access to the transport network
INF2 – Safety and efficiency of the transport network
INF3 – Flood risk management
INF4 – Green infrastructure
INF5 – Social and community infrastructure
INF7 – Infrastructure delivery
INF8 – Developer contributions

All policies can be viewed at the relevant website address:- Gloucester Local Plan policies – www.gloucester.gov.uk/planning; and Department of Community and Local Government planning policies - www.communities.gov.uk/planningandbuilding/planning/.

4.0 CONSULTATIONS

- 4.1 The Highways Agency raises no objection.
- 4.2 Historic England objects to the application on heritage grounds given the level of harm.

They note that this is a significant project where there are clearly heritage gains, specifically the introduction on new uses into the redundant structures is welcomed. The wider regenerative benefits of this project for Gloucester Centre are acknowledged.

The information with the application falls short of that required by the NPPF; it is not sufficient to understand the full impact of the proposals on significance. It is not therefore feasible to confirm that harm has been avoided or minimised.

In respect of Provender Mill the case against retention is unfortunately accepted. In the context of the significant loss of fabric, removing a large component of its significance, the introduction of a new structure within the remnant element has less value. With amendments they may be able to support the new build in its place.

In respect of the Engine house they are still concerned at the lowering of all the eills, which would erode significance and changes are required.

In respect of Downings Malthouse Extension, the conversion of the upper floors is supported. The ability to introduce a new use provides a good justification for the focus of this demolition. Given the lack of understanding the implementation would lead to moderate harm to significance.

In respect of Downings Malthouse the conversion of the upper floors is supported. One retail frontage opening had been agreed in principle the introduction of a second large opening has not and the works would erode the

aesthetic quality of the Merchants Road elevation. Given the valuation exercise suggests that there is some flexibility in the project this element should be reviewed along with other demolition proposals. The proposals would involve the full removal of the core with no structural justification and would be substantial harm.

They support the substantial retention of the cottages.

In respect of the Transit shed the new A3/A4 use is supported. The proposals for dismantling and reconstruction are a sensible way forward. However the extension to double its size and being largely infilled would erode significance and this would be moderate harm.

In respect of the landscaping, it does not preserve or enhance the character of the Docks Conservation Area.

In respect of the hotel and A3/A4 units the general positioning and massing of the current proposals are acceptable from a heritage perspective.

They firmly believe that any excess in the scheme for s106 obligations, given the Council's statutory obligations, should be directed towards areas of heritage concern.

If the Council were minded to support the proposals based on public benefits they strongly recommend that the conditions suggested by the Conservation Officer be applied. They comments specifically on:

- Detailed assessments of significance to review existing plans.
- No works should commence on Downings Malthouse unless there has been a full structural survey to meaningfully review the extent of demolition proposed and ensure maximum retention of significant fabric.
- Method Statement for the Transit shed works.
- Ensure the dormers at Downings Malthouse Extension do not compromise the roof frame.
- Review the dropped eaves in the Engine shed and amend the plans.
- Address the landscaping proposals to improve materials and omit soft landscaping where it contradicts the character of the Conservation Area.

They also consider it important that a legal agreement should be drafted to guarantee that all projects are brought to a close in a timely manner to ensure that the historic buildings do not remain untouched. A financial bond held in place until completion could satisfy this need. If the historic buildings are at the end of works then appropriate protection measures will be required to ensure that the buildings do not deteriorate.

4.3 The Civic Trust has commented:

The panel welcomes a plan to complete the transformation of the derelict listed buildings on Baker's Quay, but regrets that the application does not include the Peel owned land on the corner of St Ann Way and the car park access road, to make a truly comprehensive redevelopment.

The Panel considers that the bridge between the two sections of Downing's malshouses should be part of the application.

In terms of Downing's Malthouse the panel has no objection to the demolition of the silo or the design concept of the listed building, but reserves judgement until details are to hand of the proposed cladding materials, and how precisely the new build connects to the existing structure. The panel regrets the proposal to replace the decorative industrial brickwork at the mill with glass shop fronts to Merchants Road.

In terms of the High Orchard Street houses the proposals are considered an acceptable solution to retaining these former dock workers' houses.

In terms of Downing's Malthouse extension the panel was pleased to see the ingenious method by which the architects propose to introduce natural light into the centre of this enormous building, but has grave reservations about the treatment of the car park entrance at ground level which involves knocking a large hole in the side of the listed building, making the building look weak, with just a slender column of brick seemingly the only support. The opening itself needs detailing to draw the eye from the gaping hole and soften the impact of all the traffic and calming measures associated with a car park entrance. Further thought should be given to the size of the entrance and its possible disguise by some sort of canopy, perhaps echoing the colonnade on the canal frontage. The provision of "zippers" on just the upper floors appears to make no sense but they were included on the original building. On the canal side of the roof space, the "cat slide" windows need to be better defined to match the proportions of the lower floors which are highly visible from the Llanthony quay.

The panel would like to see suitable pieces of redundant machinery from the mill used as external features/sculptures which would draw people into the area and explain its former use.

In terms of the Transit Shed, this is one of only two Midland Railway transit sheds left in Britain and needs very careful treatment to retain the character of what is a simple, lightweight, building of cast iron columns with a tin roof and sides partly open to the fresh air. The proposed conversion and extension is too heavy.

In terms of the Engine Shed the panel understands the need to introduce light into the ground floor, but, to keep the proportions of the industrial building the existing sill height should remain and a succession of square windows introduced below. This will prevent the building taking on a church like appearance with lancet windows.

In terms of Provender Mill the panel reserves judgement until it is clear what is possible following the recent disastrous fire.

In terms of landscaping the panel is concerned that the area between the

buildings will be just a vast car park. Where possible the buried railway lines on the site should be exposed and incorporated into the landscaping scheme so the previous use of the area is seen. Each of the buildings should have interpretive notices giving details of its former use. It is essential that nothing is done to impede the canal side walk so that it extends under the St. Ann Way road bridge to give pedestrian access to the Peel Centre.

The new build elements are considered acceptable provided that the archaeological levels, which may contain significant remains of Llanthony Secunda Priory, are explored in a programme of works approved by the city museum.

The panel regrets that there is still no indication of what will be built on the land immediately next to the proposed hotel so that a comprehensive development of this area can be achieved.

The panel is happy with the scale and siting and overall design of the proposed hotel, but requires further reassurance about the proposed materials. For instance, the roofing is described in one part of the application as being slate, and, in another, "having the appearance of slate." The roof finish is vitally important because it will be visually prominent from the St Ann Bridge approach. The sections of the walls described as "traditional brickwork" do not appear to be possible in construction practice because of intervening string courses of an unspecified material, set back from the line of the facing. The other cladding materials – apart from the timber – will need very careful selection if this very prominent building in the Docks Conservation Area is to be the landmark building it deserves to be. The hedging proposed seems odd in a dockland setting and should be deleted until the future use of the land next door is determined.

The panel liked the variety of paving materials proposed which go some way towards relieving the monotony of what will be a very large car park, but would like to see more evidence of former uses, including the exposure of any railway lines which still exist under the dereliction. The Panel understands that large items of machinery from the malhouses still exist and these could be displayed as part of the landscaping to form a fascinating glimpse for visitors of the buildings' former uses.

In terms of the Costa Coffee building it is considered acceptable but, in this setting, might look better in Corten steel.

In response to the amended scheme the Panel commented:

The politicians need to get adjoining landowners to achieve a comprehensive redevelopment including the land on the corner of St Ann Way and the access road to the Quays car park. Without knowing what will go on this land the Baker's Quay scheme has a gaping hole in it and the "building line" from the Quays front door to the bridge cannot be maintained.

Preference for the hotel to be sited at 90 degrees to the indicated position and still has misgivings about the materials.

The panel was unanimous in finding the design of the replacement Provender building unacceptable, and, in particular the use of a mass of glass balconies on either side - entirely unsuitable for this industrial, canal side landscape. Without the balconies the building would be acceptable. The panel liked the use of salvaged bricks for the gable ends but would like the whole elevation in brick or at least the plinth to the top of the ground floor doors. The ratio of windows to walls is nothing like any of the other warehouses in the docks and is unacceptable. If there have to be balconies a metal mesh would look more industrial than glass. The treatment of the canal path overhang using the original iron stanchions is acceptable.

The revised design and materials of the Costa Coffee building is a great improvement and acceptable but will form an unlikely landmark building until something is done with the Peel land.

Improved layout of the roof lights in the Maltinghouse extension overlooking the canal is noted, but thought more could be done to disguise the huge entrance to the underground car park.

Knocking down the transit shed and reusing the materials in a new building was accepted as the way ahead, but would like to see the link between the two proposed halves redesigned to make it less bland.

On the Engine shed the new low level windows would look a lot better square, with their own brick or stone lintels

The panel still see no attempt in the landscaping scheme to reflect the history of the area apart from some interpretation boards. If there are old railway lines we would like to see them included, along with interesting bits of machinery from the buildings' former uses.

- 4.4 The Highway Authority raises no objection subject to conditions to secure appropriate access, the improvement works to Merchants Road, an advisory scheme for motorists at the access junction about oncoming service vehicles, delivery of the access, turning, loading and parking for buildings prior to occupation, details of the access/egress control to Downings Malthouse Extension, cycle storage and a construction method statement.
- 4.5 The County Council's Economic Development and Strategic Planning Officer has commented on education and library contributions. No education contribution is sought, and £31,752 is sought as a contribution to libraries.
- 4.6 The Environment Agency does not object in principle to the redevelopment or the uses proposed but recommends that the layout be revised to open up the culvert where practically possible and reinstated as a landscape feature, and an 8 metre easement around the culvert. This runs under the hotel and the transit shed extension. The proposed maintenance arrangements for the

culvert have been sent to the Environment Agency and we await clarification of their position in this light.

The Environment Agency also agrees with the extent of flood risk identified for the site, however as the principle source of flood risk originates from the Sud Brook these outlines may be considered conservative with the likely level of risk being aligned more to the south as identified elsewhere in the Flood Risk Assessment.

They note that any introduction of 'more vulnerable' uses should meet the criteria of the exception test. They concur with the methodology used to sequentially test the existing buildings in relation to their future uses based on the current floor levels and the adopted design flood level of 11.18m AOD.

They are satisfied that the proposals would enjoy safe access and would not impact on flood plain compensation that that finished floor levels are set at an appropriately high level above the 1 in 100 year level including climate change.

- 4.7 The Canal and River Trust raises no objection subject to conditions to secure details of boundary treatments adjacent to the canal; details of surface water drainage; details of protective fencing to safeguard waterway infrastructure; a remediation scheme if contaminated material is discovered; details of external lighting; and flues/ventilation/extraction systems.

The Trust also wishes to make several general comments that may be summarised as follows:

- Welcome improvement of this land;
- Retention and sympathetic restoration of waterside buildings is welcomed and pleased to see car parking is largely screened from the waterway;
- Close boarded fence at canalside would be objectionable if this is proposed; blocks access under bridge;
- Use of Downings Malthouse Extension ground floor for car parking prevents active use to canalside – this is a missed opportunity; area should be better overlooked and well used to prevent anti social behavior; grill openings are unattractive;
- Understand rationale for new intervention of Provender, but juxtaposition is uncomfortable and would prefer more reference to the original; no objection to changes to loading bay and prefer the vertical emphasis of the modern windows; the cladding is too close to the existing brickwork colour and should provide more contrast, perhaps continuing the roof colour or a darker coloured brick which would allow deeper reveals and add depth, articulation and interest which is lacking at present; side elevations may be improved if brick does not wrap around corner so far; ground floor units give no reference to the past and no sense of place and apartment entrance could be improved; projecting balconies are incongruous - too rigid, imposing and numerous; recessed balconies or a central column only of balconies may work better; conflict between link section and balconies;

- Extensive surface car parking areas will have a detrimental impact on the setting of listed buildings and devalue new areas of public realm;
- Visitor safety risk assessment needed for use of canalside and safety equipment may need to be provided by the applicant;
- Area beneath St Ann Way bridge is subject to ASB and welcome any measures such as lighting or CCTV to discourage;
- A detailed lighting scheme is required to assess impact on the waterspace;
- Development must not have adverse impact on structural integrity of waterway;
- A discharge agreement is necessary for any increase in flows to the culvert/canal;
- Further contaminated land investigation is necessary;
- Agree with recommendation to provide bird and bat boxes.

4.8 The Lead Local Flood Authority (County Council) at the initial consultation sought clarification about exploring additional methods of surface water treatment; noted that there is no evidence that the attenuation features have been adequately sized; did not understand how the proximity of the mills to the existing road prevents connection to the new system; noted that there is no demonstration of how the 5 l/s restriction will be achieved; also that there is no evidence of an agreement of the owner of a 3rd party drainage system (Severn Trent and Canal and River Trust); and also that there is no indication of the system's functioning during an exceedance event or dealing with blockages or failures.

In response to the amended scheme, they query evidence of the capacity of the attenuation, practicalities of removing historic connections to the network, and whether Provender can be connected to the new system. They welcome the filtration proposals in terms of pollution control and note that the strategy for Downings Malthouse drainage is now acceptable depending on the removal of historic connections query. These outstanding queries have been sent to the applicant and we await a response.

4.9 The Police Liaison Officer makes the following comments to improve security and reduce the fear of crime;

- The development should be managed by the Council or an external company;
- Suitable CCTV provision as an extension to the Quays;
- Suitable lighting provision;
- Communal entrance doors should have access control systems;
- Stairwells should restrict access to all floors;
- Corridors should avoid hiding places and circular routes;
- Avoid secluded entrances;
- Refuse storage should be a practical distance from each apartment, locked, lit and signed, overlooked and easily accessible;
- Cycle storage should be lockable, lit and secure;
- Routes into the site and through the car park should offer spaces that are overlooked CCTV monitored and reduce vulnerability to crime and ASB and prevent accidental damage;
- Grills covering windows should prevent access and restrict objects being pushed through;

Security specification of windows and doors should be suitable;

- 4.10 Natural England raises no comments and has confirmed the same for the amended scheme.
- 4.11 Severn Trent Water raises no objection subject to a condition to secure drainage plans.
- 4.12 In response to the original scheme the Council for British Archaeology encourages the principle of the application but has reservations about the amount of detail provided on proposals for retention or removal.

If the condition of buildings makes proposals impossible to specify, conditions should be imposed to ensure further information be provided in advance of further works for approval. Recording is required by condition.

Archaeological investigation and mitigation are required for built and below ground heritage. There seems to be potential for archaeological remains on the site. Concern is raised that below-ground archaeology has not been adequately addressed and further assessment is recommended.

Downings Malthouse is lacking understanding of its phasing and should undergo archaeological investigation to identify its construction and development – this should inform the redevelopment proposals.

In response to the amended scheme;

The fire damage at Provender Mill offers the potential opportunity for demolition and total rebuild. They consider that prominence of industrial character was Provender Mill's primary contribution to the City's heritage and there is little of architectural value to retain now. The remains still hold significance as markers of the position and scale of the building. Whether partial retention or complete rebuild is chosen the CBA recommends use of the same form and massing as Provender Mill prior to the fire with a design reflective of the industrial character of the site.

The CBA's casework panel has concerns over the current design; the hoist loft is a key area which, if replicated, must be with precision and integrity; and the fenestration proposed should be rethought as it does not reflect the industrial character of Provender Mill and Bakers Quay.

- 4.13 In response to the original scheme, the Ancient Monuments Society recommended approval of the listed building consent application;

In respect of Downings Malthouse it is considered that anything that enables the external elevations to be retained is a bonus; loss of the building's internal integrity is considered acceptable. The retention of the cottages is welcomed.

In respect of Downings Malthouse extension it is noted that residential conversion is rarely best but would enable its retention. The proposal to create

an atrium within the interior is an 'admirable proposal' and to be welcomed. More historic features survive in this warehouse and it is pleasing to note that the form of the western kiln furnace shafts are to be retained, and the suggestion to put some equipment on display in the atrium is welcomed.

In respect of Provender Mill and the Engine House it is noted that internal features would be lost but the elevations are retained with acceptable changes, and given the overall condition of the building (*note this was written pre-fire*) the proposals are welcomed.

In respect of the Transit Shed its poor condition is noted as is the difficulty of reusing the structure. Any proposals that enable retention and reuse have to be considered as beneficial.

In respect of the impact of the proposals on the setting of listed buildings – the new build is considered acceptable.

As many small features as possible should be retained and any removeable objects offered to museums. Furthermore it is necessary to determine where there are gaps in existing recording and archaeological investigation, noting that there may be archaeological evidence of earlier periods, and a recording condition should be included.

In respect of the amended scheme:

The remaining structure of Provender Mill retains little of its original integrity and the main value of the building lies in the fact that it provides the reason for the presence of the adjacent Engine House. They cannot see that retaining the truncated remains and using in a rebuild would be of benefit either to the original building or development as a whole.

Rebuilding using the same footprint would mean that the relationship with other buildings is retained. It is probably the best option. There may be a problem with Canal and River Trust owning the tow path onto which the hoist housing would be sited.

The elevations are totally different to the historic mill. If the proposed elevations are suitable then modern glass balconies are less intrusive than solid ones. May need to consider if the south elevation presents a suitable backdrop to the Engine House.

If the gable ends are to effectively retain original features they should be good copies. The hoist housing needs to maintain a colour contrast with the brick. The columns should be included – they are a feature of this area of the Docks.

Relatively minor alterations are proposed in respect of other buildings on the site and these are to be welcomed.

- 4.14 The Association for Industrial Archaeology made the same comments as the Ancient Monuments Society on the original scheme. In respect of the

amended scheme they again support the comments of the AMS and emphasise the need to maintain/retain the pillars onto the towpath as they are a feature of the area.

- 4.15 The Victorian Society, Society for the Protection of Ancient Buildings, Georgian Group and Twentieth Century Society have not commented.
- 4.16 The Conservation Officer considers that the mixed use scheme is not objectionable in principle. However to date limited information has been received (in respect of detailed assessments of the buildings and a clear and evidence led justification for the approach) and justification relies predominantly on the viability of the scheme. The scheme is currently considered to be harmful to the architectural significance and historic character of the heritage assets. Detailed comments on the various elements of the scheme may be summarised as follows:

Replacement of Provender Mill

Disappointing that the option to incorporate the standing remains has been dismissed due to cost. The principle of a complete new build is not objectionable. There are still some areas of concern with the design that require refinement to ensure the replacement scheme meets the NPPF criteria and be of high quality, contributing to the industrial character of the area. The main concern is the balconies and the Officer considers these features are alien to the area and detract from the warehouse's simple brick form and original industrial character. The design of the hoist housing requires a stronger emphasis and should replicate its original form. Overall the Officer is unable to support the loss of Provender Mill without further refinement of the scheme.

The Engine Shed

The proposed restaurant use is welcomed but there are still concerns about the impact on the historic character and significance of the building. Principally this is the amount of new openings – these should be in limited areas only and justified – the scheme proposes altering every window leaving little of the structure's character as an engine shed. Overall the scheme is presently of moderate harm to the character and significance of this heritage asset and further refinement is required.

The iron framed shed

Substantial repair of this structure prior to reuse is accepted. However this was an open structure and the proposed scheme encloses the building and the spatial character and quality of the asset is eroded.

The design of the new building is not objectionable and will provide a contrast to the original asset but the design of the rebuilt shed and the linking element has a significant impact on the architectural and historic significance of the asset and further refinement is required.

Downings Malthouse

Concerns are raised that due to the lack of information (because of the access difficulties) the proposal cannot be fully assessed and supported. It is suggested that access by cherry picker and scaffolding is undertaken.

The proposal for three large openings in the ground floor frontage to Merchants Road is unacceptable to the loss of historic fabric and the character of the asset.

There is significant concern that there will be limited historic fabric remaining should this conversion be granted without further assessment. The proposal is considered to be of substantial harm.

Downings Malthouse Extension

No objections to the residential use with vehicular access and parking in the basement and ground floor. There are a number of areas requiring further justification and assessment.

The proposed 4th floor conversion and creation of new dormer windows have not been amended – any new dormers should be by individual traditional dormers and not as proposed due to the harmful and negative impact on the original roof form. All historic trusses and beams should be retained in situ with openings formed in between.

Cottages

Pleased to see they are retained and proposed for residential conversion. Their retention and reuse is an important element of the overall scheme.

New buildings

No objections to the proposed locations, designs and massing for the new hotel, drive through café and new A3 units.

Landscaping/public realm/car parking

Still significant concerns regarding the harmful impact of the car parking and landscaping. The proposed materials are not of high quality for the setting of the designated assets especially the concrete setts around the designated assets. The boundaries defining the site should be hard landscaped and not planted with hedges.

Further changes are required to make it acceptable, currently the landscaping scheme has a harmful impact on the assets. Changes include interpretation within the paving or in lighting and street furniture, and lighting of the warehouses.

Interpretation

Development requires a level of interpretation internally and externally, e.g. identifying the location of kilns and retaining features, restoring old signage and historical interpretation boards.

Conditions

Should the Committee be minded to approve the application conditions are requested to secure -

- Structural and condition surveys to include information on floor loadings, any structural alterations proposed and alternative options presented for retention and conversion of each asset
- Information on a method to make weather tight and undertake remedial repairs to protect the assets on the site. This scheme of works is to be agreed in advance and should be completed within 6 months of consent being granted
- Repair and restoration methodology statements for the refurbishment works
- Retention of all architectural features in-situ within the built heritage assets. A full recording schedule will be required and details of method of storage
- A mechanical and electrical survey report to determine the most appropriate method for their introduction
- Details of all external materials and landscaping finishes including street furniture
- Detailed sample palette of materials for the built aspects
- Detailed drawings, location plans and information for interpretation boards and public art on the site
- Detailed method of refurbishment of existing historic signage on the warehouses – Downings Malthouse, Merchants Road elevation
- Scaled drawings for all new interventions within the designated assets, partitions, ceilings, flooring, staircases
- Scaled drawings for rooflights, windows and doors identifying sections and glazing bars at a scale of 1:5
- Scaled drawings for window reveals and for balconies
- Detailed methodology, scaled drawings and routes identified for all mechanical and electrical services being introduced, together location and product details for flues, vents, extracts and meter boxes
- Detailed methodology and scaled drawings for the insertion of new floors and ceilings
- Detailed scheme required for cable provision to new residential dwellings, no satellite dishes
- Detailed survey to preserve the Link bridge in-situ and method statement for repair and materials to be agreed
- Scaled drawings for the replacement hoist housing and materials on the rebuilt Provender Mill
- Sectional and elevational drawings to show roof lights, windows, doors, shopfronts, car park opening on Downings Malthouse extension, canal side hoist feature on the rebuilt Provender Mill
- Details of repairs to external brickwork
- Specification of guttering and downpipes
- Repairs to match existing
- Demolition method statement
- Signing of contract before demolition
- Archaeological recording

4.17 The Urban Design Officer makes an overall recommendation for approval. His comments may be summarised as follows:

Provender Mill

Supports the proposed new build scheme. Supports the rebuild of the gable ends, being the most significant visually and containing the more interesting features including the hoist and column feature to the canalside. These elevations could not be improved upon by a contemporary approach, and it provides a strong link to the history of the site. A shallower cantilevered design for the hoist housing rebuild would not be supported. The contrast between the gables and longer side elevations is very positive.

The hoist housing facing material needs further consideration because it was always a distinct element and using the same material as the main elevations could be a step too far – it could be addressed by condition. The balconies provide some amenity space and break up the elevations. The vertical emphasis of the windows, provision of balconies and modern style work well.

The coloured cladding is positive and again the contrasts between old and new are clear. It would respect to the strong red/orange brick within the area but in an obviously modern way.

The style of the joining feature between the Engine House and Provender is unobjectionable and the provision of the roof terrace above is a good feature and will enhance those flats.

Engine House

The sympathetic and appropriate restoration of the building is very important, more so as it may become the only remaining original building in this location. The lowering of the windows would enable a better level of natural light and views out – adding a clear area of glazing below the cill is positive. The two new roof features should not be included – a cleaner and more simple roof form is more appropriate.

Transit shed and extension

The extension should be differentiated from the original (rebuild) while retaining the general form and massing – the roof form changes respond to the Urban Design Officer's earlier suggestions. The projecting eaves are very positive and create an interesting effect, opening up canal views and adding interest to the east and west elevations, tying in to the rest of the development and distinguishing it from the original building. The further roof gable to the south side now introduced stands out as not being an integral part and alters the approach established in the simple forms of the other A3 units.

A new adjacent unit fills in a gap along the canalside. The use of a plinth addresses the slight fall to the canal and produces a more significant finish. In the rebuilt section curtain wall glazing and a slate roof would work well. Materials need to be secured by condition and given the simple forms and reliance on the quality of materials and finishes this becomes more important.

The link section is a blank and inactive elevation. Overall a grey cladding to it is probably the best approach as it will not draw attention and detract from the focal points either side.

Downings Malthouse and cottages

The apartments seem to be well proportioned. Facing High Orchard Street will not provide the best outlook but will help to activate those spaces and provide overlooking. The provision of far more 1-bed flats is not a balanced or sustainable development, with more 2 beds needed. Retaining the historically important cottages is positive and adds to the character of the development. The extensions are all well considered. Roof materials should be carefully considered.

Downings Malthouse Extension

Residential use seems most appropriate and there are good spaces created.

Distinct windows should be used in the canalside elevation roof dormers so as not to cut across rafters. This is a more complicated matter than first apparent, a condition could deal with its detail but the principle should be to both retain the structure of the roof but also avoid the long and continuous horizontal dormer window form which seems inappropriate and visually dominant – smaller and distinct dormer windows would probably be better.

The first floor atrium is very positive in principle. The landscaping needs careful consideration.

Possibly consider not using high level windows to the internal courtyard spaces for all rooms. Kitchens with lower level windows would be a positive features overlooking, allowing better light and views, and ‘ownership’ of that space.

There is a good mix of 1 and 2 bed flats. The apartment into the link bridge is very interesting, although the maintenance could be onerous.

Vehicular access into the basement and ground floor works although the route to the south of the building is a bit circuitous. The red/orange cladding to the entrance is positive and defines the feature well and may add to pedestrian safety by drawing attention to it.

Hotel building

Overall design is positive, although the south east elevation towards St Ann Way needs enhancing. The opposite elevation has a projecting gable feature that enhances that side, and should be replicated on the SE elevation, which is prominent. Materials need to be clarified. Grey cladding would not be appropriate, the use of timber or timber effect material would be better.

Drive through cafe

The amendments are welcomed and acceptable. Overall considered an interesting and contemporary scheme. Conditions should secure approval of materials.

Landscaping and public realm

Overall approach is very positive with high quality materials in most places and more functional materials in logical areas such as access routes. The existing materials in the Quays at Merchants Road and the canal side must be continued down. There are some superfluous details along Merchants Road paving that should be removed.

Contrasts are needed between kerbs and roads to aid partially sighted persons and add interest. Contrasting coloured parking bay materials and colours should be used to add interest and break up the larger areas of tarmac. Contrasting setts should be used to mark spaces. The materials palette should be fairly simple.

There are specific areas where higher quality materials should be used. The concrete setts east of the transit shed could be upgraded to a high quality material. Historic rail lines should be investigated and exposed and retained as features where possible. Interpretation should also be installed. If they don't still exist some form of modern interpretation should be provided showing their alignment.

A palette of street furniture should be considered, to link in to the existing Quays area, including lighting. Metal studs should be used either side of the edges of the crossing point at the Malthouse Extension vehicular access as a subtle and refined way of warning people without the need for signs.

External building materials

Only multi type red/orange bricks will be accepted, which have some texture and colour variation. References should be drawn from the surrounding buildings. Choice of roofing material is a key decision. Standing seam metal roofs are not generally acceptable. A cleaner and more simple type is needed.

- 4.18 The City Archaeologist seeks an intrusive evaluation by condition. There is no overall objection subject to this being secured.
- 4.19 The Environmental Planning Manager raises no objection subject to mitigation measures for bats in terms of lighting and provision of bat boxes.
- 4.20 The Planning Policy department has not commented.
- 4.21 The Housing Strategy team seeks a suitable industry approved viability appraisal if the applicants are claiming that the scheme cannot support affordable housing. They also wish to explore whether they can attract financial subsidy into this scheme to enable affordable housing.
- 4.22 The Contaminated Land consultant raises no objection subject to a slightly amended version of the standard contaminated land condition. He has confirmed in respect of the amended scheme that his comments are still valid, although it is recommended that earlier work is updated as part of the condition work to reflect the fire at Provender.

- 4.23 The Environmental Protection Officer raises no objection subject to conditions to secure a construction phase management scheme, restrict construction times, secure details of any lighting scheme, restrict hours of deliveries, limit noise emissions, and secure noise mitigation measures for apartments and its testing.
- 4.24 The Drainage Engineer raises no objection subject to conditions to secure drainage details using SuDS principles, a finished floor level requirement of 11.78m AOD and restricting the use of basements for habitable accommodation.
- 4.25 The Landscape Architect has provided a request for open space contributions of £507,765.60, that being £356,751.63 for sport, £64,068.48 for play and £86,945.49 for general improvements.
- 4.26 The Streetcare team has not commented.

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1 30 neighbouring properties were notified for the planning application and press and site notices were published for the full application and for the listed building consent.
- 5.2 6 representations have been received:

Gloucester Quays LLP:

They are genuinely supportive of new development that will positively contribute to the economic vitality and viability of the city and continued regeneration of the area, and is supportive of the principles of the application;

The mix of uses reflects the Quays masterplan and is complimentary to the Quays and wider city centre;

A narrow strip between the former Peel House and the site effectively prevents any future access from the site to the Peel House plot. This severely impacts on successful development coming forward; the access previously agreed off Baker Street now cannot be achieved;

The desire to have a building of scale and substance at the corner would be prevented;

The hotel, due to its size, massing and siting has a significant impact on the developable area of the Peel House plot – a more sensitive siting further west would reduce the impact and improve the urban grain;

It would be beneficial to bring the Peel House site forward with the Rokeby development;

The layout results in the appearance of being car-dominated given the access road and large areas of surface car parking – at odds with the character of the area and does not preserve or enhance the conservation area and nearby listed buildings;

The proposed use of the ground floor of the Malthouse extension for car parking results in a prominent large hole in the building that is not sympathetic, and will result in 'dead' frontage to the canal – detrimental to the development and wider Docks;

Gloucester Quays LLP also submitted a second set of comments expanding on the above, noting the potential of the application proposals to sterilise the remaining undeveloped land at the corner, and indicating 3 options for alterations:

Option 1 re-orientates the hotel through 90° – which is considered to make the relationship to the Peel plot less dominating and not inhibit development, sit better with neighbouring development, relate positively to St Ann Way, and offer the ability for a building of reasonable size, scale and massing on the Peel plot. It relies on an access from Baker Street assuming the intervening strip is retained by Mr Bishop – the access is not ideal and inhibits the built form and level of car parking. If the hotel is not reorientated then the new Peel building would need to be significantly foreshortened, which would render the site unviable to develop.

Option 2 also re-orientates the hotel through 90° but assumes an access through the hotel car park into the peel plot. This would give the potential to deliver a larger and more regular-shaped building on the Peel plot, but the slightly contrived access is not ideal, and assumes that the ransom strip situation is resolved.

Option 3 also re-orientates the hotel through 90° but also alters the vehicular access and re-sites the drive through café (** onto a new plot south of Downings Malthouse and restructures the highway arrangement*). This offers the potential for access to all areas including the Peel plot and is considered to ensure more flexible and better shaped development plots, reaffirming the grid pattern and reducing dominance of the drive through and car parking areas

They consider the options offer significant benefits to the quality of the scheme.

Gloucester Quays LLP submitted a third set of comments in response to the amended scheme;

The proposed amendments in no way seek to address the reasonable and legitimate concerns previously raised by Gloucester Quays LLP;

Maintain the objections regarding the sterilisation of their land;

Re-emphasise the concerns about the car domination and associated impact on heritage assets;

The vast majority of space between the buildings will be given over to vehicle circulation and car parking – this is in direct odds with the approved Gloucester Quays masterplan which sought to provide undercroft car parking and in direct odds with the basic principles of good urban design and placemaking;

Introduction of hedging and trees is at odds with the hard urban grain and character of the Docks and emphasises the failure to address the urban form of the Docks appropriately;

Fundamental failure to promote pedestrian use as elsewhere in the Docks and Quays;

Individual conversions and new buildings have merit but overall composition and knitting together fails to reflect the characteristics of the area;
If the Council is minded to grant permission/consent, there is a need to ensure that the development comes forward as a whole to deliver the full benefits.

The Gloucestershire Society for Industrial Archaeology has commented, supporting the comments of the Ancient Monuments Society and specifically the proposal that the only viable option is to demolish the remains of Provender Mill and rebuild on the same footprint. They consider that the new building needs to give meaning to the Engine House and not detract from it nor the other listed buildings on site. It is essential that this new build is suitable and appropriate to its surroundings including the view down the canal to the main Dock area. They also hope that appropriate interpretation panels, in line with those elsewhere in the Docks, would be provided when any redevelopment of the site is complete.

A further comment has been received from a member of the public, considering that the plan looks adequate but somewhat bleak, and suggesting the following improvements:

Have smaller buildings, separated by green spaces with trees and flower beds;

Improve access for pedestrians and cyclists from the site to the city centre;

Improve the crossings at the Southgate Street/Spa Road junction, e.g. Traffic lights.

A further comment has been received from a member of the public, saying 'go ahead, do it as soon as possible'.

5.3 The full content of all correspondence on this application can be inspected at Herbert Warehouse, The Docks, Gloucester, prior to the Committee meeting or via the following links;

<http://planningdocs.gloucester.gov.uk/default.aspx?custref=15/01144/FUL>

<http://planningdocs.gloucester.gov.uk/default.aspx?custref=15/01152/LBC>

6.0 OFFICER OPINION

6.1 It is considered that the main issues with regard to these applications are as follows:

- Principle of uses
- Housing delivery
- Regeneration
- Conservation and design
- Traffic and transport
- Flood risk
- Ecology
- Archaeology
- Contaminated land

- Residential amenity
- S106 contributions and viability

Principle

- 6.2 In terms of the residential proposals, the land has already been deemed to be a suitable residential site and it benefits from outline planning permission for this. It is within the city centre and in reasonable proximity to amenities, transport nodes and other facilities. Prior to the outline permission the site was allocated as part of the Western Waterfront mixed use allocation in the 2002 Plan, including Policy H.1 'Allocations for mixed use including housing – site MU2'.
- 6.3 The hotel, cafe and restaurants are main town centre uses, and have been granted for the Bakers Quay part of the Gloucester Quays permission although not in this arrangement (and the Travelodge hotel at the Quays via a separate full permission). As they are considered to be located within the town centre for these types of uses they are policy-compliant. 'Leisure' uses are also referred to in the above mixed use allocation policy for the Western Waterfront.
- 6.4 No objection is raised in principle to the range of uses in this part of the City.

Housing delivery

- 6.5 The site is within the Housing Zone. This provides for accelerated delivery of housing, working with partners such as the HCA.
- 6.6 The Council can no longer demonstrate a 5 year housing supply. This means that any housing supply policies are out of date. However there are no applicable policies seeking to resist housing here anyway. The implementation of this permission would in practice help to maintain the delivery of housing already accounted for in the rolling 5 year supply – because this site is already factored in as part of the earlier Gloucester Quays scheme. It would assist in the delivery of the mixed use allocation of Policy H.1 of the 2002 Plan. The lack of a 5 year housing supply does weigh significantly in favour of the residential element of the scheme.

Regeneration

- 6.7 The proposals would regenerate a long-standing vacant part of the central area. It is an important site historically and the existing buildings are prominent when viewed from St Ann Way and the canal and beyond to the west. The site also sits astride Merchants Road and is in stark contrast to the redeveloped Gloucester Quays outlet site. While there are gaps still to be developed, the scheme would largely complete the Docks regeneration to its southern extent on this side of the canal. The proposed uses would bring a considerable number of people into the area which is likely to have resultant economic benefits for this part of the city. The scheme would be likely to have positive effects in this respect.
- 6.8 While in recent years the regeneration focus of the City Council has changed somewhat, it would assist in delivering the aspirations of strategic policy

ST.12 of the 2002 Plan which notes that the Council's key priorities include the regeneration of the Central Area particularly the Western Waterfront, later set out in specific allocation policies for mixed use.

- 6.9 The proposals would also create employment opportunities both in the construction phase and in the operational phase particularly in terms of the A3/4 uses and the hotel. This would contribute to the employment generation aspirations of the 2002 Plan, the submission JCS notably Policy SD2 and the NPPF.

Conservation and design

- 6.10 As noted above the application involves 4 listed buildings. Also, the Docks Conservation Area extends either side of the canal to encompass Downings Malthouse Extension, the Transit Shed and Provender Mill and the land immediately around them. The whole of this area is categorised on the Conservation Area Appraisal as an area for enhancement. Downings Malthouse, and the land proposed for the café drive through and hotel are outside the conservation area.

- 6.11 In general, finding new uses for listed buildings can assist in preserving their future. This has been shown to be successful locally within the Docks where conversion of buildings has resulted in 6 being removed from the Buildings at Risk register in the last 15 years.

Downings Malthouse

- 6.12 The removal of the unsympathetic silo on the south side is welcomed and the design of the single storey extensions here and to the north side are considered acceptable, utilising the available space and revealing more of the listed building. The addition of an extension above the 'chopped off' southern wing has also previously been approved in the 2009 scheme by the landowners, and the proposed design here is also considered acceptable, finishing off the upper part of this wing.

- 6.13 The poor and deteriorating condition of the building makes safe access impossible in some places and this has inhibited the certainty that can be given to the structural solution for this building. For example there is a large area of collapsed floor to the eastern end appearing to be from two or three levels above. The collapse of floors has left some columns completely unrestrained and unstable. From the areas that could be inspected there is evidence of significant water ingress and decaying timber and corroded steelwork.

- 6.14 As the access is so constrained the precise remedial structural solution is not clear. I am advised that it will be necessary to demolish the areas of collapsing structure while providing temporary restraint to the elevations. In order to get access to do this the silo will also need to be demolished to get to the building with long reach equipment.

- 6.15 It seems likely from discussions with the applicant that a new steel frame will be proposed and consultees have considered this potential 'worst case'

scenario. The absence of clarity on the structural solution is not ideal in terms of conservation assessment of the scheme and is of concern to Historic England and the Conservation Officer, although the Ancient Monuments Society and Association for Industrial Archaeology accept the loss of the interior and consider that anything that enables the external elevations to be retained is a bonus. In terms of ever securing a new use for the property I am not convinced that refusing the proposal as 'substantial harm' is the best way forward for the good of this building. If the Authority wants this building to be reused we will have to tackle this matter in some way and I can see no better solution at present than to address the matter by condition. It seems likely that substantial removal of the interior would be required which, short of the whole building collapsing, would be the worst-case in terms of loss of historic fabric however there may be scope for some retention once safe further investigation is possible. I have discussed the matter with consultees and suggested that a condition require, once the building is supported and made safe to access, an assessment of structural options. The scheme would need to be as sensitive as it can to the existing fabric. While some consultees have identified the new structural frame as being 'substantial harm', if the analysis then shows that there are no other proposals to secure and re-use this building, it is likely to be accepted as the only means to gain future use of the building across multiple floors.

- 6.16 In the kiln a new steel frame off new foundations is proposed to provide suitable floors. In the basement the semi-arches are proposed for retention in part with visual and physical reference to the original arrangement – at ground floor two glazed openings in the floor would expose the lower parts of the arches beneath, and in the main floor construction the alignment of the arches would be displayed. Further into the unit, part of the arches would be fully retained in place as a feature against the rear wall of the room. This concession is welcomed.
- 6.17 The insertion of two rectangular shopfront openings in the Merchants Road elevation is undesirable. They were not sought in the 2009 scheme for leisure use here. The left hand one is into a largely blank brick façade while the right hand one would eliminate an existing arched doorway and two circular windows. This is harmful to the building and I am not totally convinced by the argument that they are desirable for an unknown future tenant. I feel there must be some restraint on standard approaches when taking advantage of attractive historic buildings, although I can see that achieving natural light into the ground floor is challenging.
- 6.18 The applicants have resisted requests to consider removing shopfronts on the basis of a viability argument. Our viability consultants note that the loss of revenue would certainly be detrimental to the scheme if tenants were not secured for this unit and this would be difficult without the benefit of having a shopfront from which to encourage potential customers. Rents would likely fall, reducing the viability of the scheme. Later in the report I will bring the viability issues together, but it seems likely that the removal of these elements would affect the viability of the scheme and at least reduce the scope for 106 contributions. In purely heritage terms, they are undesirable

and Historic England wishes to see any financial surplus directed to addressing heritage issues.

The cottages

- 6.19 The retention of the associated four cottages fronting High Orchard Street is welcomed and their reuse will add to the character and appearance of High Orchard Street. They contribute to the streetscene, and their refurbishment would maintain and improve this presence and secure their future (the roof is substantially collapsed currently and some masonry is unstable).

Downings Malthouse Extension

- 6.20 The large floor plan of this building makes conversion a challenge. In order to facilitate residential conversion with daylight to the central part of the building, the creation of an atrium with rooflights over is an interesting solution that appears to be largely supported, the Ancient Monument Society particularly noting that it is an admirable proposal and to be welcomed.
- 6.21 The use of the lower floors for car parking requires quite a number of alterations, but does keep more cars enclosed out of general public view, and assists with the viability of the overall conversion. It has the disbenefit of negating any active use of the canal frontage, which is echoed in the Gloucester Quays and Canal and River Trust representations. This would be in the context of restaurant uses at the transit shed and Provender to the south (potentially 5 units) which should provide a draw down beyond this building. Numold to the immediate north currently offers no canalside active frontage but is allocated for retail and leisure in the Gloucester Quays outline masterplan. The Gloucester Quays block north of this includes restaurants and the gym. While the lack of active frontage for this building is not ideal, in the context of the wider scheme it should not substantially inhibit the flow of the development (it is an interesting building to walk under the oversailing upper floors anyway), and the desire to 'hide' some of the car parking within also adds weight to the proposed solution.
- 6.22 At the 4th floor/roof a wide 'cat slide' dormer alteration is proposed to accommodate balconies. Officers have requested that these be arranged between or otherwise around the roof trusses to retain the historic fabric in situ and the preference is for individual openings to retain more of the roof and avoid the dominance of the single wide opening. Retention of trusses has been agreed with the applicant and securing of a detail to clarify the solution is recommended as a condition.
- 6.23 The removal of one of the kilns and associated arches, and openings in the central walls are unfortunate, although columns are to be retained where possible. In the kiln a new structural frame is proposed off new foundations. The frame would extend at roof level to create a roof enclosure here to match that adjacent. This is not objected to. The replacement of concrete floors are proposed at first and second floor due to unworkable floor to ceiling heights and structural form and condition. All of these details including the other openings and alterations require further approval of the details.

- 6.24 At present Historic England identifies the works as moderate harm, although the Ancient Monuments Society and Association for Industrial Archaeology appear to broadly welcome the proposals and recommend approval.

Transit shed

- 6.25 Being rather dilapidated and clad in corrugated metal sheeting this building does not immediately appear much but it has historic significance at the end of the rail lines into the site. There is a structural grid of 27 cast iron columns, with the roof structure not being original - it appears to have been altered several times. The generally open style to service the train lines now has corrugated sheeting in place to form the 'walls'.
- 6.26 The current condition of this building limits the options for reuse. There is a need to dismantle and re-erect the structure in a new development so that the ironwork can be inspected and redecorated. They appear to have extensive corrosion from being open to the elements and not maintained. The proposal is to adapt the structure to accommodate a new use. The configuration of the existing columns and trusses would be retained as features within the new build that would comprise a new independent building within the envelope of the existing transit shed.
- 6.27 The requirement for substantial works to accommodate a new use reusing parts of the existing building is not surprising as its current condition is little more than a shelter and could not be adapted straightforwardly into a 'proper' building.
- 6.28 The materials for the main rebuild in glazing and dark cladding were intentional to be visually subordinate to the main structure. It appears to be generally accepted that this dismantling and repair process is required, again the Ancient Monument Society notes particularly that any proposals that enable retention and reuse have to be considered as beneficial. The issue with other consultees appears to lie in the execution of the rebuild. Historic England recommends that any consent secure the full reinstatement and reconnection of constituent parts in the existing manner (rather than incorporate more loosely into the exterior which would compromise its integrity).
- 6.29 Discussions were held about the form and appearance of the proposed extension to the south and this has been amended. The alterations are generally welcomed as positive changes in themselves. The change in roof form to an oversailing pair of roof gables facing the canalside stresses the distinction from the original transit shed and accentuates an interesting feature. In design terms it is a welcome change to the scheme.
- 6.30 The link structure is narrower than the transit shed and extension, and it is considered that a muted cladding finish would be the best approach to maintain focus on the two main components of the building.

- 6.31 The elevated plinth adjacent to the canalside should work well as an external seating area with pleasant views out to the waterside and Priory. This should be a successful feature.
- 6.32 There remains however, concerns from a conservation perspective about the principle of extending this listed building to the scale proposed and the enclosure it would provide. The applicant seeks a single linked building (rather than separating into two distinct structures) because they wish to keep options open for one or two tenants taking occupation. The applicants' response to heritage requests to remove the extension has always been on the basis of viability.
- 6.33 The viability consultant's assessment of the scheme demonstrates that a revenue of £2,745,600 is generated from converting and extending the transit shed into two A3 units. This has been used to help cross-subsidise the wider scheme and make it viable. If it were converted in its current form due to its size, securing a tenant to take the less marketable space would be more difficult and likely result in lower rents, negatively impacting on the scheme. They therefore consider that the conversion and extension of the transit shed to be an important component to the development as a whole in order to create a viable proposal. Again Historic England considers that any surplus should be directed to resolving heritage concerns and identify the works as moderate harm as they stand.

Provender Mill and Engine House

- 6.34 The fire and its results are hugely unfortunate for probably the most prominent and recognisable building on the site. The applicant now proposes the demolition of the standing remains of the building and replacement with a new building. This is considered to be the only viable solution for this plot.
- 6.35 The loss of listed buildings is generally undesirable, but there is policy guidance to be followed to consider the acceptability of such radical proposals. The NPPF is clear that 'loss of a grade 2 listed building should be exceptional', and further;
- 'Where a proposed development will lead to substantial harm or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- the nature of the heritage asset prevents all reasonable uses of the site; and
 - no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
 - the harm or loss is outweighed by the benefit of bringing the site back into use.'

6.36 The NPPF also advises that Authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

6.37 The applicant proposes the argument that it is not viable to rebuild Provender either like for like or off the standing remains. The applicant also proposes arguments against the relevant NPPF tests:

Applicant viability case

6.38 They set out that of the three major listed buildings, Provender was the only one with the potential to have a viable new use in its own right – the others dependent on subsidy from new development due to their condition and constraints. Provender Mill was not insured and the applicant asserts that all costs would have to be met from the application scheme. They note that the situation with Provender could potentially jeopardise the redevelopment scheme as a whole.

6.39 They have assessed 3 rebuilding options for Provender Mill:
Option 1 – Rebuild existing structure and masonry
Option 2 – Construct pastiche repair around a new steel frame
Option 3 – Demolition of remains and new build (the proposed scheme)

6.40 For Option 1 theoretically revenues would be similar to the original proposals. However it is impossible at this stage to secure a reliable cost estimate for this option, as testing of the load bearing capacity of the existing cast iron columns is required. They have assumed that a new internal frame is required, as envisaged in Option 2. They have also commented that they are advised that, if it is achievable, Option 1 would be more costly than Option 2. They have in any respect set out that a brick for brick rebuild is impossible as there are no useable surviving bricks.

6.41 For Option 2 they comment that the character of the building would be lost internally without brickwork, cast iron columns and timber beams. The relevance is not explained, I assume they mean it affects the attractiveness and price of the flats. They note that this scheme is shown to generate a loss of 14% and normally a residential developer would be seeking a target return of 20% return on cost. The supporting structural report concludes that the existing foundations are unlikely to be able to support the loading of a 2/3 storey rebuild. They also note that a partially rebuilt building is going to raise concerns as are the availability of warranties and guarantees. Without these funding is doubtful.

6.42 Option 3, the new build, is noted to generate a return on cost of 15% and is the proposal included in the amended application.

6.43 They note the cross-subsidy of Provender to the Downings Malthouse conversions – the injection of Provender's 15% profit stimulates an overall residential profit, otherwise Downings Malthouse Extension remains at -0.73% return and Downings Malthouse 13%.

- 6.44 Overall, they accept that further survey work is required, but have serious doubts about the viability if attempts are made to retain parts of the building.

Applicant policy case

- 6.45 They consider that the fire damage has significantly reduced the value of the southern part of the site. They consider the damage to the mill could impact on a wider area, noting the wider Docks regeneration has halted at this site. They consider that the aesthetic value is now detrimental/severely detrimental because of the condition of the site, but with the potential to be dramatically improved.
- 6.46 They consider that the original western mill (1862) will be almost completely lost apart from the south and west walls up to first floor, and the remains of the hoist loft will have to be removed. The 'less interesting' eastern extension (1890s) might be salvageable up to second floor but could not be relied upon to carry the weight of rebuilding. They consider that most of the features of interest have been lost – the original mill, the evidence of the original power source and machinery within it, much of the extension, the later work to visually integrate the two sections, the high level hoppers and tanks, and the hoisting mechanisms. The interest is now confined to two floors at the eastern end, of fairly standard late 19th century construction.
- 6.47 Rebuilding is not practicable, or affordable, or achievable in the timescale available, noting that the applicant's option to purchase the site expires in the near future and may not be renewed. They consider the evidential value of the remains to be low to medium, the historical and communal value very low, and the aesthetic value severely detrimental. They consider that the historic value of what survives is slight and disproportionate to the constraints involved in trying to retain it, and to the qualities of the finished building.
- 6.48 They consider that the new building will fit its context and character of the conservation area by echoing the previous building – standing on the same footprint and with the same dimensions, form and character. The east gable will be rebuilt exactly, and the western hoist loft will be replaced by a new structure copying the original 'as far as ownership constraints will allow'.
- 6.49 In addition to the viability arguments, they also note that certain materials are no longer available, the need to meet Building Regulations requirements, the capacity of the external walls and footings cannot be guaranteed in light of the new superstructure, and floor to floor heights needing to be increased to meet Building Regulations and modern standards putting them at variance with original window spacings, the building needing a new internal frame throughout, and the desire not to continue the historic artificially high floor levels which caused access problems, as reasons for rejecting a rebuild proposal.
- 6.50 Again the policies of the NPPF, the applicants consider that the building has suffered 'very substantial harm' in terms of Paragraph 133 of the NPPF as a *result of the fire damage*, and that further loss of the building could only

amount to 'less than substantial' harm. Under those circumstances it is necessary to weigh that harm against the public benefits – and the applicants conclude that the benefits are overwhelming in this case.

- 6.51 Furthermore, they consider that even if the further loss of the remains of the building were considered 'substantial harm', then the policy tests are still met:
- The nature of the heritage asset prevents all reasonable uses of the site; and
 - No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;
 - Conservation by grant funding or some form of charitable or public ownership is demonstrably not possible; and
 - The harm or loss is outweighed by the benefit of bringing the site back into use.
- 6.52 Overall they conclude that the new proposed for demolition and new build complies entirely with the NPPF, the Local Plan policies and the Docks Conservation Area Appraisal and Management Proposals.

Design commentary

- 6.53 The applicant considers that the new building fits its context and the character of the wider conservation area by echoing the previous building – it will stand on the same footprint and with an envelope of the same overall dimensions, form and general character. The distinctive east gable would be rebuilt exactly, ensuring compatibility with the Engine House and Conservation Area, and the western hoist loft replaced with a new structure copying this.
- 6.54 The rebuild of the gable walls effectively like-for-like to the original building is supported by Officers after much deliberation. 'Pastiche' design is often frowned upon, but Officers doubt we will obtain a better design than the gable walls, which were an attractive and distinctive part of the original building with interesting brick detailing and on the canal side the distinctive hoist housing. The overhanging of the canalside is a characteristic of the buildings on Bakers Quay not found elsewhere in the Docks. The incorporation of this into the new-build is most welcome as it is probably the most distinctive and attractive feature on the site. Historic England questions the current design of the hoist housing (although Canal and River Trust support the modern vertical-emphasis windows), although its like for like rebuild in form and footprint and approval of external finish in liaison with the Conservation Officer would appear to address the Council for British Archaeology's comments on this aspect. Its replacement with a shallower cantilevered solution as in earlier versions of the replacement building would be unwelcome. The like for like gable end design also serves to anchor the new scheme in its historic context. On a similar theme, the Canal and River Trust consider the juxtaposition of modern design into the framework of the original buildings is uncomfortable and would prefer that more reference to the original is retained. I agree with the Urban Design Officer that the hoist housing finish could benefit from further consideration and a different finish from the remainder of the building as with the original version, may prove to be the best option and could also be reconsidered by Historic England. I am satisfied that this could be addressed

under a condition with the form and footprint agreed it is the external finish to refine.

- 6.55 The change in cladding material for the long side elevations away from a dull grey, and anchoring it to ground level, is also welcome and enhances the design from earlier versions. The red/orange cladding is considered to enliven the appearance rather than the dull grey and gives a more faithful reference to the brick finish of the original. The simpler roof form is also welcome.
- 6.56 The balconies are introduced by the applicant to maximise the value of the scheme while creating an attractive modern building. The Civic Trust, Conservation Officer, Canal and River Trust and Historic England are all obviously concerned at this design feature, as is the Council for British Archaeology who considers that the fenestration should be rethought as it does not reflect the industrial character. Similar concerns are raised by the Ancient Monuments Society and Association for Industrial Archaeology, suggesting that if they are accepted then modern glass balconies would be less intrusive. I consider that the balconies provide a more attractive living environment, and their stacked arrangement can be seen to reflect the 'vertical strip' characteristic of many of the Docks buildings, usually now timber-panelled strips beneath the roof hoist housing. The Urban Design Officer also is rather more positive about the design solution, however there is clearly a conservation concern about this element of the design as a replacement for Provender and agreement on the external finish may be agreed by condition.

Viability conclusions

- 6.57 Option 1 has been ruled out as undeliverable as a result of the extensive fire damage and load bearing capacity of the existing columns. Historic England is of the opinion anyway that creating a lookalike replica in this fashion would not be preferred and it can be discounted.
- 6.58 Historic England's quantity surveyor has reviewed the applicant's justification and agrees with them on costs.
- 6.59 Option 2 provides for more residential units than Option 1. Our viability consultants conclude that Option 2 is shown to give a developer's return of 15.21% return on value with no s106 contributions. We are advised that this is a level of profit that is below what is considered to be a minimum reasonable return on a development with as much inherent risk as this. Historic England considers that the financial justification for the demolition is not fully proven but is accepted. The Ancient Monuments Society and Association for Industrial Archaeology do not consider that using the remains in a rebuild would be of benefit.
- 6.60 Furthermore, I have commented earlier on the desired alterations to remove the shopfront in Downings Malthouse and keep the Transit Shed separate from the new build/extension. It is also noteworthy that the Option 2 scheme, even if it was considered to be viable, would not be able to support any loss of revenue as a result of these changes – i.e. one could not have both the

Provender rebuild and the shopfront/extension removed and have a viable scheme.

- 6.61 Option 3 is shown to be a viable scheme and could support c£68,000 of s106 contributions in addition.

Policy conclusions

- 6.62 Historic England considers that the remnant structure does have evidential, historic and aesthetic interest but accepts its significance has been severely eroded already. In this context it is felt that the harm caused by demolition would be less than substantial. It also accepts the financial justification for demolition. It is not considered that Options 1 or 2 to retain/rebuild Provender Mill are viable options within this scheme.

- 6.63 Historic England considers that if the design of the new building is revised to revisit the hoist housing, omit the balconies and introduce a slate roof then the balance of harm caused by demolition versus enhancement would be tipped in favour of support. Particularly as the form and footprint of the hoist housing are agreed, these are matters of external detailing and could be addressed by condition.

- 6.64 It is therefore considered that with refinement of the design that could be secured by conditions approving the external cladding, window, balcony and hoist housing arrangement and finish, the proposal to demolish Provender and construct a new building in its place is compliant with relevant local and national policy and the statutory duties under the 1990 Listed Buildings and Conservation Areas Act.

The Engine House

- 6.65 The Engine House is more simple by comparison. While it has also suffered an arson attack so the roof structure is damaged, and has several other defects, it generally appears to be structurally sound and stands to be converted.

- 6.66 The demolition of the flat-roof extension to south is accepted. Other alterations including the opening in the north wall into the shared link building, and the mezzanine arrangement are all accepted. The retention and exposing of the existing internal glazed brickwork is also welcomed.

- 6.67 The lowering of the windows appears to be the remaining issue of contention. They are sought by the operator to let more daylight in. The changed form of these to retain or reinstate the sill with a new single pane glazing panel below is welcomed in preference to a wholesale new window earlier envisaged. It is the necessity of all the windows being altered that is the sticking point. Certain parts of the building are more sensitive to alteration given the role they play in understanding the building, furthermore altering them for windows to a WC and in the southeast elevation are without justification. It appears to me that a compromise position is suggested here by the conservation consultees, and the applicant has previously indicated a willingness to revisit the arrangement,

and a condition to secure the detail of the fenestration could resolve the matter.

The hotel

- 6.68 The proposed building reflects the massive scale and simple basic form of many of the historic warehouses in the area, further articulated to provide a modern twist, including the projecting elements to reflect the gable hoists of the warehouses. There is no overall objection to the design, although securing a detail of the elevations facing towards St Ann Way, and some modest refinement if possible, could ensure that these prominent elevations have a higher design quality.
- 6.69 As mentioned in the Gloucester Quays representation, the orientation is not ideal in relation to the adjacent 'Peel House' site which is not being brought forward concurrently, and leaving this land outside the masterplan of this application based on the historic ownership boundaries, rather than including in the consideration of this design, is undesirable. The Civic Trust raises similar concerns. Its 6 storey scale and siting next to this remaining plot would direct development of the that plot to some degree as it would need to respond to the permitted or perhaps by that point, constructed, hotel scheme.
- 6.70 I agree with Gloucester Quays that development of both landholdings together would be the preference but the applicant is seeking a decision on the current application alone, and in the 9 years since the outline Gloucester Quays approval no acceptable detailed schemes have come forward for the Peel House plot from Gloucester Quays themselves.
- 6.71 Gloucester Quays raises concerns about developing their plot but there are no firm new plans. Their own masterplan approved in the original outline permission for the wider site sets the approved context, and this is for a single storey office building. The scales would obviously jar somewhat, however this is not wholly different from the approved Gloucester Quays' masterplan where they proposed 4-storey new buildings B20 and B21 next to the 1 storey B19 on their land. The juxtaposition of massive with single storey 'supporting' buildings is not uncommon to the area – e.g. the transit shed between the large Provender Mill and Downings Maltheuses. My preference in design terms would be for a more substantial building with presence to the street edge at plot B19 to balance out the outlet centre car park across the road, but I cannot see that the scale and siting of the proposed hotel definitively rules out that solution.
- 6.72 The applicants themselves have responded to the representation and consider that the claim that the application proposals have an impact on the developable area of the adjacent plot seems to be without foundation. They note that the options submitted with the representation for a four storey office block run counter to Gloucester Quays' own masterplan and a building of this scale has never been approved. Even so they consider a larger building could be achieved on that plot unprejudiced by the application proposals. Furthermore, the suggested reorientation of the hotel would increase the gap

between it and Downings Malthouse and reduce the sense of enclosure to the site to the overall detriment of the scheme.

- 6.73 I note that the siting also appears to be a conscious attempt by the architect to maintain the openness and transparency of the southern part of the site, while also a prominent location for the hotel use, and differentiating it from the canal-oriented buildings. Its length set along an alternative east-west alignment could potentially dominate the Engine house and be harmful to its setting, although again the approved masterplan has 4 storey next to the engine shed; the current siting is better in terms of dominance of the setting of the engine house by a building. Overall this issue does not warrant refusal in my view.

The drive-through cafe

- 6.74 Although this is not a historic conversion and the smallest building on the site, it would occupy a prominent position at the centre of the wider site. The proposed building is explicitly modern in its design and does not seek to mimic surrounding buildings. Its scale permits views through to the listed warehouses beyond, so it does not compete with their scale, but also sits comfortably with the juxtaposition of massive warehouses with smaller buildings like the transit shed. Recent modifications of the scheme are welcomed and have given Officers more confidence that the design is a more refined building than initially suggested in the first submission.

- 6.75 I consider that the success of the design will be dictated by the materials used. The visualisations provided previously indicated a curtain wall glazing system and the use of brickwork. This should provide a quality appearance. The approval of details and the execution of the build will dictate whether this is as successful as the visuals indicate. No overall design or conservation objection is raised.

Access to and development of the adjacent Peel land ('building B19')

- 6.76 As referred to earlier, it is an unfortunate legacy of ownership boundaries that the adjacent Peel House plot has not come forward comprehensively with this scheme, or previously by Gloucester Quays. Gloucester Quays are obviously concerned about accessing their plot here. Peel's original Gloucester Quays application has this for office use, although they have never been in control of the adjacent land to the west within the current application site. I am not clear how they ever envisaged gaining vehicular access to the plot at that time in the absence of controlling the land if they considered an access from this side was essential.

- 6.77 The retention of an open area of car parking north of the Peel House plot means that vehicular access via this route is not entirely prevented by the current application (unlike if a building were to be sited to block it entirely). The landowners dispute would have to be resolved. The applicants have stated in response to the representation that they are willing to discuss the creation of an access from the application site to this land and nothing in the proposals precludes this. They note that this is a private property matter

between landowners, capable of being dealt with as part of normal property transactions.

- 6.78 Equally, even if this option for access were not present, and nor was the option of an access off the existing Baker Street, I am not convinced that there is not a scenario where the plot could be developed freestanding without a vehicular access. Gloucester Quays has a substantial car park and a service area next door and they have achieved separate blocks elsewhere without direct on-plot parking, and have secured office use in the existing development without dedicated on-plot parking. An access to the plot off Baker Street has anyway been agreed in an earlier scheme, although Gloucester Quays maintains that this is no longer possible. The applicant also considers that the lack of access through the application site does not preclude development of the adjacent plot.
- 6.79 I cannot see any clear proof that the application makes redevelopment of the adjacent site unviable, and Gloucester Quays own masterplan has a single storey building with no direct access off the highway, next to a four storey building. A not-dissimilar situation would arise should a developer build out Gloucester Quays' masterplan.
- 6.80 It is a rather undesirable situation that the plots are not developed together but I do not consider it to be an overriding objection the Bakers Quay application.

Hard landscaping and parking areas

- 6.81 The 'sea' of car parking across the middle part of the scheme is undesirable, and this is echoed in the Gloucester Quays, Civic Trust and Canal and River Trust representations. The applicant claims it is essential for the viability of the scheme and I can see that it is desirable for residents' convenience and there are limited other viable options to 'hide' the parking anywhere.
- 6.82 The extension of the paving down Merchants Road from the Gloucester Quays area and into the pedestrian circulation areas in the site is welcomed. New materials are also introduced, to give the scheme its own character including Yorkstone paving and concrete setts. The use of a higher quality paving to the land between Provender, the transit shed and Downings Malthouse Extension is welcomed.
- 6.83 Some tree planting is proposed within and around the parking areas and while there are some concerns about its place within a historic industrial character, should serve to soften the appearance of these parts of the site somewhat.
- 6.84 The applicant has agreed to investigate the retention of railtracks into the hard surfacing scheme. It is unclear if these still exist beneath the surface, although they have been discovered elsewhere in the Docks and used to good effect, and there was an extensive network of lines until at least the 1920s even judging only from the photos that are set out in the design report.
- 6.85 This would contribute to the character of the area and enhance the scheme. In any regard Officers would like to see a hard landscaping scheme that

reflected the context better, such as an interpretation of the rail lines should the original ones not be present, and a condition could address this design refinement. Officers have also asked for consideration of the use of retained machinery to intersperse in the open areas, for interest.

Linkages

- 6.86 The scheme would also open up this section of the canalside again employing an extension of the quality surfacing from the Gloucester Quays site. This would be a welcome benefit from the scheme if it could be secured, and if the area in front of Numold were also opened up eventually it would connect from the Docks all the way down to the Peel Centre.
- 6.87 I recommend a condition is imposed so that the works are delivered in accordance with a timetable to be agreed. This would secure delivery and I would consider this to be a benefit of the scheme meeting the aspirations of Policy TR.39 of the 2002 Plan. Furthermore the applicant has set out that the area behind the transit shed could have dual use as an events space which would assist the delivery of Policy BE.15 of the 2002 Plan.

Securing the heritage benefits

- 6.88 Several of the buildings show evidence of significance water ingress and decay and areas of collapse. Downings Malthouse particularly appears to have had multiple floors collapse in. They are also clearly at risk of continued illegal entry and the fire at Provender shows what an occupied scheme could help to avoid.
- 6.89 In the round, the scheme presents a series of heritage benefits, potentially securing the futures of several deteriorating listed buildings. Their refurbishment is part of the wider viability considerations that lead to below-policy level 106 contributions being offered, the need to demolish the remains of Provender Mill, and other sub-optimal areas of the proposals. In this light, I recommend that the Authority should look to secure heritage benefits from the scheme. This would ideally see a phased approach ensuring the listed building conversions and repair take place before or alongside the new-build, or otherwise secure a commitment from the applicant to the delivery of the entire scheme.
- 6.90 The applicant advises that the contractual arrangement of the developer and the practical challenges of developing the site inhibit the aspiration to secure the heritage benefits in the first phase. The applicant has noted that for commercial reasons there remains an incentive to complete all of the listed building conversions, and so consider that Officers' aspiration to secure the refurbishments is self-enforcing. The applicant has also noted that they would inherit the liability of the deteriorating buildings upon purchase, which would incentivise them to solve some of the immediate dilapidation issues. It would however be desirable to secure this through the planning process.
- 6.91 The applicant is aware of the Authority's concerns about the continued future of the listed buildings and has offered a series of 'protective' works to the Downings Malthouses in the early phase of works, so as to secure the

buildings in the short term. They propose a scheme of temporary restraint to hold up the areas of Downings Malthouse most at risk; maintenance works to the link bridge; and at Downings Malthouse Extension temporary covering to stop water ingress and works to make the building secure.

6.92 These temporary works would have the benefit of avoiding further serious dilapidation while the conversions were awaited, and would be a lesser heritage benefit in the short term. It is not an ideal solution on its own given that we could still end up with the new build constructed and the conversions left unless a commitment was secured to build out the whole scheme. This would secure the heritage benefits in the longer term and allied to the first phase 'maintenance' works should preserve their future. I recommend that this is sought in any resolution to grant.

6.93 In this regard the applicant has resisted committing to a trigger point mechanism to require commencement of the refurbishment of the listed buildings by stated points in the development. The applicant has currently offered 'reasonable endeavours' to comply with a programme of works for the whole scheme that would be submitted to the Authority. This represents a degree of commitment but would not represent a guarantee to the Authority that the listed building conversions proceed following the new build.

Layout/density

6.94 I consider that the scheme would make efficient use of the land taking into account that this aspiration needs to be tempered by the heritage constraints of the site.

Crime prevention

6.95 The comments from the Police include some very detailed comments that can be picked up by the applicants in terms of products and management. Others can be addressed by various design conditions and I do not consider there to be an overriding design objection in terms of the prevention of crime.

Conservation and design conclusions

6.96 There are a range of complicated and conflicting issues at play here and differing opinions among the consultees. Between them, heritage consultees have identified the scheme as including elements of substantial harm, elements of moderate or less than substantial harm and elements of benefit. Some of the harm I feel can be overcome by the modest refinement of the external design under conditions. Others I feel oblige a consideration of how one could secure the reuse of the building via any other route, in the case of Downings Malthouse. Where harm is identified the NPPF provides the latest policy context for considering it in the planning decision. It is considered that the new build would preserve the setting of the listed buildings, and the landscaping (subject to refinement under condition) would preserve the setting, and the character and appearance of the Conservation Area. The associated car parking use is a negative, but an approved new surfacing must be better than the existing arrangement. Recording and retention where possible of internal features (in situ or storage elsewhere) is desirable.

- 6.97 Members will need to reflect on whether the harm identified is outweighed by public benefits in line with the NPPF guidance on how to balance the issues and bearing in mind especially the statutory duty of the 1990 Listed Buildings and Conservation Areas Act to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses and in respect of conservation areas to pay special attention to the desirability of preserving or enhancing the character or appearance of that area, and also the level of commitment offered to proceed to full refurbishment of the listed buildings.
- 6.98 Subject to conditions and legal agreements the proposal is considered to comply with Policies BE.1, BE.2, BE.4, BE.5, BE.6, BE.7, BE.9, BE.12, BE.13, BE.15, BE.16, BE.17, BE.18, of the 2002 Plan, SD4, SD5, SD7 of the submission JCS. In respect of Policies BE.22, BE.23 and BE.29 of the 2002 Plan and SD9 of the Submission JCS there are areas of harm identified, somewhat mitigated by condition, that would conflict with the policies. The NPPF provides the latest policy context and requires weighing the harm overall against public benefits which I will conclude on at the end. Similarly this is the case for Policies BE.24, BE.27 and BE.28.

Traffic and transport

Access arrangements

- 6.99 All vehicular access is proposed to be via Baker Street and the St Ann Way junction. The western end of Baker Street is to be slightly realigned to form the access into the site.
- 6.100 The existing surface treatment and access restrictions applicable to the northern part of Merchants Road are proposed to be extended into the lower part of Merchants Road within the application site. This should encourage pedestrians movements to the site. The existing traffic regulation order prohibiting vehicle movements between 8:30am and midnight (except taxis and access) would be extended to the full length. The extended surfacing could be secured by condition.
- 6.101 Queries were raised about the vehicular access into Downings Malthouse via a ramped system. The ramps are only wide enough to cater for one car at a time so it would be a one-in one-out system, which raises the prospect of conflict with drivers using the other ramp at the same time and the prospect of queueing back into the adjacent car park (likely at the evening peak as residents return from work – which is also the peak time for the leisure uses). The approximate level of movement in the PM peak hour are 16 arrivals and 8 departures. This would be the peak hour for the development and would equate to a vehicle moving from the car park every 2.5 minutes with an incoming vehicle every 3.75 minutes. It is considered that the provision of signals to control the method of entry/exit to the proposed residential car park is needed by condition to achieve safe and suitable access. Furthermore, the scheme needs to address the potential conflict between cars and pedestrians. To the west side the retaining wall and railings of the stepped access provides

a pedestrian barrier here, to the east side is a deterrent paved area, to provide pedestrian splays.

- 6.102 Details of the construction access and phasing of the highway improvement works can be dealt with by planning condition.

Servicing

- 6.103 In terms of servicing, the conversion of historic buildings presents some practical challenges. A swept path analysis shows that HGV movements can be provided for (Downings Malthouse units from lower High Orchard Street, the other commercial units from the car park). The Highway Authority considers that layout acceptable to serve the proposed land uses. The revised plans overcome the majority of concerns with the exception of the swept path for a refuse vehicle which would require the width of the access road to enter and exit the site – advising oncoming vehicles can be dealt with by additional signage/road markings to mitigate the risk. A servicing management plan could also reduce this risk to outside peak hours.

Non-car borne access

- 6.104 Pedestrian infrastructure extending the paving down Merchants Road is welcomed and should enhance pedestrian use. Also, a footpath access to the café unit has been added from Bakers Street for pedestrians approach from the south east which is welcomed.
- 6.105 There is existing shared or dedicated cycle infrastructure in the vicinity. Cycle spaces are proposed inside and outside the Malthouse Extension, outside the Transit shed and outside Provender Mill. Storage cages are also proposed that can be purchased by tenants.
- 6.106 There are bus stops at St Ann Way and further on at Southgate Street and Bristol Road linking to the city centre and beyond to Cheltenham, and south to Quedgeley and into Stroud district. Mitigation has already been provided for development of the wider site. Travel Plans for the A3/4 uses and hotel where over 15 employees, and for the residential uses, are proposed to be secured by condition.

Traffic generation and impact

- 6.107 The Gloucester Quays outline permission approved development across this site and provides background for the impact assessment, albeit needing to be updated to current circumstances and guidance.
- 6.108 The proposed change in traffic as a result of replacing the outline scheme with the proposed development for this part of the site is +7 two-way movements in the AM peak and +86 two way movements in the PM peak.
- 6.109 All traffic would be routed via the St Ann Way Junction. The applicants comment that this is a recent junction and designed to cater for future traffic forecasts of Gloucester Quays, with 15% additional reserve capacity. The Highway Authority requested that the applicants undertake further traffic survey work to provide an updated baseline survey of the existing traffic

conditions of the signalised junction of St Ann Way and Baker Street. Given the above increase in the PM peak hour movements, the Highway Authority requested assessment at the junction to consider whether any additional capacity assessment was required. The additional flows identified by the applicants in terms of impact on the junction are 0.46% in the AM peak and 4.93% in the PM peak. The Highway Authority considers that the estimated change in traffic is not significant given the overall traffic flows through the junction and that no further capacity assessment is required, and it is acceptable.

- 6.110 For completeness the Highway Authority has also reviewed the collision history for the junction and there is no record of any occurring in the last 3 years.

Parking

- 6.111 There are 163 spaces in the main parking areas with an additional 63 in the lower levels of Downings Malthouse Extension. This is slightly above the previously approved level of 220 spaces for the same area but considered adequate with appropriate disabled provision.
- 6.112 32 cycle spaces are proposed, and storage cages are also proposed within buildings. Adequate provision can be secured by condition.

Conclusions

- 6.113 The Highway Authority raises no objection subject to conditions, and subject to these the proposals are considered to comply with Policies TR.1, TR.5 and TR.6 (south west bypass now in place), TR.9, TR.11, TR.12, TR.16, TR.18, TR.28, TR.31, TR.33, TR.39 and TR.40 of the 2002 Plan, Policies INF1 and INF2 of the submission JCS and the NPPF.

Flood risk

- 6.114 The Environment Agency flood map shows the site substantially within zones 2 and 3. The river is approximately 300m to the north west. The culverted brook runs across the site east-west to the adjacent canal. There is no historic record of the site flooding.
- 6.115 The existing buildings are in the 'less vulnerable' category and the proposed uses are 'more vulnerable'. While there remains some confusion around the continued relevance of the flood zoning of this site the sequential test has been considered relevant and the exception test is required for more vulnerable development in zone 3a, to ensure a robust assessment of the application.

Sequential test

- 6.116 The development of this site has already been granted planning permission post-the introduction of the sequential test. The principle difference in uses is the introduction of the hotel. The site is also allocated in the 2002 Plan.
- 6.117 There are substantial wider sustainability benefits to the community most notably in terms of the reuse of the listed buildings here and clearly that could

not occur at another site. The site requires redevelopment and this could not be secured on reasonably available sites in a lower risk flood zone. The viability connection between the new build and conversion parts of the site only accentuates the conclusion that the whole site should be developed. I do not propose that there is any reasonably available alternative for the proposals, and the listed building reuse is inherently site-specific.

6.118 In terms of the exception test for more vulnerable development in floodzone 3a as noted there are wider sustainability benefits to the community. It is also required that the development would be safe for its lifetime and without increasing flood risk elsewhere and where possible reduce flood risk overall.

6.119 Notwithstanding the status of the flood zoning around the culvert, the development has been arranged with the 'more vulnerable' hotel use sited outside of the flood zone 3 area. The Environment Agency concurs with the sequential test methodology for the existing buildings in relation to future uses based on current floor levels and adopted design flood level of 11.18m AOD.

*Development safety
Levels*

6.120 The Flood Risk Assessment for the outline scheme adopted a combined 100 year fluvial and tidal flood level of 11.18m AOD. 600mm freeboard was adopted to give the required finished floor level of 11.78m AOD applied in that permission and agreed in the recent renewal of that permission. Existing site levels on the Bakers Quay site vary from 10.9 to 12.5m, although are generally above the 11.18m flood level.

6.121 New build will be required with finished floor levels at 11.78m AOD. Despite the queries over the flood zoning, the Drainage Engineer still considers that because the site includes areas below the 100 year plus climate change level of 11.18m AOD this is still necessary. Each of the new build Provender Mill, the hotel and the drive through cafe are proposed to meet this threshold. In the existing buildings, the ground floor levels of Downings Malthouse, the cottages, Downings Malthouse Extension, Engine House are all above the 11.78m anyway. However the basements of Downings Malthouse and Downings Malthouse Extension are below (at 11.46 and 11.25 respectively), and therefore a further condition is recommended to prohibit habitable use of the basements in the interests of safety. The Provender basement is below the flood level, but was not anyway proposed for use, and is now proposed to be infilled in the new-build. The applicant also proposes external works to reduce routes for flood water into the basement, and provision of flood resilient detailing in the refurbishment to minimise the impact. The Drainage Engineer and Environment Agency raise no objection in this regard.

Flood zoning and compensation

6.122 The earlier Gloucester Quays outline planning permission similarly involved building in floodplain capacity. As above, it was agreed with the Environment Agency at that point (and again in the renewal application) that the 1 in 100 year flood level was 11.18m AOD. Given it was an outline application and there was no certainty about building positions and footprints, an assumption

was made that it would be necessary to raise all land in the site out of the floodplain (i.e. raise any land below 11.18m AOD).

6.123 The Environment Agency's flood zoning now shows part of the site in flood zone 3, appearing to follow the route of the culverted brook. The Strategic Flood Risk Assessment however does not zone the site as flood zone 3, the modelled extent of the Sud Brook shows the flood zone to the south of the site and there is no record of historic flooding. The applicants' consultant considers that the flood zoning across the application site is based on historic data prior to the construction of the outlet centre or a blockage scenario. They propose an overland flood route along the line of the culvert to cater for this eventuality.

6.124 The Drainage Engineer considers the 11.18m AOD to be a robust figure for the 100 year plus climate change flood event, while aerial photos confirm that the site did not flood in the 2007 floods. He does not believe that the proposals will lead to any loss in floodplain storage volume and no compensatory work are required, and this is agreed by the Environment Agency.

Storage and mitigation

6.125 The LLFA seeks a 40% betterment, and the applicant has responded to this request and the recommendations of the Drainage Engineer to come up with revised and more detailed solutions.

6.126 For the new build elements and external works a 40% betterment is considered appropriate and include attenuation to prevent flooding in a 1/100 year + 30% event. Existing buildings that are to be retained remain with their existing drainage systems.

6.127 It is proposed to incorporate filter trenches in the system and petrol interceptors to hard standing as methods of improving water quality. Stormcell attenuation tanks are proposed in multiple locations across the site.

6.128 The Drainage Engineer advises that the revised attenuation proposals look broadly acceptable, and although at the detailed design stage the calculations should be refined, the detail can be addressed pursuant to a condition. The LLFA has a few outstanding queries regarding the drainage that are with the applicant for comment.

The culvert

6.129 The Environment Agency aspires to the opening up of the culvert and an 8m easement along its length. The applicant has confirmed that there is currently no access available into the culvert within the site. Their survey found it to be in reasonable condition and they propose some repairs as part of the redevelopment. To enable safer future maintenance of the culvert it is intended to open up an existing buried manhole and build one more to reduce the distance between access points.

6.130 The opening up of the culvert was not secured in the earlier permissions and the applicant is not proposing any such radical change, this request was received late in the process. We are awaiting confirmation of the Environment Agency's position in response to the applicant's suggestions for maintenance of the culvert.

Conclusions

6.131 I conclude that the sequential test is addressed satisfactorily and the exception test is passed subject to conditions. Considering the doubts over the flood zoning of the site, this is a robust approach anyway. Wider benefits outweigh the flood risk and the scheme would be safe for its lifetime and not increase flood risk elsewhere again subject to certain conditions.

6.132 Subject to conditions it is considered that the proposal complies with Policies FRP.1a and FRP.6 of the 2002 Plan, Policy INF3 of the Submission JCS and the NPPF. In respect of Policy FRP.5 this seeks the 8m easement but its basic premise is to allow adequate access for future maintenance and/or improvement and – if there is no objection from the Environment Agency this would in effect be satisfied.

Ecology

6.133 Downings Malthouse Extension and Provender Mill have the capacity to provide a bat roost, however dawn and dusk survey work only found commuting bats. The advice is that the proposals are acceptable in these terms with the common enhancement measures with regard to bat boxes and sensitive lighting secured by condition.

6.134 Subject to conditions the application complies with Policy B.7 of the 2002 Plan, Policy SD10 of the submission JCS and the NPPF.

Archaeology

6.135 The archaeological interest has previously been considered by the Inspector and Secretary of State with the land part of the wider Gloucester Quays outline application. It was concluded that the development was acceptable subject to conditions. In respect of Bakers Quay this was solely for an area identified in the Environmental Statement further to the north of this site. More recent works in the area in 2006 uncovered a cemetery, and proved the earlier conclusions to be somewhat flawed. The hotel is a new part of the proposals and is a substantial building at 6 storeys. The City Archaeologist considers the scheme could impact on archaeological remains in this location and seeks a programme of archaeological work by condition (likely intrusive evaluation at this location) and the applicants have now agreed to this.

6.136 Subject to this condition it is considered that the proposal complies with Policies BE.31, BE.32, BE.34, BE.36 and BE.37 of the 2002 Plan, Policy SD9 of the Submission JCS and the NPPF.

Contaminated land

6.137 The applicants have produced Phase 1 and Phase 2 investigation reports that have been assessed by the Council's contaminated land consultants. The

applicants propose the removal of underground ground storage tanks and validation of associated soils, gas protection measures for all buildings, with membrane in the vicinity of the storage tanks and retrofitting of gas membrane for the refurbished buildings. Further investigation is proposed once the Downings Malthouse silo is demolished.

- 6.138 While the site has a long history of industrial uses the investigation demonstrated only localised contamination is associated with storage tanks. In addition to the recommendations of the report, the Council's contaminated land consultants recommend that further intrusive work is carried out in the vicinity of the former silos south of Downings Malthouse Extension once the circular bases have been removed.
- 6.139 Overall no objection is raised in these terms subject to a condition to secure further work, in this particular instance a slightly amended version of the contaminated land condition is proposed to cover the additional aspects outlined. Subject to this the proposals are considered to comply with Policies FRP.11 and FRP.15 of the 2002 Plan and Policy SD15 of the submission JCS and the NPPF.

Residential amenity

Amenity of surroundings

- 6.140 There are no existing residential premises in close proximity, the nearest being the flats in the Docks, houses beyond the Priory to the west, beyond Gloucester Quays outlet to the north and east and along Bristol Road to the south. In addition however residential units are permitted but not built on Llanthony Wharf and Monk Meadow as part of the Gloucester Quays permission and also smaller residential schemes on Llanthony Road. The scheme is also likely to be built in phases, so it is possible that residents of this scheme may have moved in while construction is ongoing on neighbouring plots. It is considered that the hours of works should be controlled by condition.
- 6.141 The scheme is clearly pitched as a mixed use proposal and continues the mix of residential and leisure uses apparent in the Docks. People buying into the site should be aware of the A3/A4 uses, and tenants could seek late evening/night opening hours. Such matters are generally covered by the licensing legislation and I do not propose to control hours here, although if members were minded to they could impose a planning condition to do so. In respect of servicing hours, the Environmental Health Officer recommended that these be limited to 8am to 7pm.
- 6.142 The new and reopened windows and amenity space in the north side of Downings Malthouse Extension would overlook the plot to the north (currently occupied by Numold). No representations have been received from or regarding this premises. It is a business use and I do not consider any significant harm would be caused with regard to the overlooking that would arise. Some limited benefits may arise in terms of prevention of crime by the increased natural surveillance.

Amenity of future occupiers

- 6.143 In terms of the quality of accommodation for future occupants, this is heavily influenced by the buildings, with the necessity of bespoke arrangements. The outlooks from some flats in the malhouses will be constrained, and some windows are onto internal circulation areas within the buildings, which is rather unusual. To achieve a workable residential solution for these buildings, there will inevitably be some unusual arrangements. I do not consider they present an unacceptable form of accommodation for future occupants.
- 6.144 Overall, with the imposition of certain conditions including installation of suitable extraction equipment and a suitable servicing hours limitation, it is not considered that the non-residential uses proposed would harm residential amenities, and the proposals comply with Policies FRP.9, FRP.10, FRP.11, BE.21 and CL3 of the 2002 Plan, Policy SD15 of the submission JCS and the NPPF.

S106 contributions and viability

Affordable Housing

- 6.145 40% affordable housing is sought. The outline permission for the wider Gloucester Quays site incorporating this land (and further residential development on the west side of the canal) secured 20%.

Open space

- 6.146 The off-site open space contribution that is sought for the amended scheme amounts to £507,765.60.

Libraries

- 6.147 A contribution of £31,752 is sought towards libraries.

Education

- 6.148 The County Council advises that flats are not considered to be qualifying dwellings for education impact assessment due to the low child yield. No education contributions are sought.

Heritage

- 6.149 In the event that the scheme is shown to be viable with surplus, Historic England and the Conservation Officer would wish to see improvements made to elements of the proposals with which there are concerns from a heritage perspective (e.g. altering or removing the transit shed extension and the series of 'shopfront' openings in Downings Malhouse, which have been justified on viability grounds). Other aspirations, like 'hiding' the car parking within buildings, have also been ruled out as not viable.

Analysis

- 6.150 The applicant has submitted viability information to argue that the scheme cannot support any s106 contributions. This is on the basis that the scheme only allows a developer's return on cost of 12.69% (in respect of the submitted 'Option 3' scheme including the demolition of Provender Mill), and 6.18% in respect of Option 2 of the rebuild off the standing remains.

- 6.151 This has been tested by specialist consultants on behalf of the Authority. They consider that Option 2 would give a maximum return on value of 15.21% on value, although this does not allow for any section 106 financial contributions. They advise that this is unlikely to be enough to incentivise investment in the scheme. They consider that for the submitted 'Option 3' scheme, a reasonable return of 20% on value is applicable given the risk profile of the scheme, as well as a 15% incentive for the landowner, which would allow for a viable s106 financial contribution of £67,810. The 15% premium on the site value is considered to reflect the competitive returns expected from a land owner to incentivise the sale of their land.
- 6.152 Furthermore they recommend that due to the mixed-use nature of the scheme and the inability of the registered provider to purchase the freehold interest of any of the units, on-site provision of affordable housing is not appropriate and recommend an off site contribution by way of a commuted sum. The housing department still prefers an on-site provision but given the low level of funds available this seems impractical.
- 6.153 The sum available would not allow the open space request to be satisfied in full although the libraries contribution could be. The sum would be far short of the affordable housing target. Furthermore it seems unlikely to be a sum that could make significant difference to heritage concerns or hiding the parking.
- 6.154 The NPPG comments on viability that a viability assessment "should be informed by the particular circumstances of the site and the proposed development in question". It states that "a site is viable if the value generated by its development exceeds the costs of developing it and also provides sufficient incentive for the land to come forward and the development to be undertaken". In respect of costs, it states that "All development costs should be taken into account including" ... "the full cost of planning standards, policies and obligations will need to be taken into account". In terms of land value it states that "the most appropriate way to assess land or site value will vary from case to case but there are common principles which should be reflected. In all cases, land or site value should: reflect policy requirements and planning obligations ..." and "provide a competitive return to willing developers and landowners" and "be informed by comparable, market-based evidence where possible. Where transacted bids are significantly above the market norm, they should not be used as part of this exercise". Further, it notes that "a competitive return for the land owner is the price at which a reasonable land owner would be willing to sell their land for the development. The price will need to provide an incentive for the land owner to sell in comparison with the other options available". The available s106 sum is significantly less than that expected from a policy compliant scheme but the inherent costs of redeveloping a site of this nature have significant impacts on the viability of the scheme.
- 6.155 Given the negotiations possible so far, the provisional acceptance of a low level of s106 contributions is on the basis of a review mechanism being agreed. This would provide for a further assessment later in the scheme's life.

These would provide some flexibility over the Authority's requirements as is encouraged and allow a more accurate assessment than that envisaged now. The applicant has agreed to a review mechanism to revisit the s106 obligations in the future.

6.156 In respect of the viability/s106 issues, the Planning Committee may take a number of options in being asked to make a decision now, including:

'Option 2' – prioritising the retention of the Provender Mill remains

6.157 Members may take the view that 'Option 2' for Provender Mill is preferential in heritage terms, to retain the remains and outweighing the lack of 106 contributions supportable in that scheme. It should be noted that this proposal appears to be below what a developer would seek as a return and appears unlikely to proceed. This resolution would indicate refusal of the current 'Option 3' application, given that negotiation with the applicant about pursuing Option 2 seems unlikely to be successful.

Option 3 for Provender Mill

6.158 If it is concluded that the £67,810 surplus should be sought and demolition of Provender Mill accepted as is currently proposed, Members may wish to apportion that sum between open space, libraries and affordable housing in accordance with their priorities. In respect of open space and libraries this would be a sum of money as is usual. In respect of affordable housing, this would be an off site sum in lieu of one site provision, and would be used as subsidy for provision in the locality by the housing department.

6.159 In any respect, the inability to support the policy level of affordable housing and open space requests (and potentially not meeting the libraries request depending on how the moneys were apportioned) reaffirms the desirability of securing the listed building conversions as advocated earlier in the report, as they are part of the rationale underpinning the low level of 106 contributions offered, as well as a benefit of the scheme in securing their future. Delivery of parts of the scheme without the conversions would undermine the logic behind relinquishing the 106 contributions and the benefits. I recommend this is provided by legal agreement to as secure a degree as can be achieved.

6.160 Depending on how the funds were apportioned, the proposal could satisfy elements of the requirements of Policies H.15, OS.2, OS.3, OS.4, OS.5, CS.11 of the 2002 Plan, Policies SD13, INF4, INF5, INF7 and INF8 of the submission JCS and the NPPF, and it does comply with the requirements of certain policies to provide a viability assessment.

7.0 CONCLUSION

7.1 The apparent circumstances of the applicant place the Authority in a difficult position. They are seeking a decision at this Committee. A positive decision could potentially secure the future of these buildings, if it were to lead to the whole development going ahead. However the short time period since receiving the full scheme and supporting information has substantially foreshortened the negotiation and assessment period. It is advised that

despite this pressure, the Authority must maintain a robust decision-making basis as with all applications.

- 7.2 This applications present some difficult challenges in making the right planning decision. Even for the heritage matters alone there are diverging views from consultees and we are presented with a scheme that includes heritage benefits in reusing these buildings and regenerating a historic part of the City, but also includes undesirable alterations such as the large openings in Downings Malthouse at ground floor and the likely removal of substantial if not all parts of its internal structure, the unfortunate demolition of Provender Mill, the rebuild and extension of the transit shed and a large expanse of car parking neighbouring the buildings, allied to which the perilous state of the buildings and the viability of the scheme bear down on the timescale and constraints for redevelopment of this site.
- 7.3 In terms of benefits, the scheme would deliver the regeneration of a long-disused site in a prominent location, beneficial economic impacts, the delivery of housing, good design quality of some buildings on unattractive gap sites, enhanced linkages and a future use of the retained listed buildings.
- 7.4 In terms of negatives, the scheme involves the sub-optimal solutions in terms of the timing, security of delivery, and the works themselves, for the repair and conversion of at-risk heritage assets, undesirable design solutions including the large expanse of surface car parking, and non-policy compliant s106 contributions (although they are justified by the viability assessment).
- 7.5 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 7.6 The 1983 development plan is part saved although in most respects the NPPF provides the specific up to date policy context on planning matters applicable to this case in the 1983 Plan. The proposal would assist with the housing delivery proposals and elements of the heritage and transport policies. Subject to conditions it would comply with the shopping policies and depending on the prioritisation of s106 funds could contribute to open space aspirations. Elements of the proposals would conflict with its heritage policies referring to listed buildings and it offers below current policy on open space and affordable housing contributions. The NPPF provides the up to date context for considering both these areas of conflict.
- 7.6 Subject to conditions and legal agreement provisions the proposal would comply with most of the Policies of the 2002 Plan with the exception of some elements conflicting with the desire to preserve listed buildings and s106 contributions as set out in Policies above. Similarly, the proposal would comply with most of the Policies of the submission JCS with the exception of Policies in the same heritage and s106 contributions terms.

NPPF conclusions

- 7.7 The Government's view of sustainable development is set out at paragraphs 18 to 219 of the NPPF. The application is identified as harmful to varying degrees to heritage assets at Paragraphs 133 and 134 of the NPPF but presents other benefits that accord with aspirations elsewhere in the NPPF. Specifically the scheme includes elements of 'substantial harm' and 'less than substantial harm' in heritage terms. In taking this harm into the overall planning balance the public benefits that would arise from the scheme are considered to be substantial and outweigh the identified substantial and less than substantial harm, which itself could be mitigated somewhat by conditions and a legal agreement.
- 7.8 If it were sustainable development, then Paragraph 14 of the NPPF still requires the weighing of the benefits against the adverse impacts:
- 7.9 The 1983 development plan policies reflect the general ongoing policy provisions in respect of release of housing land, heritage protection, provision for pedestrians and cyclists, and open space, but are out of date in terms of the precise policy requirements set out in the NPPF. Therefore I consider that in terms of the NPPF the presumption in favour of development should be applied.
- 7.10 This means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole, or specific policies in the NPPF indicate development should be restricted.
- 7.11 The decision turns principally, therefore, on the balance between the benefits to be derived from the proposals versus the harm to Provender, Downings Malthouse, the Transit shed, external parking and below policy levels of s106 mitigation measures, taking the presumption in favour as the starting point.
- 7.12 In light of conclusions that the substantial public benefits outweigh the harm (which is itself tempered by conditions and s106 agreement) with regard to Paragraphs 133 and 134 of the NPPF, it is concluded that no specific policy of the NPPF directs refusal.
- 7.13 Therefore it appears to me that the adverse impacts do not significantly and demonstrably outweigh the scheme's benefits when assessed against the policies in the NPPF as a whole nor do specific policies indicate development should be restricted subject to securing a series of mitigation measures by condition and by legal agreement. I therefore conclude that assessment against the NPPF indicates that permission should be granted.
- 7.14 I therefore conclude overall that the material considerations indicate that planning permission should be granted subject to certain conditions and legal agreement/s and listed building consent should be granted subject to certain conditions.

8.0 RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER

8.1 That subject to

1/ confirmation being received of there being no objection from the Environment Agency and the Lead Local Flood Authority (subject to any conditions or s106 provisions deemed necessary), and

2/ completion of a planning obligation/s to secure £67,810 of s106 contributions to be apportioned as the Planning Committee resolves along with a satisfactory review mechanism to revisit the s106 obligations in the future, and secure a mechanism to secure completion of the whole development, also with authority delegated to the Development Control Manager in consultation with the planning solicitor to incorporate such additional provisions in the proposed planning obligation/s that may be deemed necessary,

planning permission be granted subject to the conditions listed below.

8.2 That the listed building consent be granted subject to the conditions listed below.

Conditions for the full planning permission:

Condition 1

The development hereby permitted shall be begun before the expiration of one year from the date of this permission.

Reason

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 and to reflect the viability assessment being undertaken at a point in time.

Condition 2

The development shall be undertaken in accordance with the plan referenced

Proposed Site Masterplan 10-305 PL-MP-01 Rev. B received by the Local Planning Authority 19th January 2016

Downings Malthouse

Proposed elevations 10-305 PL-DM-14

Proposed basement floor plan 10-305 PL-DM-08 Rev. B received by the Local Planning Authority 19th January 2016

Proposed ground floor plan 10-305 PL-DM-09 Rev. B received by the Local Planning Authority 19th January 2016

Proposed first floor plan 10-305 PL-DM-10 Rev. B received by the Local Planning Authority 19th January 2016

Proposed second floor plan 10-305 PL-DM-11 Rev. B received by the Local Planning Authority 19th January 2016

Proposed third floor plan 10-305 PL-DM-12 Rev. B received by the Local Planning Authority 19th January 2016
Proposed roof plan 10-305 PL-DM-13

Proposed detailed sections 10-305 PL-DM-28
General arrangement section A-A 10-305 PL-DM-15
General arrangement section B-B
General arrangement section C-C
General arrangement section D-D

Proposed elevations showing extent of proposed works

Proposed demolition and scoping basement layout
Proposed demolition and scoping ground floor layout
Proposed demolition and scoping first floor layout
Proposed demolition and scoping second floor layout
Proposed demolition and scoping third floor layout

Proposed opening details Sheet 1
Proposed opening details Sheet 2
Opening details reference elevations

Downings Malthouse Extension

Malthouse extension proposed elevations 10-305 PL-ME-16
Malthouse extension proposed basement floor plan 10-305 PL-ME-09 Rev. B received by the Local Planning Authority 19th January 2016
Malthouse extension proposed ground floor plan 10-305 PL-ME-10 Rev. B received by the Local Planning Authority 19th January 2016
Malthouse extension proposed first floor plan 10-305 PL-ME-11 Rev. B received by the Local Planning Authority 19th January 2016
Malthouse extension proposed second floor plan 10-305 PL-ME-12 Rev. B received by the Local Planning Authority 19th January 2016
Malthouse extension proposed third floor plan 10-305 PL-ME-13 Rev. B received by the Local Planning Authority 19th January 2016
Malthouse extension proposed fourth floor plan 10-305 PL-ME-14 Rev. B received by the Local Planning Authority 19th January 2016
Malthouse extension proposed roof plan 10-305 PL-ME-15

Malthouse extension Proposed Detailed Section Sheet 1
Malthouse extension Proposed Detailed Section Sheet 2

Malthouse extension existing & proposed general arrangement sections A-A 10-305 PL-ME-17
Malthouse extension Existing & Proposed general arrangements sections B-B 10-305 PL-ME-18

Malthouse extension proposed demolition and scoping basement layout 10-305 PL-ME-20
Malthouse extension proposed demolition and scoping ground floor layout 10-305 PL-ME-21

Malthouse extension proposed demolition and scoping first floor layout 10-305 PL-ME-22

Malthouse extension proposed demolition and scoping second floor layout 10-305 PL-ME-23

Malthouse extension proposed demolition and scoping third floor layout 10-305 PL-ME-24

Malthouse extension proposed demolition and scoping fourth floor layout 10-305 PL-ME-25

Malthouse extension proposed elevations (showing extent of proposed works) 10-305 PL-ME-19

Malthouse extension proposed opening details sheet 1 10-305 PL-ME-27

Malthouse extension proposed opening details sheet 2 10-305 PL-ME-28

Malthouse extension opening details reference elevations 10-305 PL-ME-26

Transit Shed

Proposed elevations 10-305 PL-TS-08 Rev. B received by the Local Planning Authority 19th January 2016

Proposed building plan 10-305 PL-TS-04 Rev. B received by the Local Planning Authority 19th January 2016

Proposed roof plan 10-305 PL-TS-05 Rev. B received by the Local Planning Authority 19th January 2016

Proposed sections 10-305 PL-TS-06 Rev. B received by the Local Planning Authority 19th January 2016

Provender Mill

Proposed ground floor plan 10-305 PL-PM-43 Rev. B received by the Local Planning Authority 19th January 2016

Proposed first floor plan 10-305 PL-PM-44 Rev. A received by the Local Planning Authority 19th January 2016

Proposed second floor plan 10-305 PL-PM-45 Rev. A received by the Local Planning Authority 19th January 2016

Proposed third floor plan 10-305 PL-PM-46 Rev. A received by the Local Planning Authority 19th January 2016

Proposed fourth floor plan 10-305 PL-PM-47 Rev. A received by the Local Planning Authority 19th January 2016

Proposed fifth floor plan 10-305 PL-PM-48 Rev. A received by the Local Planning Authority 19th January 2016

Proposed roof plan 10-305 PL-PM-49 Rev. A received by the Local Planning Authority 19th January 2016

Proposed elevations 10-305 PL-PM-50 Rev. A received by the Local Planning Authority 19th January 2016

Existing & proposed general arrangement section A-A 10-305 PL-PM-59 Rev. B received by the Local Planning Authority 19th January 2016

Existing & proposed general arrangement sections C-C 10-305 PL-PM-60 Rev. A received by the Local Planning Authority 19th January 2016

Hotel

Elevations 10-305 PL-H-08

Proposed ground floor plan 10-305 PL-H-01
Proposed first floor plan 10-305 PL-H-02
Proposed second floor plan 10-305 PL-H-03
Proposed third floor plan 10-305 PL-H-04
Proposed fourth floor plan 10-305 PL-H-05
Proposed fifth floor plan 10-305 PL-H-06
Proposed roof plan 10-305 PL-H-07

Proposed GA section A-A
Proposed GA section B-B

Drive through café

Proposed elevations 10-305 PL-CC-02 Rev. B received by the Local Planning Authority 25th January 2016
Proposed ground floor 10-305 PL-CC-01 Rev. A received by the Local Planning Authority 19th January 2016
Proposed roof plan 10-305 PL-CC-04 Rev. A received by the Local Planning Authority 24th August 2015
Proposed section A-A 10-305 PL-CC-03 received by the Local Planning Authority 24th August 2015

Landscaping

Landscape proposals 0606-1 Rev. B received by the Local Planning Authority 19th January 2016

except where otherwise required by conditions of this permission.

Reason

To ensure the works are carried out in accordance with the approved plans.

Condition 3

No development shall take place until a phasing scheme has been submitted to and approved in writing by the Local Planning Authority. The phasing scheme shall indicate the order and approximate timescales of any site remediation, demolition works, and development phases.

Reason

To ensure the development is progressed in a structured fashion with due regard to design, highway safety and heritage considerations, in accordance with Policies SD5, SD9, SD10, INF1 and INF2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 17, 32, 58, and 131 of the NPPF and Policies BE.9, BE.22, BE.23, BE.29 and TR.31 of the City of Gloucester Second Deposit Local Plan 2002. This is required pre-commencement to enable consideration of all phases of the scheme, their order and the programming of associated approvals under conditions from the start.

Condition 4

The development shall proceed in accordance with the approved phasing scheme and the developer shall inform the Local Planning Authority as soon as it is practical of any proposed amendment to the approved phasing scheme. Any proposal for variation of the approved scheme shall only be progressed following written approval from the Local Planning Authority of a variation of the phasing scheme.

Reason

To ensure the development is progressed in a structured fashion with due regard to design, highway safety and heritage considerations, in accordance with Policies SD5, SD9, SD10, INF1 and INF2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 17, 32, 58, and 131 of the NPPF and Policies BE.9, BE.22, BE.23, BE.29 and TR.31 of the City of Gloucester Second Deposit Local Plan 2002.

Condition 5

No development shall commence until a detailed programme of works for the short-term preservation of Downings Malthouse and Downings Malthouse Extension (and the link bridge as necessary) and associated works for public safety within the first phase of development works has been submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved programme of works as part of the first phase of development works.

Reason

To secure the terms on which the development was considered to be acceptable and to ensure that material benefits of the proposal are delivered, to maintain the listed buildings during the early phases of the development in the interests of their preservation, in accordance with Policies BE.22, BE.24 of the City of Gloucester Second Deposit Local Plan 2002, Policy SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014 and the NPPF. This is required pre-commencement as it involves works necessary in the first phase to secure heritage benefits for at-risk assets.

Condition 6

No above ground construction of a building in the relevant phase of the development (as approved under the phasing condition) shall be commenced until details of all building facing materials and finishes for that building have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure that the materials and exterior building components are appropriate to their context and in the interests of protecting the character and appearance of the Conservation Areas and the special character of listed buildings and their setting, in accordance with Policies SD5 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 58 and 131 of the National Planning Policy Framework and Policies BE.7, BE.10, BE.11, BE.23 and BE.29 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 7

No above-ground construction of the replacement Provender building shall commence until details of any balconies, canopies, windows, external cladding and replacement hoist housing feature to the canalside elevation of that building have been submitted to and approved in writing by the Local Planning Authority. These details shall include scaled floorplan, elevation and section drawings and external materials specification. Development shall be carried out in accordance with the approved details.

Reason

To ensure that exterior building components are appropriate to their context and in the interests of protecting the character and appearance of the Conservation Areas and the setting of listed buildings, in accordance with Policies SD5 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 58 and 131 of the National Planning Policy Framework and Policies BE.7, BE.10, BE.11, BE.23 and BE.29 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 8

No development within a phase shall commence until details of substations, generators or other freestanding external plant/equipment as indicated on the submitted plans (comprising scaled layout and elevation plans) have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure that the design and appearance of supporting infrastructure is appropriate to this context and in the interests of protecting the character and appearance of the Conservation Areas and the setting of listed buildings, in accordance with Policies SD5 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 58 and 131 of the National Planning Policy Framework and Policies BE.7, BE.10, BE.11, BE.23 and BE.29 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 9

Prior to the commencement of works of alteration to the west-facing roof slope of Downings Malthouse Extension, details of the balcony/dormer arrangement proposed to this roof slope (comprising scaled floor plans, elevations and sections) shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed only in accordance with those approved details.

Reason

To ensure that these works are appropriate to their context and in the interests of protecting the character and appearance of the Conservation Areas and the special character of the listed building particularly with regard to retention of the existing roof structure, in accordance with Policies SD5 and SD9 of the Gloucester, Cheltenham

and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 58 and 131 of the National Planning Policy Framework and Policies BE.7, BE.22 and BE.29 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 10

Prior to the commencement of external works of alteration to the Engine House details of the proposed fenestration of the building (comprising scaled, elevations and sections) shall be submitted to and approved in writing by the Local Planning Authority. The works shall proceed only in accordance with those approved details.

Reason

To ensure that these development is appropriate to its context and in the interests of protecting the character and appearance of the Conservation Areas and the special character of the listed building, in accordance with Policies SD5 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 58 and 131 of the National Planning Policy Framework and Policies BE.7, BE.22 and BE.29 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 11

No above-ground construction of the hotel hereby approved shall commence until details of the elevations of the hotel comprising scaled elevations and sections and samples of external facing materials have been submitted to and approved in writing by the Local Planning Authority. Development shall proceed only in accordance with the approved details.

Reason

To secure approval of the suitable external treatment of these elevations in the interests of the visual amenities of the area in accordance with Policies BE.1, BE.7 and BE.9 of the Second Deposit City of Gloucester Local Plan (2002), Policy SD5 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014 and the NPPF.

Condition 12

Notwithstanding that indicated on the submitted plans, no development shall take place in a phase of the development (as approved under the phasing condition) other than site remediation, demolition or exploratory ground works until details of the surface material finishes for the highways, footpaths, cycle ways, parking areas and all other hard surfaces within that phase have been submitted to and approved in writing by the Local Planning Authority. Details shall include a scaled layout plan denoting the finishes, features, samples of new materials and shall set out investigations that have been made into the presence and incorporation into the design of buried rail tracks within the site. Development shall be carried out in accordance with the approved details and maintained as such thereafter.

Reason

To ensure that the design and materials are appropriate to their context, to investigate the presence and potential to retain historic railway tracks within the design, and in the interests of protecting the character and appearance of the Conservation Areas and the setting of listed buildings, in accordance with Policies SD5 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 58 and 131 of the National Planning Policy Framework and Policies BE.10, BE.11, BE.23 and BE.29 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 13

No development shall take place in a phase of the development (as approved under the phasing condition) other than site remediation, demolition or exploratory ground works until details of street and open space furniture, external lighting, screen walls, fences/railings (including those to the canalside and to safeguard the waterway infrastructure) and other means of enclosure within that Phase have been submitted to and approved in writing by the Local Planning Authority. Such details shall include scaled elevation drawings, site plans identifying their location, and materials, and consideration should be given to the benefits of tying them in to the adjacent development. Development shall be carried out only in accordance with the approved details.

Reason

In the interests of privacy and security, protecting the structure, appearance and use of the canalside, and protecting the character and appearance of the Conservation Areas and the setting of listed buildings, in accordance with Policies SD5 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 17, 58 and 131 of the National Planning Policy Framework and Policies BE.5, BE.17, BE.23 and BE.29 of the Second Deposit City of Gloucester Local Plan (2002) and the National Planning Policy Framework.

Condition 14

No development shall commence on site or machinery or materials brought onto the site for the purpose of development within a Phase until a landscape scheme for that Phase has been submitted to and approved in writing by the local planning authority. The submitted design shall include scaled drawings and a written specification clearly describing the species, sizes, densities and planting numbers. Drawings must include accurate details of all existing trees and hedgerows with their location, species, size, condition, any proposed tree surgery and an indication of which are to be retained and which are to be removed.

Reason

To ensure a satisfactory and well-planned development and to preserve and enhance the quality of the environment in accordance with Policies BE.4 and BE.12 of the City of Gloucester Second Deposit Local Plan 2002, Policy SD5 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraph 58 of the National Planning Policy Framework. This is required for the first phase pre-commencement to enable a proper consideration of the arrangements before any potentially abortive works take place.

Condition 15

The landscaping scheme for each Phase approved under condition 14 above shall be carried out concurrently with that Phase and shall be completed no later than the first planting season following the completion of the development. The planting shall be maintained for a period of 5 years. During this time any trees, shrubs or other plants which are removed, die, or are seriously damaged shall be replaced during the next planting season with others of similar size and species unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year maintenance period.

Reason

To ensure a satisfactory and well-planned development and to preserve and enhance the quality of the environment in accordance with Policies BE.4 and BE.12 of the City of Gloucester Second Deposit Local Plan 2002, Policy SD5 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraph 58 of the National Planning Policy Framework.

Condition 16

Written confirmation shall be provided to the Local Planning Authority of the date of commencement of development. Prior to the expiration of two months from the commencement of development details of improvements to the canalside towpath for its entire extent within the application site (including surfacing materials and a timetable for its implementation), shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be implemented in their entirety in accordance with the approved timetable unless any subsequent revision to the timetable is submitted to and approved in writing by the Local Planning Authority in which case in which case the approved works shall be implemented in their entirety in accordance with the amended timetable.

Reason

To secure the benefits of the scheme and to ensure that the surfacing materials are acceptable in the interests of protecting the character and appearance of the Conservation Areas and the setting of listed buildings, in accordance with Policies SD5 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 58 and 131 of the National Planning Policy Framework and Policies BE.10, BE.11, BE.23, BE.29 and TR.39 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 17

No development or demolition below slab level for the hotel hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

Reason

To make provision for a programme of archaeological mitigation, so as to record and advance understanding of any heritage assets which will be lost, in accordance with paragraph 141 of the National Planning Policy Framework and Policies BE.36, BE.37 and BE.38 of the Gloucester Local Plan (2002 Second Stage Deposit), and Policy SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014.

Condition 18

No development or demolition below slab level for the hotel hereby approved shall take place until a detailed scheme showing the complete scope and arrangement of the foundation design and ground works of the proposed building (including services) has been submitted to and approved in writing by the Local Planning Authority (unless agreed otherwise in writing by the Local Planning Authority pursuant to the earlier programme of archaeological work). Development shall only take place in accordance with the approved scheme unless it is agreed in writing by the Local Planning Authority that approval of a scheme is not necessary.

Reason

The proposed development site may contain highly significant heritage assets of archaeological interest. The Council requires that disturbance or damage by foundations and related works of these elements is minimised, but are, where appropriate, preserved in situ. This accords with paragraph 141 of the National Planning Policy Framework and Policies BE.31, BE.36, BE.37 and BE.38 of the Gloucester Local Plan (2002 Second Stage Deposit), and Policy SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014.

Condition 19

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the units hereby approved for Class A3/A4 use shall not be used for a use within Class A1 of the schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason

The Local Planning Authority wishes to control the specific use of the premises, because they are outside the primary shopping area and a retail use would have to satisfy the relevant policy tests, in accordance with Policy S.4a of the City of Gloucester Second Deposit Local Plan 2002, Policy SD3 of the Joint Core Strategy Submission Document 2014 and the National Planning Policy Framework.

Condition 20

Construction work and the delivery of materials shall be limited to the hours of 0800hours to 1800hours Monday to Friday, 0800hours to 1300hours on Saturdays

and no construction work or deliveries shall take place on Sundays or Bank Holidays.

Reason

To safeguard the amenities of the area in accordance with Policies FRP.9, FRP.10, FRP.11 and BE.21 of the 2002 City of Gloucester Second Deposit Local Plan, Policy SD15 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraphs 17, 109, 120 and 123 of the NPPF.

Condition 21

No individual unit for Class A3/A4 use shall be opened to the public until extraction equipment has been installed to full working order for that unit in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason

In order to ensure that fumes and odours are properly discharged and in the interests of the amenities of residential property in the locality in accordance with Policies FRP.11 and BE.21 of the Second Deposit City of Gloucester Local Plan (2002), Policy SD15 of the Joint Core Strategy Submission Document 2014 and Paragraphs 17 and 120 of the NPPF.

Condition 22

Prior to commencement of development within a Phase hereby permitted, an Environmental Management scheme shall be submitted to and approved in writing by the Local Planning Authority that specifies mitigation measures in respect of the following issues (including demolition and preparatory groundworks) in order to prevent nuisance:

1. Dust from demolition
2. Dust from groundworks
3. Dust from haul roads
4. Dust from stockpiles and material handling/removal
5. Details of how dust will be qualitatively monitored
6. Light from security compounds etc
7. Storage of waste
8. Keeping highways clear of mud
9. Safeguarding the waterway infrastructure

Development shall proceed only in accordance with the approved Environmental Management scheme.

Reason

To safeguard the amenities of the area and the waterway in accordance with Policies FRP.9, FRP.10, FRP.11 and BE.21 of the 2002 City of Gloucester Second Deposit Local Plan, Policy SD15 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraphs 17, 109, 120 and 123 of the NPPF.

Condition 23

The loading and unloading of service and delivery vehicles to the Class A3/A4 uses and the hotel hereby approved together with their arrival and departure from the site shall not take place outside the period of 0800hours to 1900hours on any day.

Reason

To safeguard the amenities of the area in accordance with Policies FRP.9, FRP.10, FRP.11 and BE.21 of the 2002 City of Gloucester Second Deposit Local Plan, Policy SD15 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraphs 17, 109, 120 and 123 of the NPPF.

Condition 24

The rating level of any noise generated by mechanical plant associated with the development shall not exceed the pre-existing background level by more than 5dB(A) at any time. The noise levels shall be determined at noise sensitive premises, and measurements and assessment shall be made in accordance with BS4142: 2014 Method of Rating Industrial Noise Affecting Mixed Residential and Industrial Areas.

Reason

To safeguard the amenities of the area in accordance with Policies FRP.9, FRP.10, FRP.11 and BE.21 of the 2002 City of Gloucester Second Deposit Local Plan, Policy SD15 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraphs 17, 109, 120 and 123 of the NPPF.

Condition 25

No development of any building including residential units shall commence until a comprehensive scheme for noise mitigation of i) 'Inside Bedrooms' (30dB(A) $L_{Aeq,8hr}$) (45dB(A) L_{Amax}) and; ii) 'Dwellings, indoor' (35dB(A) $L_{Aeq,16hr}$) for all residential units within that building that will meet the WHO Guidelines for Community Noise 1999 has been submitted to and approved in writing by the Local Planning Authority. All works (façade, glazing elements, etc) that form part of the scheme shall have regard to BS8233: 2014 – Guidance on Sound Insulation and Noise Reduction for Buildings and the approved details shall be completed in full prior to first occupation of any of the residential units within that building.

Reason

To protect the residential amenities of the future occupiers of the properties in accordance with policy H.4 of the Second Deposit City of Gloucester Local Plan (2002), Policy SD15 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraphs 17, 109, 120 and 123 of the NPPF

Condition 26

Prior to occupation of any residential units within a building, noise testing shall be carried out by a professional and competent contractor (Member of the Institute of Acoustics) in 5% of the units within that building (to be agreed in writing in advance by the Local Planning Authority) to establish whether the noise criteria as specified via condition 25 have been met through approved mitigation measures. The testing

procedure shall be submitted to the Local Planning Authority for approval at least seven days prior to noise testing being carried out. If the results are not satisfactory, a revised approach shall be provided to meet the requirements in condition 25 for the Local Planning Authority's approval and the revised approach shall be implemented in full prior to first occupation of any of the residential units within that building.

Reason

To protect the residential amenities of the future occupiers of the properties in accordance with policy H.4 of the Second Deposit City of Gloucester Local Plan (2002), Policy SD15 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraphs 17, 109, 120 and 123 of the NPPF

Condition 27

No development of a building other than site remediation, demolition or infrastructure provision shall commence until details of measures to discourage seagulls from nesting and/or roosting on the building have been submitted to and approved in writing by the Local Planning Authority. The details shall accord with the Local Planning Authority's publication "Gulls: How to stop them nesting on your roof December 2005. The measures shall be implemented in full prior to the first occupation of the building.

Reason

In the interests of the appearance of the development and to avoid nuisance caused by nesting and roosting seagulls, in accordance with Policies BE.9 and BE.10 of the City of Gloucester Second Deposit Local Plan 2002, Policy SD5 of the Joint Core Strategy Submission Document 2014 and Paragraphs 17 and 58 of the NPPF.

Condition 28

No external lighting shall be installed until details of the location and specification of the lighting, including details of how the lighting is sensitive to bats, and the extent of illumination has been submitted to and approved in writing by the Local Planning Authority. Only the approved lighting shall be implemented.

Reason

To secure biodiversity mitigation, and in the interests of good design and crime prevention in accordance with Policies B.7 and BE.5 of the City of Gloucester Second Deposit Local Plan 2002, Policies SD5 and SD10 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraphs 58, 109 and 118 of the NPPF.

Condition 29

No development shall commence within a Phase until details of the type, number and location of bat boxes within that Phase have been submitted to and approved in writing by the Local Planning Authority. No unit within a building shall be occupied until the approved bat boxes for that phase have been installed unless an alternative timetable for implementation is submitted to and approved in writing by the Local Planning Authority.

Reason

To secure biodiversity mitigation and enhancement in accordance with Policy B.8 of the City of Gloucester Second Deposit Local Plan 2002, Policy SD10 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraphs 109 and 118 of the NPPF.

Condition 30

Prior to the commencement of the final phase of development details of the location, appearance and timetable for implementation of facilities for the public display of interpretation material regarding the historic interest of the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented in accordance with the submitted timetable. Once provided the public display material shall thereafter be retained.

Reason

The proposed development site includes significant heritage assets and further assets of archaeological interest may be present. Provision of material to convey information on these assets to the public relates to the preservation and recording aspirations of Policies BE.31 and BE.37 of the Second Deposit City of Gloucester Local Plan (2002) and the NPPF.

Condition 31

The finished floor levels of all new buildings (within the identified floodplain) shall be set at least at 11.78metres AOD.

Reason

To demonstrate that the development will be safe for its lifetime, taking into account the vulnerability of users and thus to ensure that the development passes the Exception Test in line with the NPPF, Policy FRP.1a of the City of Gloucester Second Deposit Local Plan 2002 and Policy INF3 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014.

Condition 32

The basement areas of Downings Malthouse and Downings Malthouse extension shall not be used for habitable living accommodation.

Reason

These areas are below the 1/100 flood zone, the restriction is required to demonstrate that the development will be safe for its lifetime, taking into account the vulnerability of users and to ensure that the development passes the Exception Test in line with the NPPF, Policy FRP.1a of the City of Gloucester Second Deposit Local Plan 2002 and Policy INF3 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014.

Condition 33

The development hereby permitted shall not commence until details for the disposal of surface water have been submitted to and approved in writing by the Local Planning Authority. The details submitted shall include proposals for the disposal of surface water in accordance with the principles of Sustainable Urban Drainage Systems (SUDS) and shall be implemented for each phase prior to the first occupation of buildings within that phase for the uses hereby permitted and maintained thereafter for the life of the development.

Reason

To ensure that the development is provided with a satisfactory means of drainage, to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policies SD15 and INF3 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 100 and 103 of the NPPF and Policies FRP.1a, FRP.6 and FRP.11 of the City of Gloucester Second Deposit Local Plan 2002. This is required pre-commencement given the facilities involve below ground works and a fairly large spatial extent so their arrangement needs to be agreed at the start to avoid any abortive works or other conflicts as a result of starting development.

Condition 34

No development of a phase shall commence until details of secure fencing for the perimeter of the development plot/existing building (including to safeguard waterway infrastructure where plots are adjacent to it) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be installed prior to the commencement of development of that phase and shall be retained for the duration of development works in that phase unless their removal is agreed to in writing by the Local Planning Authority.

Reason

To deal with public safety and safeguard waterway infrastructure in accordance with Policy BE.5 of the City of Gloucester Second Deposit Local Plan 2002, Policy SD5 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014 and the NPPF.

Condition 35

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 4 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until part 4 has been complied with in relation to that contamination.

1. Site Characterisation

Once buildings have been demolished and structures removed, supplementary site investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the

site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'.

2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must accord with the provisions of the EPA 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (elsewhere referred to as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with part 3.

5. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy SD15 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 17, 120, 121 and 123 of the National Planning Policy Framework and Policy FRP.15 of the Second Deposit City of Gloucester Local Plan (2002).

HIGHWAYS

Condition 36

Prior to the internal access road and parking areas being brought into beneficial use the vehicular access serving the development that forms a junction with Baker Street shall be laid out and constructed in accordance with the submitted plans referenced RDL00415 SK412-P5, RDL00415 SK411-P6 & PL-MP-01 Rev B and shall be maintained thereafter.

Reason

To reduce potential highway impact by ensuring that a safe and secure access is laid out and constructed that minimises the conflict between traffic and cyclists and pedestrians in accordance with paragraphs 32 and 35 of the National Planning Policy Framework.

Condition 37

Prior to the proposed development being brought into beneficial use details of the proposed highway improvement works to Merchants Road to include an extension to existing access restrictions broadly in accordance with plan no PL-MP-01 Rev B shall be submitted to and approved in writing by the Local Planning Authority and once approved implemented in accordance with the approved details prior to occupation of any units within Downings Malthouse or Downings Malthouse Extension.

Reason

To ensure safe and suitable access is provided and create safe and secure layouts that minimise conflicts between traffic, pedestrians and cyclists in accordance with Paragraph 32 and 35 of the National Planning policy Framework.

Condition 38

Prior to the proposed access serving the parking areas at the junction of Baker Street being brought into beneficial use details of a scheme to advise motorists of oncoming service vehicles in the centre of the road shall be submitted to and agreed in writing by the Local Planning Authority and once approved implemented in accordance with the approved details and maintained thereafter.

Reason

To ensure safe and suitable access is provided and create safe and secure layouts that minimise conflicts between traffic, pedestrians and cyclists in accordance with Paragraph 32 and 35 of the National Planning policy Framework.

Condition 39

No individual building shall be occupied until the internal access roads, turning, loading and car parking associated with each building within the development has been provided in accordance with the submitted plan no PL-MP-01 Rev B (including the provision for disabled parking), and shall be maintained available for that purpose thereafter.

Reason

To reduce potential highway impact by ensuring that vehicles do not have to park on the highway resulting in a severe impact contrary to paragraph 32 of the National Planning Policy Framework and in accordance with Policy TR.11 of the City of Gloucester Second Deposit Local Plan 2002. .

Condition 40

Prior to the car parking serving Downings Malthouse Extension being brought into beneficial use details of the method of control for the access/egress and measures to prevent pedestrian and vehicle conflict at the access/egress point shall be submitted to and approved in writing by the Local Planning Authority and once approved

implemented in accordance with the approved details prior to first occupation of a unit within the building and maintained thereafter.

Reason

To ensure safe and suitable access is provided and create safe and secure layouts that minimise conflicts between traffic, pedestrians and cyclists in accordance with Paragraph 32 and 35 of the National Planning policy Framework.

Condition 41

The development hereby permitted shall not be occupied until the cycle storage facilities have been made available for use in accordance with the submitted plan PL-MP-01 Rev B (or such other cycle storage facilities as may be submitted to and approved in writing by the Local Planning Authority) and those facilities shall be maintained for the duration of the development.

Reason

To ensure that adequate cycle parking is provided, to promote cycle use and to ensure that the opportunities for sustainable transport modes have been taken up in accordance with paragraph 32 of the National Planning Policy Framework.

Condition 42

No residential unit within a building shall be occupied until secure and covered cycle storage facilities for that building have been made available in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that adequate cycle parking is provided, to promote cycle use and to ensure that the opportunities for sustainable transport modes have been taken up in accordance with paragraph 32 of the National Planning Policy Framework. .

Condition 43

No development shall take place within a Phase, including any works of demolition, until a Construction Method Statement for that Phase has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period of that Phase. The Statement shall:

- i. specify the type and number of vehicles;
- ii. provide for the parking of vehicles of site operatives and visitors;
- iii. provide for the loading and unloading of plant and materials;
- iv. provide for the storage of plant and materials used in constructing the development;
- v. provide for wheel washing facilities;
- vi. specify the intended hours of construction operations;
- vii. measures to control the emission of dust and dirt during construction
- viii. Details of any temporary access for construction purposes

Reason

To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance paragraph 35 of the National Planning Policy Framework.

Condition 44

No above-ground works shall commence on the development hereby permitted until a Framework Travel Plan has been submitted to and agreed in writing by the Local Planning Authority for the employment uses, setting out;

i. objectives and targets for promoting sustainable travel, ii. appointment and funding of a travel plan coordinator, iii. details of an annual monitoring and review process, iv. means of funding of the travel plan, and; v. an implementation timetable including the responsible body for each action.

A Travel Plan for any A3/A4 or hotel use likely to employ more than 15 employees shall be submitted and agreed in writing by the Local Planning Authority in accordance with the approved Travel Plan Framework prior to occupation of that use and implemented in accordance with the details and timetable therein, and shall be continued thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure that the opportunities for sustainable transport modes are taken up in accordance with paragraphs 32 and 36 of the National Planning Policy Framework.

Condition 45

No residential unit shall be occupied until a residential Travel Plan has been submitted to and agreed in writing by the Local Planning Authority, setting out;

i. objectives and targets for promoting sustainable travel, ii. appointment and funding of a travel plan coordinator, iii. details of an annual monitoring and review process, iv. means of funding of the travel plan, and; v. an implementation timetable including the responsible body for each action.

The approved Travel Plan shall be implemented in accordance with the details and timetable therein, and shall be continued thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure that the opportunities for sustainable transport modes are taken up in accordance with paragraphs 32 and 36 of the National Planning Policy Framework.

Plus any additional conditions considered necessary from the Environment Agency or Lead Local Flood Authority's comments.

Note

Permit to Operate – Informative note - All crushers and screens that are to be used on site shall be accompanied by a Permit to Operate issued under the Environmental Permitting Regulations 2010

Note

A discharge agreement from the Canal and River Trust is necessary for any increase in flows to the culvert/canal.

Conditions for the listed building consent:

Condition 1

The works hereby permitted shall be begun before the expiration of 3 years from the date of this consent.

Reason

To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Condition 2

The works shall be implemented in accordance with the plans referenced ...

Proposed Site Masterplan 10-305 PL-MP-01 Rev. B received by the Local Planning Authority 19th January 2016

Downings Malthouse

Proposed elevations 10-305 PL-DM-14

Proposed basement floor plan 10-305 PL-DM-08 Rev. B received by the Local Planning Authority 19th January 2016

Proposed ground floor plan 10-305 PL-DM-09 Rev. B received by the Local Planning Authority 19th January 2016

Proposed first floor plan 10-305 PL-DM-10 Rev. B received by the Local Planning Authority 19th January 2016

Proposed second floor plan 10-305 PL-DM-11 Rev. B received by the Local Planning Authority 19th January 2016

Proposed third floor plan 10-305 PL-DM-12 Rev. B received by the Local Planning Authority 19th January 2016

Proposed roof plan 10-305 PL-DM-13

Proposed detailed sections 10-305 PL-DM-28

General arrangement section A-A 10-305 PL-DM-15

General arrangement section B-B

General arrangement section C-C

General arrangement section D-D

Proposed elevations showing extent of proposed works

Proposed demolition and scoping basement layout

Proposed demolition and scoping ground floor layout
Proposed demolition and scoping first floor layout
Proposed demolition and scoping second floor layout
Proposed demolition and scoping third floor layout

Proposed opening details Sheet 1
Proposed opening details Sheet 2
Opening details reference elevations

Downings Malthouse Extension

Malthouse extension proposed elevations 10-305 PL-ME-16
Malthouse extension proposed basement floor plan 10-305 PL-ME-09 Rev. B received by the Local Planning Authority 19th January 2016
Malthouse extension proposed ground floor plan 10-305 PL-ME-10 Rev. B received by the Local Planning Authority 19th January 2016
Malthouse extension proposed first floor plan 10-305 PL-ME-11 Rev. B received by the Local Planning Authority 19th January 2016
Malthouse extension proposed second floor plan 10-305 PL-ME-12 Rev. B received by the Local Planning Authority 19th January 2016
Malthouse extension proposed third floor plan 10-305 PL-ME-13 Rev. B received by the Local Planning Authority 19th January 2016
Malthouse extension proposed fourth floor plan 10-305 PL-ME-14 Rev. B received by the Local Planning Authority 19th January 2016
Malthouse extension proposed roof plan 10-305 PL-ME-15

Malthouse extension Proposed Detailed Section Sheet 1
Malthouse extension Proposed Detailed Section Sheet 2

Malthouse extension existing & proposed general arrangement sections A-A 10-305 PL-ME-17

Malthouse extension Existing & Proposed general arrangements sections B-B 10-305 PL-ME-18

Malthouse extension proposed demolition and scoping basement layout 10-305 PL-ME-20

Malthouse extension proposed demolition and scoping ground floor layout 10-305 PL-ME-21

Malthouse extension proposed demolition and scoping first floor layout 10-305 PL-ME-22

Malthouse extension proposed demolition and scoping second floor layout 10-305 PL-ME-23

Malthouse extension proposed demolition and scoping third floor layout 10-305 PL-ME-24

Malthouse extension proposed demolition and scoping fourth floor layout 10-305 PL-ME-25

Malthouse extension proposed elevations (showing extent of proposed works) 10-305 PL-ME-19

Malthouse extension proposed opening details sheet 1 10-305 PL-ME-27

Malthouse extension proposed opening details sheet 2 10-305 PL-ME-28
Malthouse extension opening details reference elevations 10-305 PL-ME-26

Transit Shed

Proposed elevations 10-305 PL-TS-08 Rev. B received by the Local Planning Authority 19th January 2016
Proposed building plan 10-305 PL-TS-04 Rev. B received by the Local Planning Authority 19th January 2016
Proposed roof plan 10-305 PL-TS-05 Rev. B received by the Local Planning Authority 19th January 2016
Proposed sections 10-305 PL-TS-06 Rev. B received by the Local Planning Authority 19th January 2016

Provender Mill

Proposed ground floor plan 10-305 PL-PM-43 Rev. B received by the Local Planning Authority 19th January 2016
Proposed first floor plan 10-305 PL-PM-44 Rev. A received by the Local Planning Authority 19th January 2016
Proposed second floor plan 10-305 PL-PM-45 Rev. A received by the Local Planning Authority 19th January 2016
Proposed third floor plan 10-305 PL-PM-46 Rev. A received by the Local Planning Authority 19th January 2016
Proposed fourth floor plan 10-305 PL-PM-47 Rev. A received by the Local Planning Authority 19th January 2016
Proposed fifth floor plan 10-305 PL-PM-48 Rev. A received by the Local Planning Authority 19th January 2016
Proposed roof plan 10-305 PL-PM-49 Rev. A received by the Local Planning Authority 19th January 2016
Proposed elevations 10-305 PL-PM-50 Rev. A received by the Local Planning Authority 19th January 2016
Existing & proposed general arrangement section A-A 10-305 PL-PM-59 Rev. B received by the Local Planning Authority 19th January 2016
Existing & proposed general arrangement sections C-C 10-305 PL-PM-60 Rev. A received by the Local Planning Authority 19th January 2016

Landscaping

Landscape proposals 0606-1 Rev. B received by the Local Planning Authority 19th January 2016

except where otherwise required by conditions of this permission.

Reason

To ensure that the development is carried out in accordance with the approved plans.

Condition 3

Prior to the commencement of any works to Downings Malthouse, details of structural stabilisation work to the building or works in the interests of public safety

shall be submitted to and approved in writing by the Local Planning Authority. Works shall proceed only in accordance with the approved details.

Reason

To preserve the special interest of the listed building in accordance with Policies SD5 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 58 and 131 of the National Planning Policy Framework and Policies BE.7, BE.22 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 4

Prior to the commencement of any works to Downings Malthouse Extension, details of structural stabilisation work to the building or works in the interests of public safety shall be submitted to and approved in writing by the Local Planning Authority. Works shall proceed only in accordance with the approved details.

Reason

To preserve the special interest of the listed building in accordance with Policies SD5 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 58 and 131 of the National Planning Policy Framework and Policies BE.7, BE.22 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 5

No works shall commence to a building other than structural stabilisation or non-invasive works to make it weathertight and secure or works in the interests of public safety until a structural and condition survey for the building has been submitted to and approved in writing by the Local Planning Authority. This shall include information on floor loadings, any structural alterations proposed and alternative options.

Reason

To preserve the special interest of the remaining and retained adjacent listed building in accordance with Policies SD5 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 58 and 131 of the National Planning Policy Framework and Policies BE.7, BE.22 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 6

No works shall commence on any existing building other than structural stabilisation or non-invasive works to make it weathertight and secure or works in the interests of public safety until the applicant, or their agents or successors in title, has secured the implementation of a programme of historic environment work for that building in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme will provide for archaeological recording of significant elements of the historic built environment that are likely to face an impact from the proposed development and any proposed

demolition, with the provision for appropriate archiving and public dissemination of the findings. A full recording schedule will be required itemising these features together with a photographic record and location reference by plan.

Reason

The proposed development site includes significant elements of the historic built environment. The Council requires that these elements will be recorded in advance of any redevelopment or demolition and their record be made publicly available. This accords with Policy SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraph 131 of the NPPF, Policy BE.31 of the Second Deposit City of Gloucester Local Plan (2002) and the Interim Adoption Supplementary Planning Document 'Development Affecting Sites of Historic Environment (Archaeological) Interest' (2008).

Condition 7

No works shall commence on any existing building other than structural stabilisation or non-invasive works to make it weathertight and secure or works in the interests of public safety until plans and a schedule identifying architectural and or/historical features within that building (to include but not be limited to windows, doors, door shutters, hatched, storage bins, water storage tanks and chutes), and assessment of the significance of retained machinery or other operational equipment, and the identification of those proposed for retention or reuse elsewhere in the scheme (with details of the method of storage as applicable) have been submitted to and approved in writing by the Local Planning Authority. Works shall proceed only in accordance with the approved details.

Reason

To preserve the special interest of the listed building in accordance with Policies SD5 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 58 and 131 of the National Planning Policy Framework and Policies BE.7, BE.22 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 8

The iron-framed transit shed shall not be dismantled until a contract for the carrying out of the works of redevelopment of this part of the site has been let and proof of such has been provided to, and written confirmation of its acceptability has been given by, the Local Planning Authority.

Reason

Pursuant to the provisions of Section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Condition 9

The standing remains of Provender Mill shall not be dismantled until a contract for the carrying out of the works of redevelopment of this part of the site has been let

and proof of such has been provided to, and written confirmation of its acceptability has been given by, the Local Planning Authority.

Reason

Pursuant to the provisions of Section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Condition 10

Internal elements of Downings Malthouse shall not be dismantled (other than essential works to provide structural stabilisation) until a contract for the carrying out of the works of redevelopment of this building has been let and proof of such has been provided to, and written confirmation of its acceptability has been given by, the Local Planning Authority.

Reason

Pursuant to the provisions of Section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Condition 11

Internal elements of Downings Malthouse Extension shall not be dismantled until a contract for the carrying out of the works of redevelopment of this building has been let and proof of such has been provided to, and written confirmation of its acceptability has been given by, the Local Planning Authority.

Reason

Pursuant to the provisions of Section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Condition 12

No works shall commence to a building other than structural stabilisation or non-invasive works to make it weathertight and secure or works in the interests of public safety until a Demolition/dismantling Statement for that building has been submitted to and approved in writing by the Local Planning Authority. The Demolition/dismantling Statement shall identify the method of demolition or dismantling together with the necessary protection for the upstanding structures, detailed drawings identifying the specific areas to be demolished/dismantled both internally and externally and clarification of any building materials to be reused and storage details for them. Works shall proceed for each building only in accordance with the approved statement.

Reason

To preserve the special interest of the listed building in accordance with Policies SD5 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 58 and 131 of the National Planning Policy Framework and Policies BE.7, BE.22 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 13

Prior to the commencement of any works to the iron-framed Transit Shed a Method Statement for its dismantling, repairing/restoration and reinstallation shall be submitted to and approved in writing by the Local Planning Authority. This shall include provision to fully reinstate all existing columns and trusses and reconnect the constituent parts in the existing manner. Works shall proceed only in accordance with the approved details.

Reason

To preserve the special interest of the listed building, as applying historic elements onto a new building would cause substantial harm to the heritage asset. This is in accordance with Policies SD5 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 58 and 131 of the National Planning Policy Framework and Policies BE.7, BE.22 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 14

No works shall commence to a building other than structural stabilisation or non-invasive works to make it weathertight and secure or works in the interests of public safety until a mechanical and electrical survey report has been submitted to and approved in writing by the Local Planning Authority. This report shall determine the most appropriate method for the introduction of modern services into the building. Works to that building shall proceed only in accordance with the approved details.

Reason

To preserve the special interest of the listed building in accordance with Policies SD5 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 58 and 131 of the National Planning Policy Framework and Policies BE.7, BE.22 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 15

No works shall commence to a building other than structural stabilisation or non-invasive works to make it weathertight and secure or works in the interests of public safety until the following have been submitted to and approved in writing by the Local Planning Authority for that building:

- details and samples of all new external materials
- method statement for the refurbishment of any external historic signage to the building
- scaled drawings and method statements for all new interventions within the building including structural works, floors, partitions, ceilings, flooring, staircases, shopfronts and vehicular access openings
- details of internal finished and fire/acoustic insulation measures
- scaled drawings and sections of new or altered rooflights, windows and doors
- scaled drawings and details of materials for any balconies

- scaled drawings of routes for all new mechanical and electrical services including media provision, and scaled elevation drawings and product details identifying external flues, vents, extracts, meter boxes, media receiving equipment or other external plant or equipment
- scaled drawings of any bat boxes
- specification of guttering and downpipes

Works to that building shall proceed only in accordance with the approved details.

Reason

To preserve the special interest of the listed building in accordance with Policies SD5 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 58 and 131 of the National Planning Policy Framework and Policies BE.7, BE.22 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 16

No works shall commence to a building other than structural stabilisation or non-invasive works to make it weathertight and secure or works in the interests of public safety until a Repair and Restoration Method Statement for the refurbishment works for that building has been submitted to and approved in writing by the Local Planning Authority. This shall include a schedule and the identification of areas for repair and restoration and address rainwater goods, brick cleaning, stone and brick repair methodologies and materials. Works to that building shall proceed only in accordance with the approved Method Statement.

Reason

To preserve the special interest of the remaining and retained adjacent listed building in accordance with Policies SD5 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 58 and 131 of the National Planning Policy Framework and Policies BE.7, BE.22 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 17

No works shall commence to Downings Malthouse or Downings Malthouse Extension other than structural stabilisation or non-invasive works to make the buildings weathertight and secure or works in the interests of public safety until a survey of the link bridge between the two buildings and a Method Statement for its repair and retention including materials to be used has been submitted to and approved in writing by the Local Planning Authority. The works shall proceed only in accordance with those approved details and they shall be undertaken either as part of the Phase of works to restore Downings Malthouse Extension or of the Phase of works to restore Downings Malthouse.

Reason

To preserve the special interest of the remaining and retained adjacent listed building in accordance with Policies SD5 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014,

Paragraphs 58 and 131 of the National Planning Policy Framework and Policies BE.7, BE.22 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 18

Prior to the commencement of works of alteration to the west-facing roof slope of Downings Malthouse Extension details of the balcony/dormer arrangement proposed to this roof slope (comprising scaled floor plans, elevations and sections including identifying the location of existing elements of the roof structure) shall be submitted to and approved in writing by the Local Planning Authority. The works shall proceed only in accordance with those approved details.

Reason

To ensure that these works are appropriate to their context and in the interests of protecting the character and appearance of the Conservation Areas and the special character of the listed building particularly with regard to retention of the existing roof structure, in accordance with Policies SD5 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 58 and 131 of the National Planning Policy Framework and Policies BE.7, BE.22 and BE.29 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 19

Prior to the commencement of any works to the kiln arches at basement/ground floor within Downings Malthouse, details of their part-retention, exposing of the lower remains and interpretation in the finish of the building shall be submitted to and approved in writing by the Local Planning Authority. Works shall proceed only in accordance with the approved details.

Reason

To secure the mitigation measures for the alterations proposed and in the interests of protecting the special character of the listed building, in accordance with Policy SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 131 of the National Planning Policy Framework and Policies BE.22 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 20

Prior to the commencement of any works to Downing Malthouse other than structural stabilisation or non invasive works to make the buildings weathertight and secure or works in the interests of public safety, or the demolition of the silo building at the south, an assessment of options for the structural proposals for the retained building along with scaled plans and sections of the proposed structural solution, shall be submitted to and approved in writing by the Local Planning Authority. The works shall proceed only in accordance with the approved details.

Reason

in the interests of protecting the special character of the listed building, in accordance with Policy SD9 of the Gloucester, Cheltenham and Tewkesbury Joint

Core Strategy Submission Version November 2014, Paragraph 131 of the National Planning Policy Framework and Policies BE.22 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 21

Prior to the commencement of external works of alteration to the Engine House details of the proposed fenestration of the building (comprising scaled, elevations and sections) shall be submitted to and approved in writing by the Local Planning Authority. The works shall proceed only in accordance with those approved details.

Reason

To ensure that these works are appropriate to their context and in the interests of protecting the special character of the listed building, in accordance with Policy SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraph 131 of the National Planning Policy Framework and Policy BE.22 of the Second Deposit City of Gloucester Local Plan (2002).

Note

Any alterations to the submitted and approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the local planning authority before commencement of work.

Note

The applicant/developer is advised to contact the Principal Waterways Engineer on 0303 040 4040 in order to ensure that any necessary consents are obtained and that the works comply with the Canal and River Trust's "Code of Practice for Works the Canal and River Trust".

Note

There may be a public sewer located within the site and the applicant is encouraged to investigate this. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. If there are sewers in close proximity to the works the applicant is advised to contact Severn Trent Water.

When submitting a Building Regulations application the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of proposals located over or within 3 metres of a public sewer. In many cases under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

Note

If a protected species (such as any bat, great crested newt, dormouse, badger, water vole, otter, white-clawed crayfish, reptile, barn owl or any nesting bird) is discovered using a feature on site that would be affected by the development or construction work all activity which might affect the species at the locality should cease. If the discovery can be dealt with satisfactorily by the implementation of biodiversity mitigation measures already approved by Authority then these should be implemented. Otherwise a suitably qualified ecological consultant or Natural England

should be contacted and the situation assessed before operations can proceed. This action is necessary to avoid possible prosecution and ensure compliance with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 (as amended) and the Protection of Badgers Act 1992. This advice note should be passed on to any persons or contractors carrying out the development/works.

Note

Bats are protected under the Wildlife and Countryside Act 1981 (as amended) and also the Conservation of Habitats and Species Regulations 2010 (as amended). To avoid possible prosecution under this legislation if a bat or evidence of bats using a feature on site is discovered during operations all work which might affect the species should cease and a licensed bat consultant or Natural England contacted and the situation assessed before work can proceed. This advice note should be passed on to any person or /contractors carrying out the development.

Note

This informative is given as a reminder to help you comply with the Wildlife & Countryside Act 1981 (as amended) and avoid possible prosecution. The Act makes it an offence to kill, injure or take any wild bird, and to intentionally remove, damage or destroy the nest of any wild bird while that nest is in use or being built. It is also an offence to take or destroy any wild bird eggs. In addition the Act states that it is an offence to intentionally or recklessly disturb any wild bird listed in Schedule 1 while it is nest building, or at (or near) a nest containing eggs or young, or disturb the dependent young of such a bird. If at any time nesting birds are observed on or close to the site then works which might affect them should cease and advice sought from a suitably qualified or experienced person. You are additionally advised that tree or shrub or hedgerow removal works should not take place between 1st March and 31st August inclusive unless a survey by a suitably qualified or experienced person to assess nesting bird activity during this period is undertaken. If it is decided on the basis of such a survey to carry out tree or shrub removal works then it should be ensured that it is done without harming nesting birds or their eggs and that this may require a suitably qualified or experienced person being in attendance. This informative should be passed on to any persons or contractors carrying out the development.

Decision:

Notes:

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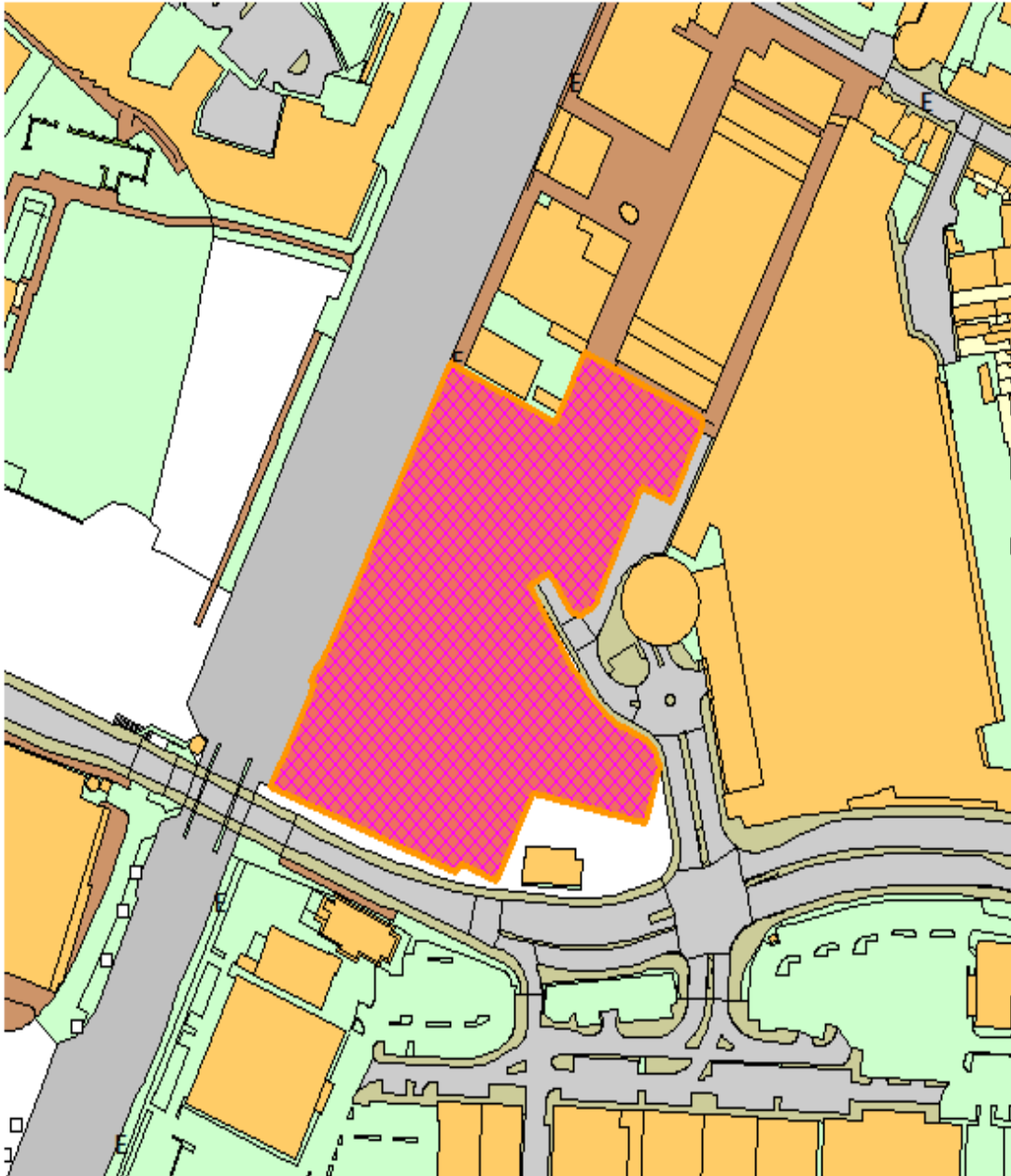
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Person to contact: Adam Smith
(Tel: 396702)

15/01144/FUL & 15/01152/LBC

Land At Bakers Quay Llanthony Wharf And Monkmeadow Bounded
By Southgate Street & St Ann Way Gloucester

Planning Committee 01.03.2016



GLOUCESTER CITY COUNCIL

COMMITTEE : **PLANNING**

DATE : **1ST MARCH 2016**

ADDRESS/LOCATION : **UNIVERSITY OF GLOUCESTERSHIRE
OXSTALLS CAMPUS, FORMER
DEBENHAMS PLAYING FIELD, FORMER
BISHOPS COLLEGE, PLOCK COURT**

APPLICATION NO. & WARD : **15/01190/OUT
LONGLEVENS**

EXPIRY DATE : **12TH JANUARY 2016**

APPLICANT : **UNIVERSITY OF GLOUCESTERSHIRE,
ASPIRE SPORTS AND CULTURAL TRUST
AND GLOUCESTER CITY COUNCIL**

PROPOSAL :

Outline planning application (with all matters reserved except for access) for the erection of a new 10,000sqm business school, the provision of new student accommodation (up to 200 beds) & the creation of additional car parking at the University of Gloucestershire Oxstalls Campus, Oxstalls Lane & the Debenhams Playing Field, Estcourt Road. Provision of new and improved sports facilities at Oxstalls Sports Park, Debenhams Playing Field, Oxstalls Campus & Plock Court Playing Fields, including on land currently occupied by the Former Bishops College, to include - the provision of new multi use sports hall, 2 x 3G all weather sports pitches with associated 500 seat spectator stand, floodlighting, replacement cricket pavilion & additional parking; improved vehicular access at Oxstalls Lane, Plock Court & Estcourt Road, new vehicular access at Estcourt Close, improved pedestrian & cycling connections & associated highways, landscaping & ancillary works.

REPORT BY : **ADAM SMITH**

NO. OF APPENDICES : **SITE PLAN**

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The application site encompasses the existing University Campus, the 'Debenhams' playing field at the rear of Estcourt Road and Estcourt Close and the allotment site between, the north east part of the former Bishops College playing fields, the Oxstalls tennis centre, and part of Plock Court playing fields at their southern edge (linking to the allotments road at the south east and

Tewkesbury Road at the west with a thin section of the playing fields). The masterplan for the proposals also includes the remainder of the Plock Court playing fields.

- 1.2 The University's Oxstalls campus caters for sport, leisure and performing arts studies. The Growth Hub was opened in 2014 and the new performing arts centre is almost complete. As well as the teaching facilities the campus houses a student union and student residencies (from 2002), as the campus has expanded since the original application in the late 1990s. The University also has student residencies in Gloucester at Ermin Hall on Denmark Road and Upper Quay Street, and two campuses in Cheltenham. A public right of way and national cycle route 41 run east-west through the site. North of this is an all weather pitch with a bund around to the north and east sides.
- 1.3 The Estcourt Park allotments site is a roughly rectangular piece of land situated to the west of the University campus across the Wotton Brook and is accessed from a lane off Estcourt Road to the south. Across the lane to the west is the Debenhams playing field. To the north the site borders the Plock Court playing fields.
- 1.4 The Debenhams playing field is a triangular piece of land currently laid out as grass for sporting activities, also including some overgrown vegetation towards the southern corner. It borders residential properties at Estcourt Road and Estcourt Close to the south and east and Estcourt Close allotments and Plock Court playing fields to the north.
- 1.5 The former Bishops College playing fields in this application are between the Plock Court playing fields to the north and the school buildings to the south. They border the Estcourt Close allotments to the east and the tennis centre and remainder of the college playing fields to the west.
- 1.6 The tennis centre sits between the two sets of playing fields and is accessed off Tewkesbury Road and Plock Court residential road via its own access road into its car park on the west side. As well as the indoor sports facilities there is an all weather pitch and outside tennis courts on the north side.
- 1.7 Plock Court playing fields comprise a large area between Tewkesbury Road at its western end and the allotments/University campus at its south eastern end. Oxstalls Drive properties are along the north eastern edge of the fields across the brook. It includes several grass pitches, a cricket wicket and at the western end a wetland area.
- 1.8 The application is made in outline form with all matters reserved other than access. Indicative plans have been provided showing how the development might be arranged across the site. This is an important point to note – the layout is reserved for future consideration and may ultimately be altered from what is on the indicative plans. However, given the various constraints around the site, it does appear likely that if granted permission a layout on these principles is likely to be brought forward. The proposals involve three principal

components; a new business school, new student halls and the provision of new sports facilities, plus a range of associated works:

The business school

- 1.9 A new 10,000 sq m business school of up to three storeys is proposed. As a comparison I understand that the existing facilities at the campus amount to 10,399sq m. This is a redevelopment and expansion of the business school which would be relocated from the Park Campus in Cheltenham. The indicative plan shows this on the northern part of the existing University campus where the existing all weather pitch is. An associated car park is also proposed to the east and northeast at the edge of the site with Oxstalls Way properties with an incursion through the bund to link the building and car park. The car park would be accessed from the main University Campus to the south, crossing over the public right of way. In the amended proposals the car park here has been extended further north, with two additional car parks also added, one in the triangle of land behind the existing student halls (rear of Oxstalls Lane and Oxstalls Way), and one in the south east corner of the campus just north of Cheltenham Road.

The student halls

- 1.10 New student halls of up to 200 rooms and three storeys in height are proposed on the Debenhams playing field. As a comparison I understand the existing accommodation on the site provides for 175 students. The indicative plan shows these roughly centrally located on the field with associated grounds and car park to the east/south east. An access would be provided off Estcourt Road at the location of the existing vehicular access to the allotments. In the amended proposals (now that the allotments are not proposed to be sited on the adjacent land) an access road is now also proposed off Estcourt Close, turning and running along the southern part of the field at the rear of the Estcourt Road properties to the student halls car park.

The allotments

- 1.11 As noted, the allotments were originally proposed to be relocated to the Debenhams playing field. This proposal has been removed and the allotments will remain in their current location.

Remainder of Debenhams playing field

- 1.12 After the withdrawal of the allotments relocation proposal, the remainder of this field around the student halls is now to be retained as open green space, with a 7x7 football pitch shown marked out to the north of the halls.

The sports provision

- 1.13 Two new '3g' sports pitches, a new stand, and a new two storey sports hall are proposed on the former Bishops College playing fields. The indicative plan shows this sports complex accessed from a new road in front of the Tennis Centre between it and the all weather pitch, with a car park to the east of the tennis centre.

- 1.14 A new cricket pavilion is proposed on Plock Court fields. The indicative plan shows this near to the boundary with the former Bishops College, to the east of the outside tennis courts.
- 1.15 As well as the 7x7 football pitch on the Debenhams field as mentioned above, the amended scheme also proposes a 5x5 pitch on the campus field between the brook and Estcourt Road.

Highways works

- 1.16 A new junction arrangement is proposed at Oxstalls Lane/Cheltenham Road, although this is outside the red line of this application (other than the works to expand the campus road)
- 1.17 Alterations are proposed to the tennis centre access road, realigning the carriageway slightly to improve visibility.

Amenity land, water features and landscaping

- 1.18 Given the amended proposals keep the allotments in place, the central parkland/wetland area (and associated widened channel, and lowering of land levels to increase the floodplain) that was originally proposed here is now also removed from the scheme.
- 1.19 A wetland area is still proposed on the field north of the University's all weather pitch (or as would be, north of the business school), comprising some local lowering of ground levels, attenuation dishes and a meander feature with reed bed. An informal orbital pathway is also proposed, linking round the edge of the field up to a new bridge crossing the brook from the field into the southern end of Plock Court.
- 1.20 Works are also proposed at the existing public rights of way including lowering or removing fences and the installation of a formal north-south path between the Tewkesbury Road end of Plock Court and the campus. Associated landscaping works are also proposed including works to the brook corridor.

Playing field reorganisation

- 1.21 As part of the mitigation for the loss of playing fields, it is proposed to reorganise the pitches on Plock Court. A more intensive layout of field as variously-sized football pitches, and a cricket square, is set out in the masterplan. The 5v5 and 7v7 pitches mentioned earlier are now also added into the proposals.
- 1.22 The application is referred to the planning committee given the scale and contentious nature of the application and as an application involving the City Council and its land with objections received.

2.0 RELEVANT PLANNING HISTORY

University campus

2.1 I understand that a college was first built on the site in around 1955 and expanded in the 1960s and 1980s. Recent planning history comprises the following:

92/01833/OUT

2.2 Outline application for the erection of a retail store, petrol filling station, construction of car park with associated landscaping. Refused 16.02.1994 and dismissed at appeal.

98/00451/FUL

2.3 Demolition of existing buildings, erection of learning centre, sports, science building, provision of car parking, artificial turf pitch & ancillary landscaping. Granted subject to conditions and a s106 to secure an inter-campus bus service and restrict the access to the Oxstalls Lane junction 19.04.1999.

00/00467/OUT

2.4 Erection of replacement student residences comprising of 5 no. three storey blocks – for a total of 40 bedrooms (Outline application although approval of access and siting sought at this stage). Granted subject to conditions 08.08.2000.

00/00766/FUL

2.5 Formation of floodlit all weather sports pitch (8 no. 12m high floodlights). Granted subject to conditions 05.07.2001.

01/00244/FUL

2.6 Erection of replacement student residences comprising 2 no. 2 storey blocks and 5 no. 4 storey blocks and a single storey common room / offices (revised proposal). Granted subject to conditions 03.07.2001.

05/00964/FUL

2.7 Erection of three storey extension with a two storey link to existing academic building with landscaping and ancillary works. Granted subject to conditions and 106 to provide funds for parking survey and parking zone 17.03.2006.

06/00007/FUL

2.8 Erection of a two storey extension Sports Science building. Alterations to internal access road and compensatory landscaping. Granted subject to conditions 01.03.2006.

14/00882/FUL

2.9 Construction of new performing arts centre with link to existing building and provision of replacement car parking spaces. Granted subject to conditions 27th October 2014.

15/01162/FUL

2.10 Installation of mobile floodlights to grass area north of All Weather Pitch. Granted subject to conditions 29th October 2015.

Oxstalls tennis centre

97/00023/OUT
2.11 Outline application for construction of tennis centre and replacement changing facilities. (County Council scheme). Granted subject to conditions 21.08.97.

99/00174/DCC
2.12 Reserved matters for construction of tennis centre and replacement of existing changing facilities. Approved subject to conditions 09.06.99.

11/00400/DDD
2.13 Erection of 9 no. 10m high lighting columns to outdoor tennis courts. Granted subject to conditions 11.05.11.

Bishops College
2.14 It appears from the history as though the school dates from the mid/late 1960s. There have been several proposals to extend and alter the complex.

03/EDP/901/79
2.15 Construction of an 'all weather' recreation (football training) area incorporating floodlights and boundary fencing. Granted subject to conditions 15.09.79.

1924305/MLA
2.16 Installation of 8 no. floodlighting columns (15m high). Granted subject to conditions 10.08.93.

95/00138/CPO
2.17 Erection of sports hall. Granted subject to conditions 4th May 1995.

95/00222/CPO
2.18 Extensions to school to provide additional teaching and office accommodation. Granted subject to conditions 18th July 1995.

08/00143/FUL
2.19 Erection of a 15 metre high wind turbine with 3 x 2.28m blades. Granted subject to conditions 25th March 2008.

Debenhams Playing field
P/689/64
2.20 Outline application for use of land for the erection of 10 houses. Refused 16.12.64.

3.0 PLANNING POLICIES

3.1 The following planning guidance and policies are relevant to the consideration of this application:

Central Government Guidance - National Planning Policy Framework

3.2 This is the latest Government statement of planning policy and is a material consideration that should be given significant weight in determining this application.

Decision-making

The NPPF does not alter the requirement for applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In assessing and determining applications, Authorities should apply the presumption in favour of sustainable development. For decision-making, this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent, or relevant policies are out of date, granting planning permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole; or
 - specific policies in the NPPF indicate development should be restricted.

Authorities should look for solutions rather than problems and decision-takers should seek to approve applications for sustainable development where possible.

Core planning principles

Planning should:

- Be genuinely plan-led;
- Be a creative exercise in ways to enhance and improve places;
- Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs;
- Secure high quality design and a good standard of amenity;
- Take account of the different roles and character of different areas;
- Support the transition to a low carbon future, take account of flood risk and encourage the use of renewable resources;
- Contribute to conserving and enhancing the natural environment and reducing pollution;
- Encourage the effective use of land by reusing brownfield land;
- Promote mixed use developments;
- Conserve heritage assets in a manner appropriate to their significance;
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable;
- Take account of and support local strategies to improve health, social and cultural wellbeing and deliver sufficient community and cultural facilities and services to meet local needs.

Building a strong, competitive economy

The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth.

Promoting sustainable transport

Seeks to ensure developments generating significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Decisions should take account of whether;

- The opportunities for sustainable transport modes have been taken up;
- Safe and suitable access to the site can be achieved for all people;
- Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented on transport grounds whether the residual cumulative impacts of development are severe.

Requiring good design

Emphasis is retained on good design, seeking to ensure that development will function well and add to the overall quality of the area, establish a strong sense of place, optimise the potential of the site to accommodate development, respond to local character and history while not discouraging innovation, ensure safe and accessible environments, and are visually attractive as a result of good architecture and appropriate landscaping. Permission should be refused for development of poor design that fails to take opportunities for improving areas.

Promoting healthy communities

Encourages the involvement of all sections of the community. Decisions should aim to achieve places which promote;

- Opportunities for meetings between members of the community who might not otherwise come into contact;
- Safe and accessible environments;
- Clear and legible routes, high quality public space that encourage use.

Decisions should also;

- Plan positively for shared space, community facilities and other local services;
- Ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

The importance of access to high quality open spaces is also emphasised.

Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location, or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

Meeting the challenge of climate change, flooding and coastal change

Seeks to secure reductions in greenhouse gas emissions, supporting the delivery of renewable and low carbon energy and associated infrastructure.

In terms of flooding, authorities should direct development away from high flood risk areas, but where development is necessary, make it safe without increasing flood risk elsewhere. The use of sustainable drainage systems is encouraged.

Conserving and enhancing the natural environment

Sets out that the planning system should contribute to and enhance the natural and local environment by:

- Protecting and enhancing valued landscapes, geological conservation interests and soils;
- Recognising the wider benefits of ecosystem services;
- Minimising impacts on biodiversity and providing net gains where possible;
- Prevention of unacceptable risks or adverse affects by pollution;

Authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight.

Authorities should aim to conserve and enhance biodiversity by applying the following principles;

- If significant harm cannot be avoided, mitigated or compensated for, refuse permission;
- Opportunities to incorporate biodiversity in and around developments should be encouraged;
- Refuse permission for development resulting in the loss or deterioration of irreplaceable habitats unless the need for and benefits of the development clearly outweigh the loss.

Developments should be prevented from contributing to or being put at unacceptable risk from soil, air, water or noise pollution, remediate and mitigate land where appropriate, and limit the impact of light pollution.

Conserving and enhancing the historic environment

Retains the general approach to protect and enhance heritage assets, and to require applicants to assess the significance of assets affected by development proposals, including any contribution made by their setting.

Authorities should identify and assess the particular significance of any heritage asset that may be affected taking account of the available evidence and expertise.

In determining applications, Authorities should take account of;

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality;
- the desirability of new development making a positive contribution to local character and distinctiveness.

Great weight should be given to the asset's conservation. The more important the asset, the greater the weight. Significance can be harmed or lost through alteration or destruction of the asset or development within its setting. Any harm or loss should require clear and convincing justification.

Where substantial harm or total loss of significance of an asset would occur, applications should be refused unless it can be demonstrated that this is necessary to achieve substantial public benefits that outweigh that harm or loss or all of the following apply:

- the nature of the asset prevents all reasonable uses of the site; and
- no viable use of the asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

Where a proposal will lead to less than substantial harm to the significance of a designated asset, this should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Authorities should look for opportunities for development within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

Planning obligations and conditions

Planning obligations should only be sought where they meet all of the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

Planning conditions should only be imposed where they are

- Necessary;
- Relevant to planning and to the development to be permitted;
- Enforceable;
- Precise; and
- Reasonable in all other respects.

The National Planning Practice Guidance has also been published to accompany and in part expand on the National Planning Policy Framework.

For the purposes of making decisions, the NPPF sets out that policies in a Local Plan should not be considered out of date where they were adopted

prior to the publication of the NPPF. In these circumstances due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF.

The Development Plan

- 3.3 Section 38 of the Planning and Compulsory Purchase Act 2004 has established that - “The development plan is
- (a) The regional spatial strategy for the region in which the area is situated, and
 - (b) The development plan documents (taken as a whole) which have been adopted or approved in relation to that area.
- If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy that is contained in the last document to be adopted, approved or published (as the case may be). If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

Local Plan

- 3.4 The statutory development plan for Gloucester remains the City of Gloucester Local Plan (Adopted 1983 and partially saved until the Local Development Framework is adopted). Under the terms of the NPPF, weight can be given to these policies according to their degree of consistency with the NPPF. Relevant saved policies are:

A.1a – Heights of buildings and protection of views

A.2 – Particular regard will be given to the City’s heritage in terms of archaeological remains, listed buildings and conservation areas.

T4.k – Provision of car parking at private development in accordance with the Council’s car parking standards

T6 – Measures will be introduced to encourage cycling

L1 – Retain public open space, provision with new development, and attempt provision where a shortfall has been identified

L1.a – Retain existing areas of public open space

L2.b – Seek to provide additional sports facilities on public open space in new developments

L5.b – Replacement provision of allotments

L6 – Maintenance of public footpath network

L6.a – Development of land crossed by a public right of way

- 3.5 Subsequent to the 1983 plan there has also been the City of Gloucester (Pre-1991 Boundary Extension) Interim Adoption Copy October 1996), and City of Gloucester First Stage Deposit Local Plan (June 2001).
- 3.6 Regard must also be had to the 2002 Revised Deposit Draft Local Plan. This has been subjected to two comprehensive periods of public and stakeholder consultation and adopted by the Council for development control purposes. This cannot be saved as it is not a formally adopted plan, however with it

being adopted for development control purposes it is still judged to be a material consideration.

2002 Plan allocations

- 3.7 Public open space (Policy OS.1)
Allotment (A.2)
Private playing field (SR.2) – Debenhams field and University campus
Landscape conservation area (LCA.1) – covers allotments site, west edge of campus site and Plock Court
Floodplain (FRP.4)
Cycle route (TR.32) – east/west across existing campus and south of allotments

3.8 2002 Plan Policies

- B.7 – Protected species
B.8 – Non-identified sites
B.10 – Trees and hedgerows on development sites
LCA.1 – Development within landscape conservation areas
FRP.1a – Development and flood risk
FRP.3 – Obstacles in the flood plain
FRP.5 – Maintenance of water courses
FRP.6 – Surface water runoff
FRP.9 – Light pollution
FRP.10 – Noise
FRP.11 – Pollution
FRP.15 – Contaminated land
BE.1 – Scale, massing and height
BE.2 – Views and skyline
BE.4 – Criteria of the layout, circulation and landscape of new development
BE.5 – Community safety
BE.6 – Access for all
BE.7 – Architectural design
BE.12 – Landscape schemes
BE.21 – Safeguarding of amenity
BE.31 – Preserving sites of archaeological interest
BE.32 – Archaeological assessment
BE.33 – Archaeological field evaluation
BE.34 – Presumption in favour of preserving archaeology
BE.36 – Preservation in situ
BE.37 – Recording and preserving archaeology
TR.1 – Travel plans and planning applications
TR.2 – Travel plans – planning obligations
TR.9 – Parking standards
TR.10 – Parking provision below the maximum level
TR.11 – Provision of parking for people with disabilities
TR.12 – Cycle parking standards
TR.31 – Road safety
TR.32 – Protection of cycle/pedestrian routes
TR.33 – Provision for cyclists/pedestrians
TR.34 – Cyclist safety

TR.38 – Public footpaths
OS.1 – Protection of public open space
SR.2 – Playing fields and recreational open space
SR.3 – Intensive use facilities and floodlighting
SR.4 – Indoor sports facilities
SR.5 – Designing for shared use
A.2 – Protection of allotments

Emerging Plan

- 3.9 In terms of the emerging local plan, the Council has prepared a Joint Core Strategy with Cheltenham and Tewkesbury Councils which was submitted to the Planning Inspectorate on 20th November 2014. Policies in the Submission Joint Core Strategy have been prepared in the context of the NPPF and NPPG and are a material consideration. The weight to be attached to them is limited; the Plan has not yet been the subject of independent scrutiny and does not have development plan status, although the Examination in Public has been ongoing since May 2015. In addition to the Joint Core Strategy, the Council is preparing its local City Plan which is taking forward the policy framework contained within the City Council's Local Development Framework Documents which reached Preferred Options stage in 2006.

On adoption, the Joint Core Strategy, City Plan and any Neighbourhood Plans will provide a revised planning policy framework for the Council. In the interim period, weight can be attached to relevant policies in the emerging plans according to

- The stage of preparation of the emerging plan
- The extent to which there are unresolved objections to relevant policies; and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the National Planning Policy Framework

- 3.10 The following policies are of relevance and the plan is subject to representations through the consultation which affects the weight that can be attributed to the policies:

SD1 – Presumption in favour of sustainable development
SD2 – Employment
SD4 – Sustainable design and construction
SD5 – Design requirements
SD7 - Landscape
SD9 – Historic environment
SD10 – Biodiversity and geodiversity
SD15 – Health and environmental quality
INF1 – Access to the transport network
INF2 – Safety and efficiency of the transport network
INF3 – Flood risk management
INF4 – Green infrastructure
INF5 – Social and community infrastructure
INF7 – Infrastructure delivery
INF8 – Developer contributions

All policies can be viewed at the relevant website address:- Gloucester Local Plan policies – www.gloucester.gov.uk/planning; and Department of Community and Local Government planning policies - www.communities.gov.uk/planningandbuilding/planning/.

4.0 CONSULTATIONS

4.1 Sport England originally objected to the application.

Sport England also provided a separate letter at that time setting out the view of the National Governing Bodies (NGBs):

The Football Association (FA) advises that the proposal would help to address a number of issues highlighted in the draft Playing Pitch Strategy (PPS), including raising the quality of grass pitch provision at Plock Court, increasing use of pitches, additional changing rooms, provision of 3g artificial grass pitches and an improved grass pitch maintenance programme.

The FA raises several further issues around phasing the loss and provision of pitches; need for perimeter fencing; need to meet FA, FIFA and other bodies' specifications, need for a community use agreement, potential conflict between sports' demands, traffic management of access road, clarity about changing rooms facilities is needed.

The Rugby Football Union (RFU) supports the proposal, noting the current absence of a World Rugby compliant surface for community clubs (assuming a community use agreement), and that it would address over-play of existing pitches used for training as well. It also notes the need for technical compliancy.

England Hockey notes that the potential loss of the University hockey pitch creates more uncertainty about the future of hockey in the City, and that there are no obvious benefits to hockey in the proposals. It is unclear what mitigation is offered for the loss, although it notes the potential for the 3g pitches to free up training slots on the existing sand based pitch at Oxstalls, or a contribution to resurfacing other pitches in the City.

England and Wales Cricket Board (ECB) notes the loss of the Debenhams cricket pitch, and that it was last used two years ago, with the poor quality of changing facilities a contributing reason to the club folding. The provision of the pavilion at Plock Court would enhance the experience of cricketers. It does raise concerns about; lack of information about the current quality of the Plock Court square and any remedial work needed, no details of the pavilion and why it is a standalone building (including necessary standards to be met). The ECB was unable to support the proposal until further information is provided demonstrating appropriate compensation for the loss of the cricket ground.

The Lawn Tennis Association (LTA) notes that the proposals will not directly affect tennis at the site although the increase provision of facilities will potentially enhance and increase tennis participation.

Sport England subsequently provided an amended response following the submission of the amended proposals. Sport England has now withdrawn its objection, on the basis of the imposition of 5 conditions on any planning permission. If those conditions are not included, their objection would remain. The conditions are to; secure the appropriate technical specification of the artificial grass pitches; to secure the appropriate technical specification of the sports hall; to secure the appropriate technical specification of the cricket pitch; to secure a community use agreement to provide for the effective community use of the sports facilities; and to secure a management and maintenance scheme for the sports facilities.

Specifically, Sport England notes the following in its updated response:

It welcomes cricket becoming a key feature of the new hub site;

It welcomes the prioritisation of the Plock Court sand based pitch for hockey, and the loss of the current sand AGP is accepted by England Hockey, provided this commitment is delivered;

The proposals still do not meet Sport England's exception policy E4 (playing field lost would be replaced, equivalent or better in terms of quantity, quality and accessibility);

The provision of the AGPs would accommodate the usage that would be provided by natural turf pitches if the former cricket site (*Debenhams field*) was laid out for football and/or rugby;

The provision of the sports hall could possibly meet Sport England's exception policy E5 (development is for an indoor/outdoor sports facility of sufficient benefit to sport to outweigh the detriment caused by the loss of playing field) – but for this to happen there needs to be a community use agreement and the hall needs to be designed to Sport England's technical guidance;

The car parking for the sports hall would meet Sport England exception policy E2 (development is ancillary to the principal use of the playing field and does not affect the quantity/quality of pitches).

- 4.2 The Environment Agency raises no objection.
- 4.3 The Lead Local Flood Authority (County Council) raises no objection subject to a condition to secure details of the drainage strategy. The sequential test and future management and maintenance of SuDS are not within their remit to comment on.
- 4.4 The Highway Authority raises no objection subject to conditions to securing the implementation of the Cheltenham Road/Oxstalls Lane/site access junction prior to occupation of the business school; securing of the improvement works to Plock Court access prior to construction works for the sports facilities; securing details of the access from Estcourt Close and of measures to restrict vehicular access from the allotments lane prior to occupation of the student halls; securing improvements to the public right of

way prior to the occupation of the student halls; securing details of the junction of the business school access road and the public right of way prior to the car park being used; securing details of pedestrian crossing facilities on the sports hall access road prior to use of the car park; securing pedestrian links between parts of the development; securing the Oxstalls Lane access as the sole access to the University campus; securing the new car parking for the business school, for the student halls, and for the sports facilities; and the improvements to the University campus overspill spaces; securing the new cycle spaces for the business school, for the student halls and for the sports facilities; securing on street parking surveys in relation to the phased occupation of the business school and the student halls and the requirement for mitigation should the surveys demonstrate that displaced demand from the development leads to blocked or congested streets or pavement parking; securing an event management plan prior to any community sports event; securing a construction method statement for the construction period; securing facilities for plug in low emission vehicles; and securing a Travel Plan.

- 4.5 The Highways Agency raises no objection.
- 4.6 Severn Trent Water has not commented.
- 4.7 The Civic Trust considers the amended scheme to be acceptable. It recommends strict conditions on archaeological investigations.
- 4.8 The Police Liaison Officer has raised several observations that may be summarised as follows:
Management, lighting and CCTV of car parks and access routes for safety and security;
Impacts on neighbouring plots;
Control and management of vehicular access;
Fencing and gates to create secure environment and provide designated routes through;
Student security;
Student accommodation should be to secured by design standard;
Control and management of access to campus to prevent crime and anti social behaviour;
A formal boundary should be considered along the front of the new development;
Planting should not restrict surveillance, assist climbing or hiding or grow over paths;
Use low level planting to prevent access to ground floor windows and trees should allow clear lines of sight;
Access to and around the spectator stand should be controlled to prevent misuse or criminal damage;
Use ball barriers to pitches to prevent nuisance;
Consider increased traffic and impact on neighbours/parking;
Road edging to prevent inappropriate access and parking;
Consider drop off locations;

Student accommodation appears to have limited parking options given potential volume of cars;
Vehicle barriers to footpath entrances;
Cycle stands to suitable specification and locations;

- 4.9 The Drainage Engineer notes that due to the retention of the allotments there will no longer be a restoration of the floodplain and so the provision of c.5,000m³ of additional flood storage volume will no longer happen. He also notes that the proposed removal of the artificial embankment between the brook and allotments and the proposed wetland habitat will now no longer happen. Given these changes the surface water runoff from the student halls would be routed in a swale around the allotments.

From a flood risk and ecology perspective it is a great shame these works are not to be carried out, but the developer was under no obligation to include them and their removal does not jeopardise consent. Some more minor flood risk improvement works would be carried out.

He does not agree with all of the content of the sequential test submission but overall it is robust and the sequential test is passed.

Conditions are required to secure SuDS drainage details and their maintenance.

- 4.10 The City Archaeologist raises no objection subject to a condition to secure further archaeological work for parts of the site.
- 4.11 The Urban Design Officer raises no objection.
- 4.12 The Landscape Architect makes several observations.

Poor maintenance of Cheltenham Road frontage. Junction changes could reduce width of pavement/verge so could treatment of this area be included in the landscape improvements;

Querying replacement of TPO trees;

Phasing needs to ensure new pitch facilities are provided prior to loss of existing;

Sport England's current objection to loss of private playing fields is generally in line with the Council's policy position;

The Council's playing pitch strategy includes an artificial grass pitch strategy which supports the development of a multi-pitch sporting hub at Plock Court/Oxstalls Sports Park/University. This should not be at the expense of losing existing facilities and extensive mitigation would be necessary;

Just because there is current capacity at Oxstalls AGP doesn't make the loss of the University AGP acceptable. How would the agreement be tied to the consent?;

Retained parts of Debenhams field would just become amenity open space, the playing field function would be lost;

Preference to retain the two birches behind the existing students halls within the new car parking;

Planting buffer along eastern boundary of campus cannot be dense and tall growing - i.e. cannot shade out the residential gardens;
 Queries public access to campus open space and outdoor facilities and how trespass/ASB would be dealt with;
 Queries surfaced path across Plock Court – form, maintenance, EA consent and lighting (and costs of lighting);
 Retention of allotments is welcomed;
 Concerned about weakening allotment security along the stream-side boundary;
 Queries tree management along brook;
 Queries vehicular arrangement along the existing track at the allotments site – formalisation, general public use; any restrictions on access and how, student drop off/pick up, surfacing and parking, management of hedgerow next to the Debenhams field, lighting and costs;
 Queries impact on business school sunken parking on TPO trees;
 Concerns about intrusiveness of business school car parking and design needs extremely careful consideration to minimise impact;
 The bund to north of business school should be minimised so a connection between the building and landscaping can be established;
 Lighting design should minimise intrusion to gardens;
 Queries any additional bunding;
 Queries how access would be limited for the students halls access off Estcourt Road, lighting and drainage to this area and buildings;
 Queries how to minimise intrusion of lighting and ball stop fencing for sports facilities to adjacent sites;
 Requests clear indication of the % public use of the new 3g facilities and existing hockey AGP, and a community use agreement, to ensure public benefit;
 Treatment of new cricket pavilion needs careful consideration and needs further detailed advice from ECB/GCB;
 Further information requested about the artificial cricket wicket and outfield, and campus 5 a side pitches;
 Clarification sought on securing the improvements to the Plock Court pitches and equipment bank;
 Clarification sought of shading effect of spectator stand and hedge/tree screen to allotments;
 Concerns about area to rear of existing student halls in terms of loss of amenity space and buffer to residential properties, and loss of trees;
 Permeable surfacing should be used for new parking areas;
 Queries lighting to parking areas;
 New lighting needs to indicate effect on foraging bats and mitigation measures;
 Habitats for protected species need to be considered.

4.13 The Tree Officer raises no objection subject to conditions to secure tree planting mitigation for the loss of existing trees, a suitable landscaping plan, and tree protection measures during construction.

4.14 The Planning Policy Department has not commented.

- 4.15 The Environmental Protection Officer raises no objection subject to securing by legal agreement the provision of an on site student management team for the student halls, the establishment of a residents' liaison group, and provision to manage taxi drop offs (*see discussion in the Officer Opinion section of the report), plus conditions to control hours of construction, restricting burning, details of the proposed noise barrier, and details of floodlighting.
- 4.16 The Contaminated Land consultant raises no objection subject to the standard contaminated land condition requiring further staged works.
- 4.17 The Council's Streetcare Officer on waste has not commented.

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1 333 neighbouring properties were notified, and 3 site notices and a press notice were published.
- 5.2 309 representations have been received. The issues raised may be summarised as follows:

Allotments (received in response to first consultation when proposal was to relocate them)

- The allotments should remain where they are;
- It being a well used asset to the City; health benefits to tenants; breaking up of a community; visibility and educational interest;
- Offering plottolders like for like provision is not achievable - not enough space on the new site; including extension of residents' rear boundaries;
- Conflicting information about size of new site – question the available land;
- Impacts of removing/relocating allotments – condition of soil, ecology, cost, transporting items, loss of crops that cannot be located, investment made by tenants will be lost,
- Difficulties of starting plots again;
- Logistics of undertaking relocation with no delay; no proposals for managing relocation;
- The relocation of the allotments is not necessary to complete the business school and student halls; justification requires further explanation;
- The presence of allotment tenants on the current site would benefit students in terms of safety;
- Quality of soil in new location not acceptable nor is proposal to bring in topsoil;
- Contamination in proposed site; also from dog faeces; question validity of sample of current site showing contamination with lead;
- Shading of proposed allotments by proposed buildings and flawed assumptions as to the 'growing season';
- The proposed allotments would be wet;
- Roots systems of existing hedges would make some plots on new allotment site virtually unproductive for many years;
- Security of new allotment site;
- Having to walk further to reach the proposed site;

- Proposed drop off point is unacceptable – too far away from some plots; also impact on neighbouring properties from manure drop off, recycling, etc;
- A compromise could be reached with further consultation;
- Other alternatives for the allotment vehicular access are available;
- Current allotment site doesn't flood;
- Compaction of soil by machinery;
- Boundaries to adjacent residents too narrow;

Comments to the proposals with allotments retained:

- Changes to boundaries and risk to security of allotments;
- No details of use of access road, allotments parking and increased flood risk;
- Runoff proposals threaten allotments;
- Need details of control of access and parking in allotments access lane;
- Footpaths and bridges compromise security of allotments;
- Need more barriers around allotments;

Amenity

- Impacts on amenity from floodlighting and lighting to car parks,
- Impacts of proposed student halls – noise pollution, anti social behaviour, light pollution, traffic movements, overbearing, overlooking, visually intrusive, it should be sited where the landscaped park is, it should be sited on the existing campus;
- Vehicular access to student halls should be via Oxstalls Lane;
- Noise and light studies must be re-run to establish alternative solutions to the banks and trees that have been removed as mitigation measures;
- Need for an effective aural and visual barrier between student halls and houses;
- No details about landscaped screen; effects of overshadowing, structural damage and taking water from rear gardens;
- Landscape buffers are unnecessary;
- Object to route for students into city centre being through allotments behind houses;
- Total increase in student population with other development should be considered in unison;
- Alternative options should be proposed;
- Should be moved further east – outside floodzone and lessens impact on neighbours;
- Should be sited next to the business school;
- Shouldn't be sited next to the business school due to increasing impact on Oxstalls Way residents;
- Access road off Estcourt Close another intrusion on privacy, noise and light pollution, anti-social behaviour and security;
- Impacts of business school – too high at 3 storeys, light pollution, overlooking, overshadowing;
- Impact of business school car park / building site at bottom of gardens;
- Alternative sites for business school car park that would not affect homes;
- Needs to be a buffer between car park and Oxstalls Way properties;
- Air pollution, privacy, noise, light pollution;

- No information on hours of operation;
- Impacts of sports hall – too high, overbearing, traffic and noise, light pollution
- Should be positioned behind tennis centre or further back into the field;
- Will be like living in an industrial estate;
- No landscaping proposals;
- Noise and disturbance from spectator stand and pitches;
- Impacts from floodlighting, and lack of detail;
- Impacts of barriers and perimeter fencing;
- Air pollution;
- Impact of allotments and their access in close proximity to residents – structures, privacy, maintenance;
- Impact of construction traffic;
- Overshadowing of allotments by buildings and landscaping;

Design, landscaping and community safety

- Student halls out of scale, out of character with surroundings;
- Unsympathetic siting;
- Security of neighbouring properties if site opened up to public and 2000 more students;
- Shame if planting around all weather pitch is removed;
- Sections of the site will be virtually completely hidden from view;
- Concerns about density of development / inefficient use of land;
- Sports centre should have tree screening on sides facing Gambier Parry Gardens;
- No materials specified for the proposed sports centre;
- No information about building design;
- Access off Estcourt Close changes character of close and makes vulnerable in terms of security;
- Changes landscape and character of area by building on Debenhams Field;

Highways

- Increased parking on local roads, problems with parking currently from large amounts of student and staff through the day in term time, including obstructing the pavement and bus stop; measures are ineffective; impact on local businesses; parking already dangerous in surrounding areas – more yellow/white lines required; parking survey flawed; parking should be provided on Debenhams field; insufficient parking for teams using Plock Court;
- Insufficient parking proposed; all parking should be accommodated on site; University should review its rules on parking;
- How do new spaces on site relate to the demand from the new development?;
- Other provision - multi storey car park should be built, car park at campus entrance, use of green verges/recreation areas at the campus;
- If not room for enough parking on site then reduce development;
- Increasing parking provision on site will only encourage more traffic into the area and is against green policy;
- Actual number of proposed students not established;
- Increased volume of traffic and impact on junctions; junctions not sufficient;

- Mitigation measures not effective;
- Alternatives for the junction should be put forward; query a roundabout or traffic lights at the Oxstalls Lane/Cheltenham Road/University access; should construct an access/exit for campus off Estcourt Road/roundabout; need pedestrian crossing at end of Oxstalls Lane and junction, and at University end of Estcourt Road; traffic lights at Cheltenham Road junction would worsen congestion; box junction would give priority to those using campus; traffic lights would encourage use as rat run; previous introduction of temporary lights caused even greater congestion on a key transport artery; access should be proposed to Estcourt Road/Estcourt Road slip road; or from Plock Court/Tewkesbury Road;
- Students will not use public transport;
- How will University encourage cycling?;
- In hindsight it would have been better to have had the Tesco development that was proposed and objected to;
- Increased danger for those using bus stop;
- Access point for student halls; no need for pedestrian or vehicular access from Estcourt Close; exacerbation of traffic problems and parking, and difficult to access by large and emergency vehicles; unsuitable for additional vehicles;
- Use of existing vehicular access adjacent to bungalow only used for maintenance – unacceptable for general use;
- University should commit to a shuttle bus from city centre accommodation to campus;
- Access to halls should be from University site only;
- Safety issues for users of Debenhams field because of the access road;
- Need to retain access track and parking next to allotments for plotters;
- Access to current allotments (proposed to student halls) is too narrow to be safe and also a national cycle route and pedestrian right of way; access to business school across these; car park north of this may not be right location; the second existing access from Estcourt Road is also too narrow to be safe; unclear on footpath proposals;
- Plock Court access not fit for purpose; traffic impacts in Plock Court;
- Need a combined vehicular/pedestrian control system at Plock Court junction or physical measures to prevent right turn from the hospital;
- Could access through Fairmile Gardens and take Gala Club away;
- Service road to sports park should be extended to Tewkesbury Road to avoid residential cul de sac; with a traffic light controlled junction;
- Objections to controlled parking zone/residents permits proposal – insufficient information, costs borne by residents after 3 years, object to paying to park outside own home, University/Council should pay not residents, would only push problem further away, different payment arrangements should be proposed, controlled area should be extended, adverse impacts on businesses, do not want lots of signs, road marking, pay and display machines and permits to tackle a non-problem, student residents on site could buy a permit;
- Should be a controlled parking zone but residents should not have to pay; not against controlled parking if for certain times of the day e.g. 9am to 6pm); yellow lines should be all over not just a few;
- Highways proposals and impacts are unclear;

- Incentives for students to use public transport have failed; inadequate public transport along Tewkesbury Road; Cheltenham Road has no potential for bus priority route; can public transport cope with numbers?;
- Cumulative impact with residential development at Longford, Twigworth, Innsworth, Bishops College, Civil Service site;
- Provision of better links between sites not clear;
- Impact and routing of construction traffic; exacerbation of vehicular usage of Estcourt Road/Estcourt Close;
- Event Management Plan must be a condition of consent;
- Cyclists influence in traffic management issues;

Sports provision

- Net loss of sports facilities;
- Reduction in size of Plock Court; object to any of Plock Court being sold or given away; general reduction in green space; intensified use of Plock Court for pitches inhibits general recreational use; destruction of Plock Court community; Plock Court too wet to provide decent cricket pitch; access to Plock Court should not be reduced; would prevent current parking provision at south east end of Plock Court for users; access should be improved with a right of way from Estcourt Road through gated entrance;
- Debenhams Playing fields should be solely for recreation purposes; this playing field used for sport and informal leisure, proposals would lose an area of local space and pitches - in increasingly short supply locally and in City; currently two cricket pitches at Debenhams playing fields so one at Plock Court is overall reduction, also reduced quality of pitch;
- New footpaths across Debenhams field could be harmful to residents, reduce sports opportunities;
- Waste of public money to remove all weather pitch after short time;
- Cannot allow when have allowed Former Civil Service Sports Club to be demolished and become an eyesore;
- New pavillion, floodlights and 500 seat stand not necessary;
- Scheme is not providing more open spaces;
- Sports provision only considered the requirements of league teams
- Outdoor gym facilities could be proposed;
- No details on size of 500 seat stand, when it would be used or noise impact;
- Requirement for additional changing room and toilet facilities for additional pitches at Plock Court;
- Will University facilities be open to the public when not in use by University?;
- No details of plans to improve pitches;
- Sport England's response does not demonstrate a full understanding and should be given no weight;

Ecology

- Presence of bats in vicinity;
- Any rehousing should be done in accordance with guidelines;
- Who controls demolition of the pavilion to protect bats?;
- Removal of trees and bushes that contain wildlife;
- Impact of proposed lighting and bridges on species;
- Negative impact on ecology of wetlands/leisure park; wetland proposals bring no ecological benefit;

- Loss of habitat;
- Net loss of biodiversity;

Flood risk

- Increased flood risk;
- Should be no more building in flood plain;
- Impacts not clear;
- No benefit in lowering the site level;
- Inaccurate information – allotment does not flood/does not flood frequently – did so on one occasion in 2007 in extraordinary conditions;
- University owns land that could accommodate compensatory measures if necessary – swales on Debenhams fields, and overspill sites on the University side of the brook;
- Provision of bridges could negate flood risk works done elsewhere;
- More sense to put balancing ponds on Debenhams field – save allotments;
- No flood mitigation measures for Debenhams field;
- Proper surface water runoff management;
- Consider alongside other development in area;
- Altering flow of brook will increase flood issues;
- Flood alleviation work required to deal with business school runoff;
- Wetland proposals will exacerbate flooding;
- Swales would occasionally flood allotments;
- Should use the dry ditch next to allotments access track for excess rainwater;

Consultation

- Permission should not be granted without further, in depth, well publicised, accessible and meaningful public consultation that takes place over a longer period of time;
- More local residents should be notified directly;
- Should extend date for comments;
- Object to consultation period over Christmas;

Local Plan

- Debenhams field listed as public open space, application conflicts with the policy;
- Application fails against Policy SR2 of 2002 Second Deposit Local Plan (playing fields and recreational open space);
- Application fails against specific 2002 Plan policies – compliance is only with the general ones;
- Applicant relies on the 2002 Second Deposit Local Plan but also claims the proposals map is out of date;

General

- Needs more detailed plans;
- Development should be for the good of all Gloucester citizens; masterplan could be considerably tweaked for benefit of residents and students; wetlands/leisure park not of benefit to community;
- Growth is good and necessary but not at any cost;

- No secondary school in the area – has that been considered?; Bishops College should be allocated for secondary school education;
- A development of this scale will destroy the local neighbourhood;
- De-valuation of properties; compensation for impacts;
- Complaints made to University for years about behaviour, language, parking and noise with no action;
- Preventing residents using back gates onto adjoining fields;
- If the Committee feel constrained to grant permission then the scope and extent must be significantly scaled back;
- Failure to consider all reasonable alternatives for locating development; University should find a brownfield site; could be sited on land by Estcourt Close; Bishops College; better sited near city centre or Blackfriars, railway triangle, Ladybellegate Street, Bristol Road, Redcliffe College, or in Cheltenham, or elsewhere on campus site;
- Work has already started;
- The presence of a University in any city immediately downgrades the city;
- Oxstalls is a sports campus so what relevance has a business campus on the site;
- The medical facilities have not been given a lot of thought;
- University could lose students, not gain them – question growth figures;
- Should defer to consider with Bishops College redevelopment;
- An acceptable financial plan should be conditioned so time dependent proposals are catered for and implementation schedule;
- Cheltenham Road surgery already full – development will worsen; why not build a surgery in University grounds; impact on local infrastructure generally;
- Need to retain parking for occupants and users of the retail units at Oxstalls Parade (junction of Oxstalls Way/Oxstalls Lane) free of charge, for sustainability of businesses;
- Restrictive covenants on Debenhams field;
- Impact on residents of utilities connections;
- Should be no footpath from relocated allotments to University as no need;
- Should be no pedestrian access from Estcourt Close;
- No other material considerations to outweigh the lack of compliance with development plan;
- An application has been made to the County Council for path across the Debenhams field to be included as a Right of Way; if granted, area for allotments would be significantly reduced; planning application should not be determined until the Right of Way application is determined;
- Should discourage use of bank of stream as is dangerous;
- Increase in litter;

Comments in favour may be summarised as:

- Support in principle University's aspiration for greater presence in city as recognise economic and social benefits;
- Very much in favour of new business school – can only be good for Gloucester – will bring additional income and life to the City;
- Students park on Grafton Road during weekday mornings – they are not a problem – when lectures are over they drive away;
- Development is ok to go ahead but no controlled parking zone;

- If University grows then the City and surrounding areas will benefit in the long term;
- Support proposed alterations to the Oxstalls Lane/Cheltenham Road junction;
- Support modified access to the campus;
- Agree with permit-only parking scheme – will help with parking problems;
- Widening of tennis centre access road welcomed;
- Increase in cycle provision welcomed if it reduced on-street parking;
- Welcome decision not to relocate allotments;
- Welcome additional parking in revised proposals;
- Welcome improvements to Cheltenham Road/Oxstalls Lane junction;
- Benefits from improvements to sports facilities and community use;
- Support proposal if parking at Oxstalls Parade remains unrestricted and free;
- No city has been successfully regenerated without a key role played by its University;
- Financial benefits from new students;
- Benefits from likely investment in food and beverage outlets;
- Benefits to economy and culture of City;
- Pleased with new footpaths through Debenhams field;
- Overall gains from development far outweigh the objections so trusts consent will be granted.
- Finally it should be noted that a number of representations noted that they were not against further development in principle but raised concerns as summarised.

5.3 The full content of all correspondence on this application can be inspected at Herbert Warehouse, The Docks, Gloucester, prior to the Committee meeting, or via the following link:

<http://planningdocs.gloucester.gov.uk/default.aspx?custref=15/01190/OUT>

6.0 OFFICER OPINION

6.1 It is considered that the main issues with regard to this application are as follows:

- Sport and play facilities
- Economic implications
- Design
- Trees and landscaping
- Traffic and transport
- Residential amenity
- Flood risk and drainage
- Archaeology
- Ecology
- Contamination
- S 106 obligations

6.2 The proposal to relocate the allotments is now removed from the scheme. There are no proposals to change the current situation for the existing

allotments in terms of their use or operation and this includes existing parking arrangements.

- 6.3 The student bedrooms are not traditional residential units. However they would at least give some relief to housing stock that could otherwise be in demand from students. In this way they would make a modest positive contribution to addressing the pressure for housing in the City.

Sport and play facilities

- 6.4 The application involves several alterations to existing sports provision. In terms of losses:

The loss of the University's sand artificial grass pitch (replaced by the business school);

The partial loss of the Debenhams field – used for a cricket pitch and it seems at some point as a football pitch judging from the PPS and representations (replaced by the student halls and access). The Debenhams playing field is in private ownership although access is fairly unrestricted and it appears to be used for dog walking, etc and this is borne out in representations;

The loss of part of the former Bishops College playing fields (replaced by the sports hall and 3g pitches). I understand although the school is closed the fields are let out to Aspire for public use.

- 6.5 As background to the proposals the applicants note the importance of sport, obesity and healthcare implications and that across all age groups the City records the lowest sport and physical activity participation rates in the county. They also report the University's strategies and schemes for promotion of sports although the impacts are limited because of the lack of high quality facilities.

- 6.6 The proposed Sports Hub is envisaged as a single management structure with expert staff and volunteers proposing the following:

Provision for existing elite sport teams;

Elite sport development including provision for new national franchises and regional centres of excellence;

Development supported by the University's research, expertise and resources;

Open for access to the community at all times apart from those required in the day time for the University's curriculum needs.

- 6.7 Specifically the following facilities are proposed:

Improve/bring back into service;

- 6 full size grass football pitches
- 2 junior 9v9 pitches
- 3 junior 7v7 pitches
- 1 cricket pitch with a new artificial wicket and a junior artificial wicket

New facilities;

- 2 IRB/FIFA compliant 3rd generation Astro turf pitches
- 12 court indoor sports hall with bleacher seating, 6 changing rooms and additional classroom/flexible space
- 500 seat grandstand, pitch barrier and concrete surround for spectator events
- 4 additional changing rooms
- 1 cricket pavillion (possibly a freestanding building, possibly part of the other buildings)
- 1 7x7 football pitch on the Debenhams field
- 1 5x5 football pitch on the campus field between the brook and Estcourt Road

Retention of existing tennis centre, hockey astroturf and changing rooms.

Mitigation for losses

- 6.8 As background, the PPS identifies current shortfalls in football and rugby with this likely to increase in future. There is sufficient capacity within the City to accommodate current and future demand on existing cricket squares however there is a lack of access to high quality playing and ancillary facilities. Hockey demand is currently met but future demand may not be in light of potential pitch loss.

Hockey

- 6.9 Concerns are raised regarding the loss of the University Campus artificial grass pitch. The applicants set out that the standard of hockey provision can be maintained by transferring demand to the artificial grass pitch at Plock Court – new management provisions are proposed to ensure hockey bookings are prioritised and reserve slots for youth development. This pitch also seems to be in better condition than the University AGP that would be lost. Football bookings would in turn be transferred onto the 3g pitches. This is a key mitigation measure in respect of Sport England’s concerns. A timetable has been submitted to seek to demonstrate the commitment but I consider that this would need to be secured by condition, and is proposed to be dealt with by the community use agreement.

Cricket

- 6.10 Concerns are raised about the loss of the Debenhams field wicket. The applicants note that the PPS indicates that there is not the demand for two cricket pitches in the area. This is also a key point in responding to Sport England’s comments. The PPS notes that Plock Court cricket wicket is underused, and that it previously had 6 squares that could be reinstated and the one square is currently standard quality. The applicants explain that it is unused due to the lack of a pavilion.
- 6.11 The applicants maintain that the standard and availability of cricket facilities would be enhanced by restoring and improving the square with senior and junior artificial wickets and a new pavilion at Plock Court, and that the proposals would deliver the recommendations of the PPS. The sports hall

could also provide for indoor training. The cricket facilities would be able to be used by the University teams, local clubs or schools. The applicants are content that the Cricket Governing Body's specific requirements for the pavilion can be dealt with in the detailed design. Sport England requires the new cricket pitch to be to an appropriate technical specification, that it is managed and maintained to an agreed arrangement and that community use is secured. These are proposed as conditions.

General

6.12 The applicants also propose that the scheme would deliver enhancements in the following ways –

- Provision training in winter/poor weather conditions (notably this is a recommendation for rugby to protect pitches for matches);
- Access to support facilities over and above most team's existing pitches;
- Ability to host football 'pathway' schemes – youth levels, futsal, walking football, etc, as well as other schemes such as 'Football mash up', coach education and skills centres;
- Flexible pitches to provide for youth football;
- Provision for netball to focus on the City transferring from Bentham, also county and regional development programmes require a suitable home;
- Focusing hockey on a single site, helping opportunities for progression;
- Scope for development of a basketball franchise in the national league structure;
- Activity within badminton pathway for example the Badminton Gloucestershire Performance Centre within a larger 12 court centre;
- Use of 3g pitches and indoor facilities by local professional clubs;
- Scope for collaboration between disability sports clubs and hub to act as a beacon for inclusive sports development;
- Provision for higher education students;
- Provision for enhanced demand from local residents.

The applicants have also now clarified the intention for a programme of pitch improvements and maintenance for Plock Court; improve the quality of pitches from poor to standard by 2020 and from standard to good by 2025 (involving scarification, aeration, overseeding, fertilising and top dressing), and subsequent enhanced maintenance based on a technical assessment of the pitches by the FA; and developing a shared equipment bank.

They have also now noted that the retained part of Debenhams field would be used for a 7 a side grass football pitch.

6.13 As already noted, a community use agreement is proposed to be secured by condition. Such an agreement may also be necessary to secure the agreement of the governing bodies' funding regimes. However the provisional arrangements put forward in the application are that the University would manage and use the spaces during term time (24 weeks of the year), Monday to Friday 8am to 6pm. In addition the University would retain a priority booking for the indoor and outdoor spaces from 6-9pm every Monday evening in the same period, and select Saturday and Sunday afternoon bookings for the facilities. At all other times the site would be open for use by the community.

- 6.14 In a broader sense, the location of the new (expanded) sports facilities links into existing provision and is in a suitable location for accessibility to the local population by foot and bicycle and has existing public transport routes nearby.

3g pitch provision

- 6.15 Specifically, the PPS identifies a potential shortfall of up to 3 3g pitches. The application would deliver 2 of the 3 3g pitches sought by the PPS. With respect to the quality of facilities that would be lost by the development of the 3g pitches, the PPS notes that Bishops College includes 2 good quality football pitches and 2 poor quality rugby pitches. The PPS prefers hub sites and sets out one hub at the north of the city with the preference for the University/Oxstalls sports site and one in the south of the city.
- 6.16 The FA and RFU both note that the proposals would help address local issues in pitch provision that the PPS highlights – e.g. provision of 3g artificial grass pitches, World Rugby compliant surface for clubs to access, addressing existing over-play of pitches in the city.

Conclusions

- 6.17 England Hockey now accepts the loss of the University AGP in light of the commitments, and Sport England also welcomes the cricket proposals now, which have also received the support of the Gloucestershire Cricket Board. They are content that the specification for the cricket pavilion need not be set now and it can be assessed as to its acceptability at reserved matters stage.
- 6.18 The proposed plan for the sports provision is ambitious and provision to rehouse Gloucester teams within the city, bring local and franchise teams to the city and make provision more accessible for residents would be a significant benefit. The location of the development in terms of accessibility is considered to be acceptable. The location in terms of relationship to surroundings is also considered compliant with the policy context (amenity impacts are covered in more depth later). It also proposes dual use, which is sought by Policy SR.5.
- 6.19 The more difficult aspect is the overall picture of a net loss of playing field area. The benefits arise in the context of an overall arrangement of development in this planning application, which also includes losses of existing facilities at the Debenhams field and University AGP.
- 6.20 The applicants maintain that the University's ability to secure and risk the capital investment in the sports facilities is predicated on a growth in student numbers on the overall site (the need for the business school and halls), and that the indicative layout leading to the loss of sports fields represents the only possible locations of these new developments. The proposed investment in sport will not happen unless the overall masterplan is successful. They consider that the application should be seen to fulfil Sport England's policy, but have refined their approach to present it as being an exception case given the nature of the proposals.

- 6.21 Elements of the application do not comply overall with the Sport England exception policies and the associated parts of the NPPF. Nevertheless the overall case for sports provision, now further clarified by the application in terms of their commitments to mitigation, means Sport England has removed its objection subject to conditions.
- 6.22 Sport England has a particular standing in the application process, in that if the Authority proposes to grant permission against its advice, the application would need to be referred to the Secretary of State to consider a call in Inquiry. This would include going against their requested conditions in this case. I consider the Sport England conditions should be imposed, albeit slightly amended. I have checked these alterations with Sport England and they are happy with them.
- 6.23 Subject to these, no objection is raised against Policies OS.1, SR.2, SR.4 and SR.5 of the 2002 Local Plan, Policies INF4, INF5 of JCS, and the NPPF. With the removal of the Sport England objection the requirement to refer the application to the Secretary of State is not engaged.

Economic implications

- 6.24 The development of a business school is a notable consideration in this respect. The University envisages that its relocation from Cheltenham would fully integrate it with an enhanced Growth Hub at the Oxstalls Campus, creating a high level of business engagement, produce more 'career ready' graduates, and gain a distinctive reputation. The development of the business school, and increased student numbers and expenditure would lead to economic benefits to the City. The University has provided a paper seeking to explain these benefits.
- 6.25 In 2012/13 the University generated £356.5mil Gross Value Added for the UK economy and supported 3,729 jobs, including £151.2mil GVA and 2,163 jobs in Gloucestershire (BiGGAR Economics report).
- 6.26 They also note its role in sustaining and enhancing the economic prosperity of the City and County by; operating as a successful business in its own right; encouraging volunteering; helping local businesses and organisations to improve their performance; developing the local workforce; and creating a vibrant and stimulating environment. In 2013/14 the University purchased £2.9million at businesses in Gloucester and their supply chain includes 70 businesses in Gloucester. In 2013/14 it is estimated that University staff spent £5million in Gloucester, students spent £7.7million and people visiting students and staff spent £0.2million.
- 6.27 The University's strategic plan places strong emphasis on supporting business growth and economic development within the locality. One of the key ways in which the University hopes to achieve this would be through the redevelopment of the Oxstalls Campus. This will help to make the University more attractive to potential students, and if this leads to an increase in student numbers that the impacts summarised would increase.

- 6.28 The Oxstalls development specifically would secure the following benefits;
Greater student impact on the local economy – estimated to contribute tens of millions of pounds of economic benefit annually to Gloucester and support thousands of jobs;
More direct investment by the University in Gloucester – significant direct capital investment, wider regeneration impacts;
Diversifying and strengthening the Gloucester job market – increasing employment directly and indirectly through local staff expenditure, and giving businesses in Gloucester more opportunities to recruit the staff they require;
- 6.29 The University proposes that the redevelopment is estimated to generate an additional £77.5million GVA per year for Gloucestershire by 2020/21. This translates to an additional 2,199 jobs supported within Gloucestershire a year within 5 years. The redevelopment is forecast to increase the number of students by 2,000 by 2020/21. Based on the increase in numbers the increased graduate premium is forecast to benefit Gloucestershire by over £13million by 2020/21.
- 6.30 The 2002 Second Deposit Local Plan acknowledges the importance of further education in strengthening the economy to provide a flexible, skilled and high quality workforce to meet modern industry requirements. It also notes the University’s redevelopment of the Oxstalls campus, providing a facility to improve higher education access. The aspirations are also reflected in the strategic objectives of the JCS in developing the potential of the area for further economic and commercial investment.
- 6.31 In addition to the business school, the application proposals would also lead to economic benefits associated with the new sports facilities and creation of employment opportunities, both in the construction and operational phases, again supported in the JCS. The NPPF refers to placing significant weight on the need to support economic growth through the planning system.
- 6.32 The economic benefits of the application weigh in favour of the proposals.

Design

- 6.33 As an outline application, there are limited detailed design matters given at this stage. The indicative plans and scale parameters present the basis of a scheme – the Authority needs to be clear that there is some form of scheme within the parameters that would be acceptable in design terms.
- 6.34 The 3 storey maximum scale of the business school and student halls is clearly more than most nearby residential buildings at 2 storeys (although there are some large houses), however they are broadly in line with the existing university campus buildings (the existing halls are 4 storeys, the academic buildings are a mix of 1, 2 and 3 storeys). Taking into account the enclosed context of the campus as a separate entity, I do not consider that 3 storey development in these terms would cause harm to the character of the area. Clearly the detailed design needs careful consideration in due course. The campus AGP floodlights provide a useful comparison for the proposed business school and while it would clearly be perceived, it should sit

comfortably within the surrounded bund and its tree planting without appearing too obtrusive.

- 6.35 The scale of the proposed sports buildings is similarly considered acceptable in the context of the tennis centre and school buildings. The sports hall is shown as two storeys, this is likely to include providing for headroom to accommodate sports inside the hall, with ancillary facilities potentially over two actual floors internally.
- 6.36 The broad intention for the detailed design appears to be to tie in the palette of facing materials to the existing campus – white render, timber cladding, glazed facades and brise soleil, at least in terms of the University buildings. There is no reason to my mind why we could not secure a reasonable design for the buildings within these parameters.
- 6.37 It is likely that the sports proposals would lead to the desire for floodlighting and this is described in the proposals. There are a range of tall structures through the open area including a wind turbine and several other sets of floodlights. I do not consider they would harm the character of the area.
- 6.38 The applicants propose that the existing public right of way running between Plock Court and Oxstalls Campus be surfaced and lit to provide an enhanced link. They also propose the opening up of the east/west public footpath, and fronting the business school building onto the path, for a more well-overlooked and spacious link. These would be positive benefits from the scheme in terms of accessibility and community safety.
- 6.39 Concerns are raised about the density of development but also in opposition the scheme being inefficient use of land. Given the various constraints of the site and the existing area I consider the balance is about right and do not raise any objection in these terms. Neither do I consider that the implementation of new access points alter the character of the areas to such a degree as to warrant refusal.
- 6.40 In respect of the Police comments, detailed design and layout issues can be picked up at the reserved matter stage if granted, issues around specific product recommendations can be picked up by applicants, and the amenity and highways issues raised are address elsewhere in the report.
- 6.41 Subject to securing certain details such as the approval of materials, it is considered that the proposals comply with Policies BE.1, BE.2, BE.4, BE.5, BE.6, BE.7 of the 2002 Plan, Policies SD5 of the submission JCS and the NPPF. No objection is raised in design terms.

Trees and landscaping

- 6.42 There is a Tree Protection Order on the site. A Tree survey has been submitted. The siting of the buildings and landscape masterplan indicate that it is feasible to build the business school and student halls without affecting TPO trees. It is likely that one TPO tree would need to be removed at the reconfigured vehicular access off Oxstalls Lane. This is a B graded Mulberry. A second non-TPO sycamore would also need to come out.

- 6.43 The student halls would affect some other non-TPO trees and a stretch of hedgerow next to the public right of way, to create accesses. It also appears likely that the business school would require some tree removal where accessing the car park through the bund. Selective removal of vegetation at the Wotton Brook would also be undertaken as part of the enhancement works.
- 6.44 The University's landscape consultants make a series of recommendations –
Retain all TPO trees unless their condition is poor or it is impossible to reconcile their location with the development;
Limit car access along the right of way from Estcourt Close;
Retain the existing screen bund in part or entirely at the business school (current artificial pitch) location and place the car park to the east of the bund. The car park should be benched into the slope and screened on its east flank to minimise intrusion;
Add buffer planting at the northern boundary beyond the business school location;
Combine attenuation functions with landscape and ecological enhancement of the floodplain;
At Plock Court large scale meadow creation of grass areas that are not required for formal pitches combined with works on the brook corridor;
At the sports centre/3g pitches planting within and around the car park and a hedge/tree screen to the north, east and south sides;
Lowering or removing fences at the east-west right of way to provide a wider and safer corridor.
- 6.45 The Council's Tree Officer has no major concerns and considers that the scheme could improve tree cover in the area. The identified tree loss to accommodate the development can be mitigated through a suitable planting scheme. Tree protection measures during construction will also be required and are also recommended to be secured by condition.
- 6.46 The Council's Landscape Officer has raised several queries. Most of these can be addressed at the reserved matters stage if outline permission is granted. Some matters – e.g. replacement tree planting for those lost, details of buffer planting, etc need to be secured by condition.
- 6.47 With the withdrawal of the allotments relocation from the proposal, the larger retention of the existing hedgerow between the access lane and the Debenhams field is more feasible. Some incursions will be required to enhance linkages but retention of the remainder would be desirable for landscape quality and ecology.
- 6.48 The delivery of the details shown in the landscape report would represent an enhancement to the landscape of the area and this weighs in favour of the proposals, providing it is secured by condition.

Landscape Conservation Area

- 6.49 Part of the site is also covered by the Landscape Conservation Area designation in the 2002 Plan. The applicant considers that no major built development is proposed within the LCA, the central spine of the site will remain open, and that the proposals reinforce the landscape quality of the site. It appears to me however that the business school as indicatively shown would encroach into the edge of the LCA designation. The cricket pavilion is also within the LCA designation.
- 6.50 There is a tension between the 'old' LCA designation and the updated landscape evidence base which moves away from LCA allocation of land. Emerging documents will move to a criteria-based policy approach. In 2012 the JCS Authorities completed the Landscape Characterisation Assessment and Sensitivity Analysis to inform SHLAA updates in the JCS area. The application site was not explicitly considered by this report as it does not lie on the urban fringe of the City. In that document, only those areas identified as 'High' landscape sensitivity were considered outright unsuitable for development on landscape grounds.
- 6.51 The NPPF sets out that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. The LCA approach is not supported in the NPPF anymore. The NPPF refers to protecting and enhancing valued landscapes but the Government has been moving away from this approach towards landscape characterisation and sensitivity analysis. The evidence supporting the LCA approach is becoming increasingly old and dates from the 1990s and is superseded by the characterisation and sensitivity work undertaken for the JCS in accordance with the NPPF approach. There is a large amount of LCA designation covering many green spaces of varying type and quality within the city boundary. I consider these factors must limit the weight that can be attributed to the 2002 LCA designation.
- 6.52 The emerging analysis assesses how sensitive the landscape is to change. I have in any respect also reviewed the LCA evidence base for the 2002 Plan designation. The areas where small incursions would be made are not highly sensitive to the extent of development proposed and the scheme would not significantly harm the overall character identified here. Specifically, the pavilion would not be harmful and represents small scale development supporting the open air recreational use. The business school could have a minor negative impact, however I do not consider it merits refusal in itself, and the landscaping works suggest that the central section would be preserved, indeed the final detailed design could lead to mitigatory planting in respect of the influence of the business school building.
- 6.53 Overall no objection is raised in terms of trees and landscaping considering the relevant policy context. The business school may have a modest negative impact on the landscape character but the enhancement works would improve the area. Conditions are required to secure the measures. Subject to these the proposals are considered to comply with Policies B.10, LCA.1, BE.4 and BE.12 of the 2002 plan, Policies SD7 and INF4 of the submission JCS and the NPPF.

Traffic and transport

- 6.54 A Transport Statement Addendum was provided alongside the amended scheme. A further set of surveys (junction turning movement counts, automated traffic counts and car parking surveys) were undertaken in October 2015 to supplement the June 2015 surveys in order to capture a higher demand period. The surveys established that the peak hour of the adjacent highway network is between 0800 and 0900hours in the morning and 1630 and 1730hours in the evening. In summary the alterations in highways terms are that the proposed junction layout at Cheltenham Road/Oxstalls Lane has been amended and 100 additional parking spaces introduced to the scheme at the University campus. These are expanded on below.

Traffic generation

- 6.55 The additional surveys indicate an increase in daily traffic recorded in October compared to June of around 6.5% for the 5 day average and 8.1% for the 7 day average.
- 6.56 Existing traffic movements at the Oxstalls campus in June indicate 78 two way movements in the AM peak and 77 in the PM peak. In October this was 138 two way movements in the AM peak and 103 in the PM peak.
- 6.57 The estimated traffic generation from the business school is 75 two way movements in the AM peak and 74 in the PM peak in the original. In the addendum this is increased to 133 in the AM peak and 99 in the PM peak.
- 6.58 The estimated generation from the student accommodation is 2 two way movements in the AM peak and 4 in the PM peak. The addendum notes that using the trips rates presented in the assessment, this could generate 60 movements in a 24 hour period, although given that access is restricted it is expected that the new accommodation would actually generate much less traffic than the trip rates suggest.
- 6.59 Existing traffic movements at Plock Court in June showed 21 two way movements at the AM peak and 96 at the PM peak. In October this was shown as 30 in the AM peak and 123 in the PM peak. The estimated generation was considered to be at the same rate as they are analogous to the existing uses with the exception of the 500 seat stand. In terms of the spectator stand the events would generate traffic either off peak during the day or at the weekends, and for 40 to 50 days over a year.
- 6.60 The single biggest impact in terms of trip generation would be the community events. These would be held around 8 times a year and at the weekend. The applicants offer that an Event Management Plan could be prepared to address the highway impacts of these.

Highway impact

- 6.61 The applicant has determined percentage increases in traffic from the development to 2020. The largest increases appear not unsurprisingly at the Oxstalls Lane campus access of 22.3% in the AM peak and 12.2% in the PM

peak. Increases at other junctions do not exceed 6.7% (Cheltenham Road/Oxstalls Lane is 5.9%). The applicants consider that increases in traffic of this magnitude would have no perceptible impact on the local highway network in terms of capacity and safety, although the Highway Authority considers a 5% increase in a congested junction to be significant and a severe impact would occur if mitigation were not sought.

- 6.62 Modelling of junction capacity indicates that the campus access junction currently operates within capacity at peak times, and would continue to operate within capacity at peak times in 2020 with and without the development.
- 6.63 The results show that the Cheltenham Road/Oxstalls Lane junction operates within capacity at peak times currently. However traffic surveys recorded some queuing on the approaches at both peaks – therefore performance is considered to be worse in reality than the modelling indicates. Traffic growth to 2020 will cause conditions to worsen and the addition of development traffic would result in the junction operating over-capacity. Measures to mitigate the impact of the development at both this junction and the site access are therefore proposed and these junction proposals are commented on below.
- 6.64 The modelling shows that the Estcourt Road/Cheltenham Road junction operates within capacity at peak times currently and would continue to do so with and without the development in 2020. Queues on Cheltenham Road east are not predicted to extend back and affect the performance of the Oxstalls Lane junction.
- 6.65 The modelling shows that the Plock Court/Tewkesbury Road junction operates within capacity currently and will continue to do so in 2020 with and without the development.
- 6.66 The Highways Agency has not objected, noting specifically that the development would not have a severe impact on the operation of the A40 (they are most interested in the Longford and Elmbridge Court roundabouts).

Junction and access alterations

Cheltenham Road/Oxstalls Lane

- 6.67 The current campus access is via a priority T-junction with Oxstalls Lane. The Oxstalls Lane/Cheltenham Road is also a priority T-junction. Alterations to the junctions are proposed involving a traffic light system at Oxstalls Lane/Cheltenham Road and the campus/Oxstalls Lane junction to provide capacity improvements to help regulate and balance the flow of traffic. The junction would incorporate land at the south east edge of the campus so as to provide increased carriageway including a left turn lane from the west heading into Oxstalls Lane. The bus lay-by would be moved back. Equally, a right turn lane would be created from the east heading into Oxstalls Lane. When heading towards the junction on Oxstalls Lane, the southbound carriageway would split to two lanes for turning west or east onto Cheltenham Road. At the exit from the campus to Oxstalls Lane, a two lane exit would be created.

Formal pedestrian and cycle crossings would be provided on the Cheltenham Road west and Oxstalls Lane parts. The crossing on Cheltenham Road would replace the existing signal controlled crossing located just to the west of the junction. The traffic signals would have the ability to incorporate bus priority measures on Cheltenham Road.

- 6.68 Other options were considered including an improved priority junction and mini and normal roundabouts. The traffic signals are chosen as they provide sufficient capacity and better facilities for pedestrians and cyclists as well as the potential for bus priority measures in the future. It is of note that the University considers that, based on the traffic survey evidence and configuration of the site (particularly flood zoning), there is no case for a main campus access from Estcourt Road. It is also of note that in considering the application for the learning centre, sports science building, artificial pitch and car parking in 1999, the Planning Committee accepted that the cost of providing an alternative access from Estcourt Road would be prohibitive and the provision of a roundabout at the end of Oxstalls Lane would make access to the campus easier but would have a knock-on effect of creating a rat run from Innsworth and was not recommended.
- 6.69 The analysis shows that the proposed junction would operate within capacity at peak times with no significant queuing or delay, providing a significant improvement over the existing situation. Introduction of Microprocessor Optimised Vehicle Actuation (MOVA) would optimise signal timings in real time response to conditions (it is shown to reduce delays by 13%).
- 6.70 The Highway Authority has confirmed that the junction improvement works effectively limits the significant impacts of the development and satisfies Paragraph 32 of the NPPF. Therefore they are unable to require the applicant to explore other options for providing access (opportunities for access via adjacent roads were not submitted for assessment as part of the application). The proposed junction design would operate within capacity in both 2020 AM and PM peaks with the development in place.
- 6.71 The University would welcome a condition to complete the junction works prior to occupation of the development, and this is proposed by the Highway Authority in its recommendation.

Plock Court

- 6.72 The Tennis Centre and associated sports provision at Plock Court are served by the access off Tewkesbury Road, which is a priority crossroads arrangement opposite the Winfield Hospital access. There are central right turn lanes in Tewkesbury Road. It is proposed that the new sports facilities will use the same arrangements. The access road into the existing car park is proposed to be improved to accommodate the increase in traffic, comprising widening on the bends to enable a large refuse lorry and large car to pass, and upgrading of the street lighting.
- 6.73 It is of note that the applicants consider that a new road extension out from the sports centre direct to Tewkesbury Road is not necessary given the

capacity identified in the existing access road. Furthermore they consider it may not be appropriate in flood risk terms or in terms of loss of playing fields. It is not considered necessary for this application, nor are additional works to the existing roads or junctions serving this part of the site that are raised in various other representations.

Student halls

- 6.74 Access to student halls (for maintenance, emergency vehicles and disabled students/visitors) has always been shown from Estcourt Road via the existing access to the allotments but now (as introduced by the amended proposals) principally via Estcourt Close. Access to the student halls would be controlled to prevent unauthorised use. It is proposed that student drop off and collection at start and end of terms would be managed through staggered arrival times. Pedestrian and cycle accesses would be provided to link through to the main campus.
- 6.75 The accident data does not reveal a pre-existing accident problem at any junction. The proposals for the Oxstalls Lane/Cheltenham Road junction will be subject to formal road safety audits.

Parking

Parking surveys

- 6.76 The June parking surveys indicate that maximum parking demand at the campus occurred at 10am, and it remains relatively high until mid afternoon.
- 6.77 The June on-street parking survey was undertaken within a distance of about 500m of the campus, identifying 1099 available on street spaces. The survey indicates occupancy levels are relatively low throughout the day (9.8% at 7am, 16.5% at 12, 7.6% at 7pm). The TA does acknowledge that certain roads had relatively high levels of on-street parking – e.g. Kenilworth Avenue Grafton Road, Wellsprings Road, Rydal Road, Oxstalls Lane, Oxstalls Way.
- 6.78 The October surveys of the campus parking indicated that occupancy levels were below the capacity of the permanent car park but not by a significant amount, which was taken to suggest the car park is well used through the day.
- 6.79 The October on-street parking survey again covered a 500m distance, and established in total 1041 parking spaces were available on-street within the study area at the times of the survey. Occupancy levels were recorded as 19.9% occupied at 10am (207 spaces occupied) and 20.3% occupied at 2pm (211). It should however be noted that this includes 339 spaces on Estcourt Road main carriageway, on which it is considered parking is unlikely. The exclusion of these spaces would change the results to 29.5% occupancy at 10am and 29.9% occupancy at 2pm (still considered relatively low overall).
- 6.80 It was also noted in the submission that most residential properties within the survey zone have off-street parking and therefore residents do not generally need to park vehicles on-street.

- 6.81 It is interesting from the October results that some of the roads specifically mentioned in representations see a high saturation:
Grafton Road zone 105-123 10am – 95.8% occupation
Grafton Road zone 105-123 2pm – 100% occupation
Oxstalls Way zone 296-341 10am – 127.8% occupation
Oxstalls Way zone 296-341 2pm – 127.8% occupation

Oxstalls campus parking

- 6.82 There are 250 permanent and allocated car park spaces on the campus and the car park is managed on a pay and display basis. Only permit holders are entitled to park on campus between 0830-1700 Monday to Friday. Staff members are eligible to purchase permits and there is a £1.50 per day charge for non permit holders. It is in the tenancy agreements of students living on campus that they cannot bring their cars onto site – monitored by security officers and parking charge notices are issued to those who do not adhere.
- 6.83 In addition there is a temporary car park at the south east corner of the campus used for overspill, providing 30 spaces (grassed with a plastic mesh). There is also some cycle parking – 13 racks at the sports centre and 27 at the student accommodation, 80 spaces in total.
- 6.84 The County Transport Plan standards set out the maximum car parking standards for higher education that indicates a maximum of 60 spaces for staff, however an assessment of car park usage and demand projection initially led to the proposal for 150 additional permanent car parking spaces, plus the upgrading of the 30 overspill car parking spaces with a grasscrete construction to make it more useable. 318 additional cycle parking spaces are proposed – covered and located in a prominent position.
- 6.85 The amended parking proposals are for a further 108 parking spaces for the University campus. This makes 258 new spaces at the campus (with the 150 spaces originally proposed in the business school car park). In these unusual circumstances this increase is welcomed. The Highway Authority considers that the proposed on site parking provision is acceptable based on the current level of parking accumulation but it is noted that the surrounding residential streets have experienced a significant increase in on street parking since the University's development; as noted above the immediate nearby streets see significant on street parking. The Highway Authority therefore considers that the impact should be determined and additional on street parking surveys obtained at an appropriate time after occupation of the business school and student halls to ascertain the impact and whether there is a significant increase in on street parking as a result of the development. If this occurs then the requirement for additional measures to restrict parking on the streets affected would be engaged.

Student halls parking

- 6.86 At the student halls 10 blue badge disabled spaces are proposed, and 210 cycle parking spaces.

- 6.87 According to the University, the students are prevented from having a car while in attendance. They have agreed to a condition that requires proof of the tenancy agreement stipulating this requirement.

Allotments parking

- 6.88 The existing parking arrangements off the access lane from Estcourt Road would be retained.

Sports hub parking

- 6.89 At the sports hall/pitches; there are 130 existing parking spaces at Plock Court sports centre, and 6 cycle spaces. Car parking standards for leisure uses of this scale would permit a maximum of 179 parking spaces on the basis of a 3570sq m sports hall. This would also indicate 33 spaces for the 500 seat stand.

- 6.90 120 additional car parking spaces are proposed to make 250 in total for the facilities. The applicant has sought to justify the number based on the nature of the sports uses in the hall and frequent turnover of spaces, car sharing/walking/cycling, peak times of sports events not clashing with that of the hall or those with community events, and the parking at Oxstalls campus providing additional capacity for sports events, and vice versa. This would be further promoted by the provision of better links between parts of the application site. 54 additional cycle parking spaces are also proposed.

Additional parking matters

Park and ride

- 6.91 The applicants propose that the planned provision of a park and ride facility at Elmbridge Court and the enhancement of the 94U bus service along Cheltenham Road could provide for students, staff and visitors and offer to engage as to the capacity and capability to provide for the management of trips to and from the campus. However this is not yet in place to provide mitigation.

The CPZ proposal

- 6.92 The University has previously stated that it would be prepared to fund the implementation of a controlled parking zone to manage and control parking demand on local roads and mitigate any potential off-site impact of the development, and offered to pay for the cost of introducing the CPZ and the operation and enforcement of it for a limited period (initially 3 years, now offered for 5 years). This idea was subject to a significant number of objections and a small level of support.

- 6.93 The University has now refined its position, remaining willing to consider the CPZ, but prior to promoting it, the University would conduct a series of parking surveys as noted above and they offer to have this imposed by condition. The University would also consider suggestions from the Highway Authority about any more appropriate mechanisms to mitigate the impact if a better solution can be found.

6.94 If it were to proceed, the CPZ would need to be promoted via a Traffic Regulation Order, usually involving consultation, advertisement (with objections considered through the Council) and then formally making the order if approved. Alternative solutions to the CPZ might be parking restrictions such as yellow lines, increase in parking on site, or removal of the parking charge.

The charging regime

6.95 Residents have raised concerns that the charge to park on the campus site is a disincentive for students and staff to park there, and furthermore, that the positive effect of providing additional on-site parking would be inhibited because on-street parking will continue to be preferable to paying the charge.

6.96 The University considers that the £1.50 charge per day is highly competitive. They also note that the funds raised are used to pay Stagecoach for the subsidised bus service and that it would be counter productive to remove the charging system, removing the subsidy and encouraging more car use and less bus use. Furthermore they note that the survey indicates that the campus parking is fully utilised at peak times, demonstrating that the charging policy is not discouraging parking use. The Highway Authority agrees with this.

6.97 Anecdotally, during my site visits, several residents reported that these were not 'bad' days for parking build up, and that it was worst when sports events were on. If the University AGP is removed, this particular effect may be reduced in the vicinity.

Sustainable transport

6.98 In terms of the main campus and halls, bus services run nearby with stops on Cheltenham Road to the south with the various 94 services running quite frequently to the city centre and Cheltenham.

6.99 The University's partnership with Stagecoach provides the inter-campus 94U service to which staff and students have access for £1.30 per journey. The University plans to increase the subsidy so that it is free.

6.100 In terms of Plock Court, bus services run on Tewkesbury Road also, to the town centre, Tewkesbury, Cheltenham and Maisemore/Hartpury.

6.101 The train station is approximately 20 minutes walk away. Overall the Highway Authority considers that the site is located in an accessible locations with good walking, cycling and public transport links.

6.102 In general the masterplan provides for enhanced pedestrian and cycle links through the site. It is of note however that the business school car park access would involve vehicles crossing the public right of way/Sustrans route 41. The applicants note that this will be designed to minimise the impact on pedestrians and cyclists. I have asked for some further clarity on how this would be managed. In similar terms I also asked for further clarity about dealing with pedestrian safety as a result of running the access road to the sports facilities between the front of the tennis centre and the AGP and tennis

courts. Some suggestions are made in the amended material and they refer to it being clarified at the reserved matters stage and agreed with the Highway Authority. Also the landscape report refers to the crossover to the business school being designed as pedestrian and cycle priority crossings. The covering letter suggests the solution may include speed bumps, clear signage, lighting, and use of materials. Ultimately the Highway Authority is content that the detail can be secured by condition and raise no in-principle concerns.

- 6.103 Further mitigation is also proposed in a Travel Plan to encourage travel by non car-borne modes. The University has previously established a Travel Plan. The existing data is promising and demonstrates that increasing sustainable modes of travel to the site are achievable. The Highway Authority considers the Plan to be acceptable, and it would be a living document that would be regularly updated. This would be added to and could be secured by condition.

Conclusions

- 6.104 Overall, the applicants' transport assessment concludes that the residual cumulative impact of the development would not be severe and as such is considered acceptable in the context of paragraph 32 of the NPPF.
- 6.105 The Highway Authority is satisfied that the proposed development has taken up the opportunities for sustainable transport modes to reduce the need for major transport infrastructure. Sustainable modes of travel would be encouraged through the residential travel plan in addition to the proposed links internally to provide improved access between facilities and at the new signalised junction incorporating the site access. Safe and suitable access has been adequately demonstrated in terms of capacity and highway safety and the off site improvements effectively limit the significant impact of the development. No objection is raised by the Highway Authority subject to certain conditions. The development is considered acceptable in the context of Paragraph 32 of the NPPF. Subject to the conditions, the proposals are considered to comply with Policies TR.1, TR.2, TR.9, TR.10, TR.11, TR.12, TR.31, TR.32, TR.33, TR.34 and TR.38 of the 2002 Plan taking into account the special justification for the higher level of on-site parking provided for, Policies INF1 and INF2 of the submission JCS and the NPPF.
- 6.106 It is also noted that a local residents group has applied to the County Council to establish a public right of way broadly around the perimeter of the Debenhams Playing Field. Policy TR.38 of the 2002 Plan deals with retention/diversion of public rights of way. At the time of writing this is not a public right of way. The determination of the application is likely to take 12-18 months. If the order is opposed then it is scheduled for public inquiry and this may take years. Furthermore, the development does not necessarily prevent the route proposed by the residents group, and if it were an existing PROW, it would be possible to apply to divert it, and indeed Policy TR.38 provides for this.

Amenity

Student halls- physical impacts

- 6.107 Section drawings have now been submitted showing the relationship between the new buildings and existing residential properties to assist our considerations. Proposals for landscape mitigation between the halls and residents have evidently been in and out of the proposals as they have been designed judging from residents' comments on what they saw at pre-application consultation events. This seems to have caused some confusion. At the time of the original application the allotments were to be relocated to this part of the Debenhams field and there was no landscape buffer proposed. Now that this intervening land is back to being amenity land, some planting is possible in between and is shown on the indicative plans. It may be possible to plant large trees all along this alignment, however the cost and technical requirements of delivering this suggests it could not be guaranteed, and at least in the short term it seems likely that there would be some direct visual connection between residential properties and the halls.
- 6.108 The submitted plan is indicative, however the presence of the floodzone tight to the northeast edge of the hall buildings and the obviously considered siting indicate that this is a fair reflection of what the University could pursue. The buildings are shown at around 37m from the boundaries with Estcourt Road properties and around 60m from Estcourt Close properties at their nearest points.
- 6.109 I consider that a three storey building without any mitigation at the near edge of 37m from the Estcourt Road properties would be overbearing to those properties and harm the amenities enjoyed by residents. In terms of overlooking, it is difficult to be absolutely clear at this outline stage without detailed elevations. The parameters indicate that possible overlooking would occur at a height of about 8.3m at second floor level and this has been confirmed with the applicants. Again given the proximity to Estcourt Road properties three storey accommodation that leads to this overlooking impact would be unacceptable. Tree screening might dissipate both effects slightly but not overall to an acceptable degree.
- 6.110 The question therefore is whether there is an acceptable option for development within these parameters – the reserved matters application will ultimately reveal the true extent of any overbearing and overlooking effects and would be considered again at that stage, if outline permission is granted.
- 6.111 In this respect the scheme sets 3 storey as maximum parameter. It does not preclude the option of staggering the building up and down – e.g. down to 2 storeys where closer to residents. I consider this would be the preference to mitigate the impact on residents, and the agent has confirmed that they are not averse to a staggered scheme that is not exclusively 3 storeys particularly now the removal of the allotments relocation gives some more flexibility to spread out the development (rather than going upwards), and they would accept a condition to this effect.

- 6.112 Furthermore, the Design and Access Statement seeks to respond to concerns about intrusion from the halls, such as:
Automated blinds on timer system to windows facing houses – to deal with light spill;
Restricted use of external areas on these sides;
Accesses positioned away from these sides;
Student Noise Management Plan;
Dual aspect blocks to locate communal areas facing away from residents;
Green buffer for privacy and some acoustic screening.
- 6.113 The University has noted in response to suggestions to move the halls building that it has considered siting it closer to the path west of the allotments and adjacent to the proposed business school, but siting it nearer to the allotments would place it in a higher risk flood zone and siting it next to the business school would make that park of the campus over-intensively developed with the risk of additional concerns from residents adjoining the campus in that vicinity.
- 6.114 At the separation involved to residents' gardens and properties, with the commitment to stagger the buildings, and with further options to refine the layout and the detailed design to ameliorate any impact, I do not consider that an objection based on the physical impacts of buildings here in terms of overlooking, overbearing or overshadowing effects could be sustained so as to outright refuse the application. Three storeys in appropriate parts of this site is acceptable – it is the detailed reserved matters stage that will be key, to stagger the buildings up to three storeys away from residential properties and further mitigate impact by well-considered design.

Student halls – noise and disturbance

- 6.115 A noise report has been produced for the development, however in terms of the student halls, the applicants' consultant does not consider it reasonable to assess the noise impact given the sporadic nature and behavioural considerations that influence the possible impacts. Instead, recommendations for practices have been put forward. Furthermore, a common sense approach to the design of the halls is advocated, in respect of seeking to locate potential sources of noise away from local sensitivities. The consultant's recommendation for dealing with it outside of the planning system would not however give any mechanism for the Authority to ensure compliance and relies on the goodwill of the University. The Authority does have statutory nuisance powers however it would be preferable if a mechanism can be found at the planning stage alongside Environmental Protection Officers.
- 6.116 There is an interesting recent comparison with the proposals in Cheltenham for a student accommodation scheme for over 700 students at the Pittville campus. In this regard a Management Plan was developed including three key elements of a Community Liaison Group, a late night shuttle bus and their 'Ssh' patrol scheme, secured by legal agreement. The University already runs a community liaison group for the Francis Close Hall campus. The proposed Pittville Group would meet every academic term with a remit to monitor the effectiveness of the plan and be an ongoing forum for discussion and

resolution of issues, and is made up of local community representatives, the University and halls provider, the Police and an Environmental Health Officer. The patrol scheme would be aimed at reducing anti social behavior linked to students and maintaining safety and the concept and arrangement are supported by the Police. Cheltenham Council Officers concluded that it provided a robust monitoring device for management of the site and their Committee granted permission with these measures secured by a s106 agreement. This could provide a means by which to seek to address any matters that would arise.

6.117 In terms of the management of disturbance, the University has confirmed the following;

Residential Support Advisors (RSAs) oversee the work of Residential Assistants (RAs). RAs are returning and mature students who have shown themselves to be ambassadors of positive behavior who are recruited to live in student halls. RSAs and RAs set out the expectations over noise and conduct in the first days of arrival, and maintain focus over the year, and very heavily in the first few weeks;

In partnership with Campus Security, students who are unruly or overly noisy are challenged at the time and reported to the Halls Management Team;

The advisors and management team always follow up with any students that are reported. Students agree to the terms and conditions of residence and if they break the rules they receive up to 3 warnings, and if they persist are transferred to another halls, and if they continue are evicted;

Security staff endeavour to ensure students returning to site on key student nights make a quiet and swift entry into halls;

In addition to the rules for halls of residence, students can face investigation and disciplinary procedures under the code of conduct, which again could lead to expulsion;

The University has a formal partnership agreement with the local constabulary;

Residents and surrounding neighbours would be provided with a dedicated telephone number to contact the security team.

6.118 The Environmental Protection Officer considers that the 'behavioural' influence on any potential disturbance means that the use of quantitative measures regarding noise presents practical difficulties. Securing some control by management measures is desirable and should not be unduly onerous on the applicants.

6.119 Furthermore, I consider that the University should address provision and management of taxi drop-offs. There is likely to be some demand for trips to and from the city centre for night life, and this is likely to increase in future

years. Particularly now that the allotments relocation is removed and there is direct access from Estcourt Close, late night taxi drop offs right by the residential properties would be undesirable. The establishment of a drop off point within the main campus (then walking through to the halls via improved links) would assist.

6.120 In response, the University advises that on each site they have designated taxi drop off points. At Oxstalls they should be able to develop a drop off point near to where security staff are based. They would need to ensure that the route from the drop off point in the campus is well lit, secure and simple to use. They also liaise with taxi firms and the Council licensing team in Cheltenham as to where drop-off points are and this could also be done in Gloucester.

6.121 The University has offered heads of terms for a legal agreement to address these matters that may be summarised as follows:

Establishment of Community Liaison Group including representatives of local residents, the Council, the allotments, the University, Aspire and the County Council and Police as necessary, to meet at least once every academic term, with the terms of reference being to act as an ongoing forum for discussion of issues between the University and its students and the local community and to work together to build a more unified community and to keep people up to date.

Operation of an on-site management team of Residential Assistants, Residential Support Advisors and security personnel to be maintained so long as students occupy the halls, to be deployed in various ways to ensure noise from student behavior does not cause an actionable nuisance to adjacent occupiers. The University will adhere to the Noise Management Operational Plan, and will use reasonable endeavours to abate noise nuisance advised by the Council's EHO.

A taxi drop off point within the site to be in place prior to occupation of the student bedrooms and monitoring of the taxi management through the security patrol team. Notification to be provided to licensing teams and Gloucester and Cheltenham Councils of the operation of the taxi management and other information to update all licensed taxi firms.

6.122 The University has also provided the associated Noise Management Operational Plan that includes:

Allocation of 10 rooms across the site to Residential Assistants
University providing contact numbers and e-mail addresses to the local community for complaints/concerns about students
Logging of complaints
Information boards at the site boundary with contact details for complaints,
Contact to be staffed 24 hours a day, 7 days a week
Engaging with and supporting local residents to ensure minimum disruption

Management of issues in accordance with the University's student code of conduct and the Noise Management Operational Plan
 Action against students in accordance with investigative and disciplinary procedures leading to a range of sanctions, such as the issuing of warnings, eviction from halls and expulsion
 Roles of RAs and RSAs in dealing with behavioural issues
 Policy on campus visitors
 Continuing to work with the local constabulary
 On site security 24 hours a day
 Security staff regularly patrolling internally and externally each block of halls of residence particularly between 6pm and 6am
 Contracts for accommodation shall include a provision that requires noise levels to be kept to a reasonable level and in particular no undue noise between 11pm and 8am
 Full CCTV across the site
 Visitor sign-in, and security card access
 Operation of a 'preferred' taxi scheme, which advertises student-friendly taxi firms within the University

6.123 Subject to securing these arrangements with the appropriate detail, and further conditions, there is no objection from the Environmental Protection Officer. I therefore recommend that the on site management team and the management plan, the establishment and continued operation of a community liaison group, and the establishment and continued operation of a taxi drop off point are secured by a legal agreement.

6.124 No objection is raised to the student halls in terms of noise and disturbance on this basis.

Business school impacts

6.125 The business school is shown at the location of the current University AGP. This pitch was approved along with a landscaped bund wrapping around the northern and eastern sides of the pitch to mitigate the noise effects for residents. This bund rose to between 3.3 and 3.5m in height, and it has tree planting on top. If retained, the bund and trees would provide a significant mitigating effect in terms of the presence of the new building. The University has confirmed that the business school at 3 storeys equates to 12m and as noted earlier the hockey pitch floodlights present a useful comparison, they seem to relate broadly to the tree screening atop the bund. I consider that the bund and trees would provide a substantial screening effect to the north and east. It would be desirable to sit the building down as far as possible within the bund surround in terms of its impact.

6.126 The business school building is shown as around 59-80m from the residential boundaries to the east. The landscape proposals, although indicative at this stage, show the bund adapted to surround the business school building but with a cut through to the car park, with the car park bounded to east and north sides (towards neighbours' gardens) with buffer planting of about 10m width. The buffer here is considered by Officers and the University to be necessary in the interests of the amenities of neighbours – it would need to provide a

visual screen while not overshadowing gardens. The car park here has been expanded in the amended proposals, but I feel that the balance here between addressing the on-street car parking issues that are raised in many of the objections, and having the resultant additional on-site car parking in this part of the site (along with the required landscape mitigation) is about right.

- 6.127 With the landscape mitigation retained, adapted and enhanced, I do not consider that the business school at 3 storeys or the car park would be visually intrusive or overbearing such as to cause significant harm to the amenities of neighbours, nor overlook to a significant degree. The building's siting in the indicative plans means that it would not cause any significant overshadowing harm. If any of these changed at the reserved matters stage it would be open to the Authority to refuse those detailed schemes. The landscape mitigation ought to be secured by condition, and lighting to the car parks should also be carefully designed.
- 6.128 In terms of hours of use, the University has indicated that the business school philosophy is to be open 8am to 10pm, although the reality is that core hours are 8am to 5/6pm. A 44 week term is operated. They do also have summer schools. Effects of the business school use are therefore likely to be year round and all day, but dissipating use over the summer and into the evenings.
- 6.129 In this location there will also be some trade off from the effect of the existing artificial grass pitch as a neighbour to the effect of the business school and car park as a neighbour.
- 6.130 No overall objection is raised in terms of the impacts of the business school on amenity, subject to conditions.

Sports facilities- floodlights

- 6.131 In the vicinity of the proposed sports facilities there are existing floodlights at the Plock Court AGP, the Gala Wilton pitch and on the former Bishops College playing fields. Local roads are also street lit as is the sports centre car park.
- 6.132 A lighting impact assessment has been produced. This identifies possible light pollution from sports field lighting along with exterior lighting within the development, light spill from interior of buildings and increased sky glow. For the primary residential receptors, a potential 'moderate' adverse effect of light pollution is noted – that is, 'the development would cause a noticeable change to existing environmental conditions'. The report therefore recommends mitigation measures in terms of the design of the lighting, including designs to avoid light spill beyond the boundaries of the playing fields. It also sets out a list of recommendations to minimise impact and it is recommended that these are required by condition seeking precise details of the lighting proposed to enable full assessment and mitigation of impacts. Adverse impact should be limited if best practice is adopted and the mitigation measures are incorporated in the design for both the construction and operational phases. Conditions may control this.

6.133 As this is an outline planning application, without precise details of the size, style and location of any lighting, we cannot conclude precisely on its effect. However, the report indicates that the principle of including lighting is not unacceptable with sensible design of the fixtures and no Environmental Health objection is raised. Floodlights are relatively common in the local area. Furthermore, control over hours of their use would set the basic parameters for acceptability – I suggest they are turned off at 10pm latest on any day.

6.134 No objection is raised to the principle of floodlighting of the sports facilities subject to conditions to control their precise arrangement.

Sports facilities - noise

6.135 As noted above a noise assessment has been undertaken. The predicted effects indicate that while training on both pitches is unlikely to create noise nuisance, matches occurring on the pitches may exceed the 55dB LAeq 1 hour threshold and mitigation measures are considered to address this.

6.136 A 2.6m noise barrier is proposed around the southern edge. This is shown to reduce the noise levels to below the 50 dB LAeq 1 hour referred to in the WHO guidelines as desirable not to exceed.

6.137 With this in place it is not considered that the noise from the facilities would cause significant harm to amenities and would comply with the relevant policy context. The mitigation needs to be secured by condition.

Sports facilities – physical impacts

6.138 Some residents have also referred to the impact of the sports hall building. At the scale and separation distance I do not consider this would cause any significant harm, although the extension of the boundary planting around to the west side would appear to appease some of the concerns raised and has been agreed to by the agent.

Impact on allotments - shading

6.139 The 3g pitch stand is indicatively shown next to the Estcourt Close allotments. The detailed design would reveal precisely what effect would be caused in terms of any overshadowing of the allotment plots, but given the scale, footprint and orientation it does not seem likely that this would be fundamentally unacceptable.

6.140 The student halls are indicatively shown relatively close to the west of the Estcourt Park allotments and the business school close to the east. The applicants have provided a solar analysis of this building, which indicates that the shading effect is unlikely to be significant

Construction phase impacts

6.141 The construction phases may cause disturbance to local residents through noise and light pollution and a condition restricting hours of work is recommended.

Conclusions

6.142 Overall, subject to a range of conditions and the 106 agreement to secure mitigation, no objection is raised in terms of impacts on amenity and the proposals are considered to comply with Policies FRP.9, FRP.10, FRP.11, BE.21 and SR.3 of the 2002 Plan, Policy SD15 of the submission JCS and the NPPF.

Flood risk and drainage

6.143 The Wotton Brook runs through the site, meeting the Horsbere Brook to the northwest and on to the River Severn at Sandhurst Lane. Through the site the brook generally has heightened embankments and a straightened course – this offers a degree of flood protection to adjacent land. This seems to explain the disparities between the flood zoning and anecdotal evidence about certain areas not flooding (e.g. the allotments). Water levels in the Severn have a major influence on flood events in the site area.

6.144 The site is located in a mix of flood zones 1, 2, 3a and 3b.

Existing drainage

6.145 The Oxstalls Campus drains directly to the brook via surface water sewers. Surface water sewers also drain the former Bishops College.

Flood risk and zoning for development

6.146 The site is affected by two fluvial mechanisms – overtopping of the brook embankments – the Oxstalls Campus and allotments are potentially affected by this; and secondly flooding from the Severn backing up along the Plock Court playing fields (although the larger catchment of the Severn means it is likely that peak level in the brook would occur in advance of peak level in the Severn).

6.147 The proposed business school is considered by the applicants to be wholly within flood zone 1 and at low risk from fluvial and tidal sources, although the zoning indicates part flood zone 2, possibly based on anecdotal evidence of flooding.

6.148 The proposed sports centre building is within flood zone 1. However the pitches and car park are partially in flood zone 2. The pavilion is also in flood zone 3.

6.149 The proposed student halls are proposed in flood zone 1 in the indicative plans although flood zone 2 is close by to the east.

Sequential approach

6.150 A sequential approach has been taken to locating the built development in the areas of lowest risk. This approach to component pieces of the wider site appears to me to accord with the thrust of the policy aims and appears to accord with Inspectors' decisions.

6.151 However Officers consider that as the development is part in flood zone 2, a sequential test is required, and a document has now been submitted seeking to address this.

The business school

6.152 The applicants maintain that although historical flood events indicate so, this site is not partially flood zone 2. This is explained because the artificial raising of the western bank of the brook alters the natural flooding mechanisms represented in the EA model, but more specifically that historic events should not be used to classify land as flood zone 2 anyway. The Drainage Engineer has overall accepted the sequential test position.

The replacement cricket pavilion

6.153 The applicants note that such facilities are 'water-compatible development' in the guidance and are appropriate within flood zone 3. In my view this is not necessarily definitive in respect of the sequential test assessment. The notes to table 3 state that the table does not show the application of the sequential test which should be applied first.

6.154 Nevertheless they have undertaken a sequential test anyway given Officer feedback and look at the campus as the area of search. I consider this reasonable given the obvious operational connection to the pitches. Options for the pavilion were considered as:

Keep in existing location (inadequate parking facilities and access road)

Locate at area north of the proposed business school (not sufficient size to accommodate a cricket pitch and pavilion)

Locate elsewhere at Plock Court playing fields (flood zone 3)

Locate as proposed in application (flood zone 3 but the highest point in the vicinity, also in convenient proximity to the cricket pitch, and appropriate parking facilities)

6.155 There are obvious connections between the location of the cricket square and the pavilion, and I do not suggest that there are other reasonably available sites for this. There is no requirement to undertake the exception test.

Playing pitches and sports centre parking

6.156 The applicants again note that these uses are considered to be 'water compatible development'. Again however they have now undertaken a sequential test and use the Authority boundary as the area of search.

6.157 They consider that the components of the sports facilities must be considered together as a whole, and further that the Council's playing pitch strategy notes that the only existing site which is likely to be able to accommodate a double 3g pitch site is Plock Court/University. They therefore conclude that there are no reasonably available sites in areas of lower flood risk that can accommodate the proposed 3g pitches and car parking. There is no requirement to undertake the exception test.

6.158 The Authority has already considered the potential locations for 3g pitches in the PPS and although it has not gone quite to the extent of proposing this site as the only location for two pitches as suggested by the applicants, those considerations are relevant to the consideration. The new development is in connection with existing facilities, for which there are obvious benefits of

logistics, efficiency and sustainability in addition, and it is part flood zone 2. I do not suggest that there are other reasonably available sites for this.

- 6.159 The applicants also put forward wider sustainability benefits to the community that outweigh encroachment into flood zones 2/3:
Economic – enhancement of sporting facilities leading to greater employment opportunities; encouraging regeneration.
Environmental – Delivery of flood risk enhancements; further use of sustainable modes of transport; sustainable location.
Social – Major new sports hub for students, staff and local community; impacts on health and wellbeing, and learning.
- 6.160 Given the evidence submitted and the circumstances of the proposals I do not propose that an objection is raised in terms of the sequential test. Even where there is no requirement to pass the exception test the proposals present wider benefits to the community and the development is shown to be safe and does not increase flood risk to the site or surrounding area.

Proposed works

- 6.161 The allotments site is raised by around 300mm above the natural level of the floodplain. This has reduced the capacity of the natural flood plain in this area. The artificial raising on this side of the brook has also influenced the actual flood events compared with the modelled extent. As they are now outside the proposals, it is not feasible to restore this area to natural floodplain. Works were previously proposed to re-grade this part of the site which will now not take place.
- 6.162 It is however proposed to provide additional storage to the east of the watercourse on the campus land. Excavations are proposed to form wetland depressions with an overflow to the brook. This would increase the storage potential and provide an additional treatment stage for surface water from the business school. It would reduce flood risk to the site and elsewhere, and is part of the surface water strategy.

Surface water drainage strategy

- 6.163 The applicants commit to the use of sustainable urban drainage systems. Attenuation based schemes are proposed for all areas of the site with surface water storage provided. Such techniques including permeable paving, swales and wetlands will all be incorporated, which will control the rate of discharge, provide storage and attenuate flows, then be released in a slow controlled manner to the brook. Given the underlying ground conditions, the achievement of an unsaturated zone below ground level is inhibited, and attenuation-based schemes are therefore proposed.
- 6.164 For the business school surface water runoff from the roof and courtyard would be directed to attenuation basins to the north outside the modelled flood plain extent. Discharge from the basins will be controlled using hydrobrake flow control devices to greenfield run off rates. Porous paving would be utilised in all access road and car park areas.

- 6.165 For the student halls surface water run off from roof areas would be directed into an attenuation basin linked to swales. Outflow will be controlled using hydrobrake flow control devices to greenfield run off rates. Sufficient storage is proposed in the attenuation basins outside the flood plain. Porous paving is also proposed in all access road and car park areas.
- 6.166 For the sports centre and pitches, surface water from roof areas will be temporarily combined with water from the pitches and stored in a sub base – discharge from which would be restricted to greenfield rates to a sewer and on to the brook. Again porous paving would be proposed in all access roads and car park areas, then into a swale and on to the sewer at greenfield rates.
- 6.167 The applicants also commit to looking at waterbutts in the detailed schemes. These measures would ensure that flood risk is not increased either to the site or elsewhere. The long term storage in the wetland environment would reduce overall discharge from the development, reducing flood risk. The University has noted that it would be responsible for maintenance of sustainable drainage for the site.
- 6.168 Subject to conditions the proposal is considered to comply with Policies FRP.1a, FRP.3, FRP.5 and FRP.6 of the 2002 Plan, Policy INF3 of JCS and the NPPF.

Archaeology

- 6.169 The Desk Based Assessment indicated that parts of the site had high archaeological potential and there has been a large amount of Roman archaeology identified in the area. The areas for the sports centre (Bishops College fields) and for the allotments and student halls (Debenhams field) include ridge and furrow indicating an agricultural past. Because of the relative uncertainty, intrusive evaluations were undertaken.
- 6.170 Multiple trenches were excavated across the site, which demonstrated the presence of archaeological remains of Roman, medieval and post-medieval date and other undated archaeological features. The City Archaeologist advises that the proposals are likely to conflict with archaeological remains at the proposed student halls and at the sports hall and spectator stand. The business school location is not of concern. The historic landscape of the vicinity has already seen considerable change from the residential and other buildings, and no objection is raised in this particular regard.
- 6.171 It is recommended that a further programme of archaeological excavation of all significant archaeological deposits is secured in advance of development of the sports facilities or student halls areas. Subject to this, there would be no conflict with local policies in the 2002 Plan and the JCS and the NPPF, and no objection is raised in terms of heritage matters.

Ecology

- 6.172 An ecology report has been submitted with the application including details of the desk study, extended Phase 1 habitat survey and protected species surveys undertaken. This concludes that the proposals will have no adverse

impacts on designated sites in the vicinity, and no increased impacts were identified as a result of the amendments. It has been reviewed in light of the amendments to the scheme.

- 6.173 No signs of badgers, great crested newts, reptiles or water voles have been recorded on the site. No otter holts or resting places were found however it is considered that otters use the brook for commuting and potentially foraging purposes.
- 6.174 Numerous trees were identified with potential to support roosting bats. Some appear to be at risk notably at the area proposed for access to the student halls. If any of the trees are to be felled then further surveys will be undertaken. Emergence surveys also identified that the existing cricket pavilion supports a small non-breeding common pipistrelle roost. Due to the low number and common species, the roost is of low conservation status. A bat license would need to be obtained prior to demolition of the building. The bat activity surveys indicate that the site is used by at least 8 species. High activity levels indicate that the Wotton Brook is an important corridor for Myotis bats. These are particularly light sensitive so a sensitive lighting scheme would be required.
- 6.175 The applicants' ecologist concludes that the ecological impacts can all be adequately mitigated for as part of the redevelopment. The ecological enhancements associated with the community park are now removed but the ecological benefits of the allotments remain in its place. The ecologist recommends wildflower meadows and wetlands with ecological enhancements, enhancement of the brook, climbing plants, bat and bird boxes/tubes/bricks and bug hotels would provide a range of high quality habitats that would benefit species including aquatic and terrestrial invertebrates, otter, birds and bats.
- 6.176 In the circumstances given identification of protected species, the Council needs to consider the 'derogation' tests in Regulation 53 of the Conservation of Habitats and Species Regulations 2010. There are no other options and there is an overriding need. The cricket pavilion is the only confirmed roost and the scheme does not necessarily require its removal (pending reserved matters applications) although it is referred to as being demolished in the ecology report. It is deteriorating and presents an unsightly blight for residential properties behind it. The redevelopment would also have significant economic benefits. If the development is implemented with the proposed safeguards it would conserve and enhance the local populations present. The long-term impact on local populations is not significant and is likely to be locally positive. The habitat creation would overall have a beneficial impact to protected species currently present on site.
- 6.177 No ecological objection is raised subject to conditions. Mitigation measures are necessary by condition including the use of lighting to be sensitive to bats, methodologies and enhancement measures. Subject to these conditions it is considered that the proposals comply with Policies B.7, B.8 and B.10 of the 2002 plan, Policy SD10 of JCS and the NPPF.

Contamination

- 6.178 A Phase 1 Geoenvironmental Desk Study has been produced and it identified potential minor contamination sources on or close to the site. It recommends gas monitoring to be carried out at the development area and for soil and groundwater sampling for analysis and to confirm ground conditions. This is a conservative approach – the potential risk of contamination was concluded to be low to very low. Phase 2 Ground Investigations have also now been submitted. These recommended further investigative works after the removal of the all-weather pitch.
- 6.179 The Council's contaminated land consultants are satisfied that subject to the standard contaminated land condition, no objection is raised. Subject to this the proposals would comply with Policies FRP.11 and FRP.15 of the 2002 Plan, Policy SD15 of the JCS and the NPPF.

Sustainability

- 6.180 The submitted energy report sets out that sustainable low and zero carbon technologies should be incorporated into the design to deliver lower energy demand and lower CO2 emissions. The report refers to solar thermal, photovoltaics, air source heat pumps as well as passive measures such as building orientation for solar gain, permeability, location of glazing and low energy lighting. It also refers to ground source heat pumps being considered at the detailed design stage. Biomass heating, wind turbines and combined heat and power are ruled out as unfeasible.
- 6.181 Each building will clearly have different constraints however there is a commitment from the applicant and no reason to consider that the energy saving aspirations should not be deliverable at the detailed stage. It is suggested that this is secured by condition. This would comply with Policy BE.8 of the 2002 Plan, Policy SD4 and the supporting text to INF6 of the Submission JCS, and the NPPF. Securing waste minimisation statements with reserved matters applications would comply with the aspirations of the local plans, the County waste local plan and the NPPF.

Phasing

- 6.182 The application sets out that the scheme is proposed to be phased – Phase 1 the business school, landscape works, highways works and sports facilities and Phase 2 the student accommodation. This has been amended following discussions about the delivery of replacement sports facilities prior to loss of the University artificial grass pitch and is welcomed.
- 6.183 Practically, if granted, there would be some thought given to; securing re-provision of sports facilities in good time, practical constraints of construction, gaining suitable construction access to the more constrained parts of the site relative to activities elsewhere on the site, as well as the applicant's aspirations for timely delivery. As this requires logical consideration of several competing influences, I recommend a phasing condition is imposed. Subsequent conditions can therefore be dealt with phase by phase where relevant.

S106 obligations

- 6.184 As noted above, it is considered necessary to secure by legal agreement the establishment of a community liaison group, an on site management team and associated management plan for the student halls and a taxi drop off facility and management. These are considered to pass the planning obligation tests in the NPPF and CIL Regulations. No other S106 contributions have been offered or considered necessary.

7.0 CONCLUSION

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

- 7.2 The 1983 development plan is part saved although in most respects the NPPF provides the specific up to date policy context on planning matters applicable to this case in the 1983 Plan. No objections are raised to the proposals in respect of the 1983 plan policies as they stand. No objections are raised to the proposals, subject to conditions and a legal agreement, against Policies of the 2002 City of Gloucester Second Deposit Local Plan, or the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version 2014, bearing in mind the NPPF as the most up to date position on relevant planning matters.

NPPF conclusions

- 7.3 The Government's view of sustainable development is set out at paragraphs 18 to 219 of the NPPF. The application accords with its policies and presents other benefits that accord with aspirations elsewhere in the NPPF.
- 7.4 If it were sustainable development, then Paragraph 14 of the NPPF still requires the weighing of the benefits against the adverse impacts:
- 7.5 As above, the 1983 development plan policies reflect the general ongoing policy provisions in respect of certain heritage, design, sustainable transport and open space considerations but are out of date in terms of the precise policy requirements set out in the NPPF. Therefore the presumption in favour of development should be applied.
- 7.6 This means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole, or specific policies in the NPPF indicate development should be restricted.
- 7.7 Adverse impacts are considered to be successfully mitigated by conditions and a s106 agreement. There are in addition benefits from the scheme in terms of economic impacts, provision of sports facilities, ecology and landscape works. No specific policies indicate that development should be

restricted. Therefore it appears to me that assessment against the NPPF indicates that permission should be granted.

7.8 Overall I therefore conclude that the material considerations indicate that permission should be granted subject to conditions and a legal agreement.

8.0 RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER

8.1 That subject to completion of a planning obligation to secure the community liaison group, on site student management team and taxi management (and also delegate to the Development Control Manager in consultation with the planning solicitor the incorporation of such additional provisions in the proposed planning obligation that may be deemed necessary by the solicitor) outline planning permission be granted subject to the following conditions:

Condition 1

Approval of the details of the appearance, landscaping, layout and scale of the development (hereinafter called “the reserved matters”) shall be obtained in writing from the Local Planning Authority prior to the commencement of development on any phase (as defined and approved under the phasing condition) except as provided for by other conditions.

Reason

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Condition 2

Plans and particulars of the reserved matters referred to in condition 1 above shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason

Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

Condition 3

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 5 years from the date of this permission.

Reason

Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

Condition 4

The development hereby permitted shall begin either before the expiration of 5 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

Condition 5

This outline planning permission relates solely to the description of the development set out above and in the following application plans and documents:

Condition 6

The residential buildings hereby permitted (shown on the indicative plans as student accommodation on the former Debenhams Sports Field) shall only be occupied as student residential accommodation for the University of Gloucestershire (or such amended name for the same institution that may occur) and shall be used for no other purpose within Class C1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and/or re-enacting that order with or without modification), or any change of use permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any provision equivalent to that Class in any statutory instrument revoking and/or re-enacting that order with or without modification), including any use as independent residential dwellings.

Reason

The Local Planning Authority wishes to have the opportunity to exercise control over any subsequent use in the interests of highway safety and the amenities of the area in accordance with Policies BE.21 and TR.31 of the City of Gloucester Second Deposit Local Plan 2002, Policies SD15, INF1 and INF 2 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraphs 17 and 32 of the NPPF.

Condition 7

Scale parameters as shown on the submitted plans are maximums and should not be taken to imply that they are achievable in reserved matters proposals.

Reason

To clarify the terms of this permission in the interests of residential amenities and the character of the area in accordance with Policies BE.1, BE.4, BE.7, BE.21 of the City of Gloucester Second Deposit Local Plan 2002 Policy SD15 of the Joint Core Strategy Pre-Submission Document 2014 and the NPPF.

PHASING

Condition 8

No development shall take place until a phasing scheme has been submitted to and approved in writing by the Local Planning Authority. The phasing scheme shall indicate the order and approximate timescales of site remediation, cessation of use of sports pitches, demolition works, development phases and the provision of site

accesses and associated highway works including the new junction at Cheltenham Road, drainage infrastructure and on-site landscaped areas.

Reason

To ensure the development is progressed in a structured fashion with due regard to design, highway safety and mitigation of the loss of sports provision, in accordance with Policies SD5, SD10, INF1, INF2, INF4 and INF5 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 17, 32, 58, 74, 109 and 118 of the NPPF and Policies BE.9, B.7, B.8, SR.2 and TR.31 of the City of Gloucester Second Deposit Local Plan 2002. Receipt of details prior to commencement is necessary to enable control over the full extent of development.

Condition 9

Development shall proceed in accordance with the approved phasing scheme and the developer shall inform the Local Planning Authority as soon as it is practical of any proposed amendment to the approved phasing scheme. Any variation of the approved phasing scheme shall only be progressed following written approval of it from the Local Planning Authority.

Reason

To ensure the development is progressed in a structured fashion with due regard to design, highway safety and mitigation of the loss of sports provision, in accordance with Policies SD5, SD10, INF1, INF2, INF4 and INF5 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 17, 32, 58, 74, 109 and 118 of the NPPF and Policies BE.9, B.7, B.8, SR.2 and TR.31 of the City of Gloucester Second Deposit Local Plan 2002.

MATERIALS

Condition 10

No above-ground construction shall commence on any individual building until details or samples of all external facing materials to the building have been submitted to and approved in writing by the Local Planning Authority. The development shall proceed only in accordance with the approved materials.

Reason

In the interests of the visual amenities of the area, in accordance with Policies BE.7 of the 2002 City of Gloucester Second Deposit Local Plan, Policy SD5 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraphs 17 and 58 of the National Planning Policy Framework.

Condition 11

No hard surfacing construction within a phase shall commence until details of the surface material finishes for the highways, footpaths, cycle ways, parking areas and all other hard surfaces within that phase have been submitted to and approved in writing by the Local Planning Authority. Details shall include a scaled layout plan

denoting the finishes, and samples of new materials. Development shall be carried out in accordance with the approved details and maintained as such thereafter.

Reason

In the interests of the visual amenities of the area, in accordance with Policies BE.7 of the 2002 City of Gloucester Second Deposit Local Plan, Policy SD5 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraphs 17 and 58 of the National Planning Policy Framework.

Condition 12

Street and open space furniture, external lighting, screen walls, fences and other means of enclosure within a Phase shall only be installed in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Such details shall include scaled elevation drawings, site plans identifying their location, and materials.

Reason

In the interests of the visual amenities of the area, in accordance with Policies BE.7 of the 2002 City of Gloucester Second Deposit Local Plan, Policy SD5 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraphs 17 and 58 of the National Planning Policy Framework.

AMENITY/MITIGATION – BUSINESS SCHOOL

Condition 13

Reserved matters applications including the business school or such development proposed at the site of the existing University campus artificial grass pitch shall include precise details of the retained bund (currently around the AGP), trees and enhancement of planting. This shall include scaled drawings and a written specification clearly describing the species, sizes, densities and planting numbers, include accurate details of all existing trees and hedgerows with their location, species, size, condition, any proposed tree surgery and an indication of which are to be retained and which are to be removed, and a maintenance regime.

Such reserved matters applications shall also include details of enhanced landscape buffer/screening proposals between the proposed business school car park and neighbouring residential properties and between the building and residents. This shall include scaled drawings and a written specification clearly describing the species, sizes, densities and planting numbers, include accurate details of all existing trees and hedgerows with their location, species, size, condition, any proposed tree surgery and an indication of which are to be retained and which are to be removed, and a maintenance regime, such as to provide a visual screen but not create a dense and tall growing canopy that would shade neighbouring gardens.

The approved measures in these respects shall be implemented in full in the first planting and seeding seasons following the occupation of the buildings or the completion of the development whichever is the sooner, and maintained for the duration of the use of the site.

Regards

To preserve the amenities of neighbouring residential properties in accordance with Policies BE.21 of the City of Gloucester Second Deposit Local Plan 2002, Policies SD15 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraphs 17 of the NPPF.

Condition 14

Reserved matters applications including the business school or such development that takes place north of the public right of way on the University campus site shall include details of measures to maintain the security of the boundary to the adjacent allotments site. The approved measures shall be implemented concurrently with the development of this phase.

Reason

To ensure an appropriate treatment to this boundary in visual and functional terms in accordance with Policies BE.4 and BE.5 of the City of Gloucester Second Deposit Local Plan 2002, Policy SD5 of the Joint Core Strategy Pre-Submission Document 2014 and the NPPF.

Condition 15

Reserved matters applications including the business school or such development that takes place north of the public right of way on the University campus site shall include details of any lighting to the car park, including details of their precise locations, heights, specification including any cowls, etc and a visual representation of the light spill area (lux levels). Only the approved car park lighting shall be installed.

Reason

To preserve the amenities of neighbouring residential properties in accordance with Policies BE.21 of the City of Gloucester Second Deposit Local Plan 2002, Policies SD15, of the Joint Core Strategy Pre-Submission Document 2014 and Paragraphs 17 of the NPPF.

AMENITY/MITIGATION – STUDENT HALLS

Condition 16

Reserved matters applications including the student halls shall include details of a landscape buffer to the area between student halls and the neighbouring residential properties houses, comprising scaled drawings and a written specification clearly describing the species, sizes, densities and planting numbers. Drawings must include accurate details of all existing trees and hedgerows with their location, species, size, condition, any proposed tree surgery and an indication of which are to be retained and which are to be removed. The landscape buffer shall be implemented in the first planting and seeding seasons following the occupation of the buildings or the completion of the development whichever is the sooner.

Reason

To preserve the amenities of neighbouring residential properties in accordance with Policies BE.21 of the City of Gloucester Second Deposit Local Plan 2002, Policies SD15, of the Joint Core Strategy Pre-Submission Document 2014 and Paragraphs 17 of the NPPF.

Condition 17

Reserved matters applications including the student halls shall design the student halls building/s (with staggered storey heights to the building/s if necessary) to provide building/s of two storeys in height above ground at maximum at the nearest edges to the existing neighbouring residential properties at Estcourt Road.

Reason

To preserve the amenities of neighbouring residential properties in accordance with Policies BE.21 of the City of Gloucester Second Deposit Local Plan 2002, Policies SD15, of the Joint Core Strategy Pre-Submission Document 2014 and Paragraphs 17 of the NPPF.

Condition 18

Reserved matters applications for the student halls shall include full details of measures to limit light, noise and other disturbance to neighbouring residents. The units within any core shall not be occupied until such approved measures have been installed in full.

Reason

To safeguard the amenities of the area in accordance with Policies FRP.9, FRP.10, FRP.11 and BE.21 of the 2002 City of Gloucester Second Deposit Local Plan, Policy SD15 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraphs 17, 109, 120 and 123 of the NPPF.

AMENITY/MITIGATION – SPORTS FACILITIES

Condition 19

Any reserved matters applications including floodlighting shall include details of their precise locations, heights, specification including any cowls, etc and a visual representation of the light spill area (Lux levels), and shall accord with the requirements set out at pages 22-23 of the submitted Lighting Impact Assessment dated 18th December 2015 where relevant. Development shall be implemented only as approved and associated mitigation measures against disturbance shall be maintained for the duration of the use of the floodlighting.

Reason

To safeguard the amenities of the area in accordance with Policies FRP.9, FRP.10, FRP.11 and BE.21 of the 2002 City of Gloucester Second Deposit Local Plan, Policy SD15 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraphs 17, 109, 120 and 123 of the NPPF.

Condition 20

Reserved matters applications including external sports pitches and/or spectator stands shall include details of a noise barrier, including its precise location and appearance shown on scaled plans and technical specification to show that it meets the required standards as set out in the submitted noise report with the outline application (or such other standards that may be applicable at the time of determination of the reserved matters application). The use of the sports pitches or spectator stand shall not commence until the noise barrier has been installed to its full extent and it shall be maintained for the duration of the use of the sports pitches or spectator stands.

Reason

To safeguard the amenities of the area in accordance with Policies FRP.9, FRP.10, FRP.11 and BE.21 of the 2002 City of Gloucester Second Deposit Local Plan, Policy SD15 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraphs 17, 109, 120 and 123 of the NPPF.

LANDSCAPING

Condition 21

All approved landscaping shall be implemented in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner unless the Local Planning Authority gives written consent to any variation (unless other conditions specify an alternative implementation requirement). Any trees or plants which, within a period of 5 years from the date of the completion of the landscape scheme, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason

To ensure a satisfactory and well-planned development and to preserve and enhance the quality of the environment in accordance with Policies BE.4 and BE.12 of the City of Gloucester Second Deposit Local Plan 2002, Policy SD5 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraph 58 of the National Planning Policy Framework.

Condition 22

Any reserved matters applications involving the loss of existing trees shall include proposals for replacement planting (which shall be at least like for like in number unless otherwise agreed to by the Local Planning Authority) which shall be shown on a scaled location plan and accompanied by a schedule denoting species and size. The replacement planting shall be implemented and maintained in accordance with the requirements of Condition 21.

Reason

To ensure adequate mitigation of tree cover, in the interests of the character and amenities of the area in accordance with Policies B.10 and BE.4 of the Second

Deposit City of Gloucester Local Plan (2002) and Paragraph 17 the National Planning Policy Framework.

Condition 23

Within each phase, no development including demolition or site clearance shall be commenced on the site or machinery or material brought onto the site for the purpose of development until full details of adequate measures to protect trees and hedgerows have been submitted to and approved in writing by the local planning authority. These shall include:

(a) Fencing. Protective fencing must be installed around trees and hedgerows to be retained on site. The protective fencing design must be to specifications provided in BS5837:2005 or subsequent revisions, unless agreed in writing with the local planning authority. A scale plan must be submitted and approved in writing by the local planning authority accurately indicating the position of protective fencing. No development shall be commenced on site or machinery or material brought onto site until the approved protective fencing has been installed in the approved positions and this has been inspected on site and approved in writing by the local planning authority. Such fencing shall be maintained during the course of development,

(b) Tree Protection Zone (TPZ) The area around trees and hedgerows enclosed on site by protective fencing shall be deemed the TPZ. Excavations of any kind, alterations in soil levels, storage of any materials, soil, equipment, fuel, machinery or plant, citing of site compounds, latrines, vehicle parking and delivery areas, fires and any other activities liable to be harmful to trees and hedgerows are prohibited within the TPZ, unless agreed in writing with the local planning authority. The TPZ shall be maintained during the course of development

Reason

To ensure adequate protection to existing trees which are to be retained and to retain habitat, in the interests of the character and amenities of the area and protecting biodiversity in accordance with Policies SD10 and INF 4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 17, 109 and 118 of the National Planning Policy Framework and Policies B.8, B.10 and BE.4 of the Second Deposit City of Gloucester Local Plan (2002). Receipt of details pre-commencement is necessary to fully protect retained trees.

ECOLOGY

Condition 24

No works shall be undertaken to trees identified as potential bat roosts in the submitted information until a further bat survey for them has been submitted to and approved in writing by the Local Planning Authority. Reserved matters applications shall take the results of this survey into account in their layout and design

Reason

The current proposals indicate no loss of trees with bat roost potential, and the supporting report notes that if any trees are proposed to be felled, further surveys will be required. The condition would secure this biodiversity mitigation in accordance with Policy B.8 of the City of Gloucester Second Deposit Local Plan 2002, Policy SD10 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraphs 109 and 118 of the NPPF.

Condition 25

No works shall be undertaken to structures or trees where there is a confirmed bat roost until a methodology for felling trees and demolition of structures has been submitted to and approved in writing by the Local Planning Authority. Felling of those trees or demolition of those structures shall proceed only in accordance with the approved methodology.

Reason

To secure biodiversity mitigation in accordance with Policy B.8 of the City of Gloucester Second Deposit Local Plan 2002, Policy SD10 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraphs 109 and 118 of the NPPF.

Condition 26

No development shall commence within a phase until details of the lighting specification for the construction phase and for the operation phase of the development has been submitted to and approved in writing by the Local Planning Authority. This shall include information to demonstrate that the specification minimises the impact on bats. Development shall proceed only in accordance with the approved lighting specification.

Reason

The surveys indicate the presence of bats and that the brook is an important corridor for bats and the lighting report acknowledges potential harm. The condition would secure biodiversity mitigation in accordance with Policy B.8 of the City of Gloucester Second Deposit Local Plan 2002, Policy SD10 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraphs 109 and 118 of the NPPF.

Condition 27

No development shall commence within a phase until a Construction Phase Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. Development shall proceed only in accordance with the approved management plan.

Reason

To secure biodiversity mitigation in accordance with Policy B.8 of the City of Gloucester Second Deposit Local Plan 2002, Policy SD10 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraphs 109 and 118 of the NPPF.

Condition 28

No building within a Phase involving the Debenhams playing field or the University campus land north of the public right of way shall be occupied until an Ecological Management Plan, including an Aftercare Management Scheme has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be complied with for the duration of the use.

Reason

To secure biodiversity mitigation and enhancement in accordance with Policy B.8 of the City of Gloucester Second Deposit Local Plan 2002, Policy SD10 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraphs 109 and 118 of the NPPF.

ARCHAEOLOGY

Condition 29

No development (including any groundworks) shall take place within areas A (the sports centre on the former Bishops College fields) or B (the student halls area on the Debenhams field) as set out in the submitted Written Scheme of Investigation for an Evaluation by Oxford Archaeology Issue 4 received by the Local Planning Authority on 8th September 2015 until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.'

Reason

To make provision for a programme of archaeological mitigation, so as to record and advance understanding of any heritage assets which will be lost, in accordance with paragraph 141 of the National Planning Policy Framework and Policy BE.37 of the Gloucester Local Plan (2002 Second Stage Deposit).

FLOOD RISK/DRAINAGE

Condition 30

No building shall be sited within the Environment Agency's designated flood zone 3 other than the cricket pavilion which shall be sited at the location shown on the submitted indicative plans (received by the Local Planning Authority on 21st December 2015) or a lower risk flood area.

Reason

To ensure development is sited in accordance with a sequential approach in accordance with the submitted Flood Risk Assessment and Sequential Test in accordance with the NPPF, Policy FRP.1a of the City of Gloucester Second Deposit Local Plan 2002 and Policy INF3 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014.

Condition 31

The student halls shall be sited within the Environment Agency's designated flood zone 1.

Reason

To ensure development is sited in accordance with a sequential approach in accordance with the submitted Flood Risk Assessment and Sequential Test in accordance with the NPPF, Policy FRP.1a of the City of Gloucester Second Deposit Local Plan 2002 and Policy INF3 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014.

Condition 32

No development of a phase, other than site remediation or demolition, shall commence until a comprehensive scheme for the provision of works for the disposal of foul sewage and surface water drainage that employs a Sustainable Urban Drainage System has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented to serve the development, and no buildings shall be occupied until satisfactory foul and surface water drainage facilities for these buildings are in place and operational.

Reason

To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution, in accordance with Policies FRP.1a, FRP.6, FRP.11 of the City of Gloucester Second Deposit Local Plan 2002 Policy INF3 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraph 103 of the NPPF.

ENVIRONMENTAL HEALTH

Condition 33

Construction work and the delivery of materials shall be limited to the hours of 0800 hours to 1800 hours Monday to Friday, 0800hours to 1300hours on Saturdays and no construction work or deliveries shall take place on Sundays or Bank Holidays.

Reason

As assumed in the submitted supporting reports and to safeguard the amenities of the area in accordance with Policies FRP.9, FRP.10, FRP.11 and BE.21 of the 2002 City of Gloucester Second Deposit Local Plan, Policy SD15 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraphs 17, 109, 120 and 123 of the NPPF.

Condition 34

No development within a Phase shall commence until a Construction phase management plan to deal with light, noise and other disturbance for that phase has been submitted to and approved in writing by the Local Planning Authority. This shall include the lighting requirements at 5.3.0 of the Lighting Impact Assessment dated 18th December 2015. Development of that Phase shall be undertaken only in accordance with the approved management plan.

Reason

To safeguard the amenities of the area in accordance with Policies FRP.9, FRP.10, FRP.11 and BE.21 of the 2002 City of Gloucester Second Deposit Local Plan, Policy SD15 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraphs 17, 109, 120 and 123 of the NPPF.

Condition 35

Areas of the site used for sports or recreation shall not be illuminated by floodlighting after 2200 hours on any day.

Reason

To safeguard the amenities of the area in accordance with Policies FRP.9, FRP.10, FRP.11 and BE.21 of the 2002 City of Gloucester Second Deposit Local Plan, Policy SD15 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraphs 17, 109, 120 and 123 of the NPPF.

Condition 36

The use of sports pitches shall cease by 2200hours on any day.

Reason

To safeguard the amenities of the area in accordance with Policies FRP.9, FRP.10, FRP.11 and BE.21 of the 2002 City of Gloucester Second Deposit Local Plan, Policy SD15 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraphs 17, 109, 120 and 123 of the NPPF.

SPORTS PROVISION/PLAYING PITCH MITIGATION

Condition 37

The Artificial Grass Pitches (AGP) hereby permitted shall not be constructed other than in accordance with Football Association (for the football AGP) and Rugby Football Union (for the Rugby AGP) Technical Design Guidance Notes: *The FA Guide to 3G Football Turf Pitch – Design Principles* and *Artificial Grass Pitches for Rugby and Association Football* or such other guidance that may replace them.

Reason

To ensure the development is fit for purpose and sustainable and to ensure that the mitigation measures for the loss of existing pitches are appropriate, in accordance with Policy SR.2 of the City of Gloucester Second Deposit Local Plan 2002, Policy INF5 of the Gloucester Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014 and Paragraph 74 of the NPPF.

Condition 38

The sports hall hereby permitted shall not be constructed other than substantially in accordance with Sport England's Technical Design Guidance Note: *Sports Halls – Design and Layout* or such other guidance that may replace this document.

Reason

To ensure the development is fit for purpose and sustainable and to ensure that the mitigation measures for the loss of existing pitches are appropriate, in accordance with Policy SR.2 of the City of Gloucester Second Deposit Local Plan 2002, Policy INF5 of the Gloucester Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014 and Paragraph 74 of the NPPF.

Condition 39

The new cricket pitch shall be constructed and laid out in accordance with the Drawing No. 412/P01B (or such other layout plan for the pitch to be submitted to and agreed in writing by the Local Planning Authority) and with the standards and methodologies set out in the ECB's guidance note " *Recommended Guidelines for the construction, preparation and maintenance of cricket pitches and outfielders at all levels of the game*" or such other guidance that may replace this document, and shall include artificial wickets for senior and for junior matches. The pitch shall be fully implemented prior to the commencement of any development of the land known as the Debenhams Playing Field (land enclosed by properties at Estcourt Road and Estcourt Close, Estcourt Close allotments and the access lane off Estcourt Road) other than a vehicular access of no more than 5 metres distance from the existing highway.

Reason

To ensure the quality of pitches is satisfactory and to ensure that the mitigation measures for the loss of existing pitches are appropriate and timely, in accordance with Policy SR.2 of the City of Gloucester Second Deposit Local Plan 2002, Policy INF5 of the Gloucester Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014 and Paragraph 74 of the NPPF.

Condition 40

Prior to the commencement of use of any of the sports hall, artificial grass pitches, cricket pavilion or new cricket wicket a community use agreement prepared in consultation with Sport England shall be submitted to and approved in writing by the Local Planning Authority. The agreement shall apply to sports facilities and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review, and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities. The development shall not be used at any time other than in strict compliance with the approved agreement.

Reason

To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to ensure that the mitigation measures for the loss of existing pitches are appropriate, in accordance with Policies SR.2 and SR.5 of the City of Gloucester Second Deposit Local Plan 2002, Policy INF5 of the Gloucester Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014 and Paragraph 74 of the NPPF.

Informative: Guidance on preparing Community Use Agreements is available from Sport England www.sportengland.org.

Condition 41

Prior to the commencement of use of any of the sports hall, artificial grass pitches or new cricket square, a Management and Maintenance Scheme for the facility (to include but not be limited to management responsibilities, a maintenance schedule, a management regime for the existing artificial pitch to prioritise sessions for hockey, enhancements of the existing Plock Court grass pitches and a timetable for their delivery, delivery of a shared equipment bank, measures to ensure the replacement of the artificial grass pitches within a specified period, and a mechanism for review) shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The measures set out in the approved scheme shall be complied with in full for the life of the development, with effect from commencement of use of the sports hall, artificial grass pitches or new cricket square.

Reason

To ensure that a new facilities are capable of being managed and maintained to deliver facilities which are fit for purpose, sustainable, to ensure sufficient benefit of the development to sport and to ensure that the mitigation measures for the loss of existing pitches are appropriate, in accordance with Policy SR.2 of the City of Gloucester Second Deposit Local Plan 2002, Policy INF5 of the Gloucester Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014 and Paragraph 74 of the NPPF.

Condition 42

The sand artificial grass pitch at the University campus shall not be dismantled until at least one of the artificial grass '3g' pitches hereby approved is constructed and fit for use and the revised management regime to prioritise hockey sessions on the existing Plock Court artificial grass pitch is operational.

Reason

To secure timely implementation of the mitigation measures offered to address the loss of the existing artificial grass pitch, in accordance with Policy SR.2 of the City of Gloucester Second Deposit Local Plan 2002, Policy INF5 of the Gloucester Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014 and Paragraph 74 of the NPPF.

CONTAMINATION

Condition 43

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 4 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent

specified by the Local Planning Authority in writing until part 4 has been complied with in relation to that contamination.

1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'.

2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must accord with the provisions of the EPA 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The

Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to elsewhere as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with part 3.

5. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over an appropriate time period, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy FRP.15 of the Second Deposit City of Gloucester Local Plan (2002).

SUSTAINABILITY

Condition 44

Within each phase no development, other than remediation, demolition or infrastructure provision, shall commence until a detailed strategy for the adoption and incorporation of sustainable development principles, including energy efficient

measures to be incorporated into the buildings, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with that strategy.

Reason

To support the move to a low carbon future, in accordance with Policy SD4 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraphs 95, 96 and 97 of the NPPF.

Condition 45

A Waste Minimisation Statement shall be submitted as part of the reserved matters applications and shall include details of the types and volumes of construction and demolition waste likely to be generated and measures to minimise, re-use and recycle that waste, as well as measures to minimise, re-use and recycle waste within the operational period of the development included in the reserved matters application. Development shall proceed only in accordance with the approved Waste Minimisation Statement, and the measures for the operational period shall be maintained for the duration of the use unless any variation is agreed in writing by the Local Planning Authority.

Reason

In the interests of waste minimisation in accordance with Policy BE.4 of the City of Gloucester Second Deposit Local Plan 2002, Policies SD4, SD5 and SD15 of the Joint Core Strategy Pre-Submission Document 2014, and Paragraphs 17 and 58 of the NPPF.

HIGHWAYS

Condition 46

The junction improvement works at Cheltenham Road/Oxstalls Lane/Site Access shall be constructed in accordance with the approved plan 8150436/6006 Rev C before beneficial occupation of the business school.

Reason

To ensure that cost effective improvements are undertaken to the transport network that mitigate the significant impacts of the development in accordance with paragraph 32 of the National Planning Policy Framework

Condition 47

The improvement works to Plock Court access shall be constructed in accordance with approved plans 8150436/6101 before any works commence on site for the construction of the Sports Facilities.

Reason

To ensure safe and suitable access at the time of construction of the proposed sports facilities and to serve the proposed development thereafter in accordance with Paragraph 32 of the NPPF.

Condition 48

Prior to occupation of the proposed student accommodation details of the access from Estcourt Close to the student accommodation and measures to restrict vehicular access from the existing access serving the Estcourt Park allotments to the north of Estcourt Road shall be submitted to and agreed in writing by the Local Planning Authority and completed in all respects.

Reason

To ensure safe and suitable access to serve the proposed development and to minimise conflict between traffic, pedestrians and cyclists in accordance with Paragraph 32 and 35 of the NPPF.

Condition 49

Prior to occupation of the student accommodation details of the improvements to the existing public right of way serving the allotments and National Cycle Route 41 shall be submitted to and agreed in writing by the Local Planning Authority, those details once agreed shall be completed in all respects.

Reason

To ensure safe and suitable access to serve the proposed development and to ensure that the opportunities for sustainable modes of transport have been taken up in accordance with Paragraph 32 of the NPPF.

Condition 50

Prior to the car parking spaces being brought into use serving the D2 Land Use/Business School details of the junction of the internal access road serving the parking areas crossing over National Cycle Route 41 shall be submitted and approved in writing by the Local Planning Authority and once approved completed in all respects.

Reason

To ensure safe and suitable access to serve the proposed development and to ensure that the opportunities for sustainable modes of transport have been taken up in accordance with Paragraph 32 of the NPPF.

Condition 51

Prior to the car parking spaces being brought into use serving the sports hall facilities details of a scheme to provide pedestrian crossing facilities along the access road between the existing and proposed buildings of the internal access road serving the parking areas shall be submitted and approved in writing by the Local Planning Authority and once approved completed in all respects.

Reason

To ensure safe and suitable access to serve the proposed development and to ensure that the opportunities for sustainable modes of transport have been taken up

in accordance with Paragraph 32 of the NPPF.

Condition 52

Prior to occupation of the buildings that they serve, pedestrian and cycle links from the business school to the campus and student accommodation, and from sports facilities to the Oxstalls Campus shall be submitted to and agreed in writing by the Local Planning Authority and completed in all respects.

Reason

To secure the benefits to linkages for sustainable modes of transport between the parts of the site and community safety, in accordance with Policies BE.4, BE.5 and CS.2 of the City of Gloucester Second Deposit Local Plan 2002, Policies SD5, INF4 and INF 5 of the Joint Core Strategy Submission Document 2014 and the NPPF.

Condition 53

The sole means of access to the University campus to the east side of Wotton Brook other than for emergency vehicles shall be from the Oxstalls Lane junction

Reason

To ensure safe and suitable access to serve the proposed development in accordance with Paragraph 32 of the NPPF.

Condition 54

The D2 Land Use/business school building hereby permitted shall not be occupied until space has been laid out within the site for an additional 258 cars (including disabled spaces) to be parked within that phase, and for all vehicles, including emergency and maintenance, to be able to turn so as to enter and leave the site in forward gear, and such provision shall be maintained thereafter.

Reason

To reduce potential highway impact by ensuring that vehicles do not have to reverse to or from the public highway and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with Paragraphs 32 and 35 of the National Planning Policy Framework.

Condition 55

The C2 Land Use/Student accommodation building hereby permitted shall not be occupied until space has been laid out within the site for 10 cars to be parked (including disabled spaces) within that phase, and for all vehicles, including emergency and maintenance, to be able to turn so as to enter and leave the site in forward gear, and such provision shall be maintained thereafter.

Reason

To reduce potential highway impact by ensuring that vehicles do not have to reverse to or from the public highway and to ensure that a safe, suitable and secure means of

access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with Paragraphs 32 and 35 of the National Planning Policy Framework.

Condition 56

Use of the sports facilities hereby permitted shall not commence until space has been laid out within the site for 120 cars to be parked (including disabled spaces) within that phase, and for all vehicles, including emergency and maintenance, to be able to turn so as to enter and leave the site in forward gear, and such provision shall be maintained thereafter, unless temporary arrangements have been submitted to and approved in writing by the Local Planning Authority.

Reason

To reduce potential highway impact by ensuring that vehicles do not have to reverse to or from the public highway and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with Paragraphs 32 and 35 of the National Planning Policy Framework.

Condition 57

Prior to occupation of the D2 Lane Use/Business School hereby permitted the improvements to 30 overspill parking spaces shall be completed and maintained as such thereafter.

Reason

To reduce potential highway impact by ensuring that vehicles do not have to reverse to or from the public highway and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with Paragraphs 32 and 35 of the National Planning Policy Framework.

Condition 58

The development hereby permitted for the C2 Land use/Student Accommodation shall not be occupied until secure and covered cycle storage facilities for a minimum of an additional 210 bicycles within that phase has been made available in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that adequate cycle parking is provided, to promote cycle use and to ensure that the opportunities for sustainable transport modes have been taken up in accordance with paragraph 32 of the National Planning Policy Framework.

Condition 59

The development hereby permitted for the D2 Land use/Business School shall not be occupied until secure and covered cycle storage facilities for a minimum of an

additional 318 bicycles within that phase has been made available in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that adequate cycle parking is provided, to promote cycle use and to ensure that the opportunities for sustainable transport modes have been taken up in accordance with paragraph 32 of the National Planning Policy Framework.

Condition 60

The sports facilities building hereby permitted shall not be occupied until secure and covered cycle storage facilities for a minimum of an additional 54 bicycles within that phase has been made available in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that adequate cycle parking is provided, to promote cycle use and to ensure that the opportunities for sustainable transport modes have been taken up in accordance with paragraph 32 of the National Planning Policy Framework.

Condition 61

Written notification shall be provided to the Local Planning Authority of the date of first occupation of the Business School within 21 days of that first occupation.

Within 3 months of beneficial occupation of the business school a survey to establish on street parking demand generated by the use hereby permitted shall be undertaken using the same methodology and for the same study area as identified in Appendix G of the submitted transport assessment and the results shall be submitted to and agreed in writing to the Local Planning Authority;

Written notification shall be provided to the Local Planning Authority of the date of full occupation or of occupation of 10,000sq m of the Business School within 21 days of that occupation.

Within 3 months of full occupation or occupation of 10,000sqm of the Business School whichever comes first a further survey to establish on street parking demand generated by the use hereby permitted shall be undertaken using the same methodology and for the same study area as identified in Appendix G of the submitted transport assessment and the results shall be submitted to and agreed in writing to the Local Planning Authority;

Written notification shall be provided to the Local Planning Authority of the date of first occupation of the student accommodation within 21 days of that first occupation.

Within 3 months of beneficial occupation of the student accommodation a survey to establish on street parking demand generated by the use hereby permitted shall be undertaken using the same methodology and for the same study area as identified in Appendix G of the submitted transport assessment and the results shall be submitted to and agreed in writing to the Local Planning Authority;

If any of the surveys demonstrate that the displaced parking demand generated by

the development permitted leads to blocked or congested streets or pavement parking then a scheme to mitigate this impact including a timetable for implementation shall be submitted to and agreed in writing by the Local Planning Authority. Those details once approved shall be implemented in accordance with the approved timetable.

Reason

To assess and reduce the impact of additional on street parking on the adjacent highway in accordance with Paragraph 39 of the NPPF including the Written Statement to Parliament March 2015

Condition 62

Prior to any Community Sports Event taking place at the Plock Court sports facilities hereby permitted an Event Management Plan to mitigate the maximum level of impact on the transport network shall be submitted to and agreed in writing by the Local Planning Authority and the approved Event Management Plan shall be adhered to throughout the period of any such Community Sports Event.

Reason

To reduce the impact on the adjacent public highway from infrequent events to ensure safe and suitable access is provided from the existing highway network to the site and parking is adequately accommodated to minimise conflict between traffic, cyclists and pedestrians in accordance with Paragraph 32 and 35 of the NPPF.

Condition 63

No development within a Phase shall take place, including any works of demolition, until a Construction Method Statement for that Phase has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period of that Phase. The Statement shall:

- i. specify the type and number of vehicles;
- ii. provide for the parking of vehicles of site operatives and visitors;
- iii. provide for the loading and unloading of plant and materials;
- iv. provide for the storage of plant and materials used in constructing the development;
- v. provide for wheel washing facilities;
- vi. specify the intended hours of construction operations;
- vii. specify measures to control the emission of dust and dirt during construction
- viii. provide a construction routing strategy

Reason

To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance with paragraph 35 of the National Planning Policy Framework.

Condition 64

Prior to occupation of any building within a Phase hereby permitted details of new facilities for charging plug-in and other ultra-low emission vehicles for that Phase shall be submitted to and agreed in writing by the Local Planning Authority and once approved completed in all respects.

Reason

To exploit the use of sustainable transport modes in accordance with Paragraph 35 of the NPPF.

Condition 65

Prior to occupation of any building within a Phase a Travel Plan for that Phase shall be submitted in accordance with the approved Travel Plan Framework and agreed in writing by the Local Planning Authority, setting out;

- i. objectives and targets for promoting sustainable travel,
- ii. appointment and funding of a travel plan coordinator,
- iii. details of an annual monitoring and review process,
- iv. means of funding of the travel plan, and;
- v. an implementation timetable including the responsible body for each action.

The approved Travel Plan shall be implemented in accordance with the details and timetable therein, and shall be continued thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure that the opportunities for sustainable transport modes are taken up in accordance with paragraphs 32 and 36 of the National Planning Policy Framework.

Condition 66

The student study bedrooms comprised in the development shall not be occupied until the wording of a clause in the tenancy agreement under which all of the study bedrooms are to be occupied restricting students resident at the premises (other than those registered disabled or other reasonable exceptions to be specified) from bringing or keeping a motor vehicle in the city has been submitted to and approved in writing by the Local Planning Authority, and the study bedrooms shall only be let on tenancies which include that clause.

Reason

In accordance with the applicants' stated position and to ensure that the development does not generate a level of vehicular parking that would be prejudicial to highway safety, in accordance with Policy TR.31 of the 2002 Second Deposit City of Gloucester Local Plan, Policies INF1 and INF2 of the Joint Core Strategy Pre-Submission Document 2014 and the NPPF.

Note

To assist in the conservation of countywide biodiversity, all species and habitat records from the ecological work commissioned by the applicant should be copied [preferably in electronic format] to the Gloucestershire Centre for Environmental Records (GCER).

Note

If a protected species (such as any bat, great crested newt, dormouse, badger, water vole, otter, white-clawed crayfish, reptile, barn owl or any nesting bird) is discovered using a feature on site that would be affected by the development or construction work all activity which might affect the species at the locality should cease. If the discovery can be dealt with satisfactorily by the implementation of biodiversity mitigation measures already approved by Authority then these should be implemented. Otherwise a suitably qualified ecological consultant or Natural England should be contacted and the situation assessed before operations can proceed. This action is necessary to avoid possible prosecution and ensure compliance with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 (as amended) and the Protection of Badgers Act 1992. This advice note should be passed on to any persons or contractors carrying out the development/works.

Note

Bats are protected under the Wildlife and Countryside Act 1981 (as amended) and also the Conservation of Habitats and Species Regulations 2010 (as amended). To avoid possible prosecution under this legislation if a bat or evidence of bats using a feature on site is discovered during operations all work which might affect the species should cease and a licensed bat consultant or Natural England contacted and the situation assessed before work can proceed. This advice note should be passed on to any person or /contractors carrying out the development.

Note

This informative is given as a reminder to help you comply with the Wildlife & Countryside Act 1981 (as amended) and avoid possible prosecution. The Act makes it an offence to kill, injure or take any wild bird, and to intentionally remove, damage or destroy the nest of any wild bird while that nest is in use or being built. It is also an offence to take or destroy any wild bird eggs. In addition the Act states that it is an offence to intentionally or recklessly disturb any wild bird listed in Schedule 1 while it is nest building, or at (or near) a nest containing eggs or young, or disturb the dependent young of such a bird. If at any time nesting birds are observed on or close to the site then works which might affect them should cease and advice sought from a suitably qualified or experienced person. You are additionally advised that tree or shrub or hedgerow removal works should not take place between 1st March and 31st August inclusive unless a survey by a suitably qualified or experienced person to assess nesting bird activity during this period is undertaken. If it is decided on the basis of such a survey to carry out tree or shrub removal works then it should be ensured that it is done without harming nesting birds or their eggs and that this may require a suitably qualified or experienced person being in attendance. This

informative should be passed on to any persons or contractors carrying out the development.

Note

Any works in, under, over or within 8 metres of the top of bank of the Wotton Brook will also be subject to obtaining formal permission from us in the form of a flood defence consent under the Water Resources Act 1991.

Note

The site is traversed by a public right of way and this permission does not authorise additional use by motor vehicles, or obstruction, or diversion.

Note

The proposed development will involve works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the County Council before commencing those works.

Note

Further guidance on the Local Highway's Authority's requirements can be found in it's document entitles ' Manual for Gloucestershire Streets' which is available on the Council's website

Note

The design of the cricket pavilion should be prepared in liaison with Sport England and the ECB and in accordance with their guidance.

Decision:

Notes:

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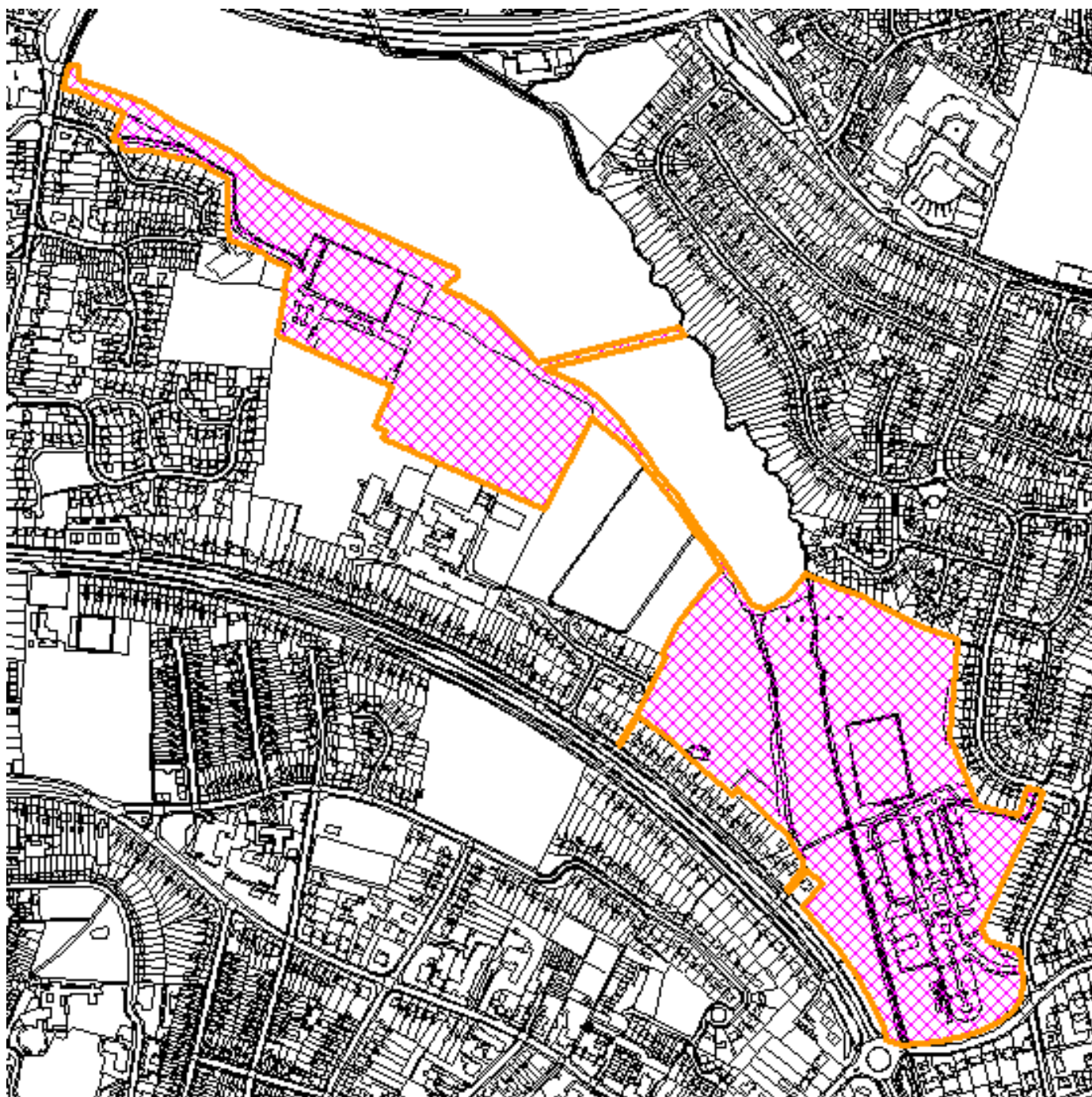
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Person to contact: Adam Smith
(Tel: 396702)

15/01190/OUT

**University Of Gloucestershire
Oxstalls Lane
Gloucester
GL2 9HW**

Planning Committee 01.03.2016



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GLOUCESTER CITY COUNCIL

COMMITTEE	:	PLANNING
DATE	:	1ST MARCH 2016
ADDRESS/LOCATION	:	LAND AT WINNYCROFT LANE, MATSON, GLOUCESTER
APPLICATION NO. & WARD	:	14/01063/OUT MATSON AND ROBINSWOOD
EXPIRY DATE	:	31ST DECEMBER 2015
APPLICANT	:	BARWOOD DEVELOPMENT SECURITIES LTD
PROPOSAL	:	OUTLINE APPLICATION FOR THE ERECTION OF UP TO 420 DWELLINGS AND COMMUNITY SPACE/BUILDING, AS WELL AS ASSOCIATED LANDSCAPING, PUBLIC OPEN SPACE, ACCESS, DRAINAGE, INFRASTRUCTURE, EARTHWORKS AND OTHER ANCILLARY ENABLING WORKS.
REPORT BY	:	JOANN MЕНEAUD
APPENDICES	:	COMMITTEE REPORT 15TH DECEMBER AND ACCOMPANYING LATE MATERIAL UPDATE REPORT

1.0 INTRODUCTION

The application is submitted in outline and proposes the erection of up to 420 dwellings. All matters are reserved for future consideration with the exception of the means of access. The main access into the site would be via a new roundabout located opposite the flats 32 and 34 Winnycroft Lane. An additional access is proposed as a new junction opposite houses at 50 – 60 Winnycroft Lane.

- 1.2 The application also includes the provision of allotments, community orchard, open space, two sports pitches and a new changing room facility which are detailed on the accompanying master plan. The applicant is proposing the provision of 10% affordable housing.
- 1.3 Members will recall that this application was considered by Committee on 15th December. The relevant report and late material are appended to the report. The officer recommendation was:

That subject to no new material planning considerations being raised within the consultation period, the completion of a section 106 agreement to secure the requested planning obligations together with the provision of a minimum of 15% affordable housing (and a review mechanism for the re-assessment of the viability of the scheme), that outline planning permission be granted subject to detailed conditions covering the issues detailed below, (and any further conditions considered necessary) and that delegated powers be granted to the Development Control Manager to prepare the detailed wording of the conditions. The review mechanism referred to will be undertaken upon the completion of 140 dwellings and a subsequent review undertaken at a period of 3 years from the occupation of the 140th dwelling. At this 3 year period, the assessment shall apply to all the remaining unoccupied dwellings (built and unbuilt) at that time.

1.4 After much discussion, Planning Committee resolved to grant outline permission in accordance with the officer recommendation, but with a requirement for the level of affordable housing, to be increased from the 15% as recommended, to 20%, to be required by the S106.

1.5 Following the resolution of Planning Committee, the applicant, Barwood, has written to the Managing Director to raise concerns regarding that resolution, to confirm their position on the application and making the following points;

They consider our Viability Advisers conclusions to be flawed.

Their offer of 10% affordable housing is on the basis of a reduced industry standard profit expectation, but was offered in an attempt to avoid the cost and delay of an appeal.

They would revert to 0% affordable housing at any subsequent appeal – as this is justified by the facts (and the results of their viability appraisal) and they have confidence in their experts' advice regarding the viability of the scheme.

They state that the requirement for 20% affordable housing is not justified by any expert opinion; it is an unrealistic position and solely an aspiration of Committee that ultimately, results in an undeliverable scheme. In their view, this represents unreasonable behaviour and would lead to an award of costs at an appeal.

1.6 As a way forward they have suggested a further review of viability and in particular, binding and independent RICS arbitration that would impose the appropriate level of affordable housing upon both parties or the appointment of an independent RICS valuer to provide advice on the respective positions of both parties. They also state that without a further review, they would immediately exercise their right to appeal and that this would include a costs claim against the Council.

- 1.7 Officers did agree that a further review of viability was a sensible option and have appointed Peter Brett Associates (PBA) to undertake this work. PBA are also employed by the Joint Core Strategy to advise on the Community Infrastructure Levy (CIL) and viability across the JCS area and therefore have direct and local experience and understanding on these matters.
- 1.8 PBA's assessment has used the same model as the JCS Plan Viability and CIL assessment but has included site specific information where appropriate. It has tested viability at 10%, 15% and 20% with the applicants tenure mix. PBA have also questioned some of the assumptions made within the applicants report and made adjustments to the figures where they consider it to be appropriate to do so – these have included the total amount of costs, the phasing of overall costs and corrected some perceived double counting.
- 1.9 On this basis PBA conclude that a deficit is shown at 12.5%, 15% and 20% levels of affordable housing but that the scheme could be considered as marginally viable at 10%. As part of the wider JCS assessment looking at viability and the application of CIL, PBA had previously undertaken a “high level” assessment of the application site resulting in an estimate that 20% affordable housing should be achievable. However following detailed scrutiny of the applicant's figures, PBA are of the view that 10% is realistic.
- 1.10 However PBA have also identified some potential discrepancies particularly in relation to the costs involved in the development of the site. These require further examination and clarification to enable our understanding as to whether they would impact upon the level of affordable housing that can be provided.
- 1.11 The Planning Policy Guidance (PPG) stresses the importance of considering the impacts of planning obligations upon a proposal and that where these would cause the development to be unviable states that the LPA should take a flexible approach.

The planning obligations for this proposal are as follows:

Education	£2,694,821
Libraries	£82,320
Highway improvements/Travel Plan	£281,864
Community building	£260,268
Legal costs	£17,400
<u>Total</u>	<u>£3,336,673</u>

Please note that these are worked out on the basis of maximum figures and there may be some reductions eg in the highway improvements total cost (of about £40k) depending on whether the adjoining site is developed

- 1.12 Whilst the level of affordable housing is low, it can clearly be seen that the scheme does also result in a considerable sum of money in financial contributions including, education, libraries, highway improvements and the new community building.

- 1.13 Both viability consultants have also noted the fairly high percentage of non-developable area, resulting in a relatively low density scheme across the total site area. This is as a result of the land take to meet the requirement to provide a suitable suds scheme incorporating retention ponds, the sports pitches, allotments and community orchard and the range of open spaces across the site, designed not only to provide attractive recreational areas for future residents, but also to soften the impact of the development upon the character and appearance of the local area and the adjoining land designated as an Area of Outstanding Natural Beauty. However this high percentage of non-developable area, resulting in a relatively low density scheme is clearly a factor that influences the viability of the site.
- 1.14 Officers understand the disappointment of Members that the development of this site can not achieve a higher proportion of affordable housing. It is clear that there is a high demand for affordable housing across the City and the provision of such housing is a key priority for the Council. However the figures have been examined in detail and we have to base our decision upon the expert advice that we receive.
- 1.15 CIL will replace Section 106 obligations for many forms of infrastructure including highway schemes, education and community facilities but would not apply to the provision of affordable housing, which would be considered separately and outside of the CIL Regulations. CIL would be applied as a charge based on the floor space of new buildings.
- 1.16 The City as part of the JCS area, currently has a preliminary draft charging schedule dated May 2015, that has been subject to the first round of public consultation. However further work on the next stage of the process has been undertaken by PBA and a Draft Charging Schedule has just been produced.
- 1.17 For this particular application, the Draft Charging Schedule would result in the requirement for a £1.3 million CIL payment, together with the provision of 20% affordable housing. However I must point out that at this stage, this is only a draft document that does not yet have the approval of the JCS Authorities and has not been subject to any public consultation or examination by an Inspector.
- 1.18 The requirement for the Local Planning Authority to make sound and justified decisions is enshrined within Government guidance. The Planning Inspectorate Procedure Guide Planning Appeals dated July 2015 states:
When refusing an application, the local planning authority should consider carefully whether it has a sufficiently strong case, capable of being argued at appeal, on the basis of the material before it.

The reasons for refusal should be clear and comprehensive and if the elected members' decision differs from that recommended by their planning officers it is essential that their reasons for doing so are similarly clear and comprehensive.

1.19 Furthermore the PPG states that in making decisions these “*must stand up to scrutiny on the planning merits of the case.*” It gives further advice in relation to appeals and in particular the potential for costs, where awards can be made in the following circumstances;

- a party has behaved unreasonably; and*
- the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.*

(and that these can be made as a result of the application or appeal process).

The circumstances amounting to “unreasonable behaviour” and that could give rise to a substantive award for costs would include:

- preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.*

- failure to produce evidence to substantiate each reason for refusal on appeal*

- vague, generalised or inaccurate assertions about a proposal’s impact, which are unsupported by any objective analysis*

1.20 On the basis of the above National Guidance, and in particular the potential for a costs award to be made against the LPA, I can only make my recommendation to Members on the basis of the technical advice in relation to viability.

1.21 The issue of housing supply is also a material consideration that needs to be given significant weight, in the overall consideration of the application.

1.22 The JCS Housing Background Update Paper (4/12/15) identifies that the City no longer has a 5 year plus 5% housing land supply as required by the NPPF. This updated Housing Background paper has been provided to inform the Examination in Public of the JCS, of the latest position in relation to housing supply. When reviewing the delivery of all sites for the update paper, the applicant (Barwood) took the view that the site could not contribute to the City’s five year housing land supply. The site has therefore been shown in the City Plan potential delivery trajectory for the JCS, as contributing to housing supply for the City, from year six onwards.

1.23 However the applicant has subsequently confirmed that should planning permission be forthcoming in the near future, that it would be reasonable to consider that the site should start delivering towards the end of the first five year period. With the need to undertake ground work and secure reserved matters consents, some housing supply from the site could be counted towards the five year housing land supply calculation, possibly in years four and five.

- 1.24 Given the delay in the progress of the JCS, and in the delivery of the large residential sites (strategic allocations), it is all the more important that the City continues to deliver new housing within its boundaries.
- 1.25 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 1.26 The NPPF states that it does not alter this requirement for applications to be determined in accordance with the development plan but does requires LPA's to apply the presumption in favour of sustainable development in decision making.
- 1.27 Additionally the critical issue for consideration with this application, has to be the requirement for decision making (and all reasons for refusal where appropriate) to be substantiated and backed up by evidence.
- 1.28 In this case, the technical advice from our expert consultant, states that 10% affordable housing is achievable however further work is being undertaken to ensure that this is the maximum figure realistically achievable.

At this stage we do not have any technical evidence that would support the provision of a clause within the S106 requiring 20% and this is not a position that we can substantiate now or in any potential appeal. I understand Members concerns that this is well below 40%, which is the starting point within the JCS policy, and the views that as this is a greenfield site it does not have similar costs that may be associated with a brownfield site (such as contamination) but the figures have been examined in detail. Additionally the PPG is clear that each site needs to be considered in the context of the impact of all the financial obligations, and that where these would result in a development being unviable, the LPA needs to demonstrate flexibility. As stated previously, there are £3.3 million of financial contributions proposed in addition to the affordable housing.

- 1.29 There are other cases across the City where schemes have satisfactorily demonstrated that the development of the site would not be viable with 40% affordable housing. In those circumstances we have come to an agreement on a lower figure and in some cases we have also agreed a review mechanism to enable viability to be re-assessed. There is no reason to take a different approach with this application.
- 1.30 I do still consider that with a below policy expectation, level of affordable housing and with expected build rates over a 5 year period, that there should be a mechanism in place to review the position in relation to the viability of the development. As per my previous recommendation I propose that a review be undertaken upon the completion of 140 dwellings and a subsequent review undertaken at a period of 3 years from the occupation of the 140th dwelling.

At this 3 year period, the assessment shall apply to all the remaining unoccupied dwellings (built and unbuilt) at that time.

- 1.31 The circumstances of this application are unusual in that the application has been considered by Committee and there is a resolution to grant permission with 20% affordable housing. However new technical evidence is available, and whilst some further work is being undertaken it is likely to demonstrate that 20% is not achievable with the other £3.3 million of financial contributions, the proposed scheme would not be viable and therefore would not come forward as a housing development site.
- 1.32 Additionally Members will recall the report relating to S106 agreements that was endorsed by Committee on 12th May 2015. This agreed that where there was little progress on the completion of agreements, that applications could be referred back to committee after three months. Whilst the three month period has not yet passed, the applicant has confirmed in writing that they will not be progressing the S106 agreement with the requirement for 20% affordable housing and in these circumstances there is no reason to wait for three months.
- 1.33 Therefore in accordance with the agreed referral system and on the basis of the new information and to ensure that the application is fully and appropriately considered, the application is re - presented to Committee, to enable full and proper assessment of the new and amended evidence.
- 1.34 At this point I should refer Members to the guidance within the PPG in relation to the consideration of all the facts in the decision making process.

Members must not have a closed mind when they make a decision, as decisions taken by those with pre-determined views are vulnerable to successful legal challenge. At the point of making a decision, members must carefully consider all the evidence that is put before them and be prepared to modify or change their initial view in the light of the arguments and evidence presented. Then they must make their final decision at the meeting with an open mind based on all the evidence.

2 **Conclusions**

For clarity I shall repeat, and add to, the conclusions made within the previous December committee report.

- 2.1 The application requires a careful balancing of a range of often competing issues. The need to find sites to deliver housing requires difficult decisions to be made about sites that previously might have been ruled out of consideration, because there was any form of restrictive designation and because other less sensitive sites were alternatives.
- 2.2 The identification of the site as a Landscape Conservation Area allocation within the 2002 plan would indicate that a new housing development should be resisted. However the weight that can be given to this policy, given the dated approach and emerging JCS policy, is limited. Additionally with the

need to provide an ongoing five year supply of housing, other sites must come into consideration for development, in order to preserve areas of the highest sensitivity from development. The site is on the urban edge and is in a sustainable location with good access to public transport, shops and community facilities in Matson.

- 2.3 It is clear from the applicant submissions that they have sought to maximise existing landscape features on the site. A small proportion of trees are to be removed but the great majority, and those of highest quality are to be retained. The high proportion of land to be utilised as open space will create attractive areas, adding to the opportunities for participation in sport and recreation in the local area. Additionally the open areas will provide more diverse habitats in ecological terms and provide an attractive setting to the new housing.
- 2.4 Additionally the high proportion of open space to developable area, together with the overall design approach of setting lower density development to the most sensitive boundaries, will help to soften the introduction of the built form onto this agricultural land. Furthermore this approach along the southern part of the site together with the open nature of the pitches will help integrate this part of the development with the adjacent fields. Further landscaping along these boundaries, together with the network of green spaces and corridors proposed, will further soften views from outside of the site including to and from the designated Cotswolds AONB.
- 2.5 The scale of the proposed development of up to 420 houses should be satisfactorily accommodated on the site and integrate well with the local surroundings. Existing and new residents will benefit from the open space, allotments, play areas, and new sports pitches and community building. However residents will experience additional traffic along the local road network and obviously those immediately surrounding the site will have a very different outlook from their properties.
- 2.6 The Highway Authority are satisfied that with the road improvements required, including the provision of a right hand turn facility on Painswick Road, the traffic arising from the development can be safely accommodated onto the local highway network. Similarly the Highways Agency raise no objection in terms of the impact of the proposals upon the strategic road network.
- 2.7 The site is subject to high levels of noise from the M5 and to a lesser extent from traffic along Winnycroft Lane. The applicant has demonstrated that with adequate mitigation the noise levels for the new dwellings can meet the WHO guidelines. The motorway will always have some impact upon the site and this will be noticed more within the areas or adjacent open space, allotments and sports pitches. Planting to the noise bund will help screen the visual impact of vehicles travelling along the motorway as well as providing further visual screening to the site when viewed in shorter views from the east.
- 2.8 The development is also considered acceptable in terms of the setting of surrounding listed buildings and the Scheduled Ancient Monument.

- 2.9 The scheme provides a significant number of financial contributions, totalling over £3.3 million, together with the ultimately agreed level of affordable housing of at least 10%. It is accepted that the development of the site raises viability issues and as such the overall “package” of contributions/affordable housing should be seen in that context.
- 2.10 National Guidance requires the LPA to make sound decisions based on the information before them. In this case, the technical advice from our expert consultant in this specialism, currently states that 10% affordable housing is achievable and further work on the potential scope for a higher level is being undertaken. We do not currently have any technical evidence that would support the provision of a clause within the S106 requiring 20%, and this is not a position that we can substantiate now or at any potential appeal., It does not appear to be justified by evidence and could leave the Council open to a costs award at appeal.
- 2.11 Overall I consider that the principle of development is acceptable and that subject to appropriate conditions and the completion of a s106 agreement securing the required planning obligations together with at least 10% affordable housing with a subsequent review mechanism as set out, that outline planning permission should be granted
- 2.12 I understand that Members give the provision of affordable housing great weight within the planning balance. However in these circumstances, it is evidently clear that the provision of a high level of affordable housing would not be viable with the high level of financial contributions (£3.3 Million) required. It is of course, open to Members to secure a higher percentage of affordable housing, if they consider this to be of greater weight than other financial contributions however any increase would result in a corresponding reduction in those other contributions.

3 RECOMMENDATION OF THE DEVELOPMENT CONTROL MANAGER

- 3.1 That subject to the completion of a section 106 agreement to secure the requested planning obligations together with the provision of a minimum of 10% affordable housing (and a review mechanism for the re-assessment of the viability of the scheme), that outline planning permission be granted subject to detailed conditions and that delegated powers be granted to the Development Control Manager to prepare the detailed wording of the conditions. The review mechanism referred to will be undertaken upon the completion of 140 dwellings and a subsequent review undertaken at a period of 3 years from the occupation of the 140th dwelling. At this 3 year period, the assessment shall apply to all the remaining unoccupied dwellings (built and unbuilt) at that time.

Decision:

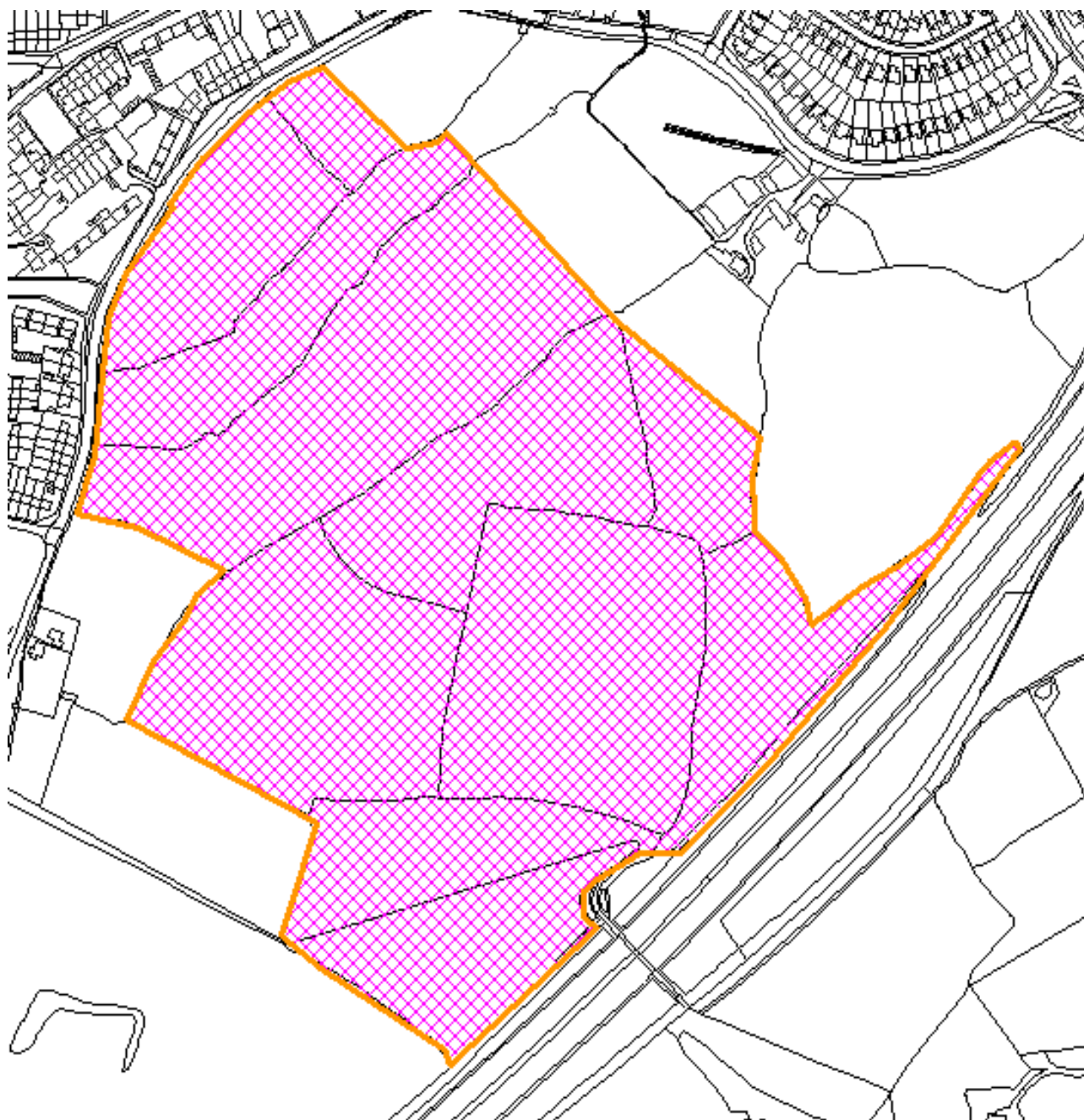
Notes:

Person to contact: Joann Meneaud
(Tel: 396787)

14/01063/OUT

**Land South Of Winnycroft Farm
Corncroft Lane
Gloucester
GL4 6BX**

Planning Committee 01.03.2016



GLOUCESTER CITY COUNCIL

COMMITTEE : **PLANNING**

DATE : **DECEMBER 15 2015**

ADDRESS/LOCATION : **LAND AT WINNYCROFT LANE, MATSON, GLOUCESTER**

APPLICATION NO. & WARD : **14/01063/OUT
MATSON AND ROBINSWOOD**

EXPIRY DATE : **29TH DECEMBER 2014**

APPLICANT : **BARWOOD DEVELOPMENT SECURITIES LTD**

PROPOSAL : **OUTLINE APPLICATION FOR THE ERECTION OF UP TO 420 DWELLINGS AND COMMUNITY SPACE/BUILDING, AS WELL AS ASSOCIATED LANDSCAPING, PUBLIC OPEN SPACE, ACCESS, DRAINAGE, INFRASTRUCTURE, EARTHWORKS AND OTHE ANCILLARY ENABLING WORKS.**

REPORT BY : **JOANN MЕНEAUD**

NO. OF APPENDICES : **1. SITE PLAN
2. ILLUSTRATIVE MASTER PLAN
3.LETTER FROM GLOUCESTERSHIRE CONSTABULARY.**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is of irregular shape and comprises 20 hectares of agricultural land, formerly part of Winneycroft farm. It is located to the eastern side of Winneycroft Lane and runs eastward to the M5 motorway.
- 1.2 The northern tip of the site sits across Winneycroft Lane from the open space to the front of the flats at 20 Winneycroft Lane. The boundary of the site then runs along the road and in a southerly direction to opposite 60 Winneycroft Lane and just before the junction with Sneedhams Road. From here the site boundary runs along hedgerow lines to the fields to the rear of the residential properties The Chalet and The Villa on Winneycroft Lane and down to the motorway to the far tip of the southern boundary. The eastern boundary then runs adjacent to the M5 motorway and adjacent to the foot bridge over the M5. The site does not include the Winneycroft farm house and courtyard

buildings or the fields immediately surrounding the buildings, as this northern boundary is set back, to the south of the farm complex.

- 1.3 The application is submitted in outline and proposes the erection of up to 420 dwellings. All matters are reserved for future consideration with the exception of the means of access. The main access into the site would be via a new roundabout located opposite the flats 32 and 34 Winnycroft Lane. An additional access is proposed as a new junction opposite houses at 50 – 60 Winnycroft Lane.
- 1.4 A master plan is included within the application which details the proposed means of access and the areas of to be developed by housing, open space, sports pitches, allotments and community orchard. A copy of this plan is attached to assist members in their understanding and familiarity with the proposals. The detailed proposals are fully explained within the officer opinion section of this report.
- 1.5 The proposal has been the subject of formal screening under the Environmental Impact Regulations with the Council concluding that the proposal does comprise “Schedule 2” development but that it was not likely to result in significant environmental effects and therefore formal Environmental Impact Assessment was not required.
- 1.6 Whilst the proposal is not considered to require a formal Environmental Impact Assessment it does raise many issues that require careful consideration and assessment.
- 1.7 The application is supported by numerous documents and supporting information including the following:
 - Illustrative Master plan
 - Landscape Master plan
 - Planning Statement including Draft Heads of Terms
 - Statement of Community Involvement
 - Access Drawing
 - Air Quality Assessment
 - Geophysical Survey
 - Archaeological Evaluation
 - Arboriculture Baseline Assessment
 - Design and Access Statement
 - Ecological Assessment
 - Environment Risk Assessment
 - Flood Risk Assessment and Drainage Strategy
 - Heritage Setting Assessment
 - Landscape and Visual Impact Assessment
 - Noise Assessment
 - Utilities Assessment/Foul Water Service Constraints Plan
 - Socio-Economic Report
 - Topographical Survey
 - Transport Assessment

- Travel Plan
- Waste Statement

2.0 RELEVANT PLANNING HISTORY

- 2.1 There are no previous planning applications relating to this site.
- 2.2 However Members should also note that we are also considering another outline application for residential development (up to 210 dwellings) on land to the north and east of this site. This other application includes land immediately around Winneycroft Farm (but does not include the house or buildings associated with the farm itself) and running along the boundary with Corncroft Lane and Winneycroft Lane and to the motorway to the east. I understand that the land was originally part of the original land holding associated with Winneycroft Farm but is now in two different ownerships.
- 2.3 For ease of reference and to prevent confusion between the two applications, this application for up to 420 dwellings on the bigger land parcel is informally known as Big Winney and the adjoining site with the smaller land parcel is known as Mini Winney. I shall make reference to these informal names within the report to provide clarity where necessary.

3.0 PLANNING POLICIES

- 3.1 The following planning guidance and policies are relevant to the consideration of this application:

Central Government Guidance - National Planning Policy Framework

- 3.2 This is the latest Government statement of planning policy and is a material consideration that should be given significant weight in determining this application.

Decision-making

The NPPF does not alter the requirement for applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

In assessing and determining applications, Authorities should apply the presumption in favour of sustainable development.

For decision-making, this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent, or relevant policies are out of date, granting planning permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole; or
- specific policies in the NPPF indicate development should be restricted.

Authorities should look for solutions rather than problems and decision-takers should seek to approve applications for sustainable development where possible.

Core planning principles

Planning should:

- Be genuinely plan-led;
- Be a creative exercise in ways to enhance and improve places;
- Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs;
- Secure high quality design and a good standard of amenity;
- Take account of the different roles and character of different areas;
- Support the transition to a low carbon future, take account of flood risk and encourage the use of renewable resources;
- Contribute to conserving and enhancing the natural environment and reducing pollution;
- Encourage the effective use of land by reusing brownfield land;
- Promote mixed use developments;
- Conserve heritage assets in a manner appropriate to their significance;
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable;
- Take account of and support local strategies to improve health, social and cultural wellbeing and deliver sufficient community and cultural facilities and services to meet local needs.

The NPPF is topic based on a similar basis to the previous PPGs and PPSs:

Promoting sustainable transport

Seeks to ensure developments generating significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Decisions should take account of whether;

- The opportunities for sustainable transport modes have been taken up;
- Safe and suitable access to the site can be achieved for all people;
- Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented on transport grounds where the residual cumulative impacts of development are severe.

Delivering a wide choice of high quality homes

To boost significantly the supply of housing, Authorities should

- Use their evidence base to ensure that their Local Plan meets the full objectively assessed needs to market and affordable housing in the housing market area, as far as is consistent with the policies set out in the NPPF;
- Identify and update annually a supply of specific deliverable site sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5%;

Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the Authority cannot demonstrate a five year supply of deliverable housing sites.

Requiring good design

Emphasis is retained on good design, seeking to ensure that development will function well and add to the overall quality of the area, establish a strong sense of place, optimise the potential of the site to accommodate development, respond to local character and history while not discouraging innovation, ensure safe and accessible environments, and are visually attractive as a result of good architecture and appropriate landscaping. Permission should be refused for development of poor design that fails to take opportunities for improving areas.

Promoting healthy communities

Encourages the involvement of all sections of the community. Decisions should aim to achieve places which promote;

- Opportunities for meetings between members of the community who might not otherwise come into contact;
- Safe and accessible environments;
- Clear and legible routes, high quality public space that encourage use.

Decisions should also;

- Plan positively for shared space, community facilities and other local services;
- Ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

The importance of access to high quality open spaces is also emphasised.

Meeting the challenge of climate change, flooding and coastal change

Seeks to secure reductions in greenhouse gas emissions, supporting the delivery of renewable and low carbon energy and associated infrastructure.

In terms of flooding, authorities should direct development away from high flood risk areas, but where development is necessary, make it safe without increasing flood risk elsewhere. The use of sustainable drainage systems is encouraged.

Conserving and enhancing the natural environment

Sets out that the planning system should contribute to and enhance the natural and local environment by:

- Protecting and enhancing valued landscapes, geological conservation interests and soils;
- Recognising the wider benefits of ecosystem services;
- Minimising impacts on biodiversity and providing net gains where possible;
- Prevention of unacceptable risks or adverse affects by pollution;

Authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight.

Authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, Local Planning Authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

Authorities should aim to conserve and enhance biodiversity by applying the following principles;

- If significant harm cannot be avoided, mitigated or compensated for, refuse permission;
- Opportunities to incorporate biodiversity in and around developments should be encouraged;
- Refuse permission for development resulting in the loss or deterioration of irreplaceable habitats unless the need for and benefits of the development clearly outweigh the loss.

Developments should be prevented from contributing to or being put at unacceptable risk from soil, air, water or noise pollution, remediate and mitigate land where appropriate, and limit the impact of light pollution.

Conserving and enhancing the historic environment

Retains the general approach to protect and enhance heritage assets, and to require applicants to assess the significance of assets affected by development proposals, including any contribution made by their setting.

An appropriate desk-based assessment and where necessary a field evaluation is required where an application site includes or has the potential to include assets with archaeological interest.

Authorities should identify and assess the particular significance of any heritage asset that may be affected taking account of the available evidence and expertise.

In determining applications, Authorities should take account of;

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality;

- the desirability of new development making a positive contribution to local character and distinctiveness.

Planning obligations and conditions

Planning obligations should only be sought where they meet all of the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development: and
- Fairly and reasonable related in scale and kind to the development.

Planning conditions should only be imposed where they are

- Necessary;
- Relevant to planning and to the development to be permitted;
- Enforceable;
- Precise; and
- Reasonable in all other respects.

The National Planning Practice Guidance has also been published to accompany and in part expand on the National Planning Policy Framework.

The Development Plan

3.3 Section 38 of the Planning and Compulsory Purchase Act 2004 has established that - “The development plan is

(a) The regional spatial strategy for the region in which the area is situated, and

(b) The development plan documents (taken as a whole) which have been adopted or approved in relation to that area.

If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy that is contained in the last document to be adopted, approved or published (as the case may be). If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

Local Plan

3.4 The statutory development plan for Gloucester remains the City of Gloucester Local Plan (Adopted 1983 and partially saved until the Local Development Framework is adopted) however this document does not actually include the application site – as at that time the site was not within the administrative boundary of Gloucester but within Stroud District Council .

3.5 Subsequent to the 1983 plan there has also been the City of Gloucester (Pre-1991 Boundary Extension) Interim Adoption Copy October 1996), and City of Gloucester First Stage Deposit Local Plan (June 2001).

3.6 Regard must also be had to the 2002 Revised Deposit Draft Local Plan. This has been subjected to two comprehensive periods of public and stakeholder consultation and adopted by the Council for development control purposes. This cannot be saved as it is not a formally adopted plan, however with it

being adopted for development control purposes it is still judged to be a material consideration. Appeal reference APP/U1620/A/07/2046996 dated 18th March 2008 confirms the degree of weight that may be afforded to the 2002 Revised Deposit Draft Local Plan. It is considered that particular weight may be afforded to those policies that attracted a limited number of, or no objections during the consultation stages. In his decision the Inspector stated the following;

“Although the local plan is not part of the development plan it has been adopted for development control purposes and I give considerable weight to it having regard to the amount of public consultation that it underwent...”

2002 Plan Policies

B.6 – Prime Biodiversity Area

B.10 – Trees and hedgerows on development sites

LCA.1 – Development within landscape conservation areas

FRP.1a – Flood risk

FRP.6 – Surface water run-off

FRP.10 – Noise

FRP.11 – Pollution

FRP.15 – Contaminated land

BE.1 – Scale, massing and height

BE.2 – Views and skyline

BE.4 – Criteria for the layout, circulation and landscape of new development

BE.5 – Community safety

BE.6 – Access for all

BE.7 – Architectural design

BE.8 – Energy efficient development

BE.9 – Design criteria for large commercial development

BE.12 – Landscape schemes

BE.15 – Provision of open space in major development

BE.17 – Design criteria for large scale residential development

BE.18 – Vehicular circulation and parking in new residential development

BE.21 – Safeguarding of amenity

BE.31 – Preserving sites of archaeological interest

BE.32 – Archaeological assessment

BE.34 – Presumption in favour of preserving archaeology

BE.36 – Preservation in situ

BE.37 – Recording and preserving archaeology

TR.9 – Parking standards

TR.31 – Road safety

TR.33 – Providing for cyclists/pedestrians

H.4 – Housing proposals on unallocated sites

H.7 – Housing density and layout

H.8 – Housing mix

H.15 – The provision of affordable housing

H.16 – Affordable housing mix, design and layout

H.18 – Lifetime homes

OS.2 – Public open space standard for new residential development

OS.3 – New housing and public open space

OS.4 – Design of public open space
OS.5 – Maintenance payments for public open space
CS.11 – Developer contributions for education

3.7 In terms of the emerging local plan, the Council is preparing a Joint Core Strategy with Cheltenham and Tewkesbury Councils. The submitted JCS dated November 2014 is currently in the progress of being considered by a Planning Inspector through the Examination in Public process. While the JCS policies listed are relevant not all have been heard by the Inspector at this point in time.

3.8 The following policies are of relevance and the plan is subject to representations through the consultation which affects the weight that can be attributed to the policies:

SP1 - The Need for New Development
SP2 – Distribution of new development
SD1 – Presumption in favour of sustainable development
SD4 – Sustainable design and construction
SD5 – Design requirements
SD7 – Landscape
SD9 – Historic environment
SD10 – Biodiversity and geodiversity
SD11 – Residential development
SD12 – Housing mix and standards
SD13 – Affordable housing
SD15 – Health and environmental quality
INF1 – Access to the transport network
INF2 – Safety and efficiency of the transport network
INF3 – Flood risk management
INF 4 – Green infrastructure
INF5 – Social and community infrastructure
INF7 – Infrastructure delivery
INF8 – Developer contributions

3.9 In addition to the Joint Core Strategy, the Council is preparing its local City Plan.

3.10 Policies can be viewed at the relevant website address:- Gloucester Local Plan policies – www.gloucester.gov.uk/planning; and Department of Community and Local Government planning policies - www.communities.gov.uk/planningandbuilding/planning/.

4.0 CONSULTATIONS

Policy Officer

The Planning Policy Officer emphasises that the Authority needs to continue to identify sites for housing development, particularly to meet the City's needs in the longer term, and that it is committed to ensuring that the requirement to maintain a five year plus 5% housing land supply, as required by the NPPF, is

met. It is noted that in principle, and subject to the site bringing forward suitable sustainable development, the site will help to ensure that the City maintains a healthy housing land supply and delivers more affordable homes and improves linkages and connectivity to green infrastructure. The Officer also considers that the development would provide the opportunity to address some of the weaknesses in the ward that were identified in the ward profile as well as providing the opportunity to deliver upstream flood storage betterment within the Sud Brook catchment.

City Archaeology Officer

The proposed development site has been subject to an archaeological evaluation (trial trenching). This has identified a late Iron Age and Roman settlement in the south of the site. A concentration of Roman pottery has also been identified in the centre of the site – indicating that further Roman period archaeological remains maybe present. In light of the above I advise that a condition requiring a programme of archaeological work be attached to any planning permission which may be granted for this development

This condition will provide for further archaeological evaluation (trial trenching) in the centre of the site. This condition will also provide for a programme of archaeological excavation of all significant archaeological deposits in advance of the proposed development, with provision for community engagement and the appropriate archiving and public dissemination of findings.

Contaminated Land Adviser

I have reviewed the 'Phase 1 Env Risk assessment' dated September 2014 provided in support of the application. I can confirm WRS concur with the conclusions of the study which indicates site intrusive site investigation is required to confirm the findings of the study. WRS recommend the standard contaminated land condition is applied to the development should permission be granted to ensure necessary further works are undertaken.

Urban Design Officer

While both of the Winneycroft applications are separate in many ways, there are clear and logical relationships between them, notably the physical vehicular and pedestrian/cycle links, which are necessary to form a permeable and usable urban extension, which would allow free and easy movement within the wider area.

As I have noted in my comments on the adjacent site application (reference 14/01470/OUT), there are fundamental master-planning considerations which ideally should have been setout in a joint plan covering both sites. Principally, this masterplan should cover issues such as connections, noise attenuation, block layouts and landscaping features.

Noise issues - One of the more significant issues affecting both of the Winneycroft Farm sites is the impact on future residents from the noise generated by the constant use of the M5 Motorway.

Rather than pull back the development line away from the M5, which could in theory help to reduce the noise impact on future residents, on balance, it seems sensible to keep a building line as shown on the submitted layout plans. This allows a limited but usable depth of open space, which combined

with a noise bund and fence, will reduce the overall noise levels and provide an environment which would be acceptable for at least a section of the population to use for extended periods. This allows the orchard and allotments to be provided in that area.

Following a site visit today to review plans for this site and to check noise levels, I am confident that the submitted noise report does broadly reflect the site conditions. There is a slight doubt concerning the effectiveness of the submitted vignette for blocks 11 and 12, in terms of noise attenuation. I believe the precise layout has not been tested to the same level as the blocks within the adjoining site and there is also a different approach here. Just based on the form of the blocks, including exposed side garden fences, gaps between houses above ground floor and access roads which cut through the blocks (at 90 degrees to the line of the M5), it does seem as though this is a looser form of development which could suffer from noise impacts.

However, the conclusion of the noise report was that with appropriate measures, the blocks most affected by noise can be designed in such a way as to meet the necessary guidelines.

Site access & circulation - The creation of the main access roundabout into the development is a logical approach and I have no objections to this. The roundabout could also serve to slow traffic speeds along Winnycroft Lane. The secondary site access further along the lane to the south will create a circular route through the site and allow more efficient access to the southern part of the site.

Landscape and open space - Generally, the illustrative masterplan shows a layout and style of development which sits comfortably within the landscape and which makes good use of existing landscape features.

The landscape features, such as a range of retained trees, the central ribbon park, wetland area, community growing areas and informal green areas, will really make a significant positive contribution to the character of the new development.

The relative land use areas shows a positive balance of types, with the residential at 10.73 Ha and the combination of open spaces, sports & recreation and the landscaped bund at more than 9 Ha. This type of ratio is extremely rare and will result in a very positive environment.

The existence of the sports area and community growing areas along the SE boundary with the M5 also helps to soften the boundary of the site and makes good use of these more marginal spaces. The one query I would have though relates to the growing of food for human consumption right next to the motorway, taking into account airborne pollution such as gases and particulates. Apart from this issue, the combination of these areas and the noise bund will give a reason for many more people to activate these spaces and could lead to more people starting to explore the areas to the south of the motorway.

Housing densities and vignettes

The submitted sketch vignettes were requested in order to show how a typical block would accommodate numbers of dwellings at a low, medium and higher range of densities.

Block 2 – higher density – 69 dwellings @ 53 d/ha
Block 11&12 – medium density – 18 & 23 dwellings @ 36 d/ha
Block 17&18 – medium and low density – 26 & 21 dwellings @ 42 d/ha & 30 d/ha

I'm satisfied that each example layout reflects the proposed densities and that the numbers can generally be achieved within the proposed layout. The only caveats to this relate to the final positions of the connections between the two application sites. The applicant for this site has not shown the two sites overlaid, but a plan has been submitted by the adjacent applicant which clearly shows the relationship between the two sites.

Connections across both of the sites - For example, Block 18 will only function well if it stays at the shape and dimensions proposed in the blocks plans and vignette. This conflicts with the connections into the adjacent area and will lead to two dead end roads to the NW and SE of the block which do not connect anywhere. Moving the road which is shown to the NW of the block further north would be the only way to properly allow a functional block of houses and allow a connection to the adjacent site. This however does not necessarily connect well and could have an impact on the existing mature tree near the boundary.

The next possible connection to the SE also does not line up with the road system in the adjacent site. In fact, only 1 road is shown as connecting between the two sites. This isn't necessarily an issue which this applicant should be dealing with, it should be a joint decision by both applicants to consciously develop a plan which forms a suitable connections network. There are pretty clear wider connections issues and a single connection across the two major sites is not acceptable.

Style and character areas - While this general element is reserved, the final character and style of the new residential area is very important to consider. I'm pleased to see that section 4.10 'development character and appearance' within the design statement, sets out some guidelines on character areas. This is a very useful and logical approach to this site and relates well to the distinct elements. I would seek to base the detailed design for the site on this approach but add that I will be seeking a varying style of architecture across the varying character areas, which may include varying facing materials, massing, roof materials and detailing. This is the only acceptable approach when considering the total numbers of units and the area involved.

Summary

Having considered the issues and the submitted information, I would not raise an objection to the application and would support the general approach to development on this site. The focus on landscape and natural elements is very clear and will really improve the overall appearance and functioning of the wider area.

County Highway Authority Manager

Raise no objection/objection to the completion of highway works and with conditions. The full comments are set out within the highway section of the report.

Highways Agency

Following our request for further and clarification the applicant has now provided further information to enable us to consider the impact of the proposal upon the strategic road network (srn).

The proposals are identified to place a maximum of 25 two way trips on the A40 during the busiest evening peak hour period, with the proposals having a lesser impact on all other srn junctions during the weekday peak hour periods. Whilst the proposals have a small impact on a series of junctions, we do not consider the proposals to have a severe traffic impact on any particular junction.

Housing and Strategy Manager

“This site represents a significant opportunity to meet the need for Affordable Housing in the City although the 15% contribution recommended by the Council’s consultant is some way short of what is required to meet this need. The applicant has suggested a range of house types and a suitable tenure mix between Affordable Rent and Shared Ownership although this is based on a 10% contribution. Whilst Government Policy shifts to a focus on home ownership there is a substantial need for rented accommodation in the City and a failure to meet this need will have adverse impacts on both the “housing Register” and increase pressure on the Private Rented Sector. Again the range of house types is vitally important given the impact of the spare room subsidy both on new and existing tenants. The emerging Joint Core Strategy addresses this issue in Policy SD12 that: “promotes an appropriate housing mix and standards in residential development. An appropriate mix of dwelling sizes, types and tenures and should meet the needs of the local area, including older people”. In relation to provision it is expected that it should be on site and no robust justification for off-site has been provided. The diversion of an on-site contribution may again be detrimental to the overall supply of affordable housing in the City if no net gain of housing is achieved and again this would impact on the ability to meet housing need in the City. It is expected that the contribution will also ensure the delivery of homes that are both adaptable and adapted to meet the needs for older and disabled households. It is also of vital importance that any S106 agreement shall ensure that the quality in terms of design and size of the units ”

Severn Trent Water

No objection to the proposal subject to a condition requiring a drainage scheme to be agreed prior to the commencement of development.

English Heritage

Advice - We note that the application area lies in proximity to a number of highly-graded, designated heritage assets, including:

- The Scheduled Monument known as ‘Moated site at Sneedham's Green, 220m north east of Green Farm’ (National Heritage List ref. 1019399); and
- the Church of St Leonard (listed at Grade II*; NHL ref. 1154810), together with a number of monuments listed at Grades II* and II.

We have closely examined the documentation submitted with the application – including the Heritage Setting Assessment and the Landscape and Visual Impact Assessment – together with our records of heritage assets in this locality, and have undertaken a site visit. We have also considered the application in the light of relevant guidance, including that published by ourselves (2011 The Setting of Heritage Assets) and that offered in paragraphs 13 and 17 of the DCLG Planning Practice Guide ‘Conserving and enhancing the historic environment’

In our view the application would not present serious harm to the setting (and thereby the significance) of the highly-graded assets noted above and thus we do not wish to raise any objection on this occasion.

We note the comments made by the Gloucester City Council Principal Conservation and Design Officer (Ms C Lewis, memo of 25.11.14) regarding the impact of the proposals to the setting of the Winnycroft Farm complex that incorporates three buildings listed at Grade II and would encourage all parties to work together to mitigate impacts to this important group of historic buildings.

Recommendation We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again. However, if you would like further advice, please contact us to explain your request.

Civic Trust *(Please note that these comments relate to this application and to the application on the adjoining site)*

The panel's main concern is the protection of the grade 2 listed Winnycroft Farm, its outbuildings and setting in an historic orchard. To this end the panel objects to the vehicle access to the site which crosses the orchard and to its associated houses in areas M and N. The panel was pleased to see that the two applications are now being considered together and sees no reason why “Mini Winny” cannot be served by the indicated access further west off Winnycroft lane. The Tree Preservation Order proposals are noted and stringent archaeological conditions need to be applied to an area which could contain Roman farms. The balancing ponds will be a major feature of the site but details of their treatment and landscaping seem to be sparse at this stage. The noise, air pollution and visual intrusion from the M5 on houses to the south of the site will be intense. Planning conditions should specify special noise reduction measures.

Ramblers Association

On behalf of the Gloucester Group of the Ramblers Association I wish to object to the proposed development of land south of Winnycroft Farm and situated between Winnycroft Lane, Corncroft Lane and the M5, the proposed development being for 420 houses. This is a green field site crossed by numerous public rights of way. The paths are used for recreational purposes by local residents and others. There is also a link via a footbridge over the M5 providing access towards the Cotswold escarpment. In addition FP EUL22

which crosses the site forms part of the Glevum Way. This is a 25 mile circular route around the City of Gloucester. It was created almost 20 years ago using existing public rights of way. It was designed to be walked as a long distance path, or in stages accessed by public transport. The Way is used by locals and visiting walking groups. The route is also used as a basis for some charity walks/runs. Development on these fields will lead to a loss of Public Rights of Way and the urbanisation of the Glevum Way which will detract from its rural nature.

Stroud District Council

Stroud District Council does not object to the proposed development, but has concerns on the following points which should be addressed as part of the application.

The site is for a substantial development close to the Cotswolds Commons and Beechwoods Special Area of Conservation (SAC). As the determining authority you should ensure that you undertake an appropriate assessment under the Conservation of Habitats and Species Regulations to establish whether the development would result in damage to the SAC resulting from recreational impacts or air quality. If damage would result there must be appropriate mitigation measures proposed and agreed to mitigate these effects.

You should ensure that there is adequate capacity for additional traffic on the local road network within Stroud District and also that there is capacity for additional traffic on the strategic road network e.g. junction 13 of the M5.

The site is large and close to the AONB. There must be appropriate landscape assessment to demonstrate that the development would have no unacceptable impact on the views into and out of the AONB.

There appears to be a watercourse running through the site. The Flood Risk Assessment must show that the development of this site would not result in additional risk of flooding on adjacent land over and above that which currently exists.

Council for the Protection of Rural England Gloucestershire

The location is a sensitive one affecting the setting of the Cotswolds AONB and we wish to endorse the response of the Cotswolds Conservation Board.

The location was clearly recognised by the City Council as sensitive in landscape terms by its inclusion on the proposals map of the Second Deposit Draft of the Council's Local Plan 2002 as a Landscape Conservation Area. Landscape Conservation Areas were defined as "areas of open space which have been assessed as containing inherent landscape value and/or provide green space and natural breaks in the urban environment."

The land was assessed in the work for the Council "Landscape Analysis of Potential Development Sites" by WSP (15 November 2013). WSP concluded that there were strong visual links with the AONB but there was an opportunity for development to the north east of the site where the link with the AONB and common land are not as direct.

The site is only separated from the AONB by the width of the M5 motorway, which is predominantly in cutting as it passes the site. As the Conservation Board notes, the landscape character of the site shares many of the features of the nearby AONB – grazing land, mature hedgerows and mature trees,

both in hedgerows and standing alone; and there are clear views of the Cotswold escarpment from the boundaries of the site and the extensive network of rights of way across the site lead into the AONB across the motorway.

Accordingly, if development is to be permitted at this location, it should be restricted to that part of the site close to Corncroft Lane, maintaining a wide buffer between any development and the M5 and AONB beyond.

Cotswolds Conservation Board

1. The Cotswolds Area of Outstanding Natural Beauty was designated in 1966, and the designated area was extended in 1990. The primary purpose of designation is the conservation and enhancement of the natural beauty of the area.

2. The Cotswolds Conservation Board ('the Board') was established by Parliament in 2004.

Under the provisions of Section 87, Countryside and Rights of Way Act 2000), the Board has two statutory purposes:

- a) to conserve and enhance the natural beauty of the AONB; and
- b) To increase the understanding and enjoyment of the special qualities of the AONB.

In fulfilling these roles, the Board has a duty to seek to foster the economic and social well being of people living in the AONB

3. The Board notes that development as proposed would interfere with views of the Cotswolds AONB.

4. In determining appeal Ref APP/G1630/A/12/2183317 at Greeton Road Winchcombe the Inspector gave consideration to the issue of "setting" of a protected area. The Inspector noted that the proposed development would interrupt views of the AONB and that this represented "significant harm" to the setting of the AONB, contrary to development plan policy. A copy of the decision notice is attached.

5. The Winchcombe case was determined in favour of the applicant primarily due to the lack of a five year housing supply in Tewkesbury Borough as a whole. However paragraph 14 of the NPPF which provides a presumption in favour of sustainable development, is caveated by footnote 9 to that paragraph. This indicates that where other policies in the NPPF restrict development, such as that for AONBs, then the presumption need not apply.

6. The Board would therefore wish the Council to consider carefully if the harm identified to the setting of the AONB is sufficient to refuse consent for this proposal.

7. The Cotswolds AONB Management Plan 2013-18 is a statutory plan¹. Planning Practice Guidance states that 'National Parks and Areas of Outstanding Natural Beauty management plans may also be material considerations in making decisions on individual planning applications, where they raise relevant issues.' (Paragraph: 004 Reference ID: 8-004-20140306).

8. The Guidance also states:

'Section 11A(2) of the National Parks and Access to the Countryside Act 1949, Section 17A of the Norfolk and Suffolk Broads Act 1988 and Section 85 of the Countryside and Rights of Way Act 2000 requires that 'in exercising or performing any functions in relation to, or so as to affect, land'

in National Parks and Areas of Outstanding Natural Beauty, relevant authorities 'shall have regard' to their purposes. A list of the public bodies and persons covered under "relevant authorities" is found in Defra guidance on the 'have regard' duty. Natural England has published good practice guidance on the 'have regard' duty.

This duty is particularly important to the delivery of the statutory purposes of protected areas. The duty applies to all local planning authorities, not just national park authorities. The duty is relevant in considering development proposals that are situated outside National Park or Area of Outstanding Natural Beauty boundaries, but which might have an impact on the setting of, and implementation of, the statutory purposes of these protected areas.'

9. Landscape policies in the Management Plan are

LP1: The key characteristics, principal elements, and special qualities (including tranquillity), which form the natural beauty of the Cotswolds landscape are conserved and where possible enhanced.

LP2: Development proposals and changes in land use and management, both within and outside the AONB, take account of guidance and advice published by the Board.

10. A 'special quality' of the Cotswolds AONB identified in the Management Plan is: 'the Cotswold escarpment, including views to and from it'.

11. The Board has published a Position Statement on Development in the setting of the AONB.² This states:

The Board considers the setting of the Cotswolds AONB to be the area within which development and land management proposals, by virtue of their nature, size, scale, siting materials or design can be considered to have an impact, positive or negative, on the landscape, scenic beauty and special qualities of the Cotswolds AONB.

The Board will expect local authorities to be mindful of both the possible positive and negative impacts of a development within the setting of the AONB on the natural beauty and special qualities of the AONB when determining planning applications, and seek the views of the Board when significant impacts are anticipated.'

12. The site is only separated from the AONB by the width of the M5 motorway, which is predominantly in cutting as it passes the site.

13. The landscape character of the site shares many of the features of the nearby AONB – grazing land, mature hedgerows and mature trees, both in hedgerows and standing alone.

14. There are clear views of the Cotswold escarpment from the boundaries of the site and the extensive network of rights of way across the site lead into the AONB across the motorway.

15. A landscape analysis of the site was undertaken by the Council in November 2013 as part of developing the evidence base for the Joint Core Strategy.³ The application site forms a substantial part of a larger area described as 'Site 1, Winneycroft Farm'. The outcome of the analysis is shown in Appendix B of that report. This clearly shows that whilst some of Site 1 could be suitable for development, a substantial area, including much of the application site is 'not suitable for development.' This is the area closest to the AONB.

16. The Board strongly concurs with this analysis. Development of the area closest to the M5 would substantially interfere with views of the scarp slope

from numerous public viewpoints, and break the visual connection between the landscape of the AONB and the similar landscape to the west of the M5.

17. In view of the above the Board would object to development of the whole site as proposed in the application, but would accept development on the smaller area as identified in the Council's report.

Upton St Leonards Parish Council

Object to the proposals for the following reasons:

1. It is understood that Gloucester City Council has prepared development plans for the local authority including the identification of sufficient sites for residential development to meet identified need, including a supply adequate to meet needs for the next 5 years. There is therefore no reason to over-ride existing planning policies which indicate this site being retained as open countryside.

2. Parts of this site are very near to the M5 carriageway and will be affected by noise and air pollution with development very close to the motorway also being adversely affected by light pollution and spray in certain conditions. Where other sites, not so affected, are readily available for development, it is not sound planning to direct, or allow development in areas where residents will suffer long term problems that cannot be effectively mitigated.

This is not surmise but the experience of Upton residents already affected by these problems. In particular, attention is drawn to the limitations of noise mitigation relying on noise barriers or building orientation. From experience the enjoyment of gardens and formal and informal open spaces is severely compromised close to the carriageway and noise barriers of the type used on the M5 in Upton and Abbeydale do very little to ameliorate this. If development in the form proposed is contemplated, it is strongly recommended that planners / councillors should visit existing areas of housing close to the motorway to experience existing conditions and residents reactions.

3. The site is adjacent to AONB in a very sensitive location visually. Upton Lane forms a well defined development boundary where Gloucester City comes closest to the Cotswold Scarp edge. Upton PC believe that it is vitally important that further residential encroachment at this visually critical point is resisted. The M5 services near to this location were approved for exceptional reasons. Even so the sensitivity of the area was recognised by the need to introduce extensive landscaping and 'green' roofs over the main structures to ensure that views from the Cotswold Scarp and from Robinswood Hill were not adversely affected.

4. Road access to the site will need considerable upgrading if development of this scale is contemplated. It is not believed that the proposals as submitted adequately cater for this.

For the above reasons Upton St Leonards Parish Council asks that the Application be refused.

Brookthorpe with Whaddon Parish Council

Brookthorpe with Whaddon Parish Council wish to register their strong objections to the proposals. Unfortunately it seems that Brookthorpe with

Whaddon Parish Council is not one of your statutory consultees although we have shared boundaries, and any such development would have a detrimental effect to our parishioners.

When examining this application it would appear that there are the following grounds for refusing such an application.

1. It is understood that the Secretary of State has already accepted the five year supply of housing that Gloucester City Council has prepared, and is contained within the new Local Development Plan. The Local Authority has already allocated sufficient sites for residential development to meet the need that has been identified. The delivery of the five year supply does not rely upon residential development at Winnycroft Farm to meet the identified need; consequently there can be no reason to over-ride the existing planning policies, which indicate that this site should be retained as open countryside.

2. Parts of this site are very near to the M5 carriageway and will be significantly affected by both noise and air pollution. Any development that takes place very close to the motorway will also be adversely affected by light pollution and spray in certain conditions. This is not mere supposition, but is the very real experience of Upton residents that already live close to the M5 motorway, their enjoyment of private gardens, and open spaces is severely compromised close to the carriageway. The existing noise barriers that are used along this stretch of the M5 in Upton, and Abbeydale do very little to ameliorate the problems. Attention is drawn to the limitations of existing mitigation measures, which rely on noise barriers or building orientation, and if development in the form proposed is contemplated it is strongly recommended that planners and councillors should visit the existing areas of housing close to the motorway, to experience for themselves the conditions that residents must endure.

When there are other sites that are not so affected are available for development, it is not sound planning policy to direct, or allow development in areas where residents will suffer from long term pollution problems that cannot be effectively mitigated. Recent government research has warned of the long term effects that highways pollution has upon residents, particularly children, and has specifically warned against public buildings; education and healthcare facilities being built close to busy roads. The same concerns must be considered when locating homes.

3. The site is adjacent to the Area of Outstanding Natural Beauty (AONB), and Upton Lane forms a well-defined development boundary where Gloucester City comes closest to the Cotswold Scarp. Brookthorpe with Whaddon PC believe that it is vitally important that further residential encroachment at this visually critical point is resisted. Whilst it has been claimed that the M5 services near to this location warranted approval for exceptional reasons, the same argument cannot be offered for housing in this location. The open countryside that comprises Winnycroft Farm is a vital 'green lung' in this location, where the M5 comes very close to the Escarpment, and the residential settlements of Upton and Matson. Further residential development in this location cannot be simply mitigated by introducing extensive landscaping, and 'green' roofs over the structures, to ensure that views from the Cotswold Scarp, and from Robinswood Hill are not adversely affected. Whilst such strategies were used for the new M5 motorway services, it

should be acknowledged that this proved necessary only because the area is recognised as exceptionally sensitive.

4. Road access to the site will need to be upgraded considerably if development of this scale is contemplated. Brookthorpe with Whaddon PC is already working closely with Gloucestershire Highways and Police, to address the existing and significant road safety concerns on Upton Lane. The outline nature of these proposals gives the Parish Council no comfort that highways safety has been adequately considered.

For all of the above reasons, Brookthorpe with Whaddon Parish Council asks that the application be refused.

Gloucestershire Gateway Trust

I do not wish to express a view on the principal of the development rather I would like to comment on 2 elements should it proceed.

Firstly to avoid Matson becoming an isolated island of social housing it is essential that this development supports the micro economy in Matson and Robinswood. Post build the most effective way to generate sustainable long term benefit in this micro economy is to ensure that the main paths and routes from this development encourage the flow of people and vehicles into Matson and towards the main community shops on the Matson precinct. The key to doing this will be to provide a short link road of approximately 20 metres between Matson Avenue and Winneycroft Lane to allow the no 1 bus to Matson to go to the new Winneycroft development and turn there rather than at the top of Matson Ave. This would provide the key link between Matson and the new development. Provision of other bus services to the Winneycroft development (such as 13) will leave the new community completely detached from Matson and not making any significant long term contribution to the local economy. The sustainability of the Matson micro economy depends on this new development making a fair and sustainable contribution to the local economy. Otherwise Matson will wither on the vine in the coming years. Connecting the Matson bus service to the Winneycroft development is the critical missing link in the developments proposals.

Secondly if this development proceeds it is also essential that its s106 contribution is appropriate to the scale of development and is directed towards the key community organisations such as GL Communities, Together In Matson, Glos Wildlife Trust and Play Gloucestershire who deliver essential services, support and activities in the Matson and Robinswood community.

Matson and Robinswood Community Partnership

At the September meeting of the Community Partnership it was agreed to write to all concerned regarding the development of possibly 700 houses on two sites on Winneycroft Farm land.

While we regret the loss of farmland we appreciate the need for more homes and have been in close contact with the developers trying to achieve the best provision possible. Both developers have been very open and constructive.

One of our core aims has been to integrate the new development with the Matson estate encouraging use of the bus route, schools, shops, Library, Churches and doctors etc. The side roads Caledonian Road and Birchall Avenue are totally inadequate for the task and we recommend a short link road between Matson Avenue and Winnycroft Lane in front of GCH Housing Block 20. The construction of such a road would alleviate the bottleneck of Corncroft Lane and Painswick Road a major concern of people living in St Leonards Park. We recommend that the cost of the road be met from Section 106 monies fulfilling a requirement that the local infrastructure be enhanced.

Regarding the bus services we believe that the new estates be best served by an extension of the Number 1 bus with its 10 minute service and access provision to all the Matson and Robinswood services and the City Centre. The Number 13 bus will not achieve this.

The sustainability of the Matson micro economy is dependant on the new housing making a much needed contribution to the local community and in addition s106 monies should be directed to support existing community organisations.

Crime Prevention Design Advisor for Gloucestershire Constabulary

In my capacity as Crime Prevention Design Advisor for Gloucestershire Constabulary I would like to comment on the material considerations of the planning application specifically relating to designing out crime.

I would like to draw your attention to the PDF document attached to the carrying email which relates to the following comments. See annex A as below, referring to your Planning Authority's planning policy

It is recommended that the development is built to meet Secured by Design standards. Secured by Design (SBD) is a police initiative owned by the Association of Chief Police Officers (ACPO), to encourage the building industry to adopt crime prevention measures in the design of developments. It aims to assist in reducing the opportunity for crime and the fear of crime, creating a safer and more secure environment, where communities can thrive. Research conducted by Secured by Design has proven that SBD developments are half as likely to be burgled, have two times less vehicle crime and show a reduction of 25% in criminal damage, thereby increasing the sustainability of a development.

Developer Obligations

Please be aware that these representations are prepared by Gloucestershire Constabulary Crime Prevention Design Advisor to address Crime Prevention through Gloucestershire Constabulary Crime through Environmental Design (CPTED) and the 7 Attributes of Safer Places. A separate representation may be submitted by the Constabulary Estate's Department to seek developer obligations towards Police infrastructure through Section 106 and the Community Infrastructure Levy.

Gloucestershire Constabulary's Crime Prevention Design Advisors are more than happy to work with the Council and assist the developers with further advice to create a safe and secure development, and when required assist with the Secured By Design accreditation.

Annex A - Planning Policy

Gloucester City Council's Supplementary Planning Document "Designing Safer Places" which provides guidance and offers "Good design is fundamental in creating usable, sustainable, attractive places and communities that are pleasant to be in. Taking into account community safety and how the users of the environment will behave and feel in a particular place is a key element of good design. This includes doing the utmost to ensure the safety of the community by using good design to reduce the opportunities for crime and to create positive places where people are safe and feel safe."

Gloucestershire Constabulary

Gloucestershire Constabulary have requested a financial contribution of £142,196.23 to deal with the additional demands on the police arising from this development. Given the length of the comments (24 pages) the letter is attached to this report as an appendix.

5.0 PUBLICITY AND REPRESENTATIONS

5.1 Neighbouring properties have been notified of the application by letter. Site and Press Notices have also been published. Some additional consultation has been undertaken to ensure that the application has been advertised correctly and this has necessitated a further period of consultation

5.2 The matters raised in representations received at the time of writing the report are summarised as follows:

- This will be the thin end of the wedge for further development spreading into Sneedhams Green and beyond to the motorway.
- Will put pressure on the local amenities – doctors, schools and roads.
- Too large a housing proposal.
- Additional traffic will cause further problems on already congested road.
- The junction at Painswick Road is already dangerous with many accidents over the years. This should be controlled by traffic lights (even if during the peak times) together with a pedestrian crossing.
- Traffic calming will be required along the lane.
- There are always lots of parked cars on the lane making it impossible for two cars to pass. This is particularly dangerous at the bend in front of the flats when you can not see beyond the parked cars and have to move onto the wrong side of the road.
- Improvements to the highway should be undertaken before any housing is considered.
How will the traffic cope when people are riding horses, sheep roaming all across the road, cyclists, joggers and school children all using the lane frequently.
- Have previously raised concerns about rainwater and flooding.

- We have seen an increase in traffic along the lane since the new M5 services
- This development will totally change the rural feel of the road.
- it will have an impact on our privacy, by introducing the opportunity for people to overlook our property, particularly our back garden
- Development should take place on brownfield sites not green belt or green field sites otherwise all our green and pleasant land will be gone.
- Has already been plenty of development in the local area.
- Will adversely affect wildlife and their habitats.
- This land may have Civil War archaeological interest.
- An extended bus service would be nice but where and how with the road widths as they are.

A Petition from the Residents of St Leonards Park has been received containing 60 signatures and raising the following issues:

- St Leonards Park is a small family estate on the edge of the countryside. Residents are wholeheartedly opposed to building on this virgin pasture land when other brown areas of land within the city could be used for housing.
- The safety and welfare of our children, grandchildren and our elderly residents is paramount. The volume of traffic will rise and the likelihood of accidents will increase.
- We are all very much aware of the accidents on Painswick Road which appear to be a regular occurrence, thankfully with no fatalities.
- The proposed plans do not indicate how the problems of increased traffic, lack of amenities, schools, gp surgeries, parks and play areas will be dealt with.

The full content of all correspondence on this application can be inspected online at the following link or at Herbert Warehouse, The Docks, Gloucester, prior to the Committee meeting.

<http://glcstrplnng12.co.uk/online-applications/simpleSearchResults.do;jsessionid=A12EAF13294E63C05D376C55BC5B3872?action=firstPage>

6.0 OFFICER OPINION

6.1 As referred to earlier in the report, the proposal is not considered to require a formal Environmental Impact Assessment however it does raise many issues that require careful consideration and assessment.

6.2 Therefore the application is supported by numerous documents and supporting information including the following:

- Illustrative Master plan

- Landscape Master plan
- Planning Statement including Draft Heads of Terms
- Statement of Community Involvement
- Access Drawing
- Air Quality Assessment
- Geophysical Survey
- Archaeological Evaluation
- Arboriculture Baseline Assessment
- Design and Access Statement
- Ecological Assessment
- Environment Risk Assessment
- Flood Risk Assessment and Drainage Strategy
- Heritage Setting Assessment
- Landscape and Visual Impact Assessment
- Noise Assessment
- Utilities Assessment/Foul Water Service Constraints Plan
- Socio-Economic Report
- Topographical Survey
- Transport Assessment
- Travel Plan
- Waste Statement

6.3 It is considered that the main issues with regard to this application are as follows:

- Delivery of housing / allocation position
- Landscape and visual impact
- Heritage issues
- Noise assessment
- Urban design and character of the area
- Residential amenity
- Drainage
- Ecology
- Traffic and transport
- Open space and soft landscaping
- S106 contributions

NPPF decision making

6.4 The NPPF should be given significant weight in decision making as the most up to date national planning policy and in the absence of a recent formally adopted Local Plan. Paragraph 14 of the NPPF sets out what the presumption in favour of sustainable development means for decision taking. This is not an adopted development plan allocation or otherwise directly supported in an adopted development. As such the NPPF instruction is to grant permission unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in (the NPPF) taken as a whole; or

- Specific policies in (the NPPF) indicate development should be restricted.

Delivery of housing / allocation position

NPPF

- 6.5 The NPPF policy on housing is framed around increasing the supply of housing. The Authority is under a duty to maintain a 5 year supply of housing. Paragraph 47 of the NPPF states (extract):

“To boost significantly the supply of housing, Local Planning Authorities should:

- *Use their evidence base to ensure that their Local Plan meet the full objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework ...*
- *identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% ...”*

- 6.6 If the Council fails to demonstrate its 5 year supply it risks losing appeals if it refuses housing schemes. Paragraph 49 of the NPPF states

“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites.”

Local policy

- 6.7 The site is not included in the 1983 adopted Local Plan as at that time it was located within the Stroud District Council administrative area.
- 6.8 After the local government boundary review the site was brought within the City boundary and in the 2002 second Deposit Local Plan the site was identified within the Landscape Conservation Area. This designation was continued in the August 2006 Preferred Options LDF Site Allocations document, as part of the LDF.
- 6.9 There is a tension between the 2002/2006 Landscape Conservation Area designation and the need in the emerging JCS/City Plan to deliver houses in the city, coupled with an updated landscape evidence base which moves away from Landscape Conservation Area designation.
- 6.10 The JCS Submission document (November 2014) identifies an Objectively Assessed Need for the JCS area of 30,500 dwellings for the period 2011-2031 with the Gloucester component being 11,300.
- 6.11 The application site is not a JCS allocation, which are larger scale ‘strategic’ allocations. It is however a component of the JCS figures for housing delivery

and the site is included in the emerging City Plan capacity calculations and is a potential City Plan allocation.

- 6.12 Each JCS authority undertook a Strategic Assessment of Land Availability (SALA) in 2013 which superseded earlier similar studies. This found the site suitable, available and deliverable for development within 5 years, although with a smaller capacity than that sought by the current application. This was due to the our assessment discounting a large area for flood betterment works and considering less of the site developable due to potential landscape impact. It should be noted that the SALA is predominantly a desk based assessment of capacity.
- 6.13 The site was originally submitted to the Strategic Housing Land Availability assessment (SHLAA) in March 2012, prior to that it had been identified as a “JCS peripheral officer identified site” in the December 2011 SHLAA, where it was identified as unsuitable for development for landscape constraint reasons.
- 6.14 In 2012 the JCS Authorities completed the Landscape Characterisation Assessment and Sensitivity Analysis. This became the landscape evidence base against which sites were considered for the 2012 SHLAA updates in the JCS area with all peripheral locations around the urban parts of the JCS area being considered by the study. The application site was considered by this report as it lies on the urban fringe of the City. Only those areas identified as “high” landscape sensitivity were considered outright unsuitable for development on landscape grounds. On this basis the site changed from being unsuitable for development in the 2011 SHLAA to suitable for development in the 2012 SHLAA. Within the City area, only Robinswood Hill is considered to be of “high” landscape sensitivity.
- 6.15 In 2013 consultants WSP provided evidence to support preparation of the City Plan looking in greater detail at potential development sites on the edge of the City and within the urban area that had landscape issues to consider. This is commented on in further detail in the ‘Landscape’ section of this report. The WSP report found that part of the site had development potential. The site was identified as a development opportunity site in the City Plan Sites Consultation (Summer 2013), referred to as MR2.
- 6.16 The WSP Report also informed the 2013 SALA, whose findings were used to inform the potential City Plan capacity figure for the JCS. This is how the site appears in the JCS and City Plan figures/potential allocations.
- 6.17 The JCS Housing Background Update Paper (4/12/15) identifies that the City no longer has 5 year plus 5% housing land supply as required by the NPPF.
- 6.18 This updated Housing Background paper has been provided at the Inspectors request. When reviewing the delivery of all sites for the update paper the applicant took the view that the site could not contribute to the Citys five year supply. The site has therefore been shown in the City Plan potential delivery

trajectory for the JCS as contributing to housing supply for the City from year six onwards.

- 6.19 The applicant has subsequently confirmed that should planning permission be forthcoming in the near future that it would be reasonable to consider that the site should start delivering towards the end of the first five year period, given the need to undertake ground work and secure reserved matters consents, and that some housing supply from the site therefore could be counted towards the five year housing land supply calculation, possibly in years four and five.
- 6.20 The site is not currently allocated and is not brown field land. It is a green field site, located on the edge of the built up area of the city. The site has been assessed and is not defined within the “high “ category in terms of either Landscape Character or Landscape Sensitivity according to the JCS evidence base and therefore has been considered as suitable for development in the first five years through the SALA and taken forward as potential housing allocation through the City Plan process.
- 6.21 Owing to delays in the processing of the JCS and therefore progressing the City Plan it is becoming necessary to consider applications on potential City Plan sites prior to them being formally considered by an Inspector through the development plan process as City Plan allocations.

Conclusions

- 6.22 Significant weight must be given to the NPPF, and the duty for Councils to maintain the delivery of housing. While the City Plan has not progressed to a formal submission, the most recent evidence base indicates that the site is able to contribute to the City’s five year housing land supply which needs to be maintained.

Agricultural use of the site

- 6.23 The site is currently in agricultural use and used for grazing.
- 6.24 The NPPF guidance is to take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, Authorities should seek to use areas of poor quality land in preference to that of a higher quality.
- 6.25 Policy SD15 of the JCS requires that new development must take into account the quality and versatility of any agricultural land affected by proposals, recognising that the best agricultural land is a finite resource.
- 6.26 There is a system for measuring the quality of agricultural land. The site is classified as the lowest quality of land and therefore would not result in an unacceptable loss of the best agricultural land, and I do not consider a defensible objection to the loss of agricultural land could be sustained.

Design, layout, density and compatibility with the local area.

- 6.27 The NPPF states that new residential developments should be of high quality design, create attractive places to live, and respond to local character integrating into the local environment. Additionally development should provide for a mix of housing to create mixed and balanced communities and this principle is promoted within JCS policy SD12. Additionally policy SD11 requires housing of an appropriate density, compatible with good design, the protection of heritage assets, local character and compatible with the road network. Additional design requirements for new development are set down with policy SD5.
- 6.28 In the 2002 Plan policies including BE1, BE4, BE5, BE6, BE7, BE12, BE13, BE17, BE18, BE21, TR9, TR31,ST7, H7, H8, seek to ensure that new housing development are of good design that is in keeping with its surroundings and follow accepted urban design principles in relation to scale, external appearance, layout, amenity and community safety.
- 6.29 In looking at the built form of the local surroundings I consider that there are four distinct areas with their own particular character and building designs. The housing along Corncroft Lane between the junction of Painswick Road and Haycroft Drive comprises detached red brick houses, set back from the road with curtilage parking and generally open frontages. Visually, this is at contrast to the older parts of Matson, with their distinctive painted and render finish, mixture of two storey houses and three storey flat blocks. Between these two areas are the small number predominantly single storey properties rising up to Birchall Avenue, which are set well back from the road and with long front gardens. Further south along Winneycroft Lane, house locations are more sporadic and designs more individual with the properties sat in generous plots and this area has a very spacious and rural feel. Sneedhams Road forms a very defined physical and visual barrier between the built edge of the housing development and the countryside to the south.
- 6.30 Whilst the application is submitted in outline, with just the means of access to be considered at this stage, we need to assess whether the site can accommodate the quantum of residential development, comprising the 420 dwellings, that are proposed.
- 6.31 Details of the principles of the design and layout for the new development are set down in the supporting documents The whole site comprises 20 has of land and this is split into approximately just over 11 has to be developed for the residential development and roads and just under 9 has of land comprising open space, sports facilities and drainage. This is a very low ratio of gross to net developable area for the whole site and comprises “over” provision of open space compared to our standards
- 6.32 The applicant has stated that whilst a final mix of dwellings has not yet been determined it is intended that this would comprise two, three and four bedroom family homes. Reference is also made to development of between two and three storeys with three storey apartment blocks within the higher density area adjacent to Winneycroft Lane.

- 6.33 An illustrative density range plan has been submitted to demonstrate how the site could be developed. The proposed developable areas have been split into blocks with indicative numbers and densities for each block. Additionally some initial sketches have been submitted to demonstrate how the development blocks may be designed. .
- 6.34 High density development, between 45 and 60dpha, is proposed within the main block adjacent to Winnycroft Lane, with low density development 25 -35 dpha, to the to the north eastern boundary adjacent to the Mini Winney site and also to the southern part of the site adjacent to the fields closest to the scheduled ancient monument. The remaining areas are proposed as medium density 35-45 dpha. The overall density across the area of land to be developed by housing equates to 39dpha, but across the whole site this drops to 20.7 dpha and reflects the high proportion of open area.
- 6.35 On this basis I consider that the site can adequately accommodate 420 dwellings and that with the variety of building forms and designs in the immediate surroundings, a development of this size and scale should integrate into the existing area.
- 6.36 Detailed matters including scale, layout and external appearance of the new housing, together with parking provision will all need careful consideration at the reserved matters stage. It will be essential that the housing closest to Winnycroft Lane provides an active frontage to the road and that regard is given to the height and massing of buildings at the higher levels of the site, to ensure that they do not appear overly dominant in the street scene and/or in longer views.

Residential amenity

- 6.37 Policy SD15 within the JCS is an overarching policy seeking to support the health and well being of local communities and requires that new development does not result in unacceptable harm to the amenity of neighbouring occupants.
- 6.38 The housing polices within the 2002 plan referred to above and specifically policy BE21 seek to ensure that new developments are acceptable in terms of impacts upon the amenity of neighbouring residents.
- 6.39 The proposed development site lies to the other side Winnycroft Lane from the existing residential properties. The master plan also details that the proposed housing fronting onto Winnycroft Lane will be set back from the road. It is also clear that the existing properties are sat at a higher level than the application site and are generally at varying set back distances from the road.
- 6.40 In these terms I consider that the built form of the new development would have an acceptable relationship with the existing properties located along the frontage to Winnycroft Lane.

- 6.41 Additionally the site is of sufficient distance away from Winnycroft Farm buildings and the houses to the south west boundary fronting onto Winnycroft Lane, such that the amenity impacts arising from the physical built form would not arise.
- 6.42 The outlook from the existing properties will undoubtedly change and local residents will also be aware of the additional traffic arising from the development. The properties located closest to the new access points at the roundabout and road junction will also experience some affects from vehicles entering and leaving the development. Overall I do not consider that these issues raise amenity impacts to a degree that would warrant the application unacceptable on these grounds.
- 6.43 Conditions would be required to control the impacts upon residents arising through the construction period to limit working hours and the timing of deliveries, the requirement for wheel washing together with parking for construction workers within the development site.

Noise

- 6.44 The site is affected by noise from traffic travelling along the M5 and to a lesser extent by traffic noise from Winnycroft Lane. In accordance with guidance within the NPPF and the Noise Policy Statement for England, noise is a material consideration and decisions should ensure that noise does not create significant adverse impacts upon health and quality of life.
- 6.45 Policy FRP10 within the 2002 Plan states that planning permission should only be granted for developments in noisy locations where adequate mitigation, to reduce the noise levels, can be provided Policy SD15 within the JCS is an overarching policy seeking to support the health and well being of local communities and requires consideration of noise issues.
- 6.45 The applicant has undertaken a noise assessment and proposed mitigation measures to deal with the high levels of noise across the site.
- 6.46 The initial noise monitoring was undertaken at a time when 50mph speed restrictions were in place on the M5 motorway and whilst the modelling was able to predict levels without the restriction in place, we requested that further measurements be taken to ensure that the evidence was robust and accurate. There was also some concern that the results from the noise measurements from this site and the adjoining land at Mini Winney did not correlate with each other along the boundary of the two sites, as would be expected.
- 6.47 Therefore additional noise monitoring was undertaken over a 24 hour period in June, at three locations across the site: at the western boundary with Winnycroft Lane, close to the eastern boundary with the M5 and in the centre of the site midway between these two site boundaries.
- 6.48 Please note that the levels I refer to are LAeq which put simply comprise the average level of sound over the assessment period, which in this case is one

hour, and takes account of the maximum and minimum levels recorded within that hour.

- 6.49 The greatest levels of noise are understandably at the point closest to the M5 with 70.5 dba the highest laeq. The levels reduce with distance to the motorway to the central part of the site and then increase slightly from this, up towards Winnycroft Lane due to traffic noise from the road.
- 6.50 At the motorway monitoring position, noise levels are at their lowest, just under 61, between midnight and 5 am, are fairly constant at 66/67 between 11am and 4pm , rising to a peak of just above 70 between 7am and 9am.
- 6.51 At the Winnycroft Lane monitoring position, noise levels are at their lowest within the 49/50 range between 1am and 5am, are fairly constant at 59 dba between 9am and 3pm with levels above 61 between 8am and 9am and between 4pm and 6pm.
- 6.52 The World Health Organisation Guidelines for Community Noise set out health-based guideline values for community noise, including recommended noise level values for the onset of sleep disturbance, annoyance and speech interference for the general population.
Guideline values are provided for outdoor living areas, living rooms and bedrooms, for both continuous noise and discrete noise events
- a. Living rooms (daytime) LAeq,16hour 35dB(A);
 - b. Bedrooms(daytime) LAeq, 16hour 35dB(A);
 - c. Bedrooms(night-time) LAeq, 16hour 30dB(A);
 - d. Bedrooms (night-time) LAFmax 42dB(A);
 - e. Bedrooms external (night-time) LAeq,8hour 55dB(A); and
 - f. Gardens LAeq, 16hour 50dB(A) lower limit and 55 dB(A) upper limit.
- 6.53 To comply with these guidelines noise mitigation together with careful building design and orientation, across the site will be required. The properties closest to the M5 may require habitable rooms being located on the elevations which do not face the motorway to ensure that future residents have a satisfactory living environment. This is as a result of the façade facing the M5 potentially being subject to unacceptable levels of noise.
- 6.54 Furthermore the applicant is proposing the erection of a noise bund along the eastern boundary with the M5. This would comprise a 3 metre high bund and a 3.5 metre high acoustically treated fence. The bund and acoustic fence will result in a reduction in noise levels across the site closest to the M5 but for areas further away, additional mitigation in terms of close board fencing, orientation of buildings/gardens, the provision of suitable attenuated glazing and ventilation systems will be required to achieve recommended internal and external noise levels.
- 6.56 Additionally, it should also be recognized that the non residential elements of the scheme including the sports pitches and allotments closest to the M5 will experience high levels of noise. It should be noted however, that there are no

specified noise level limits for allotments or playing pitches although, adequate speech intelligibility between players will be key. The sound level of conversational speech is approximately 60dB(A). As a general rule, speech would need to be approximately 10dB above the noise level to be adequately intelligible. Therefore voices may need to be raised to be heard at times, which is not considered to be above and beyond usual behaviour at any sports pitches.

- 6.57 The exact details of the bund, fencing and mitigation measures will be required by condition and further sample testing, once the dwellings are completed, will be required to ensure the efficiency of the noise mitigation measures.

Air quality

- 6.58 The NPPF requires Local Authorities to fully consider the impacts of a development upon air quality in the local area and upon any designated air quality management areas. Policy FRP 11 of the 2002 Plan states that development of housing will not be permitted where it would be adversely affected by existing pollution uses. Policy SD15 within the JCS is an overarching policy seeking to support the health and well being of local communities and requires consideration of pollution including air quality

- 6.59 The air quality report has identified the two main areas for scrutiny, these being the existing air quality on the development site having regard to M5 traffic and the impact that 420 dwellings (and subsequently the traffic that will generate) will have on one of our existing Air Quality Management Areas (AQMA) at Painswick Road. The report satisfactorily deals with the issue of air quality on the development site and it is agreed that given the free flow of traffic at this location of M5 and its efficient dispersal, residents would not be subjected to unacceptable levels of air quality. Furthermore the traffic generated by the development has been identified as having a negligible impact on the Painswick Road AQMA.

Open space proposals

- 6.60 The NPPF recognises the importance of good quality open spaces and that opportunities for sport and recreation can improve the well being of communities. It states that provision should be based upon an assessment of existing facilities and identification of specific needs.
- 6.61 Policies INF4 and 5 of the JCS require that full consideration is given to the provision of open space, that proposals should contribute positively towards green infrastructure and that it is provided in a phased manner way with new development. Any loss of natural features should be justified and mitigation provided.
- 6.62 Within the 2002 plan, policy A1 requires the provision or financial contribution to new allotment facilities, policies OS3, OS4 and OS5 require open space, sport and recreational facilities to be provided, set criteria for their design and require appropriate future maintenance and management.

- 6.63 The application proposes a variety of open space, play areas and sports facilities. It includes a sport and recreation park, a ribbon park, a wetland park, allotments, community orchard and small areas of informal open space. For ease of reference the proposed master plan is attached to this report which details these proposed areas.
- 6.64 The sports facilities are to be located at the southern tip of the site and include the provision of a full size football pitch, junior pitch, a multi use games area and a Neighbourhood Area of Equipped Play. To the north of the pitches and close to the footbridge that runs over the motorway, a community building providing changing facilities and a small hall together with parking is proposed. This building would also provide for some storage for the allotments and joint use of toilet facilities. Further to the north east and along the eastern boundary adjacent to the motorway the allotments and community orchard are proposed. The size of the allotments has been increased since the original submission now proposing 2,000.sqm. These would be secured through the S106 agreement and the detail of the provision and requirements are currently being discussed.
- 6.65 The wetland park area is to be located within the northern part of the site and encompasses the existing stream. It would surround the main block of residential development adjacent to Winnycroft Lane at this point. It would also accommodate the four attenuation ponds being provided as part of the drainage scheme and a play area. The park will retain many of the established trees and will provide an enhanced setting to the stream. In addition to its important function as part of the drainage scheme, the area will be of ecological benefit, creating new and diverse habitats as well as providing an attractive setting to the new housing.
- 6.66 The ribbon park is proposed to link the sports pitches to the south with the wetland park area to the north. It is a linear area running north to south and also acts as a green buffer to the two areas of residential development proposed on either side.
- 6.67 Overall the scheme proposes a higher amount of open space than is required by policy and as such a substantial benefit in terms of open space provision and green linkages to the wider area would arise.
- 6.68 Commuted sums for the maintenance of the open space by the Council or management by an external company would need to be secured in a s106 agreement. The delivery of such a substantial area of public open space would be a significant benefit from the development for both new and existing residents.

Landscape and visual impact

- 6.69 As already noted, the site was identified as a Landscape Conservation Area in the 2002 Plan and this was proposed to be continued in the 2006 LDF Preferred Options designations.

Policy LCA.1 from the 2002 plan states:

Development will not be permitted that would detract from the particular landscape qualities and character of Landscape Conservation Areas unless there are exceptional circumstances. Open air recreational uses and small-scale development required to support them, agricultural development and renewable energy proposals may be acceptable provided they are sensitively located, designed and landscaped.

JCS policy SD7 states:

- 1. Development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being*
- 2. Proposals will have regard to the local distinctiveness and historic character of the differing landscapes in the JCS area, drawing, as appropriate, upon existing Landscape Character Assessments and the Landscape Character and Sensitivity Analysis. They will be required to demonstrate how the development will protect or enhance landscape character and avoid detrimental effects on types, patterns and features which make a significant contribution to the character, history and setting of a settlement or area.*
- 3. All applications for development will consider the landscape and visual sensitivity of the area in which they are to be located or which they may affect. Planning applications will be supported by a Landscape and Visual Impact Assessment where, at the discretion of the Local Planning Authority, one is required. Proposals for appropriate mitigation and enhancement measures should also accompany applications.*

- 6.70 Other related policies within the 2002 Plan include BE12 and 13 which require a landscape strategy for new development and policy BE2 which requires that proposals respect important views
- 6.71 The NPPF sets out that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- 6.72 The approach of designating landscape conservation areas is not supported in the NPPF any more. The NPPF stresses the importance of protecting and enhancing valued landscapes and moves towards more specific landscape characterisation and sensitivity analysis. Indeed this approach was adopted for the assessment of sites for the JCS, where this site and other urban fringe sites were subject to a landscape characterisation and sensitivity study.
- 6.73 The site formed part of a wider area of land that was assessed. The wider site included the whole area of land running between the M5 and Winneycroft Lane, to the point where the road elevates above the motorway and additionally the land between Winneycroft Lane and Matson Lane to the west. The analysis of the character of the area is as follows:

This area is classed as Settled Unwooded Vale, although it can appear as highly treed locally owing to tree lined field boundaries, remnant orchard trees and close proximity to the wooded landscape of Robinswood Hill and the AONB. Field pattern is quite irregular, with medium to small sized fields of unimproved pasture bound by structurally diverse hedge/tree boundaries and post and wire fence. Field pattern, with the exception of the dissection in the east caused by the M5, is unaltered from the 1884 OS map. Indeed the road that borders the area to the west and north, moated site, Winnycroft Farm, and a single remnant orchard are all present as 1884 features. Significant urban expansion of Matson in the west, and the M5 located on the higher ground in the east, are large scale detractors in an otherwise very rural environment, and impact upon views and tranquility. Furthermore, within the area the dilapidated state of the Winnycroft Farm sheds/shelters, the overly mature state of some boundaries, and occasional dilapidated fence (including a short section of much degraded high security fencing by Winnycroft Farm) give the area a poorly maintained, and somewhat unkempt, character. However, the rough grass; textural scrub and tree boundaries; old orchard and narrow and sporadically vegetated stream are likely to support significant biodiversity. The pasture becomes somewhat more improved and expansive in the very south of the area, and subsequently more in keeping with the character of the landscape south of Robinswood Hill. Although a very contained landscape, the area can be accessed by a number of public footpaths that cross the site and link with adjacent areas.

- 6.74 The sensitivity analysis gave five landscape classifications ranging from low to high. It identified the site as being of medium sensitivity – which is defined as “key characteristics of landscape are vulnerable to change and/or have value as a landscape resource”.

Its assessment of the site is as follows:

“a small compartment physically contained by landform to the east, west and south by housing in the north. Furthermore the M5 which is visually prominent in its immediate vicinity, creates a loud boundary to the south east. The area is visually associated with the AONB landscape and a pedestrian foot bridge provides amenity access across the M5, linking the two areas. Public footpaths also link with Robinswood Hill, although housing does, in part, interrupt the visual continuity between the landscape compartments.

Land use is entirely pastoral and landscape features such as well established features such as well established dense hedgerows, mature trees and stream (supporting willows) are present, giving the area a well vegetated appearance, remnant orchard and a small field pattern add to the attractiveness. However, low levels of maintenance have led to a dishevelled appearance in places and the degradation of some features including the dilapidated Winnycroft farm buildings.

- 6.75 In 2013 WSP undertook a further landscape analysis of potential development sites. Again this involved a larger site than just the application site but this time excluded the land between Matson Lane and Winnycroft Lane.

- 6.76 This analysis concludes that development on part of the site would not be entirely detrimental to the surrounding landscape character and visual amenity and suggests development on the north eastern part of the site. Alternatively it suggests a second option of developing the site as a whole with a comprehensive master plan with the important landscape features to be retained.
- 6.77 It recommends low density development with open space areas to be within the development, the retention of hedgerows and trees, strengthening of hedgerows and further landscaping to soften the impact of views from the AONB and Robinswood Hill.

Land to the east of the application site, to the other side of the M5 boundary forms part of the designated Cotswolds Area of Outstanding Natural Beauty. The AONB is described as “an outstanding landscape whose distinctive character and natural beauty are so precious that it is in the nation’s interest to safeguard them. Such land is protected by the Countryside and Rights of way Act 2000. The Act places a statutory duty on relevant authorities to have regard to the purpose of conserving and enhancing the natural beauty of the AONB when exercising or performing any functions affecting land in the AONB.

- 6.78 The Cotswold AONB has an adopted management plan (2013) which sets down the vision for the AONB together with policies for its management and mechanisms for review. Of particular relevance to this proposal is policy LP 2 which states that “development proposals and changes in land use and management, both within and outside the AONB, take account of guidance and advice published by the board”
- 6.79 The applicant has undertaken a full landscape and visual impact assessment of the proposals for the site. The assessment considers the value of site features, topography and also the visibility of the site from various viewpoints. The appraisal concludes that the visual effects of the proposed development on the AONB are considered to be “moderate” and would not undermine the primary objectives of the AONB management plan.
- 6.80 There have been a number of concerns raised by consultees in relation to the impact of the development upon the landscape character of the area and specifically the AONB including CPRE and adjoining Parish Councils. Additionally the Cotswolds Conservation Board, who are the body responsible for the management of the Cotswolds AONB, object to the development as proposed within this application. They conclude that whilst some of the site may be suitable for development, a substantial area, including much of the application site is not suitable for development. They consider that “the development of the area closest to the M5 would substantially interfere with views of the scarp slope from numerous public viewpoints and break the visual connection between the landscape of the AONB and the similar landscape to the west of the M5”.

- 6.81 At the pre application stage, concerns were raised with the applicant regarding the extent of the land to be developed. Particular concern was raised regarding built development on the southern parcel of land comprising the area to the south of the motorway footbridge. In our view development on this part of the site would visually interrupt the views from the Cotswold scarp across to Robinswood Hill. The applicant has sought to address these concerns in developing the master plan. The sensitive southern part of the site will accommodate the proposed sports pitches thereby retaining an open and undeveloped character.
- 6.82 Winnycroft Lane clearly acts as a defined and hard boundary between the urban built up area of the city and the more rural character of the site and the wider area between Winnycroft Lane and the motorway. The motorway itself also acts as a hard and defined boundary and clearly impacts upon the character and appearance of the area.
- 6.83 In my opinion, views from Robinswood Hill Country Park across to the site are fairly limited by the vegetation and the land form and there are also limited clear views from the golf course. There are some views into the site from the houses set up on the elevated part of Painswick Road to the east, from Winnycroft Lane and from surrounding houses. Views from traffic along the M5 are also limited as at this point as the motorway is in a cutting before it elevates and passes over Painswick Road.
- 6.84 I consider that in wider views and from public vantage points there is limited visibility of the site. It is also considered that with the new development, the views from the higher footpaths within the AONB at a higher level across to Robinswood Hill will be maintained as the new development will be seen against the backdrop of Matson. Views in the shorter distance will be more affected such as from Winnycroft Lane, from surrounding residential properties and from within the site itself. Again in many views the new development would be seen against the backdrop of the existing houses and blocks of flats. Furthermore, from the south, views would be screened by the existing tree belt.
- In my opinion there are a number of factors that will limit the impact of the development in landscape terms and ensure that the character as identified in the landscape studies are not overly compromised or adversely affected. The overall density of the proposals is low with a high proportion of land to be used for open space. Most of the trees on site are to be retained and there will be strengthening and improvement to the hedgerows to the boundaries of the site. The existing stream is to be enhanced and will be set within an open and green setting and together the various open spaces will form green corridors through the site. New planting across the site and the provision of the new orchard area will all help soften the appearance of the development. The southern end of the site has been deliberately proposed for the provision of the sports facilities This part of the site is considered the most sensitive in terms of views from the AONB and to keep this area open and in effect a buffer between the new built form and the adjacent fields helps reduce the overall impact. In this respect I conclude that the proposed development is acceptable in landscape impact terms and should not have a harmful impact upon the Cotswolds AONB.

Ecology and trees

- 6.85 Guidance in the NPPF seeks to conserve and enhance the natural environment, promote biodiversity and protect wildlife. Similarly Policies B7 and B.8 of the 2002 Plan and SD10 of the JCS which encourage development to contribute positively to biodiversity and policy B10 requires the retention of important trees and hedgerows and compensatory replacement when this is not possible.
- 6.86 There is tree preservation order across the site (which also includes the adjoining site) that covers a total of 22 oaks, one ash and one field maple, with 16 being on the application site.
- 6.87 The applicant has carried out a full arboricultural assessment of this site which identifies 41 individual trees, 15 groups of trees and 21 areas of hedgerow. The report details the species, height, condition and value of each item and identifies a range of trees including oaks, field maple, ash and willows.
- 6.88 There are a group of 7 oaks (with one field maple) located towards the southern part of the site that are to be retained and will form an attractive enclosure to the sports area and will screen the built development from the south. Additionally the five mature oaks located close to Winneycroft Lane are to be retained within the proposed open space areas and will enhance the attractiveness and setting of these areas. The remaining protected oaks dotted across the site are also to be retained within proposed open space and amenity areas, an approach which gives appropriate space to the tree.
- 6.89 The submitted details propose the removal of 5 individual trees comprising a bird cherry, an elm, a hawthorn, a crack willow and an oak. None of the trees to be removed are within the Tree Preservation Order and there is no objection in principle to their removal given their value and/or condition. The oak to be removed has been identified as one of a number of trees with bat roosting potential, however it is described as 90% dead and for safety reasons should be felled given that it would be located in the area proposed for a childrens play area. This would be subject to a separate application for request for felling and would need to be subject an updated bat survey at that time. If bats are found to be using the tree then a a separate license would be required.
- 6.90 The applicant has undertaken an extended Phase 1 habitat survey to assess the ecology of the site and subsequent further detailed Phase 2 surveys relating to breeding birds, bats, badgers, great crested newts and a grassland botanical survey.

In summary the reports identify;

- There are no statutory or non statutory ecological designations within the application site.
- Ecological constraints and issues have informed and influenced the design of the master plan.

- The majority of the site is intensively grazed semi improved pasture of little intrinsic value.
- The stream, semi improved neutral grassland, hedgerows and mature trees comprise the most valuable habitats on the site.
- All of the existing hedgerows that run across the site, forming the old field boundaries are to be removed however they are generally in poor condition and of limited ecological value. The hedges to the perimeter boundaries of the site are generally to be retained.
- Surveys have identified populations of breeding birds, foraging/commuting bats with potential roosting in trees and badger setts and activity.
- There are no ponds on the site suitable for great crested newts however they have been identified in ponds within 500m of the site.

6.91 From the survey information it is clear that the bats are commuting and foraging along the stream and the hedgerow network, most of these hedges that lie within the site are to be removed. The new development would provide a number of green corridors and wedges and these should provide acceptable alternative foraging and commuting routes for the bats. Where lighting is required for these areas it must be designed to be bat sensitive and avoid light spillage upwards.

Some of the trees across the site have been identified as having high bat roosting potential, however during the bat activity surveys, no evidence of emergence or entry was recorded and I refer to the oak to be removed earlier in the report.

I accept the conclusions of the report that the development will have some impact upon the existing habitats. I also agree that as the majority of the site comprises semi improved pasture that it does have limited ecological value and whilst a significant proportion of hedgerows are to be removed the boundary hedgerows will be strengthened and improved.

In terms of the overall impact upon bat species we need to be clear that the three derogation tests have been addressed. The first concerns the overriding public interest - 11,800 homes have to be built in Gloucester up until 2031. This site is required to help deliver this figure. We have already identified that the development of the site is acceptable for housing and would assist in meeting the Councils housing supply. Given the tight urban boundary of Gloucester, there are few if any sites that can deliver this number of houses within that timeframe. Additionally as the site is only used for foraging and commuting and because linear features are either protected or compensated for then it will not have any material impact upon the conservation status of any bat species.

6.92 The most important ecological components on the site, namely the ancient trees and the stream corridor are to be retained and the latter enhanced. Also the proposal includes measures to enhance biodiversity and provide ecological benefits and these include new hedgerow, tree and landscape planting; the creation of a new orchard area, the enhancement of the stream and stream corridor and new wetland features as part of the drainage

proposals. Such areas will provide new habitats of greater ecological potential than the existing pasture. The applicant also suggests a condition requiring the submission of an ecological management plan which would include the following an update survey of affected habitats immediately prior to the commencement of development, measures to protect the badgers and their setts (which will require a separate licence from Natural England in any case), increase bat roosting potential, a wildlife sensitive lighting scheme, bird boxes, management of hedges and detailed measures to protect species, trees and landscape features throughout the period of construction.

- 6.93 Further conditions will require a scheme for new hedgerow planting and improved hedgerows to the boundaries of the site, tree protection measures including fencing and root protection zones, tree felling to be undertaken in the presence of a licensed bat ecologist and outside of the bird nesting season. With these safeguards in place it is considered that the application accords with the general principles of the guidance and policies in place.

Public footpaths

- 6.94 The NPPF states that planning policies should protect and enhance public rights of way and access and opportunities should be sought to improve facilities.

The 2002 Plan through policy TR38 seeks to ensure that new proposals make satisfactory provision for the retention or diversion of public rights of way.

JCS policy SD5 promotes well designed development with layouts that are easy to navigate, have links to green infrastructure and legible routes linking in with wider connections.

There are a number of footpaths crossing the site including the Glevum Way. The footpaths provide access to the motorway foot bridge and across the site to the adjoining Mini Winney site and to the land to the south accessed from Winnycroft lane. Supporting information states that diversions to these designated routes will be required. New routes would be proposed through the open spaces, alongside the allotments to access the footbridge and across into the Mini Winney site.

- 6.95 The applicant states that the improved footpath connections across the site would facilitate pedestrian movements from the neighbouring housing through the development site and into the countryside to the south and to the AONB to the other side of the motorway. The provision of better and more legible routes was a particular matter raised in the community engagement undertaken prior to the submission of the application.

The Ramblers Association have objected to the application on the grounds that development on these fields would lead to a loss of public rights of way and would urbanise the Glevum Way.

- 6.96 Any proposed diversion of the public rights of way would be subject to a formal diversion order and it will be important to ensure that new routes link in with routes running up to the boundaries of the site. I do not agree with the view of the Ramblers Association as the open space network will encompass new footpaths providing clearer and more legible routes across the site and this

together with the new road accesses will create greater permeability and a choice of formal routes through the development.

Flooding and drainage

- 6.97 The NPPF requires that development is directed to the areas at lowest risk of flooding, that new development should take the opportunities to reduce the causes or impacts of flooding, should not increase flood risk elsewhere and take account of climate change. Policy FRP1a of the 2002 Plan also promotes the risk based approach and policy FRP6 requires the provision of appropriate surface water disposal.

Policy INF 3 of the JCS follows the principles set down within the NPPF in relation to applying a risk based sequential approach, requiring new development to contribute to a reduction in flood risk and requiring the use of sustainable drainage systems.

- 6.98 The entire site lies within Flood zone 1, which is the lowest risk zone with a less than 1 in 1000 annual probability of flooding. A stream runs west to east across the top third of the site and the Environment Agency's surface water mapping shows some risk of surface water flooding along this watercourse.

The proposal is considered acceptable in terms of flood risk at the site and as the site is in Flood Zone 1, a Sequential test does not need to be undertaken.

- 6.99 The developer has carried out some additional hydraulic modelling along the watercourse. This shows some out of bank flooding for the 100 year and 1000 year events, and largely reflects the EA's surface water flood map. This flooding is restricted to a tight corridor along the watercourse and does not come close to the proposed development areas as shown on the indicative plans.

- 6.100 The application includes a drainage strategy for the site incorporating a suds system. The drainage strategy plan identifies three catchment areas from the residential development, served by four attenuation ponds and a number of swales. The applicant has also provided percolation tests for the site. It is accepted that the soil is not sufficiently permeable to allow infiltration techniques to work. It is proposed to connect the surface water drainage from the new development into the Sud Brook. There are a number of flooding hotspots along the Sud Brook downstream of the development site, and a high level of control is therefore required for surface water runoff.

Together the ponds would allow for over 6,000sqm of storage and the applicant is proposing to limit the surface water runoff rate to the Qbar value (2.52 l/s/ha or 16.1 l/s for the whole site). The ponds would provide sufficient storage for the 1 in 100 year flood event plus a 30% allowance for climate change as is the required standard. The proposed peak runoff rate and attenuation volumes are deemed acceptable as a general principle.

The detailed design of the ponds will require careful consideration to ensure that they look as natural as possible. In order to achieve this, they should be irregular, and unsymmetrical, in plan-view, straight edges should be avoided and there should be variation in the angle of slope of the sides with a maximum gradient 1 in 3). As they comprise a large area of the overall of the public open space, in the northern section, it is important that they are multi-use and can be enjoyed by dog walkers, children playing games etc. This should be eminently achievable given that the basins will only contain significant volumes of water on an infrequent basis (but small volumes on a regular basis). A meandering stream should be incorporated into each basin, between the inlet and outlet to ensure that for small rainfall events the majority of each basin remains dry.

- 6.101 Some concern is raised at the initial positioning of a foul pumping station to serve the development. This does raise a number of issues including the need for a pumping station compared to the use of a gravity system and this decision will ultimately be dependent on technical and capacity issues and subject to advice from Severn Trent Water. The fact that the station would require vehicular access and needs to be sited 15 metres away from dwellings will also impact upon the potential areas that it can be sited. The applicant has stated that the station can be designed without a building and just as a fenced area protecting the engineering equipment. It will be important to ensure that the appearance of the station does not detract from the open nature and character of the adjoining open space. Therefore should a pumping station be considered necessary a condition is proposed to require details of its location, design and screening.
- 6.102 A condition would be necessary to require detailed drainage proposals across the site together with full design details of the ponds that accord with the general principles set down within the submitted drainage strategy.

Archaeology and heritage assets

- 6.103 The NPPF requires that in determining applications, Authorities should take account of;
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality;
 - the desirability of new development making a positive contribution to local character and distinctiveness.

Policies BE31, 32, 33, 34, 36 and 37 of the 2002 plan lay down the criteria for assessing sites with archaeological interest, together with the requirements for site evaluation and recording. Policy BE23 seeks to ensure that development does not adversely affect the setting of listed buildings. JCS Policy SD9 stresses the importance of heritage assets and their contribution to local character and identity. Furthermore the policy requires that heritage

assets and their settings are conserved and enhances as appropriate to their significance.

6.104 The local area has significant archaeological interest. The moated site at Sneedhams Green lies approximately 100 metres south west of the southern boundary of this site. It is formally designated as a Scheduled Ancient Monument and it is believed that the moat dates back to the 13 or 14th century.

Previous archaeological work in the local area has identified evidence of a Roman farmstead (dating to the 1st century AD) and a later villa (dating to the 2nd to 3rd centuries AD) ,together with 2nd to 3rd century Roman Pottery.

6.105 In this context an evaluation of the application site has already been undertaken with the excavation of 47 trenches, spread across the land but with a particular concentration at the southern part of the site closest to the SAM.

The evaluation has identified archaeological features, predominantly of late Iron Age/early Roman date, within the proposed development area. The finds comprised predominantly pieces of pottery, fired clay and bricks which would indicate occupation dating from the mid/late first century through to the second century.

Evidence of ridge and furrow and land drains suggest that the site was of an agricultural character during mediaeval times and beyond.

6.106 Further archaeological work will need to be undertaken, and this can be dealt with by condition. This condition will provide for further archaeological evaluation (trial trenching) in the centre of the site. This condition will also provide for a programme of archaeological excavation of all significant archaeological deposits in advance of the proposed development, with provision for community engagement and the appropriate archiving and public dissemination of findings.

6.107 S106 contributions

Education and libraries

The County Council seeks a contribution to education on the following basis:

Primary school requirements – at the rate of £11,692 per primary pupil (420 dwellings would result in a total contribution of £1,227,660). Payable six months after the commencement of the development.

Secondary school requirements – at the rate of £17,832 per secondary pupil (420 dwellings would result in a total contribution of £1,123,416). Payable six months after the commencement of the development.

Pre-school requirements – at a rate of £11,692 per preschool pupil (420 dwellings would result in a total contribution of £343,745). Payable six months after the commencement of the development.

The total contribution required for education for 420 dwellings and assuming no one bedroom dwellings would be £2,694,821.

The County Council also seeks a contribution to library services on basis of £196 per qualifying dwelling (420 dwellings would result in a total contribution of £82,320).

Sports community building

A building is proposed to serve the playing pitches to provide changing accommodation, toilets, storage and a small “hall” together with associated car parking. The applicant has agreed to the provision of a building costing up to £250,000 for this.

Open space

This includes the provision of the allotments, community, orchard, parks, play areas and sports pitches. The S106 agreement would secure their timely provision on site on a phased basis and require future maintenance either through an external management company or through adoption by the City Council, subject to agreement to pay maintenance sums.

Highway associated works

The County Council have requested a sum of £86,280 for the implementation of a travel plan.

Works are required to the Corncroft Lane/Painswick Road junction to provide a right hand turn lane, amount to £104,709 – however this may reduce depending on when the adjoining site at Winneycroft is developed, as costs for this would be shared proportionately between the two sites.

Additionally there is a requirement for works to the Norbury Avenue junction which amount to £81,505. This is not actually set down within the S106 but is dealt with by a condition but is obviously an additional cost to the developer.

Linkages with the adjoining Mini Winney site.

Provision to include footpath linkages with the adjoining site along the north eastern boundary of the site.

Employment opportunities

The applicant is proposing a local employment and training initiative to promote opportunities for local residents and local companies. This will be set down within the S106 and follows similar principles to that used employed in the s106 relating to the development of the new M5 services

All of the above matters are agreed in principle between ourselves and the by the applicant and a draft 106 agreement is now well advanced.

Gloucestershire Constabulary

Gloucestershire Constabulary has requested a financial contribution of £142,196.32. The applicant has advised that they do not consider that this request is justified and also refer to the issue of viability. Members will be updated in more detail on this matter.

Affordable Housing.

Unfortunately the provision of affordable housing is not yet agreed between ourselves and the applicant.

The NPPF states that where Local authorities have identified the need for affordable housing, policies should be set for meeting this need on site, unless off site provision or a financial contribution can be robustly justified. It also states that local authorities should identify the size, type and tenure of housing that is required, by reflecting local demand.

Policies H15 and H16 set out the requirements for affordable housing within the 2002 plan. They require an overall target of 40% affordable housing (subject to site and market conditions), generally provided on site but in exceptional circumstances off site provision may be acceptable. The affordable housing should be provided across the development site and provide a range of house sizes to meet local need.

Policy SD13 of the JCS relates to the provision of affordable housing, policy INF 7 relates to infrastructure delivery and policy INF8 advises on viability. For completeness the policies are detailed in full below.

Policy SD13

1. *The JCS local authorities will seek through negotiation to deliver new affordable housing as follows:*
 - i. *On sites of 5-9 residential units (or covering 0.2 hectares or more of land), 20% affordable housing will be sought*
 - ii. *On sites of 10 or more residential units (or covering 0.4 hectares or more of land), 40% affordable housing will be sought.*
2. *For the purpose of this policy, residential units are dwelling houses (use class C3) and also any self-contained units of accommodation within a residential institution (use class C2). Where a development site has been divided into parts, or is being delivered in phases, the site will be considered as a whole for the purpose of determining the appropriate affordable housing requirement.*
3. *Where possible, affordable housing should be provided on-site and should be seamlessly integrated and distributed throughout the development scheme. On sites where it is not possible to deliver all affordable housing as on-site provision, the residual requirement should be provided through acceptable alternative mechanisms (such as off-site provision or financial contributions). Further guidance on acceptable mechanisms may be provided in District plans.*

4. *Affordable housing must also have regard to meeting the requirements of Policy SD12 concerning type, mix, size and tenure of residential development.*
5. *The design of affordable housing should meet required standards and be equal to that of market housing in terms of appearance, build quality and materials.*
6. *Provision should be made to ensure that housing will remain at an affordable price for future eligible households, or that subsidy will be recycled for alternative affordable housing provision.*

Rural exception sites

7. *In certain circumstances, where there is clear evidence of a local housing need that cannot be met elsewhere, affordable housing will be permitted on rural exception sites. A rural exception site must be within, or on the edge of, a rural settlement. It should be of a small scale and well related to the settlement both functionally and in terms of design.*

Viability

8. *Where there is an issue relating to the viability of development that impacts on delivery of the full affordable housing requirement, developers should consider:*
 - i. *Varying the housing mix and design of the scheme in order to reduce costs whilst having regard to the requirements of other policies in the plan, particularly Policy SD5, and the objective of creating a balanced housing market*
 - ii. *Securing public subsidy or other commuted sums to assist delivery of affordable housing*
9. *If a development cannot deliver the full affordable housing requirement then a viability assessment in accordance with Policy INF7 will be required.*

Policy INF7: Infrastructure Delivery

1. *Where need is generated as a result of individual site proposals and/or as a consequence of cumulative impact, new development will be served and supported by adequate and appropriate on- and/or off-site infrastructure and services. In identifying infrastructure requirements, development proposals will also demonstrate that full regard has given, where appropriate, to implementing the requirements of the Joint Core Strategy Infrastructure Delivery Plan.*
2. *Where need for additional infrastructure and services and/or impacts on existing infrastructure and services is expected to arise, the local planning authority will seek to secure appropriate and proportionate infrastructure provision in respect of:*
 - i. *Affordable housing*
 - ii. *Climate change mitigation/adaptation*
 - iii. *Community facilities*
 - iv. *Early Years and Education*

- v. *Health and well-being facilities*
- vi. *The highway network, traffic management, sustainable transport and disabled people's access*
- vii. *Protection of cultural and heritage assets and the potential for their enhancement*
- viii. *Protection of environmental assets and the potential for their enhancement*
- ix. *Provision of Green Infrastructure including open space*
- x. *Public realm, and*
- xi. *Safety and security including emergency services*

This list is neither exhaustive nor are its elements mutually exclusive.

3. *Priority for provision will be assessed both on a site-by-site basis and having regard to the mitigation of cumulative impact, together with implementation of the JCS Infrastructure Delivery Plan.*
4. *Planning permission will be granted only where sufficient provision has been made for infrastructure and services (together with their continued maintenance) to meet the needs of new development and/or which are required to mitigate the impact of new development upon existing communities. Infrastructure and services must be provided in line with an agreed, phased timescale and in accordance with other requirements of this Plan.*

Policy INF8: Developer Contributions

1. *Arrangements for direct implementation or financial contributions towards the provision of infrastructure and services required as a consequence of development, including its wider cumulative impact, and provision where appropriate for its maintenance, will be negotiated with developers before the grant of planning permission.*
2. *Where, having regard to the on- and/or off-site provision of infrastructure, there is concern relating to the viability of the development, an independent viability assessment, funded by the developer and in proportion with the scale, nature and/or context of the proposal, will be required to accompany planning applications. The submitted assessment and its methodology may be independently appraised.*

In accordance with policies where a policy compliant level of affordable housing can not be provided, the applicant has undertaken a viability assessment of the proposed development. The assessment considers scenarios with different levels of affordable housing (70% affordable rented and 30% shared ownership).

- 40% affordable housing - £11.5 million deficit
- 30% affordable housing - £8.5 million deficit
- 20% affordable housing - £5.8 million deficit
- 10% affordable housing - £3.1 million deficit
- 0% affordable housing £0.5 million deficit.

The report concludes that “all the above scenarios show viability deficits therefore technically the scheme can not support any affordable housing”.

However notwithstanding the results of their assessment, the applicant has stated that they “are potentially minded to accept an impact upon a normal rate of developer return and work with the council to achieve a 10% provision of affordable housing and may also look to achieve some of this as an off site contribution”. At the time of writing the report the applicant had confirmed that 10% affordable housing would be provided on site. For 420 dwellings, which would be the maximum number of houses to be agreed under this application, this equates to 42 dwellings. At this stage we do not have any details of the mix of tenures or range of house types that the affordable housing scheme would comprise.

We have appointed an external consultant to advise us on the applicant's viability report. His view is that the development of the site would be viable in providing 15% affordable housing – thereby an increase of 21 dwellings from 42 (at 10%) to a total of 63 dwellings. The applicant has since advised that in their view 15% is not achievable.

Our consultant has highlighted a number of areas that in his view affect the overall viability of the site:

- The price of the land to be paid to the owner – which should realistically reflect the planning requirements arising from the development of the site.
- Some of the financial costs put forward in the report and in particular the interest rates.
- The floor areas proposed for the new dwellings are larger than those currently being sold by the national house builders but this is not reflected in the expected sales prices.
- The expected level of profit by the applicant, on the basis of a risk/reward ratio and then the expected level of profit by the subsequent developer, once the land is sold on
- The extent of the gross developable area of the site and high proportion of the site that is to be used for open space and sports provision.
- High level of other S106 costs required ie education contributions, highway works, sports building etc.

The Planning Practice Guidance requires local authorities to be flexible in seeking planning obligations where an applicant is able to demonstrate that they would cause a development to not be viable.

There are other cases across the City where schemes have satisfactorily demonstrated that the development of the site would not be viable with 40% affordable housing. In those circumstances we have come to an agreement on a lower figure and in some cases we have also agreed a review mechanism to enable viability to be re-assessed. There is no reason to take a different approach with this application.

However as previously stated the applicant is proposing only 10% affordable housing and has also stated that a review mechanism would not be acceptable to them. I consider that with such a large number of dwellings and expected build rates, over a five year period, a review mechanism is essential.

The advice from our consultant is that 15% affordable is achievable and therefore I propose to include the requirement for 15% affordable housing within the s106 agreement.

7.0 CONCLUSION

- 7.1 The application requires a careful balancing of a range of often competing issues. The need to find sites to deliver housing requires difficult decisions to be made about sites that previously might have been ruled out of consideration, because there was any form of restrictive designation and because other less sensitive sites were alternatives.
- 7.2 The identification of the site as a Landscape Conservation Area allocation within the 2002 plan would indicate that a new housing development should be resisted. However the weight that can be given to this policy, given the dated approach and emerging JCS policy, is limited. Additionally with the need to continue an ongoing 5 year supply of housing, other sites must come into consideration for development, in order to preserve areas of the highest sensitivity from development.
- 7.3 As with any new development there will be some impacts arising from it. All impacts have to be assessed against the need for providing housing to meet predicted demand and the mitigation or design solutions proposed to reduce those impacts. The site is on the urban edge and is in a sustainable location with good access to public transport, shops and community facilities in Matson.
- 7.4 It is clear from the applicant submissions that they have sought to maximise existing landscape features on the site. A small proportion of trees are to be removed but the great majority, and those of highest quality are to be retained. The high proportion of land to be utilised as open space will create attractive areas, adding to the opportunities for participation in sport and recreation in the local area. Additionally the open areas will provide more diverse habitats in ecological terms and provide an attractive setting to the new housing.
- 7.5 Additionally the high proportion of open space to developable area, together with the overall design approach of setting lower density development to the most sensitive boundaries, will help to soften the introduction of the built form onto this agricultural land. Furthermore this approach along the southern part of the site together with the open nature of the pitches will help integrate this part of the development with the adjacent fields. Further landscaping along these boundaries, together with the network of green spaces and corridors

proposed, will further soften views from outside of the site including to and from the designated Cotswolds AONB.

- 7.6 The scale of the proposed development of up to 420 houses should be satisfactorily accommodated on the site and integrate well with the local surroundings. Existing and new residents will benefit from the open space, allotments, play areas, and new sports pitches and community building. However residents will experience additional traffic along the local road network and obviously those immediately surrounding the site will have a very different outlook from their properties.
- 7.7 The Highway Authority are satisfied that with the road improvements required, including the provision of a right hand turn facility on Painswick Road, the traffic arising from the development can be safely accommodated onto the local highway network. Similarly the Highways Agency raise no objection in terms of the impact of the proposals upon the strategic road network.
- 7.8 The site is subject to high levels of noise from the M5 and to a lesser extent from traffic along Winneycroft Lane. The applicant has demonstrated that with adequate mitigation the noise levels for the new dwellings can meet the WHO guidelines. The motorway will always have some impact upon the site and this will be noticed more within the areas or adjacent open space, allotments and sports pitches. . Planting to the noise bund will help screen the visual impact of vehicles travelling along the motorway as well as providing further visual screening to the site when viewed in shorter views from the east.
- 7.9 The development is also considered acceptable in terms of the setting of surrounding listed buildings and the Scheduled Ancient Monument.
- 7.10 The scheme provides a significant number of financial contributions however there is a notable shortfall in terms of the proposed affordable housing provision. It is accepted that the development of the site raises viability issues and as such the overall “package” of contributions should be seen in that context. However on the basis of the information with the Council, and the consultants advice, I consider it reasonable to require 15% affordable housing and a review mechanism to be included in the section 106 agreement. I consider.
- 7.11 Overall I consider that the principle of development is acceptable and that subject to appropriate conditions and the completion of a s106 agreement securing the required level of affordable housing that outline planning permission should be granted.

RECOMMENDATION OF THE DEVELOPMENT CONTROL MANAGER

- 8.0 That subject to no new material planning considerations being raised within the consultation period, that outline planning permission is granted subject to the completion of a section 106 agreement to secure the requested planning

obligations together with the provision of 15% affordable housing and a review mechanism for the re-assessment of the viability of the scheme.

A fully detailed list of conditions will be provided within the late material report.

Decision:

Notes:

Person to contact: Joann Meneaud
(Tel: 396787)

GLOUCESTER CITY COUNCIL

COMMITTEE : **PLANNING**

DATE : **DECEMBER 15 2015**

ADDRESS/LOCATION : **LAND AT WINNYCROFT LANE, MATSON,
GLOUCESTER**

APPLICATION NO. & WARD : **14/01063/OUT
MATSON AND ROBINSWOOD**

EXPIRY DATE : **29TH DECEMBER 2014**

APPLICANT : **BARWOOD DEVELOPMENT SECURITIES
LTD**

PROPOSAL : **OUTLINE APPLICATION FOR THE
ERECTION OF UP TO 420 DWELLINGS AND
COMMUNITY SPACE/BUILDING, AS WELL
AS ASSOCIATED LANDSCAPING, PUBLIC
OPEN SPACE, ACCESS, DRAINAGE,
INFRASTRUCTURE, EARTHWORKS AND
OTHE ANCILLARY ENABLING WORKS.**

REPORT BY : **JOANN MENEAUD**

1.0 ADDENDUM REPORT

ADDITIONAL CONSULTATION RESPONSES

Environmental Protection Manager

No objection to the application on air quality or noise issues. Conditions are proposed to require noise mitigation and sample testing of the implemented measures prior to occupation.

Viability Consultant

A briefing note dated 2nd December has been received from the Councils viability adviser. This expands on previous comments and concludes that a level of 15% affordable housing is achievable.

The note is detailed in full below:

1. This note is written to provide an updated opinion of the viability of the proposed application, as a consequence of the information supplied, and meetings attended, relating to the viability of this application.
2. I received the initial documentation from which I have undertaken an examination of the written documents and the various spreadsheets submitted by Turner Morum and their cost consultant EC Harris.
3. I have had discussions with the City's estate surveyor, Phil Ardley to discuss his initial opinion of the applicant submission.
4. Subsequently I have also spoken with Mr Solomon at the District Valuer, to ascertain their basis for assessing the land value used in the Joint Core Strategy Viability study.
5. I have also had a discussion with the consultants PBA to discuss the basis of land valuation. Both consultants reaffirmed the GCC estates surveyor view that the gross to net of approx. 50% was an unusually low ratio, with a consequential impact on the residual land value.
6. In the process of investigating the data contained in the applicant's Development Viability submission, I am able to identify the areas of concern, and in this instance I have found numerous issues that still require clarification. The main issues are,

Land Value

The levels of cost for abnormal infrastructure.

Finance costs (in particular the interest rates)

Profit. Guidance states that this should reflect the risk / reward ratio. Also need to consider the potential 'double profit' for the applicant. We appreciate that they anticipate making a profit from selling on this site, with the benefit of planning consent to a national or regional house builder. However this value reduces the community benefit.

7. I have noted that the initial proposal by Barwood's advisors suggest house sizes larger than the norm currently being sold by national house builders. I have researched the estates currently and previously marketed by companies including Bovis Homes, Persimmon, etc.

It is apparent that the general size of the homes being offered is smaller than those in the Barwood viability, and being sold for similar prices. I have run a couple of variations on the viability DAT and the results show a substantial increase in the residual value.

8. I still believe that the main issue is the price paid to the landowner. I have at some length outlined that I believe that the RICS guidance that the landowner should receive a figure in excess of existing use value (EUV +), but that this figure should take into account the policy requirements, to achieve an acceptable residual land value. This opinion is supported by a recent letter from the DCLG commenting on the Islington case that land value "should reflect policy requirements".

9. As mentioned above, I have considered the net to gross ratio of approx. 50% for the proposed development area to be too low, and believe that this is the main factor which reduces the residual land value, and in turn reduces the viability of the site. Obviously this is an issue outside of my remit but there may be a case for suggesting that the applicant withdraws the current application and resubmits with redrawn 'red line' around the 26 acres, and 'blue lines' the remainder of the site. Alternatively GCC considers granting consent for a larger scale development, thus increasing the number of units, and reducing the net to gross ratio. Consequently this should increase the viability and the percentage of affordable housing content.
10. I have attended two meetings with the applicant and their advisors. I have also attended a separate meeting with Tom Hegan, of Turner Morum, the applicant's viability consultant, but without agreeing the various issues, specifically the level of affordable housing. The Shinfield appeal case mentioned by Mr Hegan is of little relevance to this application, due a) that Shinfield 'did not concern a greenfield site with a relatively low value' and b) the Council did not present a viability appraisal for the Inspector to consider.
11. Based on evidence of recent applications receiving consent where there is in excess of 25% AH (e.g. Brookworth & Barton St) I am finding it difficult to accept the applicants offer of 10% affordable on site housing (based on a zero' viability appraisal) I have also spoken with PBA who are considering the Joint Core Strategy viability for your CIL. PBA have run a high level assessment which includes the Winneycroft site, and estimate that a 20% affordable housing provision is achievable.
12. I have run various versions of the HCA Development Appraisal Tool program (DAT) changing the inputs relating to percentage of affordable housing, with the consequential alteration on the figures available for residual land value. If the appraisal is run to show a viable scheme which takes into account a fair value of the land to reflect policy, then approx. 20% affordable housing is achievable.
13. However to produce a figure close to the applicants assessment of land value (£100,000 per acre), I have run a further DAT which shows that a figure of 15% affordable housing is achievable. I have sent a copy of this spreadsheet separately (DAT Gloucester Winneycroft Lane LS v11 15% (20 NOV)

In conclusion and following the various conversations within Gloucester City planning department, and subsequent discussions with PBA, I would consider a compromise solution (subject to other design and policy issues) for the applicant to provide a minimum figure of 15% affordable housing provision, subject to the other S 106 requirements being agreed. This is my advice based on detailed research which is provided to the Case Officer for their recommendation.

This note should be read as a whole and no part may be taken out of context.

Highway Authority Comments.

The proposal seeks outline permission as described above with all matters reserved except for access. Access is being considered by both the Local Planning Authority and Highway Authority as the two points at which the site meets the existing highway with an Illustrative Masterplan submitted detailing how the internal routes will be provided which will be considered in greater detail under a reserved matters application for Layout.

The development is required to be supported by both a Transport Assessment and Residential Travel Plan as it is considered to generate significant movement in accordance with Paragraph 32 of the National Planning Policy Framework. In accordance with good practice the highway authority has undertaken pre-application discussions with the applicant to determine the scope and methodology of the Transport Assessment and the submitted Transport Assessment has been carried out in accordance with these discussions.

Site Location

The site known locally as Winnycroft Farm and is adjacent to the residential suburb of Matson that lies on the southern edge of Gloucester City approximately 4.4km south of the city centre. The site is bounded by Winnycroft Lane a class 3 highway that provides a link from Painswick Road (B4073) to Stroud Road (A4173). There are residential properties to the north, fields to the east and west and the M5 motorway to the southeast. The site is currently agricultural fields and therefore the proposed trips generated from the development will be considered new to the adjacent highway network.

The site has good transport links with the surrounding area with several routes available to access local facilities and amenities. The closest amenities are located along Matson Avenue where a local shopping centre exists approximately 450m-550m walking distance from the site. This local centre includes a Pharmacy, Post Office/Convenience store, bakery and Off Licence. There are also 2 primary schools, a library and leisure facilities located within the suburb of Matson. The site is considered to be located in an accessible location with a good range of local amenities.

Local Highway Network

The local highway network is shown in Appendix D of the submitted Transport Assessment and the scope of assessment has been considered and agreed for the following locations:

- Winneycroft Lane/Corncroft Lane
- Painswick Road (B4073)/Upton Hill
- Wheatway/Abbeymead Avenue
- Eastern Avenue(A38)/Painswick Road (B4073)
- Matson Avenue.

Winneycroft Lane/Corncroft Lane

Winneycroft Lane forms the northern site boundary, is a single carriageway road that varies in width between 6.5m and 7m along the site frontage. Winneycroft Lane is illuminated and subject to a 30mph limit for the majority of its length a footway is provided on the opposite side of the carriageway from the site. The speed restriction changes to 60mph approximately 40m south of the site boundary.

The applicant has undertaken automatic traffic counts in order to determine the passing vehicle flows and vehicle speeds on the 4th June 2014 for a period of 7 days. The results are shown in Table 1 of the Transport Assessment with the vehicle flows varying between 439-447 vehicles and the 85th percentile of traffic speeds varying from 29mph to 34mph.

A parking assessment has also been undertaken on the 5th June 2014 between 7am and 7pm with the survey results submitted at Appendix G of the Transport Assessment. The survey was undertaken to consider if the proposed access points would impact on the existing level of parking available and obstruct vehicle flows. The parking survey was undertaken in zones for ease of assessment with the following results:-

- Zone 1 Northern side of Winneycroft Lane, Sneedhams Road to Birchall Avenue - 23 cars
- Zone 2 Winneycroft Lane opposite side of Zone 1 - 0 cars
- Zone 3 Northern side of Winneycroft Lane, Birchall Avenue to Haycroft Drive - 0 cars
- Zone 4 Winneycroft Lane opposite side of Zone 3 - 0 cars
- Zone 5 Northern side of Corncroft Lane from Haycroft to Painswick Road - 1 car
- Zone 6 Corncroft Lane opposite side of Zone 5 - 0 cars

The most significant on street parking occurred along the northern side of Winneycroft Lane as can be observed from the survey results. The survey zone is approximately 500m in length and based on the average length of a vehicle being 6m this equates to approximately 28% of its length. It is not considered that the proposed access points will cause any significant displacement of either on street parking or obstruct vehicle flows. It should also be noted that the majority of vehicle movements will be to the east and therefore away from the areas of parking observed.

Painswick Road (B4073)/Upton Hill

Painswick Road provides a link to Eastern Avenue (A38) and the City Centre to the north and to Upton St Leonards, Painswick (A46) and Stroud to the south. Painswick Road is subject to a 40mph speed limit at the junction with Corncroft Lane and changes to 30mph before the junction with The Wheatway. Painswick Road is approximately 6.5m wide with 2m wide

footways on both sides of the carriageways and serves as a local public transport route.

Wheatway/Abbeymead Avenue

The Wheatway links from the eastern side of Painswick Road by a signalised junction and provides access to a local shopping centre providing a range of facilities along with a local Supermarket, Hairdressers, Pharmacy, Doctors Surgery and Hot Food Establishments situated within the local suburb of Abbeymead. Abbeymead Avenue links to the Wheatway by a roundabout and provides access to the local suburbs of Abbeydale, Abbeymead, Coney Hill and the City Centre to the north. Both the Wheatway and Abbeymead Avenue are subject to the local speed limit of 30mph with continuous footways and street lighting and are also public transport routes.

Matson Avenue

Matson Avenue is subject to the local speed limit of 30mph and is the main route serving the residential area of Matson and hosts the nearest local amenities. There are footways linking from Winnycroft Lane to Matson Avenue through amenity green area to the north of the site and also via Birchall Avenue, Bazeley Road and Sneedhams Road. Matson Avenue also serves as a public transport route with continuous footways and street lighting.

Eastern Avenue/Painswick Road

To the north of the site Painswick Road forms a roundabout junction with Eastern Avenue (A38) an arterial route that connects Gloucester to the A40/A417 and to junctions 11 and 11A of the M5. Eastern Avenue(A38) it is dual carriageway subject to local speed limit of 40mph with Painswick Road being a single lane subject to the local speed limit of 30mph. These routes have continuous footways with controlled pedestrian crossings and street lighting and also act as public transport routes.

Sustainable Transport

Public Transport

There are 3 public transport routes within a reasonable walking distance from the site. Service 1 operates along Matson Avenue and is the closest service to the site providing access to Gloucester City Centre and is approximately 350m from the site. Bus stops are located on both the north and south side of the carriageway with a flag and timetable although there is no bus shelter. The next stop along this route is a further 100m and provides a timetable and shelter. This service operates with a 20 minute frequency Monday to Friday with a hourly service on Sundays.

Services 2/2A operate along Painswick Road, Wheatway and serves Gloucester to Upton St Leonards. A bus shelter and time table exists on the outbound carriageway providing a 30 minute service Monday to Friday and hourly service on Sundays. Service 13 operates along the Wheatway and provides an hourly service between this area and Gloucester.

Rail

Gloucester benefits from a mainline railway station located close to the City Centre 4.4km from the site providing routes to Cheltenham, Swindon, Worcester, Birmingham, Bristol and London Paddington. The bus station is located across the road from the railway station, therefore it is possible for destinations afar to be reached by sustainable modes. The railway station can be accessed by all public transport services operating in the vicinity of the site and also is within a reasonable cycling distance.

Walking

There is an existing footway on the northern side of Winnycroft Lane that provides access to the existing residential areas and continuous footways are provided to access local facilities and public transport infrastructure. A walkable neighbourhood is considered to have a range of facilities within 800m walking distance with an upper limit of 2km as identified within Manual for Streets. Section 6.10 of the Transport Assessment lists extensive local amenities and facilities located either below the 800m walking distance or above to the 2km walking limit from the site.

An assessment of the key walking routes has been undertaken and is detailed in Appendix E of the Transport Assessment. There were key deficiencies identified in the pedestrian audit as listed below:-

- Limited crossing points on Winnycroft Lane and no footway on southern side
- Tactile paving absent on crossing points along Matson Avenue linking to local shopping centre and primary school
- Tactile paving absent along Wheatway providing access to public transport infrastructure and local shopping centre.

Pedestrian surveys were undertaken on the 6th November 2014 to ascertain the current level of pedestrian movement at 5 sites along Matson Avenue as detailed in Table 18 of the Transport Assessment with full survey details contained at Appendix T. The highest number of pedestrians observed in the AM peak hour were the junction Munsley Road with 298 pedestrians and 271 in the PM peak hour. Mitigation has been considered based on the level of impact and is discussed in further detail later in this report.

Cycling

There are no dedicated cycle routes within the immediate vicinity of the site although it is considered that cycling on road is appropriate given the predominately residential character of the adjacent highway network. There is an extensive range of facilities available within a 3km radius as defined in Section 6.16, Table 4 of the Transport Assessment.

The location of the site is considered to be accessible with a range of facilities within a reasonable distance to maximise sustainable forms of travel. The site accesses will provide pedestrian/cycle links to existing infrastructure and the Illustrative Masterplan details these

Impact on adjacent highway network

The following junctions were identified through pre-application discussions to determine the level of vehicular impact from the proposed development. These have been determined on the trip generation, assignment and distribution of projected traffic movements.

- Junction 1 Eastern Avenue(A38) Painswick Road roundabout
- Junction 2 Norbury Avenue/Painswick Road (B4073)/Heron Way signalised junction
- Junction 3 Painswick Road(B4073)/Wheatway signalised junction
- Junction 4 Corncroft Lane/Painswick Road (B4073) priority junction
- Junction 5 Wheatway/Abbeymead Avenue/Glevum Way/Heron Way roundabout
- Junction 6 Sneedhams Road/Winnycroft Lane priority junction

The operational capacity of the above junctions have been assessed for the following scenarios:

- 2014 base year
- 2024 future year (without development)
- 2024 future year (with development 450 private residential dwellings)
- 2024 future year (with development 450 private residential dwellings + Smaller Winnycroft Farm development of 200 dwellings) SENSITIVITY TEST.

Base Traffic Conditions

The AM and PM peak hour conditions for the highway network as identified above were obtained from traffic surveys undertaken on the 4th June 2014 for all junctions with two 7 day traffic counts undertaken along Winnycroft Lane as referred to above under local highway network. All traffic data has been converted from vehicles per hour (VPH) to Passenger Car Units (PCU'S) as required for junction capacity modelling. A full copy of the traffic survey information is contained within Appendix F of the Transport Assessment and provides the base year (2014) level of traffic on the highway network.

Assessment Years

In order to obtain the future year (2024) traffic data is growthed using rates obtained from TEMPRO 6.2/NTM dataset. The AM Peak growth is 1.130 and PM peak of 1.128 is acceptable.

Trip Generation

Vehicular Trip Generation

The applicant has undertaken best practice and has used a local donor site in order to obtain a robust assessment of vehicular trip generation. A survey was undertaken on the 4th June 2014 for the AM and PM peak period for a site known locally as the Richmonds that is a cul-de-sac of 209 private residential dwellings. The proposed vehicular trip generation from the site has been calculated from this data and equates to a 2 way AM Peak hour of 287 trips and a PM peak hour of 317 trips for 450 dwellings. It should be noted that this is a robust assessment as the current application is for up to 420 dwellings and not 450 dwellings.

Mult-modal Trip Generation

In order to establish the multimodal trip generation from the proposed development an analysis has been undertaken from the Trip Rate Information Computer System database (TRICS7). The Multimodal trip rates are provided in Table 7 of the Transport Assessment and it is estimated that the site will generate 152 pedestrian trips during the AM and PM peaks, 23 cycle trips during the AM and PM peak and 18 public transport trips in both the AM and PM peaks.

Committed Development

There are currently no committed developments in close proximity to the site that will be required to be taken into consideration.

Trip Distribution and Assignment

Development distribution has been based on UK 2001 census 'journey to work' data for the Matson and Robinswood ward and is attached in Appendix I of the Transport Assessment. At the time the Transport Assessment was undertaken the 2011 equivalent had not been released.

Assignment to the local road network has been undertaken by using Google Maps Route Finder to inform logical choices based on shortest distance and/or time between site and zone. On this basis development traffic at the two site access junctions on Winnycroft Lane have been distributed as 87.2% to/from the north and 12.8% to/from the south. Table 8 of the Transport Assessment shows the percentage of trips to be assigned to the local road network and have been agreed with the Highway Authority through pre-application discussions. The resultant Network flow diagrams for both the AM and PM peak hours are provided in Appendix J of the Transport Assessment.

Junction Capacity Assessment

Capacity Modelling at 6 junctions close to the site as agreed during the scope of the Transport Assessment at pre-application submissions has been undertaken using the industry recognised software PICADY, ARCADY and Linsig. For priority (T) junctions and roundabouts an RFC (Ratio of Flow to Capacity) value less than 0.85 illustrates that the junction is operating within capacity. A value between 0.85 and 1 indicates variable operation but still within theoretical capacity. Greater than 1

indicates the junction is operating over capacity. For signal controlled junctions a Degree of Saturation (DoS) of 90% or less indicates operation within capacity.

For the purposes of capacity modelling a queue is stationary traffic and the traffic flows are recorded in PCUs (Passenger Car Units). A car is 1 PCU an HGV is 2.3 PCUs. In conjunction with the traffic turning county data, queue length survey data has also been obtained for all assessed junctions during both the AM and PM peak periods on the 17th June 2014.

Junction 1 B4073 Painswick Road/Eastern Avenue Roundabout

The 2014 base year scenario indicates that the Northern Arm on Painswick Road is operating at capacity with a RFC of 0.85 AM peak and 1.00 in the PM peak with the longest queue of 5.19 and 23.86 PCU's respectively. All other arms are operating within capacity.

This junction in 2024 without development operates over capacity on the Painswick Road North arm with an RFC of 1.17 AM peak and 1.31 in the PM peak with the longest queue of 67.02 and 145.77 PCU's respectively. The Painswick Road South arm is also operating with variable capacity with a RFC of 0.93 AM peak and 0.87 PM peak with the longest queue 10.24 and 5.86 PCU's respectively. All other arms are operating within capacity.

In 2024 with development this junction continues to operate over capacity with the Painswick Road North arm with an RFC of 1.29 in the AM peak and 1.43 in the PM peak with the longest queue of 101.21 and 187.08 PCU's respectively. The Painswick Road South arm is also operating over and with variable capacity with a RFC of 1.09 AM peak and 0.98 PM peak with the longest queue 78.62 and 17.51 PCU's respectively. The Eastern Avenue East arm is also now operating with variable capacity in the PM peak with an RFC of 0.86 in the PM peak.

Sensitivity Test 2024 with development 450 private residential dwellings + Smaller Winnycroft Farm development of 200 dwellings. This junction continues to operate over capacity with the Painswick Road North arm with an RFC of 1.32 in the AM peak and 1.48 in the PM peak with the longest queue of 110.49 and 202.44 PCU's respectively. The Painswick Road South arm is also operating over capacity with a RFC of 1.17 AM peak and 1.04 PM peak with the longest queue 131.75 and 33.20 PCU's respectively. The Eastern Avenue East arm is also now operating with variable capacity in the PM peak with an RFC of 0.88 in the PM peak.

Junction 2 Norbury Avenue/B4073 Painswick Road/Heron Way Signals

This junction is operating over capacity in 2014 with queues in excess of 48 PCUs on Heron Way. The model results have been compared with on site queue length surveys which indicate that the queues in the model are 5% higher than the queues 'on the ground'. Notwithstanding the junction is operating over capacity.

This junction continues to operate over capacity in 2024 without development with queues increasing to 90 PCUs on Heron Way.

This junction continues to operate over capacity in 2024 with development with queues increasing to 123 PCUs on Heron Way.

Junction 3 B4073 Painswick Road/Wheatway Signals

This junction is operating comfortably within capacity in 2014 with the highest DOS of 68.3% on the Wheatway arm in the PM peak.

In 2024 without development the spare capacity at this junction reduces but the junction continues to operate with spare capacity with the highest DOS of 71.7% on the Wheatway Left Right arm in the PM peak.

In 2024 with development the spare capacity at this junction reduces but the junction continues to operate with spare capacity with the highest DOS of 79.6% on the Wheatway Left Right arm in the PM peak.

Sensitivity Test 2024 with development 450 private residential dwellings + Smaller Winnycroft Farm development of 200 dwellings. The spare capacity at this junction reduces but the junction continues to operate with spare capacity with the highest DOS of 82.5% on the Painswick Road South Right Ahead Arm.

Junction 4 Corncroft Lane/B4073 Painswick Road Priority

This junction in 2014 is operating with significant spare capacity with the highest RFC of 0.30 occurring on the Corncroft Lane/Painswick Road arm in the PM peak.

In 2024 without development the spare capacity at this junction reduces but the junction continues to operate with significant spare capacity with highest RFC of 0.54 occurring on the Painswick Road arm PM peak.

In 2024 with development this spare capacity at this junction reduces further and the Painswick Road arm operating with variable capacity with an RFC of 0.93 occurring on the Painswick Road arm PM peak.

Sensitivity Test 2024 with development 450 private residential dwellings + Smaller Winnycroft Farm development of 200 dwellings. The spare capacity at this junction reduces and now operates over capacity with a RFC of 1.11 in the PM peak on the Painswick Road arm and variable capacity on the Corncroft Lane/Painswick Road arm with an RFC of 0.91 AM peak.

Junction 5 Wheatway/Abbeymead Avenue/Glevum Way/Heron Way roundabout

This junction in 2014 is operating with significant spare capacity with the highest RFC of 0.31 occurring on the Abbeymead Avenue Arm in the PM peak.

In 2024 without development the spare capacity at this junction reduces but the junction continues to operate with significant spare capacity with highest RFC of 0.36 occurring on the Abbeymead Avenue arm in the PM peak.

In 2024 with development this junction continues to operate with significant capacity with the highest RFC 0.37 occurring in the PM peak on the Abbeymead Avenue Arm.

Sensitivity Test 2024 with development 450 private residential dwellings + Smaller Winnycroft Farm development of 200 dwellings. The spare capacity at this junction reduces but operates within capacity with the highest RFC of 0.37 on the Abbeymead Avenue arm in the PM peak.

Junction 6 Sneedhams Road/Winneycroft Lane Priority

This junction in 2014 is operating with significant spare capacity with the highest RFC of 0.11 occurring on Sneedhams Road/Winneycroft Lane South arm in the PM peak.

In 2024 without development the spare capacity at this junction reduces but the junction continues to operate with significant spare capacity with the highest RFC of 0.13 occurring on the Sneedhams Road/Winneycroft Lane South arm in the PM peak.

In 2024 with development this junction continues to operate with significant capacity with the highest RFC of 0.14 occurring on the Sneedhams Road/Winneycroft Lane South arm during the PM peak.

Sensitivity Test 2024 with development 450 private residential dwellings + Smaller Winneycroft Farm development of 200 dwellings. The spare capacity at this junction reduces but operates within capacity with the highest RFC of 0.14 occurring on the Sneedhams Road/Winneycroft Lane South arm during the PM peak.

Conclusion on Traffic Impact Analysis

The junction capacity assessments above show that the development has a noticeable impact on Junctions 1, 2 and 4, as such mitigation will be considered.

The sensitivity test for 2024 with the neighbouring development site results in Junctions 1, 2 & 4 continuing to operate over capacity.

Impact on the Strategic Road Network

The Strategic Road Network is the responsibility of the Highways Agency, therefore no comments are made on this section of the applicant's Transport Assessment. However, I note that the Highways Agency have been consulted directly by the Local Planning Authority and have provided representation direct.

Collision Analysis

An assessment of the collision history for the 5 year period to December 2013 has been undertaken within the identified study area as shown on Figure 2 of the Transport Assessment with full accident data contained in Appendix K. A total of 54 reported personal injury collisions occurred in the study area during that time, none of which were fatal.

The analysis has included detailed assessment of all locations where accidents have occurred and concluded that the collisions were attributed to driver or highway user error and behaviour and not as result of the characteristic of the highway network. It is noted that the highest number of collisions occurred on Junction 1 (Painswick Road/Eastern Avenue) but a safety scheme was implemented in December 2013 by Gloucestershire Highways which consisted of removal of the vegetation on the central island of the roundabout, resurfacing, re-lining, removal of cycle lanes and replacement with symbols to improve road safety at this location.

This low number of collisions within the timeframe and study area indicates that there is no existing accident problem of identifiable collision trends that requires further assessment.

Access

Stage F and 1 Road Safety Audits

It is proposed to access the site from two new junctions and feasibility Safety Audits were undertaken to determine the junction types to serve the development. Two priority T junctions were considered along with a priority T to the west and a roundabout to the east. A copy of the Stage F Safety Audit is contained within Appendix L of the Transport Assessment. The Audit concluded that the priority T junction and roundabout were most appropriate. The reasoning behind the inclusion of a roundabout was to slow traffic speeds to improve safety for pedestrians crossing Winnycroft Lane and that the eastern junction would likely be the primary access point for development due to the majority of flows accessing/egressing from this location.

A Stage 1 Road Safety Audit has also been undertaken for both the roundabout and priority T junction that identified medium risk safety issues. No designers response has been submitted but there were not any serious fundamental safety issues raised with the access proposal. The issues raised can be adequately dealt with at the detailed design stage.

Roundabout Primary Site Access on to Winnycroft Lane

A new 3 arm roundabout is proposed and has been designed in accordance with the Design Manual for Roads and Bridges (TD16/07) as shown in Appendix M of the Transport Assessment. The land to accommodate this junction is available from both the existing highway and from land within the applicants control and can be delivered. Detailed design will be dealt with through the highway agreement process that will be legally required in order to construct the junction. Footways and uncontrolled pedestrian crossing points including refuges are included as part of the junction design to enable safe and suitable access for all modes of transport to the nearby facilities and public transport infrastructure.

Priority T Junction Secondary Site Access on to Winnycroft Lane

A secondary access is to be provided in the form of a priority junction T junction as shown in Appendix M of the Transport Assessment. The land to accommodate this junction is available from both the existing highway and from land within the applicants control and can be delivered. Detailed design will be dealt with through the highway agreement process that will be legally required in order to construct the junction. Footways and uncontrolled pedestrian crossing points including refuges are included as part of the junction design to enable safe and suitable access for all modes of transport to the nearby facilities and public transport infrastructure.

Public Transport

The agent has submitted tracking for public transport showing that roundabout access can accommodate the manoeuvring characteristics and does not preclude public transport from accessing the site.

Pedestrian /Cycle Access

It is not considered that off road segregated footway/cycle links will be required due to the volume and speed of the adjacent highway network not being significant. Cyclists would be expected to be on road and the road safety audit and collision analysis has not identified any issues relating to cyclist safety. Pedestrian links are provided from the northern side of Winnycroft Lane into the development access points including uncontrolled pedestrian crossing and refuges where required. It is not considered that a continuous footway on the southern side of Winnycroft Lane would be required as pedestrian desire lines to off site facilities are on the northern side of Winnycroft Lane and the internal layout will provide internal pedestrian/cycle routes within the site.

Junction Capacity Assessment.

Assessment of the capacity for both proposed junctions has been submitted and has shown that both junctions will accommodate the projected development traffic flows. The proposed roundabout Junction operates with a maximum RFC of 0.47 in the PM hour on the Winnycroft Lane North Arm with significant spare capacity. The Priority T Junction operates with a maximum RFC of 0.25 on the South Site Access junction in the PM peak hour also with significant spare capacity. No sensitivity test is further required for the proposed adjacent residential site as there is significant spare capacity at both junctions to accommodate the traffic flows should this site be granted planning permission.

Mitigation

When assessing the required mitigation in support of development consideration is required to be given the National Planning Policy Framework Paragraphs 32, 34, 35 and 204 and Section 122 of the Cil Regulations. When securing planning obligations they are required to meet the following tests:

- Necessary to make the development acceptable in planning terms;
- directly related to the development;
- Fairly and reasonable related in scale and kind to the development

Planning conditions should only be imposed where they are necessary, relevant to planning and to the development permitted, enforceable, precise and reasonable in all other aspects.

Travel Plan

A Travel Plan is required to be submitted in accordance with Paragraph 32 of the NPPF for all developments that generate significant movement. A Framework Travel Plan has been submitted in support of the application and will be secured by planning obligation. The Travel Plan seeks to reduce single occupancy car journeys by 10% and a full travel plan will need to be submitted prior to first occupation. The developer intends to provide a contribution by S106 and for Gloucestershire County Council to undertake the travel plan on behalf of the developer.

It is considered that a Residential Travel Plan should be secured by Planning Obligation and meets that above tests relating the Obligations. It is necessary in planning terms to help reduce the number of car trips generated by the development

that would be expected if each occupier did not use walking, cycling or public transport for some journeys and will benefit future occupiers. It is directly related to the development as it will cover all journeys made by people moving into the development. Contributions are not considered excessive in comparison with other costs and the plan will ensure the travel plan measures are implemented and monitored in order to measure effectiveness.

Public Transport Improvements

The Transport Assessment has referred to proposing a diversion of existing public transport service close to the development and has entered into discussions with both Gloucestershire County Council and private bus operators. Although this aspiration is welcome any Planning Obligation would need to meet the tests referred to above.

In planning policy terms the development should ensure that opportunities for sustainable transport modes have been taken up and improvements can be undertaken within the transport network that cost effectively limit the significant impact. I consider that ensuring that high quality infrastructure is provided to accommodate public transport in the future in terms of the access points and internal layout more appropriate and relevant to the size and location of the development.

The estimated level of public transport trips in the combined AM and PM peak hours would only equate to 18 trips and there are 3 existing public transport services already operating within a reasonable walking distance from the site. I do not consider that a contribution being secured by planning obligation would be necessary to make the development acceptable in planning terms or would be fairly and reasonable related in scale and kind given the level of impact and current availability and location of existing services.

Pedestrian improvements

Public Rights of Way

The PROWs are proposed to be diverted to improve pedestrian desire lines. The paths are required to be diverted under the Town & Country Planning Act 1990. It must be processed before any construction can take place. However, it should be noted that this would be subject to public consultation and potential objections, which could lead to the diversion order ultimately failing. Until an order has been made, confirmed in writing and brought into operation, the legal line of a public right of way remains unaltered. As it is a criminal offence to obstruct the highway (including public rights of way) without lawful authority or excuse, any development works or building materials on the line of the path will render the development liable to prosecution. The granting of planning permission does not of itself constitute authority for any interference by a Developer with a public right of way. Before a right of way can be legally diverted or extinguished, Gloucestershire County Council must agree to make an order.

Off Site Pedestrian Improvements

Pedestrian surveys have been undertaken on the 6th November 2014 as detailed earlier in this report along with assessment of the main walking route to local

facilities along Matson Avenue. The assessment of walking routes identified that there was a lack of tactile paving at the following junctions: Gatmeres Road, Munsley Grove, Hill Hay Road, St Peter's Road, Red Well Road and Winsley Road.

The proposed development is expected to generate 102 pedestrian movements in the AM peak and 50 in the PM peak. The base surveys observed 298 pedestrians in the AM peak (08:00-09:00) and 271 +47 in the PM peak (15:00-16:00 + 17:00-18:00). It is therefore considered that the additional 102 pedestrian movements are a significant increase and improvements to the local highway infrastructure would be justified to encourage sustainable forms of transport and can be secured by planning condition.

Highway Improvements

Junction 1

The transport statement states that the impact of the development on this junction is comparable with the daily fluctuation of traffic using this junction therefore no mitigation is proposed. I do not accept this conclusion give that based on the evidence in the submitted Transport Assessment that the impact is above the daily fluctuation in flow. The impact on this junction has been subject of further discussion with regard to assumptions regarding traffic flows along Painswick Road as it was considered that this would over estimate the volume of traffic using this link and would impact on the modelling carried out within the transport assessment.

An Addendum dated February 2015 was submitted to review the impact on Junction 1 and the revised modelling presents a 2018 future year scenario and makes the assumption that traffic travelling from the site to the A38 west would not pass through Junction 1. Instead this traffic will divert along Cotteswold Road. This would result in an increase in traffic flows of 31 and 35 two-way trips on Cotteswold Road in the AM and PM peaks respectively. This equates to approximately one vehicle every two minutes which would not represent a significant impact on Cotteswold Road.

I have arranged for a Select Link Analysis of the Central Severn Vale (CSV) SATURN model to examine whether this diversion is a valid assumption. The Matson area (Zone Number 196) - located adjacent and to the north of the proposed development site, has been assessed for both the AM and PM peak hour situations. The SATURN modelling suggests that traffic to/from the A38 west would divert equally between Norbury Avenue and Cotteswold Road. Therefore the assumption that this traffic will not pass through Junction 1 (A38/Painswick Avenue) is valid. Furthermore, as the traffic will split equally between two residential routes, the impact on each route will be approximately one vehicle every four minutes, which is not "severe".

The modelling still shows that the development will cause the northern arm to operate over absolute capacity (1.00RFC), and the southern arm to operate over practical capacity (0.85RFC), in the AM peak. The development will exacerbate existing capacity issues on the northern arm in the PM peak. Given that there is little that could be done to this junction in terms of mitigation that would be fairly and reasonably related in scale and kind to the impact I suggest that the securing of the residential travel plan by planning obligation would be appropriate to assist with

modal shift to reduce the impact on the junction to an acceptable level. It is not proposed that any additional mitigation is required for this junction other than securing the residential travel plan by planning obligation.

Junction 2

A number of options for improving this junction have been explored within the Transport Assessment, two of the options result in a further reduction of capacity if the junction therefore the mitigation proposed for this junction is to install MOVA (Microprocessor Optimised Vehicle Actuation) to be more responsive to real time traffic conditions, these have not been agreed. There were concerns over the validation of the model given that the degree of saturation exceeded 100% on some movements on the baseline, which demonstrated that the capacity on this link has been under-estimated as the traffic flow has been counted through the junction meaning that the movement cannot be over 100% saturation.

The addendum issued February 2015 included revised modelling and mitigation that has sought to concerns of the highway authority regarding the previous model outputs. The future year modelling identifies that the junction will operate over capacity in the 2018 baseline, and these capacity issues will be exacerbated with the addition of development traffic. Notwithstanding the issues with the base models it is considered that we agree that the impact of development traffic in this location requires mitigation.

It is recognised that the potential to fully mitigate the traffic capacity impact of the proposed development is again limited at this junction. Therefore potential improvements to both capacity and pedestrian provision have been discussed. It is considered reasonable to address traffic impact through a combined approach of capacity improvements and aiming to achieve mode shift through pedestrian improvements. However it is noted that the suggested mitigation with development scenario still results in the PRC being above the 2014 base level 90 second cycle on the majority of the arms and that the residential travel plan will also assist with reducing the overall traffic impact of the development and has not been included in the model results.

A plan is submitted showing the revised layout along with the Linsig model results. The additional pedestrian crossings represent a significant benefit to pedestrians which will also off-set the disbenefit to pedestrians of increasing the cycle time to 120s. There is concern that the proposed design removes the cycle feeder lanes to the Advanced Stop Line (ASL) on all arms and this will need to be consulted on prior to a final scheme being agreed. However to avoid further delay I am satisfied that based on the submitted information that capacity improvements could be achieved and a condition is attached to any permission granted to deal with the mitigation for junction 2.

Junction 4 Corncroft Lane/Painswick Road

The capacity assessment for this junction demonstrated that with the development traffic capacity reduces and causes the Painswick Road arm to operate with variable capacity with an RFC of 0.98. It is considered that mitigation would be required to

make the development acceptable as the additional traffic is considered to have a severe impact reducing the available capacity of the junction and increasing the likelihood of congestion occurring.

A right turn holding lane is proposed to mitigate the impact of the development and the junction has been capacity modelled reflecting the addition of the right turn lane, which returns the junction to operating within capacity even with the sensitivity test of the future neighbouring development. The amendments to the junction have been modelled for the following scenarios:

- 2024 future year (with development 450 private residential dwellings)
- 2024 future year (with development 450 private residential dwellings + Smaller Winnycroft Farm development of 200 dwellings) SENSITIVITY TEST.

The junction is forecast to have a maximum RFC of 0.61 in the AMpeak hour of the Painswick Road/Corncroft Arm so has significant spare capacity.

The modelling that has been undertaken for this junction shows that both of the proposed residential developments at Winnycroft will have a proportional impact on the capacity of this junction and it is therefore proposed that a Sc106 Obligation is sought based on the net impact from each development to secure the highway improvement works for the right turn holding lane. The trigger for payments on the level of impact for the developments have to assume that either one or both are granted planning and built out. The modelling shows the impact on capacity for the junction occurs at the 315th occupation but there is difficulty in agreeing a trigger based on this level. The difficulty with agreeing the trigger based on the 315th occupation means that the adjacent highway infrastructure would be over capacity if both sites were granted consent and built out at similar rates. Furthermore I would not be in a position to seek any improvements for the adjacent site given that it only proposes 250 dwellings and in isolation would not require works to this junction.

The HA would need to base the triggers for payments on the level of impact for both developments and assuming either one or both are granted planning and built out. I have agreed a trigger for 60% of the junction improvement costs to be paid upon 200th occupation and 40% to be paid from the adjacent site upon 100th occupation.

A second trigger for the remaining 40% at 315th occupation would also be required in case the other site does not develop at an appropriate rate or gain planning permission. I believe that this would ensure that each development would pay a fair proportion towards the infrastructure required.

I am satisfied that the proposed highway improvements can be delivered within the existing highway by the reduction of existing highway verges.. The improvements are shown in Drawing numbered 21099_08_020_05 Appendix R including a pedestrian crossing for the junction of Corncroft Lane and on carriageway bus stop markings along Painswick Road.

Conclusion/Recommendation

I consider that the submitted Transport Assessment (including addendums) and Residential Travel Plan has adequately addressed the impact of the proposed

development on the transport network contained within the defined scope and that subject to the recommended planning obligations and conditions below being secured and attached to any planning consent issued that the proposed development is acceptable.

Planning Obligations

Contribution of £86,280.00 towards a Residential Travel Plan

Contribution of £62,447.00 towards highway capacity improvement works at Corncroft Lane/Painswick Road. To be paid at following triggers: on 200th occupation £62,447.00 and on 315th occupation £41,632.00 should the adjacent Winnycroft application for 250 dwellings not proceed.

Planning Conditions

No works shall commence on site until details of the pedestrian crossing improvements along Matson Avenue at Gatmeres Road, Munsley Grove, Hill Hay Road, St Peter's Road, Red Well Road and Winsley Road shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details prior to first occupation of the site.

Reason:- To ensure that [the opportunities for sustainable transport modes have been taken up in accordance with paragraph 32 of the National Planning Policy Framework

No works shall commence on site until details of capacity improvements to the signalised junction of Norbury Avenue/Painswick Road have been submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details prior to first occupation of the site

Reason: To ensure that cost effective improvements are undertaken to the transport network that mitigate the significant impacts of the development in accordance with paragraph 32 of the National Planning Policy Framework.

Prior to the occupation of the dwellings a bus shelter (to include seating and lighting) shall be erected at the existing stop along Matson Avenue located between the junction of Gatmeres Road and Caledonian Road on the south western bound direction in accordance with details to be submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is designed to provide access to high quality public transport facilities in accordance with paragraph 35 of the Framework.

Details of the layout and access, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in accordance with the approved plans. No dwelling on the development shall be occupied until the carriageway(s) (including surface water drainage/disposal, vehicular turning head(s) and street lighting) providing access from the nearest public Highway to that dwelling have been completed to at least binder course level and the footway(s) to surface course level.

Reason: To minimise hazards and inconvenience for users of the development by ensuring that there is a safe and suitable means of access for all people in accordance with Paragraph 32 of the Framework.

No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.

Reason: To ensure that safe and suitable access is achieved and maintained for all people as required by paragraph 32 of the Framework

No development shall commence on site until a scheme has been submitted to, and agreed in writing by the Council, for the provision of fire hydrants (served by mains water supply) and no dwelling shall be occupied until the hydrant serving that property has been provided to the satisfaction of the Council.

Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire in accordance with Paragraphs 32 and 35 of the Framework.

Prior to the occupation of the development hereby permitted, the vehicular access shall be laid out and constructed broadly in accordance with the submitted plan drawing nos. 21099_08_020_01B and 21099_08_020_02B, and shall be maintained for the duration of the development.

Reason: To reduce potential highway impact by ensuring the access is suitably laid out and constructed to provide safe and suitable access in accordance with Paragraph 32 of the Framework.

The details to be submitted for the approval of reserved matters shall include vehicular parking and turning and loading/unloading facilities within the site, and the building(s) hereby permitted shall not be occupied until those facilities have been provided in accordance with the approved plans and shall be maintained available for those purposes for the duration of the development.

Reason:- To reduce potential highway impact by ensuring that adequate parking and manoeuvring facilities are available within the site, in the interests of highway safety.

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved

in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:

- i. specify the type and number of vehicles;
- ii. provide for the parking of vehicles of site operatives and visitors;
- iii. provide for the loading and unloading of plant and materials;
- iv. provide for the storage of plant and materials used in constructing the development;
- v. provide for wheel washing facilities;
- vi. specify the intended hours of construction operations;
- vii. measures to control the emission of dust and dirt during construction

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance paragraph 35 of the National Planning Policy Framework.

NOTES:

The proposed development will involve works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the County Council before commencing those works.

The proposed development will require a Travel Plan as part of the transport mitigation package (together with a Monitoring Fee and Default Payment) and the Applicant/Developer is required to enter into a legally binding Planning Obligation Agreement with the County Council to secure the Travel Plan.

The site is traversed by a public right of way and this permission does not authorise additional use by motor vehicles, or obstruction, or diversion. The developer will be expected to meet the full costs of supplying and installing the fire hydrants and associated infrastructure.

The applicant is advised that to discharge condition 7 above that the local planning authority requires a copy of a completed dedication agreement between the applicant and the local highway authority or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes. maintain a strong sense of place to create attractive and comfortable places to live, work and visit as required by paragraph 58 of the Framework.

The developer will be expected to meet the full costs of supplying and installing the fire hydrants and associated infrastructure.

Comments from Sport England

The site is not considered to form part of, or constitute a playing field as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2010 (Statutory Instrument 2010 No.2184), therefore Sport England has considered this a non-statutory consultation.

It is understood that the outline application proposes the erection of up to 420 dwellings and community space / building as well as associated landscaping, public open space, access, drainage, infrastructure, earthworks and other ancillary enabling works.

Sport England has assessed the application against its adopted planning policy objectives. The focus of these objectives is that a planned approach to the provision of facilities and opportunities for sport is necessary in order to meet the needs of local communities. The occupiers of any new development, especially residential, will generate demand for sporting provision. The existing provision within an area may not be able to accommodate this increased demand without exacerbating existing and/or predicted future deficiencies. Therefore, Sport England considers that new developments should be required to contribute towards meeting the demand they generate through the provision of on-site facilities and/or providing additional capacity off-site. The level and nature of any provision should be informed by a robust evidence base such as an up to date Sports Facility Strategy, Playing Pitch Strategy or other relevant needs assessment.

This requirement is supported by the Governments National Planning Policy Framework, which states:

“Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. (Principle 12 is) that planning should:

Take account of and support local strategies to improve health, social, and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.” [Paragraph 17]

“To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- Plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses, and places of worship) and other local services to enhance the sustainability of communities and residential environments...
- Ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.” [Paragraph 70]

I have estimated the population generated by the proposed housing (420 dwellings), to be between 1,050 and 1,470 persons. (I have calculated this by allowing 2.5 persons per dwelling and 3.5 persons per dwelling and multiplying it by the proposed number of dwellings. There will be a mix of

housing hence the variation of 2.5/3.5 persons per dwelling.) If this demand is not adequately met, then it may place additional pressure on existing sports facilities, thereby creating deficiencies in facility provision. In accordance with Circular 05/05, Sport England seeks to ensure that the development meets any new sports facility needs arising as a result of the development.

Built Facilities

You may be aware that Sport England's Sports Facilities Calculator (SFC) can help to provide an indication of the likely demand that will be generated by a development for certain facility types; swimming pools, sports halls, artificial Grass pitches and indoor bowling rinks.

Sport England accepts that the population figures may not be correct, but it is the principle and method of calculating the contribution which is important here.

NB it may not be appropriate to provide funding/provide facilities for each facility type identified above. This decision is up to Gloucester City Council. If there was an up to date robust Built Facilities Strategy this issue could have been addressed by the applicants earlier.

I note that the applicants have not addressed the issues of the impact created by the new residents on the built sports facilities in their planning statement, which is disappointing. I would suggest that this matter should be addressed in order to comply with the NPPF.

Playing Pitches

Just as the increased population will have an impact on built facilities, there will also be an impact on playing pitches. Therefore I believe it is important to ensure the playing pitches which are proposed (identified as 3 on the landscape masterplan) are the right type and the right number – currently it would appear that only football is catered for. This would need to be evidenced for the decision only to create football pitches and no other sports pitches.

The applicants in paragraph 39 state: The development includes an adult sports pitch and one junior pitch to meet the need for pitches generated by the new residential population. While I know there will be a demand for pitches, there is no evidence supplied by the applicants to indicate why they include the provision of football pitches. Not being familiar with Gloucester I am not in a position to comment whether or not football pitches of any description are needed. But I would suggest this is addressed by the applicants to ensure that the right sports pitches are being created in the right location, otherwise it would be a waste of an investment, hence the need to produce a robust playing pitch strategy by the City.

Referring to paragraph 5.46 in the applicants' planning statement, concerning the sports provision; *the provision will meet the needs of the development and add to the supply of formal sports and play facilities locally, to the benefit of local people.* Yet in paragraph 6.14 the applicants admit *there is a minor shortfall in the amount of sports pitch provision on site;* but go on to say that this will be addressed through a S106 Agreement. This is based on a

standard of 1.6ha per 1000. Sport England does not support the use of standards, but rather it *should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.* Paragraph 73 of the National Planning Policy Framework.

I accept that the applicants are only seeking to follow the LPA's which I disagree with as it is against national planning policy. However the City are in the process of producing an update to Playing Pitch Strategy, (PPS) and I would recommend that the City share the emerging findings of the PPS so that the applicants can provide the right pitches in the right location.

Conclusion

At the moment there is no clear strategic justification for the proposed sports pitches being offered through the application and no contributions are being offered to offset the impact on built sports facilities created by the housing. Therefore Sport England **objects** to the granting of planning permission as the application stands as in my opinion the application does not accord to the National Planning Policy Framework, in particular paragraph 73.

Our objection would be overcome, if:

1. Justification could be provided for the provision of the sports pitches or if there was a contribution provided for additional sports pitches on a different site. The rationale for this is that there may be a greater need for cricket and the area provided by the masterplan may not be large enough for cricket and the only solution would be to provide cricket elsewhere. I would reiterate my recommendation above that the City share the emerging findings of the PPS so that the applicants can provide the right pitches in the right location.
2. There were contributions provided towards increasing existing built sports facilities, unless Gloucester City Council agreed there was no need to increase provision due to spare capacity within the built facility network to cater for the increase in population.

Conservation Officer

Comments were originally submitted on the 24th November 2014 and the background to the application will not be repeated. Since November 2014 there have been a number of meetings with the applicant and offices, as well as, site visits to review the proposals. There has also been the submission of further information in regards to noise issues, setting and built heritage impacts.

The proposed housing layouts as produced within the sketch vignettes, specifically blocks 17 and 18, have enabled assessment of the impacts of the dwellings upon the designated asset of the farm complex. Although these

areas are lower in density in comparison to the remaining site these areas will require careful design, restrictions in height and retention of historic hedges and new planted boundaries to screen the development from the designated farm complex.

The noise issues across the site are also a concern especially the proposals for a protective bund and fence; this will need to be carefully designed to ensure that it does not have a negative impact upon the designated assets and the scheme in general. Some creativity within the creation of this bund and landscaping would assist in mitigating this impact and should be agreed via condition.

A fundamental issue yet to be addressed is for joint working on the two Winnycroft sites, this is especially important when dealing with linkage routes and landscaping as presently there are issues with connecting both sites and block locations for housing.

A fundamental issue yet to be addressed is for joint working on the two Winnycroft sites, this is especially important when dealing with linkage routes and landscaping as presently there are issues with connecting both sites and block locations for housing.

Although there are a number of issues to be addressed at the reserved matters stage in regards to connectivity/linkages, design and materials, below are a number of areas requiring conditioning this will assist in reducing the harmful impact of the proposed residential development on the semi rural character of the area and designated heritage assets. These are as follows -

- Historic hedgerows, field patterns and mature trees are retained to ensure that elements of the rural character are maintained.
- Further tree planting will be added to reduce visual impacts of built form on the nearby listed Winnycroft Farm,
- the north east of the site there will be a lower density development of no more than two storey in height.
- Views will also be retained through the site to Upton St. Leonards Parish Church to help connect the site with its context and aid scheme legibility.

These comments are based on both national and local policy guidance. The National Planning Policy Framework was published on 27 March 2012, replacing all the previous Planning Policy Statements. One of the key dimensions of sustainability is protecting and enhancing our historic environment and should conserve heritage assets in a manner appropriate to their significance ,so that they can be enjoyed for their contribution to the quality of life of this and future generations. Paragraphs 126 to 141 are the core historic environment policies in chapter 12 of the NPPF Local authorities.

Paragraph 131 states that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

- the desirability of new development making a positive contribution to local character and distinctiveness.

Section 66 of the planning (listed Buildings and Conservation Areas) act 1990 states that development which affects a listed building or its setting, the local authority *“shall have special regard to desirability of preserving the building or its setting or any features of special architectural or historic interest it possess”*

The policies within the 1983 and the 2002 Local Plan remain therefore a material consideration where they are consistent with the National Planning Policy Framework.

The recently published draft Joint Core Strategy (draft July 2014), has been produced in partnership between Gloucester City Council, Cheltenham Borough Council and Tewkesbury Borough Council, and sets out a planning framework for all three areas. Policy SD9 in the Joint Core Strategy concerns the historic environment and SD 5 Design Requirements

Comments from Economic Development and Strategic Planning, Gloucestershire County Council

Thank you for the opportunity to comment on the above planning application. This representation affords a formal, technical officer assessment detailing the planning obligations requirements of Gloucestershire County Council (GCC) for the community infrastructure it has a responsibility for.

GCC is a responsible local authority for community infrastructure matters. The representation considers the impact upon, and necessary mitigation, for the provision of pre-school / early years, education and library services.

The assessment has applied established requirements and standards advised elsewhere across Gloucestershire and that which have been supported by GCC through its adopted **Gloucestershire Local Developer Guide**. The following details set out a thematic review of the county council’s community infrastructure requirements: -

1 GENERAL

a Assessments of GCC requirements comply with CIL Regulations 2010 (section 122 and 123) and National Planning Policy Framework March 2012 (paragraphs 203-206). Planning obligations will be sought where they are necessary to make the development acceptable in planning terms, directly related and are fair and reasonable in relation to scale and location of development proposed.

b Contributions are ring-fenced for capital works specified by GCC, held in independent accounts and are not interchangeable.

c GCC will account for unspent contributions, expenditure and accrued interest. Unless programmed or otherwise agreed, unused contributions are returnable, with interest, to the developer.

d Any legal agreement will usually be between GCC, the landowner and developer. As a consequence the developer must meet GCC's legal, technical and monitoring costs in preparing the agreement(s).

e All contributions will be bonded and indexed. Review clauses are provided to account for change in dwelling numbers.

2 EDUCATION

a GCC is a Children's Services Authority (CSA). The aim of the CSA is to improve the coordination of services that affect children and young people such as:-

i. Education

ii. Social services – where they relate to children and young people

iii. Health services – where the CSA acts for organisations such as the NHS.

b New residential development gives rise to new pupils. There are direct links between the number of dwellings and number of pupils. GCC has to ensure sufficient accommodation for new pupils if existing schools do not have spare places or there are insufficient or no schools local to the development. There is justification at national, regional, county and local level for requiring contributions to local pre-school, primary and secondary facilities where evidence indicates and justification shows that that this would be reasonable.

c Contributions will be indexed to the Department for Education (DfE) annual cost multipliers or any replacement thereof deemed relevant by the Council to maintain the proportionate value of contributions and to ensure payment.

d When assessing education contributions GCC's criteria for a 'Qualifying Dwelling' is a house without age or health occupancy restrictions and with 2 or more bedrooms i.e. family accommodation. Flats and one bed houses are therefore excluded as they are occupied by lower number of pupils compared to houses. The number of qualifying dwellings for this calculation is set out in Annex 1, using the information from the planning application. This may vary between the outline and full application stage.

f Affordable or social housing contributes to local education infrastructure requirements in the same proportion as open market housing.

g The County has reviewed and analysed the number of pupils at different development / dwelling types across the county. This shows that 7 pre-school, 25 primary and 15 (11-18 year olds) secondary pupils arise per 100 dwellings.

Requirements –

- The contributions for pre-school education, primary and secondary education are set out in the annex to this letter.
- Contributions will be used towards capital works to extend, remodel, upgrade and improve the capacity and suitability of the nearest facility(ies) identified.
- Any contributions will be payable 6 months after commencement of the development.

3 COMMUNITY SERVICES – LIBRARIES

a Delivery of a properly resourced and adequate library service to meet the needs of the population arising from the scheme is required.

b Based on the scale of scheme and the numbers of new inhabitants, there is a requirement to provide an extension to the local service to meet the new demand and maintain the welfare of the new community.

c Contributions for statutory libraries are assessed on the basis of the impact of the increased population in relation to stock, equipment and opening hours requirements and the immediate and long term costs arising over a 10 year period.

d Operating costs are primarily staffing and premises costs. Guidance for standards of library provision advise a) 216 items to be purchased annually per 1,000 population and b) publicly available personal computers (0.6 PCs per 1,000 population). The cost of provision includes annual running/maintenance costs.

e To deliver a library service to the new community to appropriate standards, contributions will be required based on comparable costs of £196 per dwelling (this includes all flats and houses).

This will be used towards any of the following:- new computers, stock, furniture, opening hours or capital works.

Requirements –

- The requirements are set out in the annex to this letter.
- Any contributions will be payable 6 months after commencement of development.

4 SUMMARY

a Planning obligation contributions will be required for those items set out in the annex to this letter.

b This assessment may change if the residential mix is altered. It may also vary with time.

c The implications on other County Council functions e.g. highways, public transport and network improvements will be provided separately.

d These comments are made without prejudice to any other functions for which GCC, the Highways Agency or the Borough Council have responsibility e.g. highways and transportation, or any stance GCC may take at inquiry, appeal, re-application etc and are made at officer level. GCC members' opinions may differ from these comments. These views do not imply any comment about the merits or otherwise of any development at this site.

A further letter was submitted to provide an update on the current requirements (as the original letter was submitted some time ago) and is detailed below: Please note that the figures quoted relate to the development of both this site and the adjoining site at Mini Winney with a total number of dwellings of 670. It is expected that this overall number will drop to about 603.

I have discussed the schemes in detail with colleagues including the Lead Commissioner for Schools.

Pre-School, Primary and Secondary Education:

To add to the issue of any available capacity, I can confirm the view that any available capacity should be split between developments, rather than all sitting with

one. We have used various clauses within s106 agreements to achieve this in the event that one scheme is not implemented etc.

Additionally, further information is becoming available on capacity and there are fewer places available than had been forecast. This is because School Census data is captured in October each year and so numbers have been updated.

At Primary level, Robinswood School has 401 children on roll in the October School Census, 13 more than had been forecast (388). The building capacity is 420. Almost every year group has expanded more than expected. The only spare capacity is at the top end of the school which will work its way out over the next couple of years. So any new families moving into the new housing will not be able to get a place for their children which generally tend to be younger ones (or they may get older ones in but not their siblings). This has a resulting impact in assessing the applications of increasing the contribution that will be required.

October NOR	R	1	2	3	4	5	6	NOR
Robinswood	63	59	60	57	56	52	54	401

As you will understand data is captured at different points in the year. When the forecasts are revised in the new year, this will be reflected. The fact remains that there is very limited capacity or surplus. Schools need to operate with some surplus in order to allow for variation over the year, and in any event, it is unlikely that new child yield will fit neatly into what capacity there is. Operationally, a school can be considered at capacity if it is at 94% capacity, albeit in assessing the impact of planning applications, all spare capacity has been credited to nearby developments.

There is a similar picture for the secondary requirement, where, across Gloucester and Cheltenham, forecast secondary school places will be over capacity within the coming years. The catchment secondary school within which the proposals are located is Gloucester Academy.

At pre-school stage, provision is sought which will expand local facilities. Provision is often incorporated into primary school provision where it is possible to do so. An increased need for 47 places will be required arising from 670 additional units. Note that this is not the total yield, which will be greater, but those pre-school aged children for whom some nursery or early years provision will be required. The local authority has a statutory responsibility to ensure sufficient childcare as cited in the Childcare Act 2006, sections 6 and 7.

Because provision is through charities, organisations or private companies, data on capacity is not as readily obtainable as data on primary or secondary schools. Indeed, information may be guarded or considered sensitive where establishments are competing within the market place. A resource will usually operate at a level within its allowable limits based on regulatory guidance, e.g. 1:3 children under 2 years, 1:4 children aged 2 years and 1:8 children aged 3-7 years. Child minders may therefore provide a theoretical number of places, but choose to take fewer children, up to their maximum permitted number. It is also possible that child minders may, at very short notice, cease to offer any places, whilst other registered

child minders may become active in the area. The impact of these schemes will be significant and cannot be accommodated within the current arrangements.

Addressing the Impact:

The schemes need to be addressed and considered based on cumulative impact.

The 2 schemes will deliver up to 670 units. This will yield the following number of pupils:

No. Dwellings	670	<i>The total number of dwellings</i>
No. Qualifying dwellings	670	<i>Based on planning app information.</i>

Pupil Yields

Pre-school	46.9
Primary	167.5
Secondary	100.5
Total	314.9

At Primary level, the 167.5 children is equivalent to almost 6 classes (7 classes is equivalent to a whole school 1FE). Even allowing for the surplus referred to above, we are talking about a five classroom expansion at another school. That requires a huge amount of space and creates a very large school (Robinswood is already a 2FE). Expansion at Robinswood, therefore, will require more than just 5 extra rooms. Consideration will need to be given to an additional hall, extra toilets, expanded staff facilities (including parking) and more breakout/ small group teaching space. A 3FE school is required to have one main hall and one smaller hall, according to the June 2014 Building Bulletin 103:

Primary schools larger than one form of entry (FE) will require an additional small hall and/ or studios (one for approximately every further FE). In a primary school, the total area for this category of space should include:

- a main hall of at least 120m² for infants or 140m² for juniors, sufficient for PE and dance, assemblies, performances, parents’ evenings and dining;
- a studio of at least 45m² in schools with more than 300 pupil places, to provide more space for music, drama and ‘circle time’ if required;
- an additional small hall of at least 80m² in schools with more than 600 pupil places, for PE without apparatus.

To achieve the remodelling of the existing school to comply with the requirements will be costly and could easily be the same as provision of a new 1FE primary school. As such consideration should be given to on-site provision rather than extension of existing nearby schools, and we would expect the applicant(s) to enter into early discussions with the local education authority, which has not occurred to

date. If it had, then such matters could have been discussed and incorporated working collaboratively with the applicant(s).

At the secondary school level, the additional ~100 pupils will require access to school places and cannot currently be accommodated within secondary school forecast data. An additional 100 pupils is equivalent to more than 3 extra classrooms; the costs of these are related directly to the development through the application of the Council's formula as advised.

Nursery and pre-school capacity has been assessed. In the opinion of Gloucestershire County Council, pre-school places serving the application site are extremely stretched. If the development goes ahead, there will be additional pressure on places locally. This pressure will be greater than the 46.9 places sought. A financial contribution to expand and enhance provision in the local area, through the providers will help mitigate the impact.

I understand that the scheme is the subject of a viability appraisal and the s106 costs are significant, but they are not unreasonable or disproportionate to the scale of the development, and are routinely sought where the impact of a development justifies them. These schemes will have significant impact on local facilities and GCC require the mitigation to be sought through the planning application process. Should you require any further information, please do not hesitate to get in touch,

Officer Comments Upon the Additional Information and Consultation Responses

Traffic and Transport

Gloucestershire County Council, as Highway Authority, conclude that the submitted information has adequately addressed the impact of the proposed development upon the transport network and that subject to the recommended planning obligations and recommended conditions that the proposed development is considered acceptable in highway terms.

Heritage issues

Policy SD9 of the JCS recognises the importance of our built heritage and states that heritage assets will be conserved and enhanced as appropriate to their significance, and for their important contribution to local character an, distinctiveness and sense of place.

Policy BE23 of the 2002 plan requires that proposals that adversely affect the setting of listed buildings, will not be permitted.

The NPPF requires Authorities to identify and assess the particular significance of any heritage asset that may be affected – including by development affecting the setting of a heritage asset, and take this into account when considering the impact.

There are no heritage assets within the application site however there are a number in close proximity to the site. These include the scheduled Ancient Monument to the south of the site and the buildings within the Winneycroft Farm complex comprising

the Cider House and Byre, the Threshing Barn and the Farm House – which are all grade II listed. In their heritage statement the applicant also refers to listed buildings situated to the other side of the motorway, along Upton Hill Road and also Upton St Leonards Church which is grade II* listed.

In their assessment of the impact of the development upon the heritage assets the applicant has clearly identified the views from the site to St Leonards Church. The master plan identifies a clear route centrally through the development, to maintain a view through to the church.

I consider that the impact of the development upon heritage buildings applies predominantly to the buildings within the Winneycroft Farm complex. The edge of this development site is set “a field back” from the farm enclosure and considerations of setting will be far greater with proposed development upon the Mini Winney site. Notwithstanding this, the applicant is proposing low density development along this northern edge of the site, closest to the farm complex. Additionally with a proposed area of open space and the edge of the wetland park along this boundary and further planting to the existing hedgerows, these are all factors that will help to soften the impact of the new built development.

Therefore I consider that following these principles the setting of listed buildings will be conserved and particular consideration will need be given to the detail of subsequent reserved matters applications.

Members should also note that at page 20 within the main report, English Heritage state that they have no to the application as in their view it would not present “serious harm to the setting (and thereby significance) of the highly graded assets”

Response on issues relating to the sports provision

From the consultation responses above, members will note that there is an objection from Sport England for the following reasons:

- If the demand arising from the development is not adequately met this will place further pressure on existing facilities.
- The applicant has submitted no evidence detailing why they are providing football pitches as compared to other sports.
- Whilst the provision proposed is based on the Councils standard this approach is now outdated and contrary to the guidance within the NNPPF which requires provision in accordance with the need in the local area.

The proposal from the applicant is the provision of a senior and junior football pitch on 1.32 ha of land.

The Council’s Open Space Strategy (OSS) was adopted in April 2014 and this requires the provision of sports facilities based on 1.6 hectares per 1,000 population. For this site, this would equate to the provision of 1.55 ha and therefore there is an under provision of 0.32ha, in accordance with the requirement of the OSS, and this is clearly stated within the applicant’s submission. The OSS states that there is an under provision of sports pitches within Matson and Robinswood ward.

It is accepted that elements within the OSS, particularly relating to the provision of playing pitches, do not fully accord with the approach within the NPPF which states that new provision should follow from an assessment of existing facilities to identify specific needs and requirements. However the OSS acknowledges that further work is required to review the existing and projected requirements and it acts as an interim position pending further work.

The OSS sets down the quantitative requirements for sports facilities and it is on this basis that the applicant has been advised by the Council.

In accordance with the approach required by the NPPF, the Council has also recently completed a Playing Pitch Strategy (PPS). This has been subject to public consultation and is now “signed off” by the national sports governing bodies and Sport England. The Strategy will be presented to Full Council in January, seeking their formal approval to adopt it as a document to inform the future policies and the provision and management of sporting facilities within Gloucester. Overall the PPS aims to provide playing pitches to meet current and future demand and to adopt a tiered approach to the management and improvement of existing facilities. The PPS considers playing pitch provision across the city as a whole, rather than broken down into wards or other small areas, as the geographical area of the city is relatively small and people are generally prepared to travel to larger sports facilities. However, ensuring that there is a good spread of local community ‘grass roots’ pitches and facilities across the city is also an important component of the PPS.

The PPS therefore comprises the most up-to-date information relating to pitch provision across the city, although it would not have been available to the applicant at the time of the submission of the application and is not yet formally adopted by the Council.

The PPS identifies that across the city there is a shortfall of football and rugby match equivalent sessions. Existing pitches are generally poor quality, mainly due to poor maintenance and over-use for training. Improved pitch quality and alternative training provision should release additional match equivalent sessions on existing rugby and football pitches.

In terms of facilities in Matson & Robinswood ward these currently comprise:

- Rugby club using three rugby pitches at Matson Park/Matson RFC - approx 300m from application site
- Football and rugby pitches at Gloucester Academy (community use during evenings/weekends) - approx 2km from application site

Whilst not in the ward itself, there are also local clubs using an adult football and cricket pitch at Upton St Leonards, which is easily accessible from the application site (approx 1km walk/drive from the northern part of the application site).

It is accepted that the provision of one junior and one adult pitch is slightly less than required by the standard set down within the OSS and from the evidence within the PPS it is clear that there is high demand for pitches. However this has to be

considered in the balance of all the other requirements resulting from this proposal and in particular the fact that the viability of the site is also an issue. Requesting further sports provision would be a further cost to the development which in turn would impact upon other contributions sought. I also give some weight to the fact that the proposal does propose an over provision of open space. On this basis I consider that the sports facilities provision is reasonable and will meet an identified demand.

Response on police contribution request.

The applicant has submitted a fully detailed response to the request for contributions from Gloucestershire Constabulary which is copied in full below:

This has been discussed in detail and agreed between me and your solicitor Michael Jones. I note you have also offered Gloucestershire Constabulary (GC) the recent opportunity to respond to these concerns and vary their contribution request but I note that there has been no update to the request.

The Council has considered the police contribution with the applicant and has agreed not to impose it for the following reasons:

All s106 contributions must pass the 3 tests in Regulation 122 of the Community Infrastructure Levy regulations 2010, in that they must be necessary, related to the development and fair and reasonable in scale and kind. The only other way to levy money from development is through a charging schedule which has been subject to consultation, examination and adoption.

New residents of the development will of course be liable to fund policing services through their Council Tax and therefore members need not be concerned that this scheme provides no police funding.

Pursuant to Regulation 123 the Government no longer allows the Council to collect more than 5 sets of pooled contributions using s106 agreements. It is notable that none of the matters requested are for the exclusive use of the development and would all require additional contributions from other development to deliver them and therefore they are pooled infrastructure which may be appropriately planned and delivered through a CIL charging schedule, which does not yet exist.

A charging schedule will now be the only way to deal with this matter unless the request for police contributions is made site specific. Just because that work has not yet been done by GC and the Council, does not mean that pooled s106 contributions to the police are an essential or lawful alternative. Rather it only proves that none of the pooled infrastructure requested here can be delivered because the rules will prevent other sites contributing to that pooled infrastructure until such time as a charging schedule is in place, at which time the value of the examined and adopted levy could be very different.

GC has chosen the wrong legal mechanism to require these sums – it should be working on a charging schedule with the Council. It is important to note that a charging schedule allows for viability testing of all charges against development delivery. This is important because it enables the Council to test what overall level of

contributions is viable and to order their priorities accordingly. The evidence base provided for this request would not suffice for consultation and examination of a charging schedule; on that basis GC could not currently pass that process which is especially designed for pooled contributions. GC should not be allowed to circumvent that rigorous process with insufficient evidence to support s106 requests which are only intended to mitigate impacts which are 'directly related to the development'.

It is a matter for the Council, not the applicant, to determine whether requested contributions meet the tests of Regulation 122 and 123 but it is my clear understanding that the Council's solicitor accepts and agrees with these concerns and that the contribution will not be sought. As previously agreed please will you include text within your report to demonstrate that the Council has considered this request and the reasons why it has been declined. I would be content if you wish to append this letter to your update report and expressly confirm that this does reflect the Council's position.

The Council's solicitor will provide a verbal update on this matter at the meeting.

Latest Comments from applicant in relation to Affordable Housing

You have invited me to write to you on behalf of Barwood to set out our position in respect of the single remaining issue between us, being the percentage of affordable housing capable of being delivered from my client's application. I very much welcome that opportunity and trust that you will be able to add a copy of this letter to Member's late papers.

Before setting out options and paths forward, however, I would wish to pass on my client's thanks for the positive manner in which our discussions have progressed over the last two months or so. We have agreed all but the single issue of Affordable Housing quantum between us, and this in turn has culminated in the production of your full and thorough report to Planning Committee, with a positive recommendation to grant planning permission which is welcomed. My client remains committed to working positively with you and your fellow planning officers to now secure an implementable consent, and the remainder of this letter is written in that spirit of recent discussions, as a means of exploring the potential options for delivering this important site into the Council's committed housing supply.

Your committee report rightly reflects our consultant's view that the site is not capable of viably delivering 15% Affordable Housing, indeed you will know their advice is that it is unable to viably deliver any affordable housing. You will also be aware that we are unable to offer a review mechanism, nor do we consider one is necessary given the relatively short projected build period. We are therefore concerned that if Members resolve to grant planning permission on the terms proposed in your recommendation, re 15% provision of Affordable Housing with a review mechanism, then there will simply be no delivery on this site. Clearly this is in neither my client's nor the Council's interests, given its reliance on this site as part of its 5 year housing land supply, and my client's investment to date.

My client has expressed their willingness to suppress their standard level of developer return and to offer the 10% provision either on- or off-site, notwithstanding the viability assessment that clearly demonstrates that only at 0% is the scheme viable. The much reduced commercial return that would result from their 10% offer is only considered acceptable on the basis it would help avoid the cost and further delay that would result from an appeal. It would also reflect the acknowledged local political imperative of delivering some affordable housing through permitted schemes. Obviously were an appeal necessary with the incumbent delay, (and I am firmly of the view there are mechanisms we can agree to avoid an appeal), then their offer would necessarily reflect their stated position of 0% affordable.

In order to enable us to progress in a positive fashion, and avoid refusal or appeal, it appears to me that there are 4 potential routes available to Members at Committee, these are;

- 1) Accept my client's consultant advice, supported by real market evidence and cost plan, and resolve to grant planning permission with 10% on site provision and no review mechanism.*

In the event that this is not an acceptable proposition, then there are further 3 alternative scenarios I would propose;

- 2) Our preferred alternative in the event that option 1 is not agreeable is that Members agree to resolve to grant planning permission at committee subject to referring the differences between your expert and our expert to binding independent RICS arbitration prior to completion of the s106. We offer to bear the cost of that independent arbitration. We favour this option to give all parties comfort that you have maximised the provision of affordable housing. It enables us to continue to work together, and gives the final adjudication on what is fair and reasonable to a truly independent expert.*
- 3) Our next best alternative would be to invite you to approve the Affordable Housing at 15% but to require its provision through use of the Model Condition encouraged by the Planning Inspectorate. My client could then pursue any continued disagreement through either an application to vary the condition or an appeal. Whilst not ideal, it would at least enable both parties to know that the sound principles behind the scheme's design and layout, had been secured. It would focus any future discussion on the very narrow ground between us.*
- 4) Finally, and in the light of discussions which have taken place with local interest groups, my client would wish to express their willingness to enter into an agreement to make a financial contribution equivalent to the cost of making 10% on site provision, but to allow that to be invested in regeneration of the existing Matson housing stock through the vehicle of Gloucester City Homes or a suitable nominated body. I understand that this is not an option attractive to officers, but I am keen to place the offer on record.*

The aim with each of these options is to provide both my client and the Council with a mechanism to secure a deliverable consent without the need for appeal if at all

possible, and to allow a clear and positive recommendation to be made at Committee this week. I look forward to any response you may wish to make or clarification needed before committee, and would reiterate my request that this letter be included with other late papers ahead of Tuesday night.

RECOMMENDATION OF THE DEVELOPMENT CONTROL MANAGER

That subject to no new material planning considerations being raised within the consultation period, the completion of a section 106 agreement to secure the requested planning obligations together with the provision of a minimum of 15% affordable housing (and a review mechanism for the re-assessment of the viability of the scheme), that outline planning permission be granted subject to detailed conditions covering the issues detailed below, (and any further conditions considered necessary) and that delegated powers be granted to the Development Control Manager to prepare the detailed wording of the conditions. The review mechanism referred to will be undertaken upon the completion of 140 dwellings and a subsequent review undertaken at a period of 3 years from the occupation of the 140th dwelling. At this 3 year period, the assessment shall apply to all the remaining unoccupied dwellings (built and unbuilt) at that time.

Conditions to be attached will include the following, with any others considered necessary. It will also be appropriate for some of the conditions to be dealt with on a phased basis.

Standard outline conditions

Reserved matters applications requiring all details except means of access to the site.

Approval of plans submitted

Submission of phasing plan with agreement for some conditions to be dealt with on a phased basis.

Full drainage details including full details of any pumping station

Detailed plans of ponds with levels and sections

Provision of buffer to watercourse

Restriction on hours of construction work and deliveries to and from the site.

Provision of car parking for site operatives within the site.

Details of storage of materials and temporary buildings during construction.

Secure fencing to the construction site.

Measures to protect trees during construction works.

No removal/felling of landscape features during the bird nesting season.

Details of proposals to strengthen and improve hedgerows to be retained and proposals for new tree and hedge planting.

Protection of new landscaping for 5 years.

Ecological method statement and management plan including updated survey information in relation to bats and badgers.

Details of existing and proposed levels across the site

Details of noise mitigation proposals (including noise bund and fencing) prior to commencement of works, measures in place prior to occupation and sample testing prior to occupation.

Submission of programme of further archaeological work,

Submission of site investigative report and measures to deal with any contamination found and any remediation work undertaken prior to occupation, with sample testing and details of long term monitoring.

Conditions as recommended by Highway Authority – (there is some overlap with conditions referred to above so these will be amalgamated).

No works shall commence on site until details of the pedestrian crossing improvements along Matson Avenue at Gatmeres Road, Munsley Grove, Hill Hay Road, St Peter's Road, Red Well Road and Winsley Road shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details prior to first occupation of the site.

Reason:- To ensure that [the opportunities for sustainable transport modes have been taken up in accordance with paragraph 32 of the National Planning Policy Framework

No works shall commence on site until details of capacity improvements to the signalised junction of Norbury Avenue/Painswick Road have been submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details prior to first occupation of the site

Reason: To ensure that cost effective improvements are undertaken to the transport network that mitigate the significant impacts of the development in accordance with paragraph 32 of the National Planning Policy Framework.

Prior to the occupation of the dwellings a bus shelter (to include seating and lighting) shall be erected at the existing stop along Matson Avenue located between the junction of Gatmeres Road and Caledonian Road on the south western bound direction in accordance with details to be submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is designed to provide access to high quality public transport facilities in accordance with paragraph 35 of the Framework.

Details of the layout and access, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in accordance with the approved plans. No dwelling on the development shall be occupied until the carriageway(s) (including surface water drainage/disposal, vehicular turning head(s) and street lighting) providing access from the nearest public Highway to that dwelling have been completed to at least binder course level and the footway(s) to surface course level.

Reason: To minimise hazards and inconvenience for users of the development by ensuring that there is a safe and suitable means of access for all people in accordance with Paragraph 32 of the Framework.

No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.

Reason: To ensure that safe and suitable access is achieved and maintained for all people as required by paragraph 32 of the Framework

No development shall commence on site until a scheme has been submitted to, and agreed in writing by the Council, for the provision of fire hydrants (served by mains water supply) and no dwelling shall be occupied until the hydrant serving that property has been provided to the satisfaction of the Council.

Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire in accordance with Paragraphs 32 and 35 of the Framework.

Prior to the occupation of the development hereby permitted, the vehicular access shall be laid out and constructed broadly in accordance with the submitted plan drawing nos. 21099_08_020_01B and 21099_08_020_02B, and shall be maintained for the duration of the development.

Reason: To reduce potential highway impact by ensuring the access is suitably laid out and constructed to provide safe and suitable access in accordance with Paragraph 32 of the Framework.

The details to be submitted for the approval of reserved matters shall include vehicular parking and turning and loading/unloading facilities within the site, and the building(s) hereby permitted shall not be occupied until those facilities have been provided in accordance with the approved plans and shall be maintained available for those purposes for the duration of the development.

Reason:- To reduce potential highway impact by ensuring that adequate parking and manoeuvring facilities are available within the site, in the interests of highway safety.

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:

- i. specify the type and number of vehicles;
- ii. provide for the parking of vehicles of site operatives and visitors;
- iii. provide for the loading and unloading of plant and materials;
- iv. provide for the storage of plant and materials used in constructing the development;
- v. provide for wheel washing facilities;
- vi. specify the intended hours of construction operations;
- vii. measures to control the emission of dust and dirt during construction

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance paragraph 35 of the National Planning Policy Framework.

NOTES:

The proposed development will involve works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the County Council before commencing those works.

The proposed development will require a Travel Plan as part of the transport mitigation package (together with a Monitoring Fee and Default Payment) and the Applicant/Developer is required to enter into a legally binding Planning Obligation Agreement with the County Council to secure the Travel Plan.

The site is traversed by a public right of way and this permission does not authorise additional use by motor vehicles, or obstruction, or diversion. The developer will be expected to meet the full costs of supplying and installing the fire hydrants and associated infrastructure.

The applicant is advised that to discharge condition 7 above that the local planning authority requires a copy of a completed dedication agreement between the applicant and the local highway authority or the constitution and details of a Private Management and Maintenance Company

confirming funding, management and maintenance regimes. maintain a strong sense of place to create attractive and comfortable places to live, work and visit as required by paragraph 58 of the Framework.

The developer will be expected to meet the full costs of supplying and installing the fire hydrants and associated infrastructure.

Decision:

Notes:

Person to contact: Joann Meneaud
(Tel: 396787)

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GLOUCESTER CITY COUNCIL

COMMITTEE	:	PLANNING
DATE	:	1st MARCH 2016
ADDRESS/LOCATION	:	126 TREDWORTH ROAD, GLOUCESTER
APPLICATION NO. & WARD	:	15/00797/COU MORELAND
EXPIRY DATE	:	2nd MARCH 2016
APPLICANT	:	MR SHAUKAT PATEL
PROPOSAL	:	PROPOSED CHANGE OF USE FROM FLORIST TO TAKEAWAY AND CONSTRUCTION OF EXTRACT FLUE
REPORT BY	:	FIONA RISTIC
NO. OF APPENDICES/	:	SITE LOCATION PLAN

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The application site is located to the west of Tredworth Road near the junction with St. Aldwyn Road. The property is a two storey semi-detached unit that is currently vacant. The unit was previously a flower shop which closed on 1/1/12 due to a lack of business. The existing florist takes up 124 and 126 Tredworth Road, but this proposal plans to subdivide the unit into two. The first floor is split into a number of flats accessed via a metal staircase to the rear of number 124 Tredworth Road. This would be unchanged with the proposal.

1.2 There is a recent permission for number 124 Tredworth Road to change the use to a Launderette (sui generis). This application is for 126 Tredworth Road and proposes to change the use from a florist to a takeaway. There would also be the construction of an extract flue. The applicant has supplied details of the proposed extract system. The proposed takeaway would operate from 11:00 to 23:00 seven days per week. There is no off street parking at the site. The layout of the building would be the takeaway seating area and a store at the front with the food preparation and cold store at the rear with another store area at the rear. This would have access to the yard behind the launderette which would contain the refuse store.

2.0 RELEVANT PLANNING HISTORY

39316(P/271/54):- CHANGE OF USE FRONT ROOM OF HOUSE TO POST OFFICE – APPROVED – 21/09/54

39316(AP/8/55):- ADVERT HOARDING – REFUSED – 25/01/55

39316(P/408/58):- SHOP FRONT – APPROVED – 18/11/58
 39316(P/231/63):- EXT TO EXISTING STOCKROOM – APPROVED – 23/05/63
 39316/01:- COU OF PART OF RESIDENTIAL TO EXTENSION TO RETAIL SHOP – APPROVED – 11/12/84
 39316(44335/03):- (NOS 124+126)SINGLE STOREY EXTENSION AT REAR – ALLOWED – 24/04/90
 44335/01:- INST OF NEW SHOPFRONT & EREC OF EXT FIRE ESCAPE AT REAR – ALLOWED- 17/11/87
 44335/03:- (NOS 124+126)SINGLE STOREY EXTENSION AT REAR – ALLOWED – 24/04/90
 39316(44335/04):- EXTENSION AT FIRST FLOOR AT REAR – GRANTED – 04/09/90
 90/00321/FUL-Extension at first floor at rear to extend flat. – AGREED – 05/09/90

124 Tredworth Road - 15/00795/FUL - Proposed change of use from Florists (A1) to Launderette (sui generis) – granted – 06/11/15

3.0 PLANNING POLICIES

- 3.1 The statutory development plan for Gloucester remains the 1983 City of Gloucester Local Plan. Regard is also had to the policies contained within the 2002 Revised Deposit Draft Local Plan which was subject to two comprehensive periods of public consultation and adopted by the Council for development control purposes. The National Planning Policy Framework has been published and is also a material consideration.
- 3.2 For the purposes of making decisions, the National Planning Policy Framework sets out that policies in a Local Plan should not be considered out of date where they were adopted prior to the publication of the National Planning Policy Framework. In these circumstances due weight should be given to relevant policies in existing plans according to their degree of consistency with the National Planning Policy Framework.
- 3.3 The policies within the 1983 and the 2002 Local Plan remain therefore a material consideration where they are consistent with the National Planning Policy Framework.
- 3.4 In terms of the emerging local plan, the Council has prepared a Joint Core Strategy with Cheltenham and Tewkesbury Councils and published its Submission Document which was submitted to the Planning Inspectorate on 20th November 2014. Policies in the Submission Joint Core Strategy have been prepared in the context of the NPPF and are a material consideration. The weight to be attached to them is limited by the fact that the Plan has not yet been the subject of independent scrutiny and does not have development plan status. In addition to the Joint Core Strategy, the Council is preparing its local City Plan which is taking forward the policy framework contained within the City Council’s Local Development Framework Documents which reached Preferred Options stage in 2006.

3.5 On adoption, the Joint Core Strategy and City Plan will provide a revised planning policy framework for the Council. In the interim period, weight can be attached to relevant policies in the emerging plans according to

- The stage of preparation of the emerging plan
 - The extent to which there are unresolved objections to relevant policies; and
 - The degree of consistency of the relevant policies in the emerging plan to the policies in the National Planning Policy Framework
- Relevant policies from the City of Gloucester Second Deposit Local Plan (2002) are:
- BE.21 – Safeguarding Amenity
 - BE.6 – Access for all
 - BE.11 – Shopfronts, shutters and signs
 - TR.9 – Parking standards
 - S.15 – Shopping parades and single shops
 - TR.31- Road Safety

3.6 All policies can be viewed at the relevant website address:- Gloucester Local Plan policies – www.gloucester.gov.uk/planning; and Department of Community and Local Government planning policies - www.communities.gov.uk/planningandbuilding/planning/.

4.0 CONSULTATIONS

4.1 Highways

The proposed hot food take-away is on the site of an existing A1 unit previously used as a florist. A TRICS analysis of hot-food takeaways illustrates an estimated trip generation based on the floorspace of 344 daily two-way vehicle trips compared to 415 trips for an A1 retail convenience store use that would not require planning permission and therefore a decrease in potential daily vehicles on the network. In terms of am peak hour trips as the proposed take-away opening hours of 11am are after the am typical network peak period from 8-9am this would again illustrate a potential decrease in impact compared to the existing A1 use generating 24 am peak hour two-way vehicle trips from 8-9am. Regarding pm peak hour trips the take-away could generate a minimal increase in two-way trips of 42 two-way trips compared to 41 two-way trips for the A1 use during the typical network peak period from 5-6pm which would be negligible.

4.2 There have been objections raised of the impact of increased traffic and parking resulting from the proposed development. However as illustrated above potential traffic impact would be not be significantly greater than an A1 convenience store which could be established on site without planning permission. In addition as the site is within walking distance of the significant local residential area it is expected that a large proportion of trips will be by foot using established footways and therefore sustainably located in an inner city area of existing local shops and amenities and on a regular city bus service route.

- 4.3 There is no parking provided for the proposed unit although as stated above the potential vehicle trip generation would be overall no greater than for a permitted A1 convenience store. There are however existing parking restrictions immediately adjacent due to the site being located adjacent a signal controlled junction to prevent unsafe parking. It should be noted that although there may be concerns regarding customer calling traffic parking immediately adjacent the site on parking restrictions, if this occurred it would be an enforcement and not a planning matter. On-street parking is available further along roads from the junction nearby although this is noted as per objections to be limited in availability at certain times during the day. The applicant has submitted supporting parking survey information illustrating available on-street parking space nearby during a Thursday, Friday and Saturday lunchtime and evening. It is noted that these surveys do not provide the dates these surveys were carried out or times. However the TRICS analysis illustrates peak two-way vehicle trips as being 12pm-1pm and 6pm-7pm which could fall within the time of these surveys and illustrate on-street parking spaces available for calling vehicle traffic. In terms of servicing and staff vehicle trips these would occur as existing on-street and would again not be expected to be significantly greater than that expected for an A1 convenience store.
- 4.4 Regarding parking it should be noted there are no minimum or maximum parking requirements within current planning policy as part of the National Planning Policy Framework and although there may be a short term on-street parking demand at certain times of day this would not significantly change the existing traffic generated by the A1 unit or the existing on-street parking situation. In accordance with paragraph 32 of the Framework, development should only be refused where the residual impacts of the development are severe. There is illustrated to be no significant increase in potential vehicle trips generated, associated impact on the existing parking situation or safe and adequate access, located such that the opportunities for sustainable transport modes can be taken up. Therefore in conclusion I find no severe impact created by the proposed takeaway to warrant refusal and recommend no objection.
- 4.5 *Environmental Health*- No objections subject to the following conditions being attached –
1. Restriction of hours during construction
 2. Submission of noise assessment
 3. Extraction flues minimum of 1m above the roof's eaves
 4. Maintenance of Extraction Equipment
 5. Odour Neutralisation Equipment
 6. Restriction on hours of opening
 7. Restriction on hours of delivery
 8. Scheme of refuse storage and recycling
- 4.6 *Policy* – No comments received

5.0 **PUBLICITY AND REPRESENTATIONS**

5.1 A site notice was erected and forty one neighbouring properties were consulted. **8 letters of objection have been received with the following points –**

1. *Object to lack of parking* – very concerned about parking allocations in St. Aldwyn Road which for 80% to 90% days there is no parking and parking has been allocated outside my building at night so how do I access out of hours. One resident stated that they often have to park in Highworth Road as there is no parking places in the evening in St. Aldwyn Road. One neighbour responded to the Highway Engineers comments stating that it is not easy for visitors to the area to find somewhere to park. He rents the shop at 122 Tredworth Road and people find it difficult to park. Tredworth Road is treated like a race track. Additional parking problems to an already busy area. Where will the commercial vehicles unload deliveries if it is surrounded by double yellow lines on a busy crossroads
2. *Noise* – late night opening. It may create a gathering place for people to congregate
3. *Smell* – cooking and extract flue. The position of the extraction unit/chimney is very close to my property noise/smell and pollution issues I am concerned and also obvious litter concern issues. How much noise does the extractor make and will it smell. The extractor is positioned close to the forecourt of St. Aldwyn Garage could cause noise and smell issues.
4. The property is opposite a bus top on a crossroads which is a poor location
5. There are other takeaways in the area
6. *Pests* - Concerned about smell and pests from waste bins and possible health and safety faults with storage of refuse from the takeaway.
7. *Possible shop* - Try to make it a shop that will do some good for the community and the area
8. *Devaluation* - Possible devaluation of all properties in the immediate area due to unsociable working times
9. *Litter* -Additional litter adding to a problem which already exists
10. *Fire hazard* - if anything went wrong in the future (situated by a garage with an oil storage tank under)
11. *Parking* – has a disabled son and there are plans for a parking space outside their house. There are already parking problems on St. Aldwyn Road. Also concerned her son would be kept awake with the noise and anti-social behaviour. There are also plans to keep food waste next to my garden where the children play, this will result in odours and rats and mice. The children's bedrooms back onto this property.

LETTER OF SUPPORT

1 comment from Cllr Patel with the following points – No objection to the above application for the following reasons –

-Proposed change of use is highly unlikely to increase any risk of flooding in the area

-Proposed applications are highly unlikely to result in any increase in crime and/or anti- social problems

- 2 new businesses at this prime location will be both a positive and beneficial asset to the local community and area.
- The ground floor building has lain empty and derelict for several years and has become an eyesore.
- I am aware that the property owner has been unsuccessful for several years in trying to let the shop
- The vast majority of customers will be local residents who live within walking distance of this property, and would therefore walk to the shop.
- There is usually sufficient on road parking spaces available on Hatherley Rd, St. Aldwyn Road and other nearby roads.
- The proposed opening hours should not significantly impact neighbouring residents.
- I have received many positive comments from local residents about the proposed applications.

5.2 The full content of all correspondence on this application can be inspected at the Herbert Warehouse reception, The Docks, Gloucester, prior to the Committee meeting.

<http://planningdocs.gloucester.gov.uk/default.aspx?custref=15/00797/COU>

6.0 **OFFICER OPINION**

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

6.2 It is considered that the main planning issues with regard to this application are:

- Loss of retail unit
- Highway safety
- Neighbouring residential Amenity
- Extract flue and smells

6.3 Loss of retail unit

The application site is one of three retail units on the corner of Tredworth Road and St. Aldwyn's Road. The small group is not big enough to be regarded as a local centre but does provide an important service to local people. The Local Planning Authority therefore seeks to restrict the change of use of corner shops and shops in shopping parades with policy S.15.

Under policy S.15 ('Shopping Parades and Single Shops') of the Gloucester Second Stage Deposit Local Plan (2002), the change of use of shops outside designated centres will only be permitted where:

1. *The property is vacant and the developer is able to demonstrate that the property has been marketed unsuccessfully for a reasonable period of time, or*

2. *The new development is a dwelling, or*
3. *The new development would enhance the role of a shopping parade.*

6.4 Dealing with the first criteria, the applicant has stated that the property has been vacant since 1/1/12. The application states that the properties have not been formally marketed, but the owner has been informally marketing the property since September 2012 in the local community and also a 'To Let' sign in the window. There has been no genuine interest in this location. Criteria 2 is not relevant as it refers to conversion to a dwelling.

6.5 The applicant has also given evidence under criteria 3 to support that there are a diverse range of retail uses in close proximity to the site. The closest takeaway is 350m away from the application site. There is also a 'typical' corner shop that serves the local community on the opposite side of Tredworth Road. As the unit is opposite an existing convenience store this is likely to hinder the timely occupation of this unit by a retailer. Regard also has to be given to the NPPF which seeks to encourage regeneration and economic development. The application would allow for the building to be brought back into beneficial use and would create full-time jobs. In addition it would result in a visual improvement to the property which has significantly deteriorated since it became vacant. I consider these benefits sufficiently outweigh the requirements of criteria 1 of policy S.15 for the property to be formally marketed and bringing the unit back into use would enhance the area in accordance with criteria 3.

6.6 Highways Safety and Parking

There have been some neighbour objections regarding the lack of parking in the area. The Highways Engineer has seen the comments and produced a detailed highways response. The main issue to consider is that the potential traffic impact would not be significantly greater than an A1 convenience store which could be established at the site without planning permission. In addition as the site is within walking distance of the significant local residential area it is expected that a large proportion of trips would be by foot and the site is on a regular city bus service route. It is therefore concluded that no severe highway impact is likely to be created by the proposal and the proposal is not contrary to policy TR.31.

6.7 Neighbouring amenity

There are residential flats above the unit and dwelling houses to the rear in St..Aldwyn Road so the amenity of the neighbouring occupiers must be considered in terms of noise, location of refuse and smells. Environmental Health have assessed the application and in terms of noise have no objection subject to restrictions on the hours of opening and deliveries in the interests of the amenity of the neighbours. The adjoining neighbour had concerns about refuse storage and possible smells and pests, in terms of refuse the applicant has shown an area for the storage of refuse at the rear of the building which will be enclosed by timber fencing. A condition could be attached to any permission asking for more details of this which would be assessed by Environmental Health. Regarding the neighbour's concerns about smells, the applicant has submitted extract flue details which have been assessed by

Environmental Health. These details are concerned to be acceptable and the suggested conditions by Environmental Health will ensure the equipment is installed and in full working order whilst the use operates from the premises. There is also a condition recommended for the submission of a noise assessment prior to the first use to ensure that the noise levels do not harm the amenity of the neighbouring occupiers. With the suggested conditions it is not considered that the proposal would significantly harm the amenity of the neighbouring properties and is therefore in accordance with policy BE.21 of the Gloucester City Council Second Deposit Local Plan.

7.0 CONCLUSION/REASON FOR APPROVAL

- 7.1 It is therefore considered that in terms of retail the proposal is in accordance with criteria 3 of policy S.15. The Highways Engineer has assessed the proposal and there would be no severe highway impact and with the suggested conditions the proposal would not significantly harm the amenity of the neighbouring properties. For the reasons cited above, the proposed change of use is considered to be acceptable and is in accordance with policies BE.21, S.15, BE.11 and TR.31 and it is recommended that planning permission is granted subject to conditions

8.0 RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER

Condition 1

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Condition 2

The development hereby permitted shall be carried out in accordance with the application form, and drawing numbers 1220/01, 1220/05, 1220/07, 1220/11, 1220/12, 1220/13 received by the Local Planning Authority on 26th June 2015 and the supporting statement received 11th September 2015, extract details received 21st December 2015 and drawing number 1220/03 rev B received by the Local Planning Authority on 5th January 2015 and any other conditions attached to this permission.

Reason

To ensure that the development is carried out in accordance with the approved plans and in accordance with policies contained within the Second Deposit City of Gloucester Local Plan (2002).

Condition 3

During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site

outside the following times: Monday-Friday 8.00 am-6.00pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.

Reason

To protect the amenity of local residents in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 4

Prior to first use of the development hereby permitted, a noise assessment shall be carried out (by a competent person i.e. member of the IOA) to ensure that the rating level of any noise generated by mechanical plant associated with the development shall not exceed the pre-existing background level by more than 5dB(A) at any time. The noise levels shall be determined at nearby noise sensitive premises, and measurements and assessment shall be made in accordance with BS4142: 2014 Method of Rating Industrial Noise Affecting Mixed Residential and Industrial Areas. This report shall be submitted to the Local Planning Authority and approved in writing before the use commences.

Reason

To protect the amenity of local residents in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 5

The extraction flues hereby permitted must be a minimum of 1 metre above the roof's eaves of the application site.

Reason

To ensure adequate dispersal of fumes in the interests of the amenity of occupiers of nearby properties, in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 6

The extraction equipment installed in pursuance with this permission shall be regularly maintained to ensure its continued satisfactory operation and the cooking process shall cease to operate if at any time the extraction equipment ceases to function to the satisfaction of the Local Planning Authority.

Reason

To ensure that the use does not result in excessive cooking odours outside the premises and that the amenity of occupiers of nearby properties is protected, in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 7

Prior to the use of the extraction flue hereby permitted, the odour neutralisation equipment, as detailed within the document entitled "**KITCHEN EXTRACT SYSTEM DETAILS**" submitted on the 7th January 2016, to suppress and disperse fumes and/or smell produced by cooking and food preparation, shall be installed and be in full working order to the satisfaction of

the Local Planning Authority and shall be effectively operated for as long as the use of the building as a hot food shop continues.

Reason

To ensure that unsatisfactory cooking odours outside the premises are minimised in the interests of the amenity of occupiers of nearby properties, in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 8

The use hereby permitted shall only be allowed to operate between the hours of 10.00- 23:00 Monday to Sunday including bank holidays.

Reason

In the interests of the amenities of existing residential property in the locality in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 9

The loading and unloading of service and delivery vehicles together with their arrival and departure from the site shall not take place outside the following times: Monday-Friday 8.00 am-6.00pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.

Reason

To safeguard the amenities of the locality in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 10

Prior to the commencement of development a scheme for the provision of refuse recycling and storage shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development hereby permitted and thereafter maintained for the life of the development.

Reason

In the interests of amenity in accordance with policy BE.4 of the Second Deposit City of Gloucester Local Plan (2002). This information needs to be submitted before the use commences as it is fundamental to the waste management of the site.

NPPF

In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application, thus enabling the applicant to be kept informed as to how the case was proceeding.

Notes to Applicant

1. Your attention is drawn to the requirements of the Building Regulations, which might be needed as a separate consent to this planning decision. You are advised to contact the Gloucester City Council Building Control Team on 1452 396771 for further information.

Decision:

Notes:

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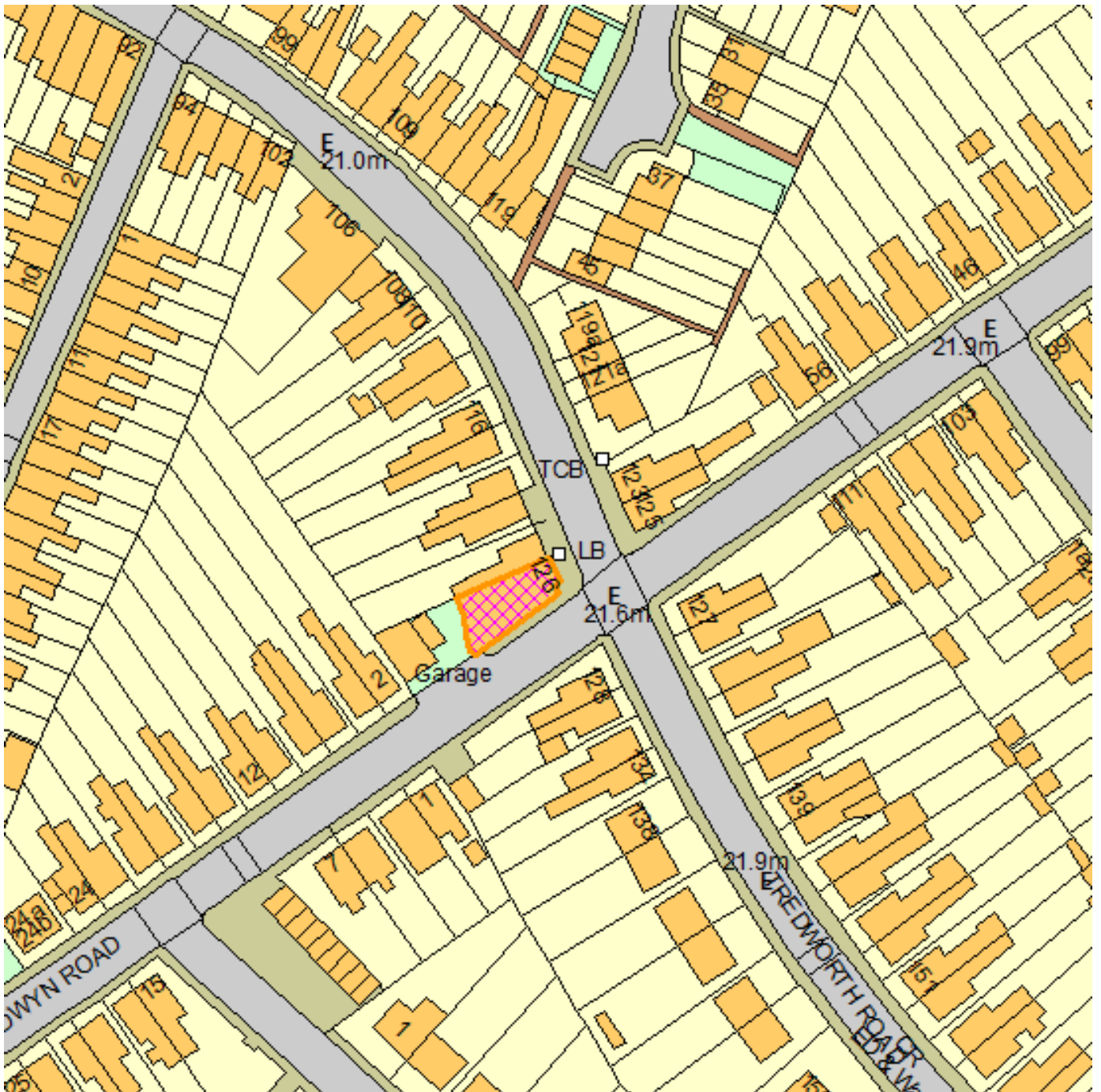
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Person to contact: Fiona Ristic
(Tel: 396716)

15/00797/COU

126 Tredworth Road
Gloucester
GL1 4QY

Planning Committee





CITY OF GLOUCESTER

PLANNING COMMITTEE

ON

Tuesday, 1st March 2016

DELEGATED DECISIONS

1st –31st January 2016

**Development Services Group Manager,
Herbert Warehouse, The Docks, Gloucester**

Abbey

15/00817/FUL CARLH
4 Marten Close Gloucester GL4 5YG
Change of use of council owned land to within the curtilage of number 4
GP 14/01/2016

Barnwood

15/00920/FUL JOLM
Premier Inn Barnwood Link Road Gloucester GL4 3HR
Erection of a three storey extension to the existing hotel (use class c1) to
provide 21 additional bedrooms; reconfiguration of the car park to provide a
net increase of six parking bays and extension to existing pub garden.
G3Y 15/01/2016

15/01305/FUL FEH
Wotton Hall Club 138 Barnwood Road Gloucester GL4 3JS
Proposed single storey extension to existing Post Office
REF 04/01/2016

15/01433/CONDIT CARLH
Land Rear 31 - 49 Birch Avenue Gloucester
Discharge of Conditions 10 (Boundary Treatments); 11 (Landscaping Scheme);
13 (Provision of the disposal of surface water); 14 (Street management); and
partial discharge of Condition 9 (Contamination) of planning permission
reference 15/01118/FUL
ALDIS 28/01/2016

15/01515/FUL CARLH
56 Naunton Road Gloucester GL4 4RD
Erection of a single storey rear extension
G3Y 11/01/2016

15/01517/FUL CARLH

46 Naunton Road Gloucester GL4 4RD

Erection of a single storey rear extension

G3Y 11/01/2016

15/01616/TPO JJH

20 Church Lane Gloucester GL4 3JB

3no Lime, 2no Chestnut in rear garden. Reduce by 30%. Consent given 2012 (JH/FT/12/00711/TPO), work not carried out (consent lapsed).

TPDECS 29/01/2016

Barton & Tredworth

15/01243/FUL CJR

174 Barton Street Gloucester GL1 4EU

Demolition of single storey building and erection of four shops.

WDN 22/01/2016

15/01337/FUL AEROR

Roosters Chicken 216 - 218 Barton Street Gloucester GL1 4HH

Single storey rear extension

G3Y 08/01/2016

15/01565/FUL AEROR

51 Melbourne Street East Gloucester GL1 4NS

Two storey rear extension

G3Y 25/01/2016

16/00024/LAW CARLH

75 Park End Road Gloucester GL1 5AL

Loft conversion, installation of dormer window and single storey rear

RET 13/01/2016

Elmbridge

15/01321/FUL FEH
51 Barnwood Road Gloucester GL2 0SE
Retrospective application to retain timber close boarded fence to boundary
GP 26/01/2016

15/01542/FUL AEROR
73 Barnwood Road Gloucester GL2 0SF
Single storey rear extension
G3Y 13/01/2016

15/01564/FUL CARLH
19 Grafton Road Gloucester GL2 0QP
Single storey rear extension
G3Y 26/01/2016

15/01607/FUL AEROR
206 Cheltenham Road Gloucester GL2 0JW
Two storey side and rear extension and single storey rear extension.
G3Y 29/01/2016

Grange

13/01246/FUL FEH
25 Nympsfield Road Gloucester GL4 0NL
First floor rear extension above existing kitchen and dining room
RET 22/01/2016

15/01573/FUL AEROR
1 Pearwood Way Gloucester GL4 0QX
Single storey rear extension
G3Y 25/01/2016

15/01614/FUL BOBR
54 Charlecote Avenue Gloucester GL4 0TH
Attached 2 bedroom dwelling to side.
G3Y 27/01/2016

16/00069/PDE CARLH
127 Grange Road Gloucester GL4 0PR
Single storey rear extension, measuring 4 metres in depth, 3.5 metres in height to the eaves and 3.5 metres in maximum height (flat roof).
RET 27/01/2016

Hucclecote

15/01210/FUL CARLH
Public Convenience Glenville Parade Gloucester
Extension to and Change of Use of former public convenience building (suis generis) to A1 (gents barber shop)
G3Y 13/01/2016

15/01211/ADV CARLH
Public Convenience Glenville Parade Gloucester
Signage and advertising to front of building (in relation to 15/01210/FUL)
GFY 13/01/2016

15/01406/ADV FEH
The Wagon And Horses 87 Hucclecote Road Gloucester GL3 3TP
Retention of 6 x Illuminated Fascia Signs and 1 x Illuminated Post Sign
GFY 05/01/2016

15/01510/FUL AEROR
29 Carisbrooke Road Gloucester GL3 3QR
Single storey rear and side extension
G3Y 19/01/2016

15/01513/FUL AEROR
48 Larkhay Road Gloucester GL3 3NU
Attic conversion with front dormers.
G3Y 13/01/2016

15/01540/FUL AEROR
116 Chosen Way Gloucester GL3 3BZ
Two storey side extension
G3Y 13/01/2016

15/01568/FUL AEROR
1 - 4 Silverdale Parade Hillview Road Gloucester GL3 3LA
Alteration to external pathway to form level access to shop unit.
G3Y 28/01/2016

16/00046/LAW JONSU
51 Laynes Road Gloucester GL3 3PX
Proposed loft conversion
LAW 22/01/2016

Kingsholm & Wotton

15/00483/CONDIT BOBR
Cherry Tree Cottage Tewkesbury Road Gloucester GL2 9BE
Discharge of conditions 2 and 3 of application no.11/00038/REM.
RET 05/01/2016

15/01180/CONDIT BOBR
Former 16 Newland Street Gloucester GL1 3PA
Demolition of existing dwelling and erection of 4 no one bedroom flats.
(Renewal of planning permission no.08/00627/FUL)
RET 04/01/2016

15/01396/COU BOBR

97 London Road Gloucester GL1 3HH

Change of use of medical practice to HMO and removal of beech tree.

G3Y 05/01/2016

15/01464/LBC CARLH

18 Oxford Street Gloucester GL1 3EQ

New roof and replacement gutter and downpipes

G3L 11/01/2016

15/01506/FUL CARLH

Gloucester Rugby Football Club Kingsholm Road Gloucester GL1 3AX

Erection of boundary fence and turnstiles

RET 11/01/2016

15/01549/FUL AEROR

23 Denmark Road Gloucester GL1 3HZ

Single storey side extension

G3Y 13/01/2016

16/00075/FUL AEROR

18 Norman Ball Way Gloucester GL1 3QL

Two storey side and rear extension and single storey element to front.

RET 29/01/2016

Longlevens

15/00129/FUL JONSU

15 Wedgwood Drive Gloucester GL2 0AD

Retention and use of replacement outbuilding as a Cold Food Preparation Catering Kitchen; and continued use of part of the ground floor areas for dual-use residential and ancillary cold food catering (AMENDED DESCRIPTION)

G3Y 12/01/2016

15/01132/CONDIT		BOBR
38 Beaumont Road Gloucester GL2 0EP		
Discharge of conditions 4 (materials), 6 (Landscaping), 7 (Boundary treatments), 13 (Cycle storage) of outline permission no.13/00695/OUT and Condition 2 (Drainage) of reserved matters approval No.14/00896/REM.		
RET	06/01/2016	
15/01377/FUL		FEH
90 Oxstalls Drive Gloucester GL2 9DE		
Removal of rear conservatory and erection of two storey rear extension and front extension		
G3Y	22/01/2016	
15/01393/FUL		FEH
138 Oxstalls Drive Gloucester GL2 9DE		
Two Storey and single storey rear extension		
G3Y	11/01/2016	
15/01445/NMA		FEH
98 Oxstalls Drive Gloucester GL2 9DE		
Additional rooflight, ground floor door, removal of bathroom window and change in materials from cedar cladding to render (amendment to		
NOS96	13/01/2016	
15/01498/FUL		AEROR
20 Wellsprings Road Gloucester GL2 0NL		
Single storey rear extension.		
G3Y	13/01/2016	
15/01519/FUL		AEROR
13 Rodney Close Gloucester GL2 9DG		
Erection of a detached garage		
G3Y	19/01/2016	

15/01532/FUL BOBR
5A Rydal Road Gloucester GL2 0NT

Proposed detached dwelling (adjacent to 5a Rydal Road) with benefit of existing vehicular access.

G3Y 20/01/2016

15/01563/FUL AEROR
3 Oxstalls Drive Gloucester GL2 9DB

Proposed Dormer windows to the front and rear of the property

G3Y 25/01/2016

15/01584/FUL AEROR
71 Oxstalls Lane Gloucester GL2 9HR

Two storey side and rear extension, single storey rear extension.

G3Y 26/01/2016

15/01619/LAW AEROR
23 Grasmere Road Gloucester GL2 0NQ

Single storey rear extension.

WDN 29/01/2016

Matson & Robinswood

15/01330/CONDIT CARLH
Land Between 11 & 25 St Peters Road Gloucester GL4 6NN

Discharge of Conditions 3 (external materials), 4 (boundary treatments and means of enclosure), 7 (scheme of hard and soft landscaping) and 14 (details for the disposal of surface water) of planning permission reference

ALDIS 12/01/2016

15/01346/TPO JHH
St Aldates Vicarage Finlay Road Gloucester GL4 6TN
Willow (T1): Fell due to damage to upper crown which could lead to failure. Sycamores (T2 to T4): Fell due to extensive squirrel damage and dead wood within the crown.
Lime (T4): Fell as it is leaning.

TPDECS 08/01/2016

15/01458/QPA BOBR
Snow Capel Farm Sneedhams Green Gloucester GL4 6EQ

Prior approval for change of use of barn to dwelling house.

AAPRZ 14/01/2016

15/01574/TPO JHH
48 Robinswood Gardens Gloucester GL4 6TB

Silver birch on frontage. 1. For 20/ 25% to be taken off laterally.

2. To release
overhead utility cables to create a more balanced form.

TPDECS 07/01/2016

15/01590/CONDIT BOBR
Oak House 6 Mulberry Gardens Gloucester GL4 6BN

Discharge of Condition 3 (noise output and attenuation details) of permission no.15/00696/FUL.

ALDIS 20/01/2016

Moreland

15/01397/FUL FEH
36 Park End Road Gloucester GL1 5AL

Retention of one bedroom flat (located in rear lounge, conservatory and

REFREA 27/01/2016

15/01450/FUL CARLH
183 Linden Road Gloucester GL1 5DU

Change of use of ancillary outbuilding (C3) to restaurant (A3)

G3Y 13/01/2016

15/01459/FUL AEROR
230 Linden Road Gloucester GL1 5JE
Self contained dwelling at rear of the property.
REF 26/01/2016

15/01579/FUL CARLH
47 Tuffley Avenue Gloucester GL1 5LU
Creation of dropped kerb, providing access onto/from a classified road
G3Y 22/01/2016

Podsmead

15/00141/TCM
TCM St Albans Road Gloucester
Licence notification for cabinet and replacement antennae.
PDV 04/01/2016

15/01167/FUL JONSU
Widden Old Boys RFC Memorial Ground Tuffley Avenue Gloucester GL1 5NS
Soil importation and re-grading of two existing sports pitches
G3Y 27/01/2016

15/01430/COU FEH
233 Bristol Road Gloucester GL1 5TL
Change of use from A1 (retail) to class A2 (Estate agents) (retrospective)
GP 29/01/2016

15/01502/FUL CARLH
32 Tuffley Avenue Gloucester GL1 5LX
Loft conversion, including installation of dormer window to the rear and 2
velux rooflights to the front elevations.
G3Y 11/01/2016

15/01608/LAW

CARLH

16 Tuffley Crescent Gloucester GL1 5NE

Single storey side extension

LAW

15/01/2016

Quedgeley Fieldcourt

14/01415/COU

FEH

Phoenix House Stanley Court Edison Close Quedgeley Gloucester GL2 2AE

Change of use to Children's soft play (D2) from B1/B8 use

RET

22/01/2016

15/00112/REM

JOLM

Land To East West Of A38 And Naas Lane Quedgeley Gloucester

Erection of 2 buildings for B1 (light industrial) & B8 (storage and distribution) use with associated access road, parking and landscaping.

AR

29/01/2016

15/01324/NMA

JOLM

Land To East West Of A38 And Naas Lane Quedgeley Gloucester

relating to apartment block and requirement for obscure glazing to windows.

RET

21/01/2016

15/01386/FUL

CJR

Kingsway Sports Pavilion Newhaven Road Quedgeley Gloucester GL2 2SP

Installation of a two bay cricket practice facility with external security fencing.

G3Y

12/01/2016

15/01485/FUL

AEROR

4 Carters Orchard Quedgeley Gloucester GL2 4WB

Two storey side extension.

G3Y

08/01/2016

15/01577/LAW AEROR
43 Farriers End Quedgeley Gloucester GL2 4WA
Rear dormer
LAW 28/01/2016

Quedgeley Severnvale

15/01523/FUL AEROR
35 Aspen Drive Quedgeley Gloucester GL2 4EN
Garage conversion and additional parking bay.
G3Y 13/01/2016

15/01583/FUL AEROR
5 Victoria Cottages Elmore Lane West Quedgeley Gloucester GL2 3NW
Single storey rear extension
G3Y 26/01/2016

15/01606/FUL AEROR
4 The Causeway Quedgeley Gloucester GL2 4LD
Garage Conversion
G3Y 28/01/2016

Tuffley

15/01552/FUL AEROR
32 Birchwood Fields Gloucester GL4 0AL
Proposed two storey rear extension and replace flat roof dormer on front with pitched roof and add a second dormer to the front
G3Y 25/01/2016

15/01585/FUL CARLH
33 Falfield Road Gloucester GL4 0ND
Erection of a single and two storey rear extension, and front porch
G3Y 26/01/2016

15/01611/CONDIT FEH
Land Rear 7-11 Kemble Road Gloucester
Method statement for the demolition of the existing boundary wall
(condition 13 of permission 14/01459/FUL)
PADIS 13/01/2016

Westgate

14/00709/FUL ADAMS
Land At Bakers Quay Llanthony Wharf And Monkmeadow Bounded By
Renewal of Gloucester Quays outline planning permission. Mixed use
regeneration, comprising re-use of buildings and new build to accommodate
residential, employment, retail and leisure uses and an education centre for
Gloscat including enhancement works t
G3Y 04/01/2016

14/01385/LBC FEH
41 Westgate Street Gloucester GL1 2NW
Refurbishment including internal alterations and new shop front. Change of
use to provide retail to ground floor and new one bedroom apartment on the
first and second floor.
G3L 15/01/2016

15/00497/COU FEH
41 Westgate Street Gloucester GL1 2NW
Refurbishment including internal alterations and new shop front. Change of
use to provide retail to ground floor and new one bedroom apartment on the
first and second floor.
G3Y 15/01/2016

15/00672/COU BOBR
Albion House 77 Southgate Street Gloucester GL1 1UB
Demolition and alterations to Listed Building and adjoining structures to
provide 9 apartments within Albion House, 2 apartments within the rear
coach house, a terrace of 4 no. dwellings to the rear courtyard a new build
GP 15/01/2016

15/00674/LBC	BOBR
Albion House 77 Southgate Street Gloucester GL1 1UB	
Demolition and alterations to Listed Building and adjoining structures to provide 9 apartments within Albion House, 2 apartments within the rear coach house, a terrace of 4 no. dwellings to the rear courtyard a new build	
G3L	15/01/2016
15/01350/FUL	EDBAK
Unit 2 Hemmingsdale Road Gloucester GL2 5HN	
The proposed change of use from Use Class B1 to D2 for use as a	
G3Y	07/01/2016
15/01400/FUL	EDBAK
The Lodge 19 Brunswick Square Gloucester GL1 1UG	
Demolition of the Old Gas Club building & erection of an apartment building (containing 7 no. flats) & 3 no. terraced house units with associated external & landscaping works.	
G3Y	08/01/2016
15/01422/DCC	BOBR
Netheridge Sewage Treatment Works Netheridge Close Gloucester GL2 5LE	
The improvement of the sludge treatment process and the installation of two Motor Control Centre Kiosks and one Polymer Dosing Kiosk - County Council	
NOB	26/01/2016
15/01460/COU	BOBR
16 Commercial Road Gloucester GL1 2EA	
Change of use of building for use by Gloucestershire Bike Project. Replacement door and internal security bars to windows at rear. (Amended	
G3Y	05/01/2016
15/01465/LBC	CARLH
Santander 6 - 8 Westgate Street Gloucester GL1 2NL	
Installation of digital media within unit	
REFREA	14/01/2016

15/01468/FUL EDBAK
23 Spa Road Gloucester GL1 1UY
Conversion to offices and three flats (amended plans)

GA 29/01/2016

15/01469/LBC EDBAK
23 Spa Road Gloucester GL1 1UY
Conversion to offices and three flats (amended plans)

G3L 29/01/2016

15/01492/NMA CJR
Prince Of Wales 25 Station Road Gloucester GL1 1EW
Non-material amendment to planning permission 14/00947/FUL to change the approved laminate cladding panels to through coloured render panels.

NOS96 28/01/2016

15/01511/LAW BOBR
26 Hempsted Lane Gloucester GL2 5JF
Change of use from B2 (general Industrial) to B8 (Storage or Distribution) (not more than 500 square metres internal floor space) including ancillary trade

LAW 20/01/2016

15/01518/FUL CARLH
82A Hempsted Lane Gloucester GL2 5JS
Removal of existing conservatory, and erection of single storey rear extension, and extension to existing single storey at rear

G3Y 12/01/2016

15/01528/ADV CARLH
Santander 6 - 8 Westgate Street Gloucester GL1 2NL
Installation of digital media within unit

REFREA 14/01/2016

15/01541/FUL BOBR

Central Hotel 14 - 18 Clarence Street Gloucester GL1 1DP

Internal and external alterations to the existing ground floor undercroft storage/parking area to create six additional bedrooms.

G3Y 22/01/2016

15/01561/LBC BOBR

21 Eastgate Street Gloucester GL1 1NH

Relocation of external ATM and Night Safe and Light Pocket, External ATM replacement, addition of dusted crystal vinyl internally applied to glazing. (Alternative proposal to works approved under application no.15/00681/LBC).

G3L 29/01/2016

15/01570/CONDIT BOBR

HSBC 1 - 3 Northgate Street Gloucester GL1 2AP

Discharge of conditions 3 of planning approval 15/00348/FUL.

ALDIS 05/01/2016

15/01575/TPO JJH

Roberts Limbrick The Carriage Building Bruton Way Gloucester GL1 1DG

Plane trees (on frontage) - Carry out over all crown reduction to all 5 trees up to a maximum of 20%, Carry out limb lifting to road side of secondary limbs only to a height of 4 metres, Prune back away from existing Carriage Building to allow clearance o

TPDECS 07/01/2016

15/01612/LBC BOBR

Central Hotel 14 - 18 Clarence Street Gloucester GL1 1DP

Internal and external alterations to the existing ground floor undercroft storage/parking area to create six additional bedrooms.

G3L 22/01/2016

Decision Descriptions Abbreviations

AR:	Approval of reserved matters
C3C:	Conservation Area Consent for a period of 3 years
CAC:	Conservation Area Consent
G3L:	Grant Listed Building Consent for a period of 3 Years
G3Y:	Grant Consent for a period of 3 Years
GA:	Grant Approval
GATCMZ:	Grant approval for telecommunications mast
GFY:	Grant Consent for a period of Five Years
GLB:	Grant Listed Building Consent
GLBGOS:	Grant Listed Building Consent subject to Government Office of South West clearance
GOP:	Grant Outline Permission
GOSG:	Government Office of South West Granted
GP:	Grant Permission
GSC:	Grant Subject to Conditions
GTY:	Grant Consent for a period of Two Years
GYO:	Grant Consent for a period of One Year
LAW:	Certificate of Law permitted
NOB:	No objections
NOS96	No objection to a Section 96 application
NPW:	Not proceeded with
OBJ:	Objections to County Council
OBS:	Observations to County Council
PER:	Permission for demolition
RAD:	Refuse advert consent
REF:	Refuse
REFLBC:	Refuse Listed Building Consent
REFREA:	Refuse
REFUSE:	Refuse
RET:	Returned
ROS96	Raise objections to a Section 96 application
SCO:	EIA Screening Opinion
SPLIT:	Split decision
TCNOB:	Tree Conservation Area – No objection
TPDECS:	TPO decision notice
TPREF:	TPO refuse
WDN:	Withdrawn