

**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** : **29<sup>TH</sup> 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**

**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 2<sup>nd</sup> 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.

### **Multimodal 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 reasonably 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 315<sup>th</sup> occupation but there is difficulty in agreeing a trigger based on this level. The difficulty with agreeing the trigger based on the 315<sup>th</sup> 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 200<sup>th</sup> occupation and 40% to be paid from the adjacent site upon 100<sup>th</sup> occupation.

A second trigger for the remaining 40% at 315<sup>th</sup> 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
<b>Total</b>	<b>314.9</b>

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 120m<sup>2</sup> for infants or 140m<sup>2</sup> for juniors, sufficient for PE and dance, assemblies, performances, parents’ evenings and dining;
- a studio of at least 45m<sup>2</sup> 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 80m<sup>2</sup> 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 140<sup>th</sup> 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)