

## **GLOUCESTER CITY COUNCIL**

<b>COMMITTEE</b>	<b>:</b>	<b>PLANNING</b>
<b>DATE</b>	<b>:</b>	<b>1<sup>ST</sup> MARCH 2016</b>
<b>ADDRESS/LOCATION</b>	<b>:</b>	<b>LAND AT WINNYCROFT LANE, MATSON, GLOUCESTER</b>
<b>APPLICATION NO. &amp; WARD</b>	<b>:</b>	<b>14/01063/OUT MATSON AND ROBINSWOOD</b>
<b>EXPIRY DATE</b>	<b>:</b>	<b>31ST DECEMBER 2015</b>
<b>APPLICANT</b>	<b>:</b>	<b>BARWOOD DEVELOPMENT SECURITIES LTD</b>
<b>PROPOSAL</b>	<b>:</b>	<b>OUTLINE APPLICATION FOR THE ERECTION OF UP TO 420 DWELLINGS AND COMMUNITY SPACE/BUILDING, AS WELL AS ASSOCIATED LANDSCAPING, PUBLIC OPEN SPACE, ACCESS, DRAINAGE, INFRASTRUCTURE, EARTHWORKS AND OTHER ANCILLARY ENABLING WORKS.</b>
<b>REPORT BY</b>	<b>:</b>	<b>JOANN MENEAUD</b>
<b>APPENDICES</b>	<b>:</b>	<b>COMMITTEE REPORT 15<sup>TH</sup> DECEMBER AND ACCOMPANYING LATE MATERIAL UPDATE REPORT</b>

### **1.0 INTRODUCTION**

The application is submitted in outline and proposes the erection of up to 420 dwellings. All matters are reserved for future consideration with the exception of the means of access. The main access into the site would be via a new roundabout located opposite the flats 32 and 34 Winnycroft Lane. An additional access is proposed as a new junction opposite houses at 50 – 60 Winnycroft Lane.

- 1.2 The application also includes the provision of allotments, community orchard, open space, two sports pitches and a new changing room facility which are detailed on the accompanying master plan. The applicant is proposing the provision of 10% affordable housing.
- 1.3 Members will recall that this application was considered by Committee on 15th December. The relevant report and late material are appended to the report. The officer recommendation was:

*That subject to no new material planning considerations being raised within the consultation period, the completion of a section 106 agreement to secure the requested planning obligations together with the provision of a minimum of 15% affordable housing (and a review mechanism for the re-assessment of the viability of the scheme), that outline planning permission be granted subject to detailed conditions covering the issues detailed below, (and any further conditions considered necessary) and that delegated powers be granted to the Development Control Manager to prepare the detailed wording of the conditions. The review mechanism referred to will be undertaken upon the completion of 140 dwellings and a subsequent review undertaken at a period of 3 years from the occupation of the 140th dwelling. At this 3 year period, the assessment shall apply to all the remaining unoccupied dwellings (built and unbuilt) at that time.*

- 1.4 After much discussion, Planning Committee resolved to grant outline permission in accordance with the officer recommendation, but with a requirement for the level of affordable housing, to be increased from the 15% as recommended, to 20%, to be required by the S106.

- 1.5 Following the resolution of Planning Committee, the applicant, Barwood, has written to the Managing Director to raise concerns regarding that resolution, to confirm their position on the application and making the following points;

They consider our Viability Advisers conclusions to be flawed.

Their offer of 10% affordable housing is on the basis of a reduced industry standard profit expectation, but was offered in an attempt to avoid the cost and delay of an appeal.

They would revert to 0% affordable housing at any subsequent appeal – as this is justified by the facts (and the results of their viability appraisal) and they have confidence in their experts' advice regarding the viability of the scheme.

They state that the requirement for 20% affordable housing is not justified by any expert opinion; it is an unrealistic position and solely an aspiration of Committee that ultimately, results in an undeliverable scheme. In their view, this represents unreasonable behaviour and would lead to an award of costs at an appeal.

- 1.6 As a way forward they have suggested a further review of viability and in particular, binding and independent RICS arbitration that would impose the appropriate level of affordable housing upon both parties or the appointment of an independent RICS valuer to provide advice on the respective positions of both parties. They also state that without a further review, they would immediately exercise their right to appeal and that this would include a costs claim against the Council.

- 1.7 Officers did agree that a further review of viability was a sensible option and have appointed Peter Brett Associates (PBA) to undertake this work. PBA are also employed by the Joint Core Strategy to advise on the Community Infrastructure Levy (CIL) and viability across the JCS area and therefore have direct and local experience and understanding on these matters.
- 1.8 PBA's assessment has used the same model as the JCS Plan Viability and CIL assessment but has included site specific information where appropriate. It has tested viability at 10%, 15% and 20% with the applicants tenure mix. PBA have also questioned some of the assumptions made within the applicants report and made adjustments to the figures where they consider it to be appropriate to do so – these have included the total amount of costs, the phasing of overall costs and corrected some perceived double counting.
- 1.9 On this basis PBA conclude that a deficit is shown at 12.5%, 15% and 20% levels of affordable housing but that the scheme could be considered as marginally viable at 10%. As part of the wider JCS assessment looking at viability and the application of CIL, PBA had previously undertaken a “high level” assessment of the application site resulting in an estimate that 20% affordable housing should be achievable. However following detailed scrutiny of the applicant's figures, PBA are of the view that 10% is realistic.
- 1.10 However PBA have also identified some potential discrepancies particularly in relation to the costs involved in the development of the site. These require further examination and clarification to enable our understanding as to whether they would impact upon the level of affordable housing that can be provided.
- 1.11 The Planning Policy Guidance (PPG) stresses the importance of considering the impacts of planning obligations upon a proposal and that where these would cause the development to be unviable states that the LPA should take a flexible approach.

The planning obligations for this proposal are as follows:

Education	£2,694,821
Libraries	£82,320
Highway improvements/Travel Plan	£281,864
Community building	£260,268
Legal costs	£17,400
<b><u>Total</u></b>	<b><u>£3,336,673</u></b>

Please note that these are worked out on the basis of maximum figures and there may be some reductions eg in the highway improvements total cost (of about £40k) depending on whether the adjoining site is developed

- 1.12 Whilst the level of affordable housing is low, it can clearly be seen that the scheme does also result in a considerable sum of money in financial contributions including, education, libraries, highway improvements and the new community building.

- 1.13 Both viability consultants have also noted the fairly high percentage of non-developable area, resulting in a relatively low density scheme across the total site area. This is as a result of the land take to meet the requirement to provide a suitable suds scheme incorporating retention ponds, the sports pitches, allotments and community orchard and the range of open spaces across the site, designed not only to provide attractive recreational areas for future residents, but also to soften the impact of the development upon the character and appearance of the local area and the adjoining land designated as an Area of Outstanding Natural Beauty. However this high percentage of non-developable area, resulting in a relatively low density scheme is clearly a factor that influences the viability of the site.
- 1.14 Officers understand the disappointment of Members that the development of this site can not achieve a higher proportion of affordable housing. It is clear that there is a high demand for affordable housing across the City and the provision of such housing is a key priority for the Council. However the figures have been examined in detail and we have to base our decision upon the expert advice that we receive.
- 1.15 CIL will replace Section 106 obligations for many forms of infrastructure including highway schemes, education and community facilities but would not apply to the provision of affordable housing, which would be considered separately and outside of the CIL Regulations. CIL would be applied as a charge based on the floor space of new buildings.
- 1.16 The City as part of the JCS area, currently has a preliminary draft charging schedule dated May 2015, that has been subject to the first round of public consultation. However further work on the next stage of the process has been undertaken by PBA and a Draft Charging Schedule has just been produced.
- 1.17 For this particular application, the Draft Charging Schedule would result in the requirement for a £1.3 million CIL payment, together with the provision of 20% affordable housing. However I must point out that at this stage, this is only a draft document that does not yet have the approval of the JCS Authorities and has not been subject to any public consultation or examination by an Inspector.
- 1.18 The requirement for the Local Planning Authority to make sound and justified decisions is enshrined within Government guidance. The Planning Inspectorate Procedure Guide Planning Appeals dated July 2015 states:  
*When refusing an application, the local planning authority should consider carefully whether it has a sufficiently strong case, capable of being argued at appeal, on the basis of the material before it.*

*The reasons for refusal should be clear and comprehensive and if the elected members' decision differs from that recommended by their planning officers it is essential that their reasons for doing so are similarly clear and comprehensive.*

- 1.19 Furthermore the PPG states that in making decisions these “*must stand up to scrutiny on the planning merits of the case.*” It gives further advice in relation to appeals and in particular the potential for costs, where awards can be made in the following circumstances;

- a party has behaved unreasonably; and*
- the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.*

(and that these can be made as a result of the application or appeal process).

The circumstances amounting to “unreasonable behaviour” and that could give rise to a substantive award for costs would include:

- preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.*

- failure to produce evidence to substantiate each reason for refusal on appeal*

- vague, generalised or inaccurate assertions about a proposal’s impact, which are unsupported by any objective analysis*

- 1.20 On the basis of the above National Guidance, and in particular the potential for a costs award to be made against the LPA, I can only make my recommendation to Members on the basis of the technical advice in relation to viability.
- 1.21 The issue of housing supply is also a material consideration that needs to be given significant weight, in the overall consideration of the application.
- 1.22 The JCS Housing Background Update Paper (4/12/15) identifies that the City no longer has a 5 year plus 5% housing land supply as required by the NPPF. This updated Housing Background paper has been provided to inform the Examination in Public of the JCS, of the latest position in relation to housing supply. When reviewing the delivery of all sites for the update paper, the applicant (Barwood) took the view that the site could not contribute to the City’s five year housing land supply. The site has therefore been shown in the City Plan potential delivery trajectory for the JCS, as contributing to housing supply for the City, from year six onwards.
- 1.23 However the applicant has subsequently confirmed that should planning permission be forthcoming in the near future, that it would be reasonable to consider that the site should start delivering towards the end of the first five year period. With the need to undertake ground work and secure reserved matters consents, some housing supply from the site could be counted towards the five year housing land supply calculation, possibly in years four and five.

- 1.24 Given the delay in the progress of the JCS, and in the delivery of the large residential sites (strategic allocations), it is all the more important that the City continues to deliver new housing within its boundaries.
- 1.25 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 1.26 The NPPF states that it does not alter this requirement for applications to be determined in accordance with the development plan but does requires LPA's to apply the presumption in favour of sustainable development in decision making.
- 1.27 Additionally the critical issue for consideration with this application, has to be the requirement for decision making (and all reasons for refusal where appropriate) to be substantiated and backed up by evidence.
- 1.28 In this case, the technical advice from our expert consultant, states that 10% affordable housing is achievable however further work is being undertaken to ensure that this is the maximum figure realistically achievable.

At this stage we do not have any technical evidence that would support the provision of a clause within the S106 requiring 20% and this is not a position that we can substantiate now or in any potential appeal. I understand Members concerns that this is well below 40%, which is the starting point within the JCS policy, and the views that as this is a greenfield site it does not have similar costs that may be associated with a brownfield site (such as contamination) but the figures have been examined in detail. Additionally the PPG is clear that each site needs to be considered in the context of the impact of all the financial obligations, and that where these would result in a development being unviable, the LPA needs to demonstrate flexibility. As stated previously, there are £3.3 million of financial contributions proposed in addition to the affordable housing.

- 1.29 There are other cases across the City where schemes have satisfactorily demonstrated that the development of the site would not be viable with 40% affordable housing. In those circumstances we have come to an agreement on a lower figure and in some cases we have also agreed a review mechanism to enable viability to be re-assessed. There is no reason to take a different approach with this application.
- 1.30 I do still consider that with a below policy expectation, level of affordable housing and with expected build rates over a 5 year period, that there should be a mechanism in place to review the position in relation to the viability of the development. As per my previous recommendation I propose that a review be undertaken upon the completion of 140 dwellings and a subsequent review undertaken at a period of 3 years from the occupation of the 140th dwelling.

At this 3 year period, the assessment shall apply to all the remaining unoccupied dwellings (built and unbuilt) at that time.

- 1.31 The circumstances of this application are unusual in that the application has been considered by Committee and there is a resolution to grant permission with 20% affordable housing. However new technical evidence is available, and whilst some further work is being undertaken it is likely to demonstrate that 20% is not achievable with the other £3.3 million of financial contributions, the proposed scheme would not be viable and therefore would not come forward as a housing development site.
- 1.32 Additionally Members will recall the report relating to S106 agreements that was endorsed by Committee on 12<sup>th</sup> May 2015. This agreed that where there was little progress on the completion of agreements, that applications could be referred back to committee after three months. Whilst the three month period has not yet passed, the applicant has confirmed in writing that they will not be progressing the S106 agreement with the requirement for 20% affordable housing and in these circumstances there is no reason to wait for three months.
- 1.33 Therefore in accordance with the agreed referral system and on the basis of the new information and to ensure that the application is fully and appropriately considered, the application is re - presented to Committee, to enable full and proper assessment of the new and amended evidence.
- 1.34 At this point I should refer Members to the guidance within the PPG in relation to the consideration of all the facts in the decision making process.

*Members must not have a closed mind when they make a decision, as decisions taken by those with pre-determined views are vulnerable to successful legal challenge. At the point of making a decision, members must carefully consider all the evidence that is put before them and be prepared to modify or change their initial view in the light of the arguments and evidence presented. Then they must make their final decision at the meeting with an open mind based on all the evidence.*

## 2 **Conclusions**

For clarity I shall repeat, and add to, the conclusions made within the previous December committee report.

- 2.1 The application requires a careful balancing of a range of often competing issues. The need to find sites to deliver housing requires difficult decisions to be made about sites that previously might have been ruled out of consideration, because there was any form of restrictive designation and because other less sensitive sites were alternatives.
- 2.2 The identification of the site as a Landscape Conservation Area allocation within the 2002 plan would indicate that a new housing development should be resisted. However the weight that can be given to this policy, given the dated approach and emerging JCS policy, is limited. Additionally with the

need to provide an ongoing five year supply of housing, other sites must come into consideration for development, in order to preserve areas of the highest sensitivity from development. The site is on the urban edge and is in a sustainable location with good access to public transport, shops and community facilities in Matson.

- 2.3 It is clear from the applicant submissions that they have sought to maximise existing landscape features on the site. A small proportion of trees are to be removed but the great majority, and those of highest quality are to be retained. The high proportion of land to be utilised as open space will create attractive areas, adding to the opportunities for participation in sport and recreation in the local area. Additionally the open areas will provide more diverse habitats in ecological terms and provide an attractive setting to the new housing.
- 2.4 Additionally the high proportion of open space to developable area, together with the overall design approach of setting lower density development to the most sensitive boundaries, will help to soften the introduction of the built form onto this agricultural land. Furthermore this approach along the southern part of the site together with the open nature of the pitches will help integrate this part of the development with the adjacent fields. Further landscaping along these boundaries, together with the network of green spaces and corridors proposed, will further soften views from outside of the site including to and from the designated Cotswolds AONB.
- 2.5 The scale of the proposed development of up to 420 houses should be satisfactorily accommodated on the site and integrate well with the local surroundings. Existing and new residents will benefit from the open space, allotments, play areas, and new sports pitches and community building. However residents will experience additional traffic along the local road network and obviously those immediately surrounding the site will have a very different outlook from their properties.
- 2.6 The Highway Authority are satisfied that with the road improvements required, including the provision of a right hand turn facility on Painswick Road, the traffic arising from the development can be safely accommodated onto the local highway network. Similarly the Highways Agency raise no objection in terms of the impact of the proposals upon the strategic road network.
- 2.7 The site is subject to high levels of noise from the M5 and to a lesser extent from traffic along Winnycroft Lane. The applicant has demonstrated that with adequate mitigation the noise levels for the new dwellings can meet the WHO guidelines. The motorway will always have some impact upon the site and this will be noticed more within the areas or adjacent open space, allotments and sports pitches. Planting to the noise bund will help screen the visual impact of vehicles travelling along the motorway as well as providing further visual screening to the site when viewed in shorter views from the east.
- 2.8 The development is also considered acceptable in terms of the setting of surrounding listed buildings and the Scheduled Ancient Monument.



- 2.9 The scheme provides a significant number of financial contributions, totalling over £3.3 million, together with the ultimately agreed level of affordable housing of at least 10%. It is accepted that the development of the site raises viability issues and as such the overall “package” of contributions/affordable housing should be seen in that context.
- 2.10 National Guidance requires the LPA to make sound decisions based on the information before them. In this case, the technical advice from our expert consultant in this specialism, currently states that 10% affordable housing is achievable and further work on the potential scope for a higher level is being undertaken. We do not currently have any technical evidence that would support the provision of a clause within the S106 requiring 20%, and this is not a position that we can substantiate now or at any potential appeal., It does not appear to be justified by evidence and could leave the Council open to a costs award at appeal.
- 2.11 Overall I consider that the principle of development is acceptable and that subject to appropriate conditions and the completion of a s106 agreement securing the required planning obligations together with at least 10% affordable housing with a subsequent review mechanism as set out, that outline planning permission should be granted
- 2.12 I understand that Members give the provision of affordable housing great weight within the planning balance. However in these circumstances, it is evidently clear that the provision of a high level of affordable housing would not be viable with the high level of financial contributions (£3.3 Million) required. It is of course, open to Members to secure a higher percentage of affordable housing, if they consider this to be of greater weight than other financial contributions however any increase would result in a corresponding reduction in those other contributions.

### **3 RECOMMENDATION OF THE DEVELOPMENT CONTROL MANAGER**

- 3.1 That subject to the completion of a section 106 agreement to secure the requested planning obligations together with the provision of a minimum of 10% affordable housing (and a review mechanism for the re-assessment of the viability of the scheme), that outline planning permission be granted subject to detailed conditions and that delegated powers be granted to the Development Control Manager to prepare the detailed wording of the conditions. The review mechanism referred to will be undertaken upon the completion of 140 dwellings and a subsequent review undertaken at a period of 3 years from the occupation of the 140th dwelling. At this 3 year period, the assessment shall apply to all the remaining unoccupied dwellings (built and unbuilt) at that time.

Decision: .....

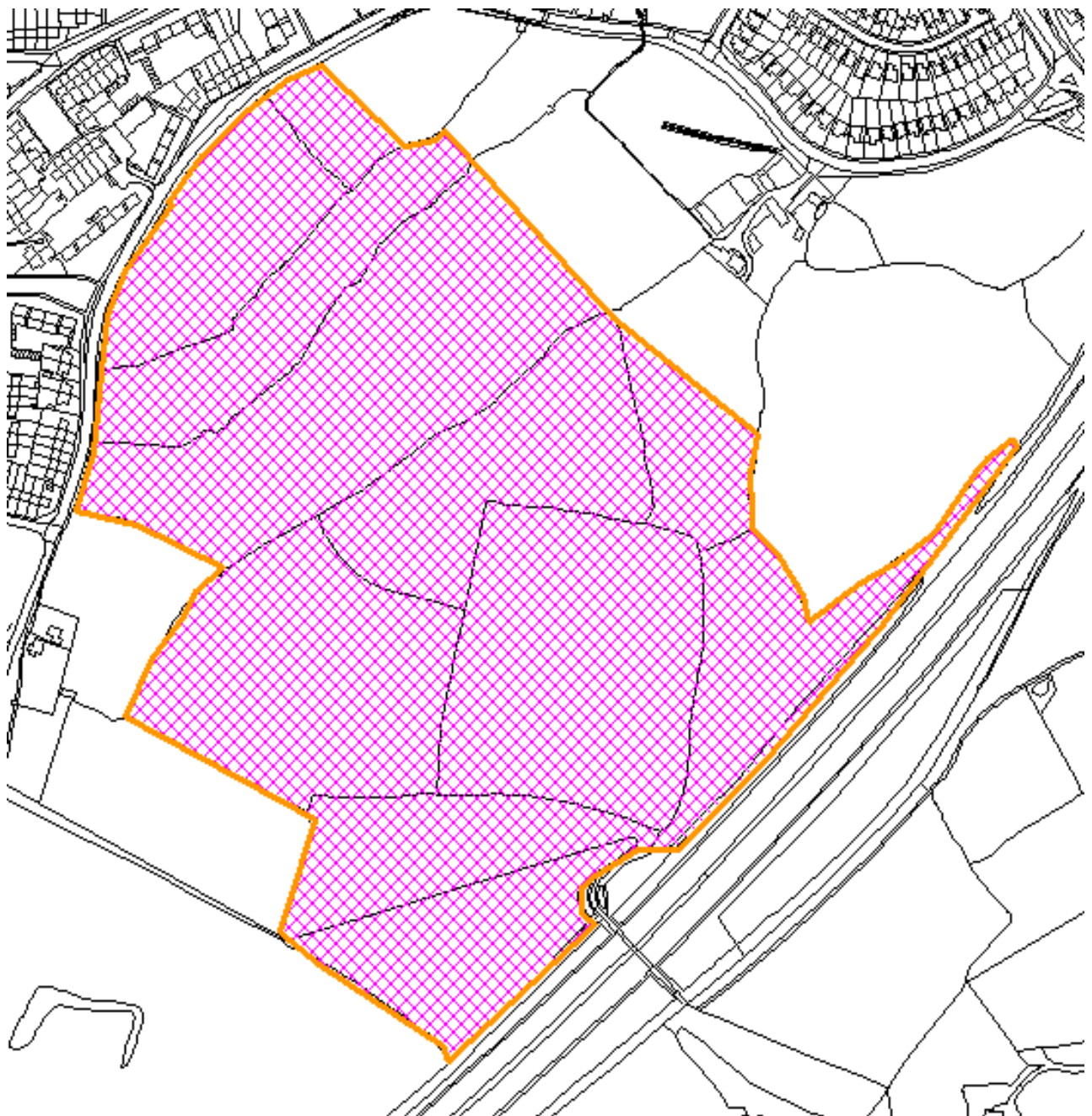
Notes: .....

Person to contact: Joann Meneaud  
(Tel: 396787)

**14/01063/OUT**

**Land South Of Winnycroft Farm  
Corncroft Lane  
Gloucester  
GL4 6BX**

**Planning Committee 01.03.2016**



## **GLOUCESTER CITY COUNCIL**

<b>COMMITTEE</b>	<b>:</b>	<b>PLANNING</b>
<b>DATE</b>	<b>:</b>	<b>DECEMBER 15 2015</b>
<b>ADDRESS/LOCATION</b>	<b>:</b>	<b>LAND AT WINNYCROFT LANE, MATSON, GLOUCESTER</b>
<b>APPLICATION NO. &amp; WARD</b>	<b>:</b>	<b>14/01063/OUT MATSON AND ROBINSWOOD</b>
<b>EXPIRY DATE</b>	<b>:</b>	<b>29<sup>TH</sup> DECEMBER 2014</b>
<b>APPLICANT</b>	<b>:</b>	<b>BARWOOD DEVELOPMENT SECURITIES LTD</b>
<b>PROPOSAL</b>	<b>:</b>	<b>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.</b>
<b>REPORT BY</b>	<b>:</b>	<b>JOANN MENEAUD</b>
<b>NO. OF APPENDICES</b>	<b>:</b>	<b>1. SITE PLAN 2. ILLUSTRATIVE MASTER PLAN 3.LETTER FROM GLOUCESTERSHIRE CONSTABULARY.</b>

### **1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 The application site is of irregular shape and comprises 20 hectares of agricultural land, formerly part of Winneycroft farm. It is located to the eastern side of Winneycroft Lane and runs eastward to the M5 motorway.
- 1.2 The northern tip of the site sits across Winneycroft Lane from the open space to the front of the flats at 20 Winneycroft Lane. The boundary of the site then runs along the road and in a southerly direction to opposite 60 Winneycroft Lane and just before the junction with Sneedhams Road. From here the site boundary runs along hedgerow lines to the fields to the rear of the residential properties The Chalet and The Villa on Winneycroft Lane and down to the motorway to the far tip of the southern boundary. The eastern boundary then runs adjacent to the M5 motorway and adjacent to the foot bridge over the M5. The site does not include the Winneycroft farm house and courtyard

buildings or the fields immediately surrounding the buildings, as this northern boundary is set back, to the south of the farm complex.

- 1.3 The application is submitted in outline and proposes the erection of up to 420 dwellings. All matters are reserved for future consideration with the exception of the means of access. The main access into the site would be via a new roundabout located opposite the flats 32 and 34 Winnycroft Lane. An additional access is proposed as a new junction opposite houses at 50 – 60 Winnycroft Lane.
- 1.4 A master plan is included within the application which details the proposed means of access and the areas of to be developed by housing, open space, sports pitches, allotments and community orchard. A copy of this plan is attached to assist members in their understanding and familiarity with the proposals. The detailed proposals are fully explained within the officer opinion section of this report.
- 1.5 The proposal has been the subject of formal screening under the Environmental Impact Regulations with the Council concluding that the proposal does comprise “Schedule 2” development but that it was not likely to result in significant environmental effects and therefore formal Environmental Impact Assessment was not required.
- 1.6 Whilst the proposal is not considered to require a formal Environmental Impact Assessment it does raise many issues that require careful consideration and assessment.
- 1.7 The application is supported by numerous documents and supporting information including the following:
  - Illustrative Master plan
  - Landscape Master plan
  - Planning Statement including Draft Heads of Terms
  - Statement of Community Involvement
  - Access Drawing
  - Air Quality Assessment
  - Geophysical Survey
  - Archaeological Evaluation
  - Arboriculture Baseline Assessment
  - Design and Access Statement
  - Ecological Assessment
  - Environment Risk Assessment
  - Flood Risk Assessment and Drainage Strategy
  - Heritage Setting Assessment
  - Landscape and Visual Impact Assessment
  - Noise Assessment
  - Utilities Assessment/Foul Water Service Constraints Plan
  - Socio-Economic Report
  - Topographical Survey
  - Transport Assessment

- Travel Plan
- Waste Statement

## **2.0 RELEVANT PLANNING HISTORY**

- 2.1 There are no previous planning applications relating to this site.
- 2.2 However Members should also note that we are also considering another outline application for residential development (up to 210 dwellings) on land to the north and east of this site. This other application includes land immediately around Winneycroft Farm (but does not include the house or buildings associated with the farm itself) and running along the boundary with Corncroft Lane and Winneycroft Lane and to the motorway to the east. I understand that the land was originally part of the original land holding associated with Winneycroft Farm but is now in two different ownerships.
- 2.3 For ease of reference and to prevent confusion between the two applications, this application for up to 420 dwellings on the bigger land parcel is informally known as Big Winney and the adjoining site with the smaller land parcel is known as Mini Winney. I shall make reference to these informal names within the report to provide clarity where necessary.

## **3.0 PLANNING POLICIES**

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

### Central Government Guidance - National Planning Policy Framework

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

### *Decision-making*

The NPPF does not alter the requirement for applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

In assessing and determining applications, Authorities should apply the presumption in favour of sustainable development.

For decision-making, this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent, or relevant policies are out of date, granting planning permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole; or
- specific policies in the NPPF indicate development should be restricted.

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

### *Core planning principles*

Planning should:

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

The NPPF is topic based on a similar basis to the previous PPGs and PPSs:

### *Promoting sustainable transport*

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

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

### *Delivering a wide choice of high quality homes*

To boost significantly the supply of housing, Authorities should

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

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

#### *Requiring good design*

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

#### *Promoting healthy communities*

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

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

Decisions should also;

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

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

#### *Meeting the challenge of climate change, flooding and coastal change*

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

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

#### *Conserving and enhancing the natural environment*

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



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

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

Authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, Local Planning Authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

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

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

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

#### *Conserving and enhancing the historic environment*

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

An appropriate desk-based assessment and where necessary a field evaluation is required where an application site includes or has the potential to include assets with archaeological interest.

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

In determining applications, Authorities should take account of;

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality;

- the desirability of new development making a positive contribution to local character and distinctiveness.

#### *Planning obligations and conditions*

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

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

Planning conditions should only be imposed where they are

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

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

#### The Development Plan

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

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

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

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

#### Local Plan

- 3.4 The statutory development plan for Gloucester remains the City of Gloucester Local Plan (Adopted 1983 and partially saved until the Local Development Framework is adopted) however this document does not actually include the application site – as at that time the site was not within the administrative boundary of Gloucester but within Stroud District Council .
- 3.5 Subsequent to the 1983 plan there has also been the City of Gloucester (Pre-1991 Boundary Extension) Interim Adoption Copy October 1996), and City of Gloucester First Stage Deposit Local Plan (June 2001).
- 3.6 Regard must also be had to the 2002 Revised Deposit Draft Local Plan. This has been subjected to two comprehensive periods of public and stakeholder consultation and adopted by the Council for development control purposes. This cannot be saved as it is not a formally adopted plan, however with it

being adopted for development control purposes it is still judged to be a material consideration. Appeal reference APP/U1620/A/07/2046996 dated 18<sup>th</sup> March 2008 confirms the degree of weight that may be afforded to the 2002 Revised Deposit Draft Local Plan. It is considered that particular weight may be afforded to those policies that attracted a limited number of, or no objections during the consultation stages. In his decision the Inspector stated the following;

“Although the local plan is not part of the development plan it has been adopted for development control purposes and I give considerable weight to it having regard to the amount of public consultation that it underwent....”

### 2002 Plan Policies

B.6 – Prime Biodiversity Area

B.10 – Trees and hedgerows on development sites

LCA.1 – Development within landscape conservation areas

FRP.1a – Flood risk

FRP.6 – Surface water run-off

FRP.10 – Noise

FRP.11 – Pollution

FRP.15 – Contaminated land

BE.1 – Scale, massing and height

BE.2 – Views and skyline

BE.4 – Criteria for the layout, circulation and landscape of new development

BE.5 – Community safety

BE.6 – Access for all

BE.7 – Architectural design

BE.8 – Energy efficient development

BE.9 – Design criteria for large commercial development

BE.12 – Landscape schemes

BE.15 – Provision of open space in major development

BE.17 – Design criteria for large scale residential development

BE.18 – Vehicular circulation and parking in new residential development

BE.21 – Safeguarding of amenity

BE.31 – Preserving sites of archaeological interest

BE.32 – Archaeological assessment

BE.34 – Presumption in favour of preserving archaeology

BE.36 – Preservation in situ

BE.37 – Recording and preserving archaeology

TR.9 – Parking standards

TR.31 – Road safety

TR.33 – Providing for cyclists/pedestrians

H.4 – Housing proposals on unallocated sites

H.7 – Housing density and layout

H.8 – Housing mix

H.15 – The provision of affordable housing

H.16 – Affordable housing mix, design and layout

H.18 – Lifetime homes

OS.2 – Public open space standard for new residential development

OS.3 – New housing and public open space

OS.4 – Design of public open space  
OS.5 – Maintenance payments for public open space  
CS.11 – Developer contributions for education

3.7 In terms of the emerging local plan, the Council is preparing a Joint Core Strategy with Cheltenham and Tewkesbury Councils. The submitted JCS dated November 2014 is currently in the progress of being considered by a Planning Inspector through the Examination in Public process. While the JCS policies listed are relevant not all have been heard by the Inspector at this point in time.

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

SP1 - The Need for New Development  
SP2 – Distribution of new development  
SD1 – Presumption in favour of sustainable development  
SD4 – Sustainable design and construction  
SD5 – Design requirements  
SD7 – Landscape  
SD9 – Historic environment  
SD10 – Biodiversity and geodiversity  
SD11 – Residential development  
SD12 – Housing mix and standards  
SD13 – Affordable housing  
SD15 – Health and environmental quality  
INF1 – Access to the transport network  
INF2 – Safety and efficiency of the transport network  
INF3 – Flood risk management  
INF 4 – Green infrastructure  
INF5 – Social and community infrastructure  
INF7 – Infrastructure delivery  
INF8 – Developer contributions

3.9 In addition to the Joint Core Strategy, the Council is preparing its local City Plan.

3.10 Policies can be viewed at the relevant website address:- Gloucester Local Plan policies – [www.gloucester.gov.uk/planning](http://www.gloucester.gov.uk/planning); and Department of Community and Local Government planning policies - [www.communities.gov.uk/planningandbuilding/planning/](http://www.communities.gov.uk/planningandbuilding/planning/).

#### **4.0 CONSULTATIONS**

##### Policy Officer

The Planning Policy Officer emphasises that the Authority needs to continue to identify sites for housing development, particularly to meet the City's needs in the longer term, and that it is committed to ensuring that the requirement to maintain a five year plus 5% housing land supply, as required by the NPPF, is

met. It is noted that in principle, and subject to the site bringing forward suitable sustainable development, the site will help to ensure that the City maintains a healthy housing land supply and delivers more affordable homes and improves linkages and connectivity to green infrastructure. The Officer also considers that the development would provide the opportunity to address some of the weaknesses in the ward that were identified in the ward profile as well as providing the opportunity to deliver upstream flood storage betterment within the Sud Brook catchment.

#### City Archaeology Officer

The proposed development site has been subject to an archaeological evaluation (trial trenching). This has identified a late Iron Age and Roman settlement in the south of the site. A concentration of Roman pottery has also been identified in the centre of the site – indicating that further Roman period archaeological remains maybe present. In light of the above I advise that a condition requiring a programme of archaeological work be attached to any planning permission which may be granted for this development

This condition will provide for further archaeological evaluation (trial trenching) in the centre of the site. This condition will also provide for a programme of archaeological excavation of all significant archaeological deposits in advance of the proposed development, with provision for community engagement and the appropriate archiving and public dissemination of findings.

#### Contaminated Land Adviser

I have reviewed the 'Phase 1 Env Risk assessment' dated September 2014 provided in support of the application. I can confirm WRS concur with the conclusions of the study which indicates site intrusive site investigation is required to confirm the findings of the study. WRS recommend the standard contaminated land condition is applied to the development should permission be granted to ensure necessary further works are undertaken.

#### Urban Design Officer

While both of the Winneycroft applications are separate in many ways, there are clear and logical relationships between them, notably the physical vehicular and pedestrian/cycle links, which are necessary to form a permeable and usable urban extension, which would allow free and easy movement within the wider area.

As I have noted in my comments on the adjacent site application (reference 14/01470/OUT), there are fundamental master-planning considerations which ideally should have been setout in a joint plan covering both sites. Principally, this masterplan should cover issues such as connections, noise attenuation, block layouts and landscaping features.

Noise issues - One of the more significant issues affecting both of the Winneycroft Farm sites is the impact on future residents from the noise generated by the constant use of the M5 Motorway.

Rather than pull back the development line away from the M5, which could in theory help to reduce the noise impact on future residents, on balance, it seems sensible to keep a building line as shown on the submitted layout plans. This allows a limited but usable depth of open space, which combined

with a noise bund and fence, will reduce the overall noise levels and provide an environment which would be acceptable for at least a section of the population to use for extended periods. This allows the orchard and allotments to be provided in that area.

Following a site visit today to review plans for this site and to check noise levels, I am confident that the submitted noise report does broadly reflect the site conditions. There is a slight doubt concerning the effectiveness of the submitted vignette for blocks 11 and 12, in terms of noise attenuation. I believe the precise layout has not been tested to the same level as the blocks within the adjoining site and there is also a different approach here. Just based on the form of the blocks, including exposed side garden fences, gaps between houses above ground floor and access roads which cut through the blocks (at 90 degrees to the line of the M5), it does seem as though this is a looser form of development which could suffer from noise impacts.

However, the conclusion of the noise report was that with appropriate measures, the blocks most affected by noise can be designed in such a way as to meet the necessary guidelines.

Site access & circulation - The creation of the main access roundabout into the development is a logical approach and I have no objections to this. The roundabout could also serve to slow traffic speeds along Winnycroft Lane. The secondary site access further along the lane to the south will create a circular route through the site and allow more efficient access to the southern part of the site.

Landscape and open space - Generally, the illustrative masterplan shows a layout and style of development which sits comfortably within the landscape and which makes good use of existing landscape features.

The landscape features, such as a range of retained trees, the central ribbon park, wetland area, community growing areas and informal green areas, will really make a significant positive contribution to the character of the new development.

The relative land use areas shows a positive balance of types, with the residential at 10.73 Ha and the combination of open spaces, sports & recreation and the landscaped bund at more than 9 Ha. This type of ratio is extremely rare and will result in a very positive environment.

The existence of the sports area and community growing areas along the SE boundary with the M5 also helps to soften the boundary of the site and makes good use of these more marginal spaces. The one query I would have though relates to the growing of food for human consumption right next to the motorway, taking into account airborne pollution such as gases and particulates. Apart from this issue, the combination of these areas and the noise bund will give a reason for many more people to activate these spaces and could lead to more people starting to explore the areas to the south of the motorway.

#### Housing densities and vignettes

The submitted sketch vignettes were requested in order to show how a typical block would accommodate numbers of dwellings at a low, medium and higher range of densities.

Block 2 – higher density – 69 dwellings @ 53 d/ha

Block 11&12 – medium density – 18 & 23 dwellings @ 36 d/ha

Block 17&18 – medium and low density – 26 & 21 dwellings @ 42 d/ha & 30 d/ha

I'm satisfied that each example layout reflects the proposed densities and that the numbers can generally be achieved within the proposed layout. The only caveats to this relate to the final positions of the connections between the two application sites. The applicant for this site has not shown the two sites overlaid, but a plan has been submitted by the adjacent applicant which clearly shows the relationship between the two sites.

Connections across both of the sites - For example, Block 18 will only function well if it stays at the shape and dimensions proposed in the blocks plans and vignette. This conflicts with the connections into the adjacent area and will lead to two dead end roads to the NW and SE of the block which do not connect anywhere. Moving the road which is shown to the NW of the block further north would be the only way to properly allow a functional block of houses and allow a connection to the adjacent site. This however does not necessarily connect well and could have an impact on the existing mature tree near the boundary.

The next possible connection to the SE also does not line up with the road system in the adjacent site. In fact, only 1 road is shown as connecting between the two sites. This isn't necessarily an issue which this applicant should be dealing with, it should be a joint decision by both applicants to consciously develop a plan which forms a suitable connections network. There are pretty clear wider connections issues and a single connection across the two major sites is not acceptable.

Style and character areas - While this general element is reserved, the final character and style of the new residential area is very important to consider. I'm pleased to see that section 4.10 'development character and appearance' within the design statement, sets out some guidelines on character areas. This is a very useful and logical approach to this site and relates well to the distinct elements. I would seek to base the detailed design for the site on this approach but add that I will be seeking a varying style of architecture across the varying character areas, which may include varying facing materials, massing, roof materials and detailing. This is the only acceptable approach when considering the total numbers of units and the area involved.

### Summary

Having considered the issues and the submitted information, I would not raise an objection to the application and would support the general approach to development on this site. The focus on landscape and natural elements is very clear and will really improve the overall appearance and functioning of the wider area.

### County Highway Authority Manager

Raise no objection subject to the completion of highway works and with conditions. The full comments are set out within the highway section of the report.

#### Highways Agency

Following our request for further and clarification the applicant has now provided further information to enable us to consider the impact of the proposal upon the strategic road network (srn).

The proposals are identified to place a maximum of 25 two way trips on the A40 during the busiest evening peak hour period, with the proposals having a lesser impact on all other srn junctions during the weekday peak hour periods. Whilst the proposals have a small impact on a series of junctions, we do not consider the proposals to have a severe traffic impact on any particular junction.

#### Housing and Strategy Manager

"This site represents a significant opportunity to meet the need for Affordable Housing in the City although the 15% contribution recommended by the Council's consultant is some way short of what is required to meet this need. The applicant has suggested a range of house types and a suitable tenure mix between Affordable Rent and Shared Ownership although this is based on a 10% contribution. Whilst Government Policy shifts to a focus on home ownership there is a substantial need for rented accommodation in the City and a failure to meet this need will have adverse impacts on both the "housing Register" and increase pressure on the Private Rented Sector. Again the range of house types is vitally important given the impact of the spare room subsidy both on new and existing tenants. The emerging Joint Core Strategy addresses this issue in Policy SD12 that: "promotes an appropriate housing mix and standards in residential development. An appropriate mix of dwelling sizes, types and tenures and should meet the needs of the local area, including older people". In relation to provision it is expected that it should be on site and no robust justification for off-site has been provided. The diversion of an on-site contribution may again be detrimental to the overall supply of affordable housing in the City if no net gain of housing is achieved and again this would impact on the ability to meet housing need in the City. It is expected that the contribution will also ensure the delivery of homes that are both adaptable and adapted to meet the needs for older and disabled households. It is also of vital importance that any S106 agreement shall ensure that the quality in terms of design and size of the units "

#### Severn Trent Water

No objection to the proposal subject to a condition requiring a drainage scheme to be agreed prior to the commencement of development.

#### English Heritage

Advice - We note that the application area lies in proximity to a number of highly-graded, designated heritage assets, including:

- The Scheduled Monument known as 'Moated site at Sneedham's Green, 220m north east of Green Farm' (National Heritage List ref. 1019399); and
- the Church of St Leonard (listed at Grade II\*; NHL ref. 1154810), together with a number of monuments listed at Grades II\* and II.



We have closely examined the documentation submitted with the application – including the Heritage Setting Assessment and the Landscape and Visual Impact Assessment – together with our records of heritage assets in this locality, and have undertaken a site visit. We have also considered the application in the light of relevant guidance, including that published by ourselves (2011 The Setting of Heritage Assets) and that offered in paragraphs 13 and 17 of the DCLG Planning Practice Guide ‘Conserving and enhancing the historic environment’

In our view the application would not present serious harm to the setting (and thereby the significance) of the highly-graded assets noted above and thus we do not wish to raise any objection on this occasion.

We note the comments made by the Gloucester City Council Principal Conservation and Design Officer (Ms C Lewis, memo of 25.11.14) regarding the impact of the proposals to the setting of the Winnycroft Farm complex that incorporates three buildings listed at Grade II and would encourage all parties to work together to mitigate impacts to this important group of historic buildings.

**Recommendation** We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again. However, if you would like further advice, please contact us to explain your request.

Civic Trust *(Please note that these comments relate to this application and to the application on the adjoining site)*

The panel's main concern is the protection of the grade 2 listed Winnycroft Farm, its outbuildings and setting in an historic orchard. To this end the panel objects to the vehicle access to the site which crosses the orchard and to its associated houses in areas M and N. The panel was pleased to see that the two applications are now being considered together and sees no reason why “Mini Winny” cannot be served by the indicated access further west off Winnycroft lane. The Tree Preservation Order proposals are noted and stringent archaeological conditions need to be applied to an area which could contain Roman farms. The balancing ponds will be a major feature of the site but details of their treatment and landscaping seem to be sparse at this stage. The noise, air pollution and visual intrusion from the M5 on houses to the south of the site will be intense. Planning conditions should specify special noise reduction measures.

#### Ramblers Association

On behalf of the Gloucester Group of the Ramblers Association I wish to object to the proposed development of land south of Winnycroft Farm and situated between Winnycroft Lane, Corncroft Lane and the M5, the proposed development being for 420 houses. This is a green field site crossed by numerous public rights of way. The paths are used for recreational purposes by local residents and others. There is also a link via a footbridge over the M5 providing access towards the Cotswold escarpment. In addition FP EUL22

which crosses the site forms part of the Glevum Way. This is a 25 mile circular route around the City of Gloucester. It was created almost 20 years ago using existing public rights of way. It was designed to be walked as a long distance path, or in stages accessed by public transport. The Way is used by locals and visiting walking groups. The route is also used as a basis for some charity walks/runs. Development on these fields will lead to a loss of Public Rights of Way and the urbanisation of the Glevum Way which will detract from its rural nature.

#### Stroud District Council

Stroud District Council does not object to the proposed development, but has concerns on the following points which should be addressed as part of the application.

The site is for a substantial development close to the Cotswolds Commons and Beechwoods Special Area of Conservation (SAC). As the determining authority you should ensure that you undertake an appropriate assessment under the Conservation of Habitats and Species Regulations to establish whether the development would result in damage to the SAC resulting from recreational impacts or air quality. If damage would result there must be appropriate mitigation measures proposed and agreed to mitigate these effects.

You should ensure that there is adequate capacity for additional traffic on the local road network within Stroud District and also that there is capacity for additional traffic on the strategic road network e.g. junction 13 of the M5.

The site is large and close to the AONB. There must be appropriate landscape assessment to demonstrate that the development would have no unacceptable impact on the views into and out of the AONB.

There appears to be a watercourse running through the site. The Flood Risk Assessment must show that the development of this site would not result in additional risk of flooding on adjacent land over and above that which currently exists.

#### Council for the Protection of Rural England Gloucestershire

The location is a sensitive one affecting the setting of the Cotswolds AONB and we wish to endorse the response of the Cotswolds Conservation Board.

The location was clearly recognised by the City Council as sensitive in landscape terms by its inclusion on the proposals map of the Second Deposit Draft of the Council's Local Plan 2002 as a Landscape Conservation Area. Landscape Conservation Areas were defined as "areas of open space which have been assessed as containing inherent landscape value and/or provide green space and natural breaks in the urban environment."

The land was assessed in the work for the Council "Landscape Analysis of Potential Development Sites" by WSP (15 November 2013). WSP concluded that there were strong visual links with the AONB but there was an opportunity for development to the north east of the site where the link with the AONB and common land are not as direct.

The site is only separated from the AONB by the width of the M5 motorway, which is predominantly in cutting as it passes the site. As the Conservation Board notes, the landscape character of the site shares many of the features of the nearby AONB – grazing land, mature hedgerows and mature trees,

both in hedgerows and standing alone; and there are clear views of the Cotswold escarpment from the boundaries of the site and the extensive network of rights of way across the site lead into the AONB across the motorway.

Accordingly, if development is to be permitted at this location, it should be restricted to that part of the site close to Corncroft Lane, maintaining a wide buffer between any development and the M5 and AONB beyond.

#### Cotswolds Conservation Board

1. The Cotswolds Area of Outstanding Natural Beauty was designated in 1966, and the designated area was extended in 1990. The primary purpose of designation is the conservation and enhancement of the natural beauty of the area.

2. The Cotswolds Conservation Board ('the Board') was established by Parliament in 2004.

Under the provisions of Section 87, Countryside and Rights of Way Act 2000), the Board has two statutory purposes:

- a) to conserve and enhance the natural beauty of the AONB; and
- b) To increase the understanding and enjoyment of the special qualities of the AONB.

In fulfilling these roles, the Board has a duty to seek to foster the economic and social well being of people living in the AONB

3. The Board notes that development as proposed would interfere with views of the Cotswolds AONB.

4. In determining appeal Ref APP/G1630/A/12/2183317 at Greeton Road Winchcombe the Inspector gave consideration to the issue of "setting" of a protected area. The Inspector noted that the proposed development would interrupt views of the AONB and that this represented "significant harm" to the setting of the AONB, contrary to development plan policy. A copy of the decision notice is attached.

5. The Winchcombe case was determined in favour of the applicant primarily due to the lack of a five year housing supply in Tewkesbury Borough as a whole. However paragraph 14 of the NPPF which provides a presumption in favour of sustainable development, is caveated by footnote 9 to that paragraph. This indicates that where other policies in the NPPF restrict development, such as that for AONBs, then the presumption need not apply.

6. The Board would therefore wish the Council to consider carefully if the harm identified to the setting of the AONB is sufficient to refuse consent for this proposal.

7. The Cotswolds AONB Management Plan 2013-18 is a statutory plan<sup>1</sup>. Planning Practice Guidance states that 'National Parks and Areas of Outstanding Natural Beauty management plans may also be material considerations in making decisions on individual planning applications, where they raise relevant issues.' (Paragraph: 004 Reference ID: 8-004-20140306).

8. The Guidance also states:

'Section 11A(2) of the National Parks and Access to the Countryside Act 1949, Section 17A of the Norfolk and Suffolk Broads Act 1988 and Section 85 of the Countryside and Rights of Way Act 2000 requires that 'in exercising or performing any functions in relation to, or so as to affect, land'

in National Parks and Areas of Outstanding Natural Beauty, relevant authorities 'shall have regard' to their purposes. A list of the public bodies and persons covered under "relevant authorities" is found in Defra guidance on the 'have regard' duty. Natural England has published good practice guidance on the 'have regard' duty.

This duty is particularly important to the delivery of the statutory purposes of protected areas. The duty applies to all local planning authorities, not just national park authorities. The duty is relevant in considering development proposals that are situated outside National Park or Area of Outstanding Natural Beauty boundaries, but which might have an impact on the setting of, and implementation of, the statutory purposes of these protected areas.'

9. Landscape policies in the Management Plan are

LP1: The key characteristics, principal elements, and special qualities (including tranquillity), which form the natural beauty of the Cotswolds landscape are conserved and where possible enhanced.

LP2: Development proposals and changes in land use and management, both within and outside the AONB, take account of guidance and advice published by the Board.

10. A 'special quality' of the Cotswolds AONB identified in the Management Plan is: 'the Cotswold escarpment, including views to and from it'.

11. The Board has published a Position Statement on Development in the setting of the AONB.<sup>2</sup> This states:

*The Board considers the setting of the Cotswolds AONB to be the area within which development and land management proposals, by virtue of their nature, size, scale, siting materials or design can be considered to have an impact, positive or negative, on the landscape, scenic beauty and special qualities of the Cotswolds AONB.*

*The Board will expect local authorities to be mindful of both the possible positive and negative impacts of a development within the setting of the AONB on the natural beauty and special qualities of the AONB when determining planning applications, and seek the views of the Board when significant impacts are anticipated.'*

12. The site is only separated from the AONB by the width of the M5 motorway, which is predominantly in cutting as it passes the site.

13. The landscape character of the site shares many of the features of the nearby AONB – grazing land, mature hedgerows and mature trees, both in hedgerows and standing alone.

14. There are clear views of the Cotswold escarpment from the boundaries of the site and the extensive network of rights of way across the site lead into the AONB across the motorway.

15. A landscape analysis of the site was undertaken by the Council in November 2013 as part of developing the evidence base for the Joint Core Strategy.<sup>3</sup> The application site forms a substantial part of a larger area described as 'Site 1, Winneycroft Farm'. The outcome of the analysis is shown in Appendix B of that report. This clearly shows that whilst some of Site 1 could be suitable for development, a substantial area, including much of the application site is 'not suitable for development.' This is the area closest to the AONB.

16. The Board strongly concurs with this analysis. Development of the area closest to the M5 would substantially interfere with views of the scarp slope

from numerous public viewpoints, and break the visual connection between the landscape of the AONB and the similar landscape to the west of the M5.

17. In view of the above the Board would object to development of the whole site as proposed in the application, but would accept development on the smaller area as identified in the Council's report.

#### Upton St Leonards Parish Council

Object to the proposals for the following reasons:

1. It is understood that Gloucester City Council has prepared development plans for the local authority including the identification of sufficient sites for residential development to meet identified need, including a supply adequate to meet needs for the next 5 years. There is therefore no reason to over-ride existing planning policies which indicate this site being retained as open countryside.

2. Parts of this site are very near to the M5 carriageway and will be affected by noise and air pollution with development very close to the motorway also being adversely affected by light pollution and spray in certain conditions. Where other sites, not so affected, are readily available for development, it is not sound planning to direct, or allow development in areas where residents will suffer long term problems that cannot be effectively mitigated.

This is not surmise but the experience of Upton residents already affected by these problems. In particular, attention is drawn to the limitations of noise mitigation relying on noise barriers or building orientation. From experience the enjoyment of gardens and formal and informal open spaces is severely compromised close to the carriageway and noise barriers of the type used on the M5 in Upton and Abbeydale do very little to ameliorate this. If development in the form proposed is contemplated, it is strongly recommended that planners / councillors should visit existing areas of housing close to the motorway to experience existing conditions and residents reactions.

3. The site is adjacent to AONB in a very sensitive location visually. Upton Lane forms a well defined development boundary where Gloucester City comes closest to the Cotswold Scarp edge. Upton PC believe that it is vitally important that further residential encroachment at this visually critical point is resisted. The M5 services near to this location were approved for exceptional reasons. Even so the sensitivity of the area was recognised by the need to introduce extensive landscaping and 'green' roofs over the main structures to ensure that views from the Cotswold Scarp and from Robinswood Hill were not adversely affected.

4. Road access to the site will need considerable upgrading if development of this scale is contemplated. It is not believed that the proposals as submitted adequately cater for this.

For the above reasons Upton St Leonards Parish Council asks that the Application be refused.

#### Brookthorpe with Whaddon Parish Council

Brookthorpe with Whaddon Parish Council wish to register their strong objections to the proposals. Unfortunately it seems that Brookthorpe with

Whaddon Parish Council is not one of your statutory consultees although we have shared boundaries, and any such development would have a detrimental effect to our parishioners.

When examining this application it would appear that there are the following grounds for refusing such an application.

1. It is understood that the Secretary of State has already accepted the five year supply of housing that Gloucester City Council has prepared, and is contained within the new Local Development Plan. The Local Authority has already allocated sufficient sites for residential development to meet the need that has been identified. The delivery of the five year supply does not rely upon residential development at Winnycroft Farm to meet the identified need; consequently there can be no reason to over-ride the existing planning policies, which indicate that this site should be retained as open countryside.

2. Parts of this site are very near to the M5 carriageway and will be significantly affected by both noise and air pollution. Any development that takes place very close to the motorway will also be adversely affected by light pollution and spray in certain conditions. This is not mere supposition, but is the very real experience of Upton residents that already live close to the M5 motorway, their enjoyment of private gardens, and open spaces is severely compromised close to the carriageway. The existing noise barriers that are used along this stretch of the M5 in Upton, and Abbeydale do very little to ameliorate the problems. Attention is drawn to the limitations of existing mitigation measures, which rely on noise barriers or building orientation, and if development in the form proposed is contemplated it is strongly recommended that planners and councillors should visit the existing areas of housing close to the motorway, to experience for themselves the conditions that residents must endure.

When there are other sites that are not so affected are available for development, it is not sound planning policy to direct, or allow development in areas where residents will suffer from long term pollution problems that cannot be effectively mitigated. Recent government research has warned of the long term effects that highways pollution has upon residents, particularly children, and has specifically warned against public buildings; education and healthcare facilities being built close to busy roads. The same concerns must be considered when locating homes.

3. The site is adjacent to the Area of Outstanding Natural Beauty (AONB), and Upton Lane forms a well-defined development boundary where Gloucester City comes closest to the Cotswold Scarp. Brookthorpe with Whaddon PC believe that it is vitally important that further residential encroachment at this visually critical point is resisted. Whilst it has been claimed that the M5 services near to this location warranted approval for exceptional reasons, the same argument cannot be offered for housing in this location. The open countryside that comprises Winnycroft Farm is a vital 'green lung' in this location, where the M5 comes very close to the Escarpment, and the residential settlements of Upton and Matson. Further residential development in this location cannot be simply mitigated by introducing extensive landscaping, and 'green' roofs over the structures, to ensure that views from the Cotswold Scarp, and from Robinswood Hill are not adversely affected. Whilst such strategies were used for the new M5 motorway services, it

should be acknowledged that this proved necessary only because the area is recognised as exceptionally sensitive.

4. Road access to the site will need to be upgraded considerably if development of this scale is contemplated. Brookthorpe with Whaddon PC is already working closely with Gloucestershire Highways and Police, to address the existing and significant road safety concerns on Upton Lane. The outline nature of these proposals gives the Parish Council no comfort that highways safety has been adequately considered.

For all of the above reasons, Brookthorpe with Whaddon Parish Council asks that the application be refused.

### Gloucestershire Gateway Trust

I do not wish to express a view on the principal of the development rather I would like to comment on 2 elements should it proceed.

Firstly to avoid Matson becoming an isolated island of social housing it is essential that this development supports the micro economy in Matson and Robinswood. Post build the most effective way to generate sustainable long term benefit in this micro economy is to ensure that the main paths and routes from this development encourage the flow of people and vehicles into Matson and towards the main community shops on the Matson precinct. The key to doing this will be to provide a short link road of approximately 20 metres between Matson Avenue and Winneycroft Lane to allow the no 1 bus to Matson to go to the new Winneycroft development and turn there rather than at the top of Matson Ave. This would provide the key link between Matson and the new development. Provision of other bus services to the Winneycroft development (such as 13) will leave the new community completely detached from Matson and not making any significant long term contribution to the local economy. The sustainability of the Matson micro economy depends on this new development making a fair and sustainable contribution to the local economy. Otherwise Matson will wither on the vine in the coming years. Connecting the Matson bus service to the Winneycroft development is the critical missing link in the developments proposals.

Secondly if this development proceeds it is also essential that its s106 contribution is appropriate to the scale of development and is directed towards the key community organisations such as GL Communities, Together In Matson, Glos Wildlife Trust and Play Gloucestershire who deliver essential services, support and activities in the Matson and Robinswood community.

### Matson and Robinswood Community Partnership

At the September meeting of the Community Partnership it was agreed to write to all concerned regarding the development of possibly 700 houses on two sites on Winneycroft Farm land.

While we regret the loss of farmland we appreciate the need for more homes and have been in close contact with the developers trying to achieve the best provision possible. Both developers have been very open and constructive.

One of our core aims has been to integrate the new development with the Matson estate encouraging use of the bus route, schools, shops, Library, Churches and doctors etc. The side roads Caledonian Road and Birchall Avenue are totally inadequate for the task and we recommend a short link road between Matson Avenue and Winnycroft Lane in front of GCH Housing Block 20. The construction of such a road would alleviate the bottleneck of Corncroft Lane and Painswick Road a major concern of people living in St Leonards Park. We recommend that the cost of the road be met from Section 106 monies fulfilling a requirement that the local infrastructure be enhanced.

Regarding the bus services we believe that the new estates be best served by an extension of the Number 1 bus with its 10 minute service and access provision to all the Matson and Robinswood services and the City Centre. The Number 13 bus will not achieve this.

The sustainability of the Matson micro economy is dependant on the new housing making a much needed contribution to the local community and in addition s106 monies should be directed to support existing community organisations.

#### Crime Prevention Design Advisor for Gloucestershire Constabulary

In my capacity as Crime Prevention Design Advisor for Gloucestershire Constabulary I would like to comment on the material considerations of the planning application specifically relating to designing out crime.

I would like to draw your attention to the PDF document attached to the carrying email which relates to the following comments. See annex A as below, referring to your Planning Authority's planning policy

It is recommended that the development is built to meet Secured by Design standards. Secured by Design (SBD) is a police initiative owned by the Association of Chief Police Officers (ACPO), to encourage the building industry to adopt crime prevention measures in the design of developments. It aims to assist in reducing the opportunity for crime and the fear of crime, creating a safer and more secure environment, where communities can thrive. Research conducted by Secured by Design has proven that SBD developments are half as likely to be burgled, have two times less vehicle crime and show a reduction of 25% in criminal damage, thereby increasing the sustainability of a development.

#### Developer Obligations

Please be aware that these representations are prepared by Gloucestershire Constabulary Crime Prevention Design Advisor to address Crime Prevention through Gloucestershire Constabulary Crime through Environmental Design (CPTED) and the 7 Attributes of Safer Places. A separate representation may be submitted by the Constabulary Estate's Department to seek developer obligations towards Police infrastructure through Section 106 and the Community Infrastructure Levy.

Gloucestershire Constabulary's Crime Prevention Design Advisors are more than happy to work with the Council and assist the developers with further advice to create a safe and secure development, and when required assist with the Secured By Design accreditation.

Annex A - Planning Policy



Gloucester City Council's Supplementary Planning Document "Designing Safer Places" which provides guidance and offers "Good design is fundamental in creating usable, sustainable, attractive places and communities that are pleasant to be in. Taking into account community safety and how the users of the environment will behave and feel in a particular place is a key element of good design. This includes doing the utmost to ensure the safety of the community by using good design to reduce the opportunities for crime and to create positive places where people are safe and feel safe."

#### Gloucestershire Constabulary

Gloucestershire Constabulary have requested a financial contribution of £142,196.23 to deal with the additional demands on the police arising from this development. Given the length of the comments (24 pages) the letter is attached to this report as an appendix.

## **5.0 PUBLICITY AND REPRESENTATIONS**

5.1 Neighbouring properties have been notified of the application by letter. Site and Press Notices have also been published. Some additional consultation has been undertaken to ensure that the application has been advertised correctly and this has necessitated a further period of consultation

5.2 The matters raised in representations received at the time of writing the report are summarised as follows:

- This will be the thin end of the wedge for further development spreading into Sneedhams Green and beyond to the motorway.
- Will put pressure on the local amenities – doctors, schools and roads.
- Too large a housing proposal.
- Additional traffic will cause further problems on already congested road.
- The junction at Painswick Road is already dangerous with many accidents over the years. This should be controlled by traffic lights (even if during the peak times) together with a pedestrian crossing.
- Traffic calming will be required along the lane.
- There are always lots of parked cars on the lane making it impossible for two cars to pass. This is particularly dangerous at the bend in front of the flats when you can not see beyond the parked cars and have to move onto the wrong side of the road.
- Improvements to the highway should be undertaken before any housing is considered.  
How will the traffic cope when people are riding horses, sheep roaming all across the road, cyclists, joggers and school children all using the lane frequently.
- Have previously raised concerns about rainwater and flooding.

- We have seen an increase in traffic along the lane since the new M5 services
- This development will totally change the rural feel of the road.
- it will have an impact on our privacy, by introducing the opportunity for people to overlook our property, particularly our back garden
- Development should take place on brownfield sites not green belt or green field sites otherwise all our green and pleasant land will be gone.
- Has already been plenty of development in the local area.
- Will adversely affect wildlife and their habitats.
- This land may have Civil War archaeologist interest.
- An extended bus service would be nice but where and how with the road widths as they are.

A Petition from the Residents of St Leonards Park has been received containing 60 signatures and raising the following issues:

- St Leonards Park is a small family estate on the edge of the countryside. Residents are wholeheartedly opposed to building on this virgin pasture land when other brown areas of land within the city could be used for housing.
- The safety and welfare of our children, grandchildren and our elderly residents is paramount. The volume of traffic will rise and the likelihood of accidents will increase.
- We are all very much aware of the accidents on Painswick Road which appear to be a regular occurrence, thankfully with no fatalities.
- The proposed plans do not indicate how the problems of increased traffic, lack of amenities, schools, gp surgeries, parks and play areas will be dealt with.

The full content of all correspondence on this application can be inspected online at the following link or at Herbert Warehouse, The Docks, Gloucester, prior to the Committee meeting.

<http://glcstrplnng12.co.uk/online-applications/simpleSearchResults.do;jsessionid=A12EAF13294E63C05D376C55BC5B3872?action=firstPage>

## **6.0 OFFICER OPINION**

- 6.1 As referred to earlier in the report, the proposal is not considered to require a formal Environmental Impact Assessment however it does raise many issues that require careful consideration and assessment.
- 6.2 Therefore the application is supported by numerous documents and supporting information including the following:
- Illustrative Master plan

- Landscape Master plan
- Planning Statement including Draft Heads of Terms
- Statement of Community Involvement
- Access Drawing
- Air Quality Assessment
- Geophysical Survey
- Archaeological Evaluation
- Arboriculture Baseline Assessment
- Design and Access Statement
- Ecological Assessment
- Environment Risk Assessment
- Flood Risk Assessment and Drainage Strategy
- Heritage Setting Assessment
- Landscape and Visual Impact Assessment
- Noise Assessment
- Utilities Assessment/Foul Water Service Constraints Plan
- Socio-Economic Report
- Topographical Survey
- Transport Assessment
- Travel Plan
- Waste Statement

6.3 It is considered that the main issues with regard to this application are as follows:

- Delivery of housing / allocation position
- Landscape and visual impact
- Heritage issues
- Noise assessment
- Urban design and character of the area
- Residential amenity
- Drainage
- Ecology
- Traffic and transport
- Open space and soft landscaping
- S106 contributions

#### NPPF decision making

6.4 The NPPF should be given significant weight in decision making as the most up to date national planning policy and in the absence of a recent formally adopted Local Plan. Paragraph 14 of the NPPF sets out what the presumption in favour of sustainable development means for decision taking. This is not an adopted development plan allocation or otherwise directly supported in an adopted development. As such the NPPF instruction is to grant permission unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in (the NPPF) taken as a whole; or

- Specific policies in (the NPPF) indicate development should be restricted.

#### Delivery of housing / allocation position

##### *NPPF*

- 6.5 The NPPF policy on housing is framed around increasing the supply of housing. The Authority is under a duty to maintain a 5 year supply of housing. Paragraph 47 of the NPPF states (extract):

*“To boost significantly the supply of housing, Local Planning Authorities should:*

- *Use their evidence base to ensure that their Local Plan meet the full objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework ...*
- *identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% ...”*

- 6.6 If the Council fails to demonstrate its 5 year supply it risks losing appeals if it refuses housing schemes. Paragraph 49 of the NPPF states

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

##### *Local policy*

- 6.7 The site is not included in the 1983 adopted Local Plan as at that time it was located within the Stroud District Council administrative area.
- 6.8 After the local government boundary review the site was brought within the City boundary and in the 2002 second Deposit Local Plan the site was identified within the Landscape Conservation Area. This designation was continued in the August 2006 Preferred Options LDF Site Allocations document, as part of the LDF.
- 6.9 There is a tension between the 2002/2006 Landscape Conservation Area designation and the need in the emerging JCS/City Plan to deliver houses in the city, coupled with an updated landscape evidence base which moves away from Landscape Conservation Area designation.
- 6.10 The JCS Submission document (November 2014) identifies an Objectively Assessed Need for the JCS area of 30,500 dwellings for the period 2011-2031 with the Gloucester component being 11,300.
- 6.11 The application site is not a JCS allocation, which are larger scale ‘strategic’ allocations. It is however a component of the JCS figures for housing delivery

and the site is included in the emerging City Plan capacity calculations and is a potential City Plan allocation.

- 6.12 Each JCS authority undertook a Strategic Assessment of Land Availability (SALA) in 2013 which superseded earlier similar studies. This found the site suitable, available and deliverable for development within 5 years, although with a smaller capacity than that sought by the current application. This was due to the our assessment discounting a large area for flood betterment works and considering less of the site developable due to potential landscape impact. It should be noted that the SALA is predominantly a desk based assessment of capacity.
- 6.13 The site was originally submitted to the Strategic Housing Land Availability assessment (SHLAA) in March 2012, prior to that it had been identified as a “JCS peripheral officer identified site” in the December 2011 SHLAA, where it was identified as unsuitable for development for landscape constraint reasons.
- 6.14 In 2012 the JCS Authorities completed the Landscape Characterisation Assessment and Sensitivity Analysis. This became the landscape evidence base against which sites were considered for the 2012 SHLAA updates in the JCS area with all peripheral locations around the urban parts of the JCS area being considered by the study. The application site was considered by this report as it lies on the urban fringe of the City. Only those areas identified as “high” landscape sensitivity were considered outright unsuitable for development on landscape grounds. On this basis the site changed from being unsuitable for development in the 2011 SHLAA to suitable for development in the 2012 SHLAA. Within the City area, only Robinswood Hill is considered to be of “high” landscape sensitivity.
- 6.15 In 2013 consultants WSP provided evidence to support preparation of the City Plan looking in greater detail at potential development sites on the edge of the City and within the urban area that had landscape issues to consider. This is commented on in further detail in the ‘Landscape’ section of this report. The WSP report found that part of the site had development potential. The site was identified as a development opportunity site in the City Plan Sites Consultation (Summer 2013), referred to as MR2.
- 6.16 The WSP Report also informed the 2013 SALA, whose findings were used to inform the potential City Plan capacity figure for the JCS. This is how the site appears in the JCS and City Plan figures/potential allocations.
- 6.17 The JCS Housing Background Update Paper (4/12/15) identifies that the City no longer has 5 year plus 5% housing land supply as required by the NPPF.
- 6.18 This updated Housing Background paper has been provided at the Inspectors request. When reviewing the delivery of all sites for the update paper the applicant took the view that the site could not contribute to the Citys five year supply. The site has therefore been shown in the City Plan potential delivery

trajectory for the JCS as contributing to housing supply for the City from year six onwards.

- 6.19 The applicant has subsequently confirmed that should planning permission be forthcoming in the near future that it would be reasonable to consider that the site should start delivering towards the end of the first five year period, given the need to undertake ground work and secure reserved matters consents, and that some housing supply from the site therefore could be counted towards the five year housing land supply calculation, possibly in years four and five.
- 6.20 The site is not currently allocated and is not brown field land. It is a green field site, located on the edge of the built up area of the city. The site has been assessed and is not defined within the “high “ category in terms of either Landscape Character or Landscape Sensitivity according to the JCS evidence base and therefore has been considered as suitable for development in the first five years through the SALA and taken forward as potential housing allocation through the City Plan process.
- 6.21 Owing to delays in the processing of the JCS and therefore progressing the City Plan it is becoming necessary to consider applications on potential City Plan sites prior to them being formally considered by an Inspector through the development plan process as City Plan allocations.

#### *Conclusions*

- 6.22 Significant weight must be given to the NPPF, and the duty for Councils to maintain the delivery of housing. While the City Plan has not progressed to a formal submission, the most recent evidence base indicates that the site is able to contribute to the City’s five year housing land supply which needs to be maintained.

#### Agricultural use of the site

- 6.23 The site is currently in agricultural use and used for grazing.
- 6.24 The NPPF guidance is to take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, Authorities should seek to use areas of poor quality land in preference to that of a higher quality.
- 6.25 Policy SD15 of the JCS requires that new development must take into account the quality and versatility of any agricultural land affected by proposals, recognising that the best agricultural land is a finite resource.
- 6.26 There is a system for measuring the quality of agricultural land. The site is classified as the lowest quality of land and therefore would not result in an unacceptable loss of the best agricultural land, and I do not consider a defensible objection to the loss of agricultural land could be sustained.

#### Design, layout, density and compatibility with the local area.

- 6.27 The NPPF states that new residential developments should be of high quality design, create attractive places to live, and respond to local character integrating into the local environment. Additionally development should provide for a mix of housing to create mixed and balanced communities and this principle is promoted within JCS policy SD12. Additionally policy SD11 requires housing of an appropriate density, compatible with good design, the protection of heritage assets, local character and compatible with the road network. Additional design requirements for new development are set down with policy SD5.
- 6.28 In the 2002 Plan policies including BE1, BE4, BE5, BE6, BE7, BE12, BE13, BE17, BE18, BE21, TR9, TR31, ST7, H7, H8, seek to ensure that new housing development are of good design that is in keeping with its surroundings and follow accepted urban design principles in relation to scale, external appearance, layout, amenity and community safety.
- 6.29 In looking at the built form of the local surroundings I consider that there are four distinct areas with their own particular character and building designs. The housing along Corncroft Lane between the junction of Painswick Road and Haycroft Drive comprises detached red brick houses, set back from the road with curtilage parking and generally open frontages. Visually, this is at contrast to the older parts of Matson, with their distinctive painted and render finish, mixture of two storey houses and three storey flat blocks. Between these two areas are the small number predominantly single storey properties rising up to Birchall Avenue, which are set well back from the road and with long front gardens. Further south along Winneycroft Lane, house locations are more sporadic and designs more individual with the properties sat in generous plots and this area has a very spacious and rural feel. Sneedhams Road forms a very defined physical and visual barrier between the built edge of the housing development and the countryside to the south.
- 6.30 Whilst the application is submitted in outline, with just the means of access to be considered at this stage, we need to assess whether the site can accommodate the quantum of residential development, comprising the 420 dwellings, that are proposed.
- 6.31 Details of the principles of the design and layout for the new development are set down in the supporting documents. The whole site comprises 20 has of land and this is split into approximately just over 11 has to be developed for the residential development and roads and just under 9 has of land comprising open space, sports facilities and drainage. This is a very low ratio of gross to net developable area for the whole site and comprises “over” provision of open space compared to our standards.
- 6.32 The applicant has stated that whilst a final mix of dwellings has not yet been determined it is intended that this would comprise two, three and four bedroom family homes. Reference is also made to development of between two and three storeys with three storey apartment blocks within the higher density area adjacent to Winneycroft Lane.

- 6.33 An illustrative density range plan has been submitted to demonstrate how the site could be developed. The proposed developable areas have been split into blocks with indicative numbers and densities for each block. Additionally some initial sketches have been submitted to demonstrate how the development blocks may be designed. .
- 6.34 High density development, between 45 and 60dpha, is proposed within the main block adjacent to Winnycroft Lane, with low density development 25 -35 dpha, to the to the north eastern boundary adjacent to the Mini Winney site and also to the southern part of the site adjacent to the fields closest to the scheduled ancient monument. The remaining areas are proposed as medium density 35-45 dpha. The overall density across the area of land to be developed by housing equates to 39dpha, but across the whole site this drops to 20.7 dpha and reflects the high proportion of open area.
- 6.35 On this basis I consider that the site can adequately accommodate 420 dwellings and that with the variety of building forms and designs in the immediate surroundings, a development of this size and scale should integrate into the existing area.
- 6.36 Detailed matters including scale, layout and external appearance of the new housing, together with parking provision will all need careful consideration at the reserved matters stage. It will be essential that the housing closest to Winnycroft Lane provides an active frontage to the road and that regard is given to the height and massing of buildings at the higher levels of the site, to ensure that they do not appear overly dominant in the street scene and/or in longer views.

#### Residential amenity

- 6.37 Policy SD15 within the JCS is an overarching policy seeking to support the health and well being of local communities and requires that new development does not result in unacceptable harm to the amenity of neighbouring occupants.
- 6.38 The housing policies within the 2002 plan referred to above and specifically policy BE21 seek to ensure that new developments are acceptable in terms of impacts upon the amenity of neighbouring residents.
- 6.39 The proposed development site lies to the other side Winnycroft Lane from the existing residential properties. The master plan also details that the proposed housing fronting onto Winnycroft Lane will be set back from the road. It is also clear that the existing properties are sat at a higher level than the application site and are generally at varying set back distances from the road.
- 6.40 In these terms I consider that the built form of the new development would have an acceptable relationship with the existing properties located along the frontage to Winnycroft Lane.



- 6.41 Additionally the site is of sufficient distance away from Winnycroft Farm buildings and the houses to the south west boundary fronting onto Winnycroft Lane, such that the amenity impacts arising from the physical built form would not arise.
- 6.42 The outlook from the existing properties will undoubtedly change and local residents will also be aware of the additional traffic arising from the development. The properties located closest to the new access points at the roundabout and road junction will also experience some affects from vehicles entering and leaving the development. Overall I do not consider that these issues raise amenity impacts to a degree that would warrant the application unacceptable on these grounds.
- 6.43 Conditions would be required to control the impacts upon residents arising through the construction period to limit working hours and the timing of deliveries, the requirement for wheel washing together with parking for construction workers within the development site.

#### Noise

- 6.44 The site is affected by noise from traffic travelling along the M5 and to a lesser extent by traffic noise from Winnycroft Lane. In accordance with guidance within the NPPF and the Noise Policy Statement for England, noise is a material consideration and decisions should ensure that noise does not create significant adverse impacts upon health and quality of life.
- 6.45 Policy FRP10 within the 2002 Plan states that planning permission should only be granted for developments in noisy locations where adequate mitigation, to reduce the noise levels, can be provided Policy SD15 within the JCS is an overarching policy seeking to support the health and well being of local communities and requires consideration of noise issues.
- 6.45 The applicant has undertaken a noise assessment and proposed mitigation measures to deal with the high levels of noise across the site.
- 6.46 The initial noise monitoring was undertaken at a time when 50mph speed restrictions were in place on the M5 motorway and whilst the modelling was able to predict levels without the restriction in place, we requested that further measurements be taken to ensure that the evidence was robust and accurate. There was also some concern that the results from the noise measurements from this site and the adjoining land at Mini Winney did not correlate with each other along the boundary of the two sites, as would be expected.
- 6.47 Therefore additional noise monitoring was undertaken over a 24 hour period in June, at three locations across the site: at the western boundary with Winnycroft Lane, close to the eastern boundary with the M5 and in the centre of the site midway between these two site boundaries.
- 6.48 Please note that the levels I refer to are LAeq which put simply comprise the average level of sound over the assessment period, which in this case is one

hour, and takes account of the maximum and minimum levels recorded within that hour.

- 6.49 The greatest levels of noise are understandably at the point closest to the M5 with 70.5 dba the highest laeq. The levels reduce with distance to the motorway to the central part of the site and then increase slightly from this, up towards Winnycroft Lane due to traffic noise from the road.
- 6.50 At the motorway monitoring position, noise levels are at their lowest, just under 61, between midnight and 5 am, are fairly constant at 66/67 between 11am and 4pm , rising to a peak of just above 70 between 7am and 9am.
- 6.51 At the Winnycroft Lane monitoring position, noise levels are at their lowest within the 49/50 range between 1am and 5am, are fairly constant at 59 dba between 9am and 3pm with levels above 61 between 8am and 9am and between 4pm and 6pm.
- 6.52 The World Health Organisation Guidelines for Community Noise set out health-based guideline values for community noise, including recommended noise level values for the onset of sleep disturbance, annoyance and speech interference for the general population.  
Guideline values are provided for outdoor living areas, living rooms and bedrooms, for both continuous noise and discrete noise events
- a. Living rooms (daytime) LAeq,16hour 35dB(A);
  - b. Bedrooms(daytime) LAeq, 16hour 35dB(A);
  - c. Bedrooms(night-time) LAeq, 16hour 30dB(A);
  - d. Bedrooms (night-time) LAFmax 42dB(A);
  - e. Bedrooms external (night-time) LAeq,8hour 55dB(A); and
  - f. Gardens LAeq, 16hour 50dB(A) lower limit and 55 dB(A) upper limit.
- 6.53 To comply with these guidelines noise mitigation together with careful building design and orientation, across the site will be required. The properties closest to the M5 may require habitable rooms being located on the elevations which do not face the motorway to ensure that future residents have a satisfactory living environment. This is as a result of the façade facing the M5 potentially being subject to unacceptable levels of noise.
- 6.54 Furthermore the applicant is proposing the erection of a noise bund along the eastern boundary with the M5. This would comprise a 3 metre high bund and a 3.5 metre high acoustically treated fence. The bund and acoustic fence will result in a reduction in noise levels across the site closest to the M5 but for areas further away, additional mitigation in terms of close board fencing, orientation of buildings/gardens, the provision of suitable attenuated glazing and ventilation systems will be required to achieve recommended internal and external noise levels.
- 6.56 Additionally, it should also be recognized that the non residential elements of the scheme including the sports pitches and allotments closest to the M5 will experience high levels of noise. It should be noted however, that there are no

specified noise level limits for allotments or playing pitches although, adequate speech intelligibility between players will be key. The sound level of conversational speech is approximately 60dB(A). As a general rule, speech would need to be approximately 10dB above the noise level to be adequately intelligible. Therefore voices may need to be raised to be heard at times, which is not considered to be above and beyond usual behaviour at any sports pitches.

- 6.57 The exact details of the bund, fencing and mitigation measures will be required by condition and further sample testing, once the dwellings are completed, will be required to ensure the efficiency of the noise mitigation measures.

#### Air quality

- 6.58 The NPPF requires Local Authorities to fully consider the impacts of a development upon air quality in the local area and upon any designated air quality management areas. Policy FRP 11 of the 2002 Plan states that development of housing will not be permitted where it would be adversely affected by existing pollution uses. Policy SD15 within the JCS is an overarching policy seeking to support the health and well being of local communities and requires consideration of pollution including air quality

- 6.59 The air quality report has identified the two main areas for scrutiny, these being the existing air quality on the development site having regard to M5 traffic and the impact that 420 dwellings (and subsequently the traffic that will generate) will have on one of our existing Air Quality Management Areas (AQMA) at Painswick Road. The report satisfactorily deals with the issue of air quality on the development site and it is agreed that given the free flow of traffic at this location of M5 and its efficient dispersal, residents would not be subjected to unacceptable levels of air quality. Furthermore the traffic generated by the development has been identified as having a negligible impact on the Painswick Road AQMA.

#### Open space proposals

- 6.60 The NPPF recognises the importance of good quality open spaces and that opportunities for sport and recreation can improve the well being of communities. It states that provision should be based upon an assessment of existing facilities and identification of specific needs.
- 6.61 Policies INF4 and 5 of the JCS require that full consideration is given to the provision of open space, that proposals should contribute positively towards green infrastructure and that it is provided in a phased manner way with new development. Any loss of natural features should be justified and mitigation provided.
- 6.62 Within the 2002 plan, policy A1 requires the provision or financial contribution to new allotment facilities, policies OS3, OS4 and OS5 require open space, sport and recreational facilities to be provided, set criteria for their design and require appropriate future maintenance and management.

- 6.63 The application proposes a variety of open space, play areas and sports facilities. It includes a sport and recreation park, a ribbon park, a wetland park, allotments, community orchard and small areas of informal open space. For ease of reference the proposed master plan is attached to this report which details these proposed areas.
- 6.64 The sports facilities are to be located at the southern tip of the site and include the provision of a full size football pitch, junior pitch, a multi use games area and a Neighbourhood Area of Equipped Play. To the north of the pitches and close to the footbridge that runs over the motorway, a community building providing changing facilities and a small hall together with parking is proposed. This building would also provide for some storage for the allotments and joint use of toilet facilities. Further to the north east and along the eastern boundary adjacent to the motorway the allotments and community orchard are proposed. The size of the allotments has been increased since the original submission now proposing 2,000.sqm. These would be secured through the S106 agreement and the detail of the provision and requirements are currently being discussed.
- 6.65 The wetland park area is to be located within the northern part of the site and encompasses the existing stream. It would surround the main block of residential development adjacent to Winnycroft Lane at this point. It would also accommodate the four attenuation ponds being provided as part of the drainage scheme and a play area. The park will retain many of the established trees and will provide an enhanced setting to the stream. In addition to its important function as part of the drainage scheme, the area will be of ecological benefit, creating new and diverse habitats as well as providing an attractive setting to the new housing.
- 6.66 The ribbon park is proposed to link the sports pitches to the south with the wetland park area to the north. It is a linear area running north to south and also acts as a green buffer to the two areas of residential development proposed on either side.
- 6.67 Overall the scheme proposes a higher amount of open space than is required by policy and as such a substantial benefit in terms of open space provision and green linkages to the wider area would arise.
- 6.68 Commuted sums for the maintenance of the open space by the Council or management by an external company would need to be secured in a s106 agreement. The delivery of such a substantial area of public open space would be a significant benefit from the development for both new and existing residents.

#### Landscape and visual impact

- 6.69 As already noted, the site was identified as a Landscape Conservation Area in the 2002 Plan and this was proposed to be continued in the 2006 LDF Preferred Options designations.

Policy LCA.1 from the 2002 plan states:

*Development will not be permitted that would detract from the particular landscape qualities and character of Landscape Conservation Areas unless there are exceptional circumstances. Open air recreational uses and small-scale development required to support them, agricultural development and renewable energy proposals may be acceptable provided they are sensitively located, designed and landscaped.*

JCS policy SD7 states:

- 1. Development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being*
- 2. Proposals will have regard to the local distinctiveness and historic character of the differing landscapes in the JCS area, drawing, as appropriate, upon existing Landscape Character Assessments and the Landscape Character and Sensitivity Analysis. They will be required to demonstrate how the development will protect or enhance landscape character and avoid detrimental effects on types, patterns and features which make a significant contribution to the character, history and setting of a settlement or area.*
- 3. All applications for development will consider the landscape and visual sensitivity of the area in which they are to be located or which they may affect. Planning applications will be supported by a Landscape and Visual Impact Assessment where, at the discretion of the Local Planning Authority, one is required. Proposals for appropriate mitigation and enhancement measures should also accompany applications.*

- 6.70 Other related policies within the 2002 Plan include BE12 and 13 which require a landscape strategy for new development and policy BE2 which requires that proposals respect important views
- 6.71 The NPPF sets out that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- 6.72 The approach of designating landscape conservation areas is not supported in the NPPF any more. The NPPF stresses the importance of protecting and enhancing valued landscapes and moves towards more specific landscape characterisation and sensitivity analysis. Indeed this approach was adopted for the assessment of sites for the JCS, where this site and other urban fringe sites were subject to a landscape characterisation and sensitivity study.
- 6.73 The site formed part of a wider area of land that was assessed. The wider site included the whole area of land running between the M5 and Winneycroft Lane, to the point where the road elevates above the motorway and additionally the land between Winneycroft Lane and Matson Lane to the west. The analysis of the character of the area is as follows:

*This area is classed as Settled Unwooded Vale, although it can appear as highly treed locally owing to tree lined field boundaries, remnant orchard trees and close proximity to the wooded landscape of Robinswood Hill and the AONB. Field pattern is quite irregular, with medium to small sized fields of unimproved pasture bound by structurally diverse hedge/tree boundaries and post and wire fence. Field pattern, with the exception of the dissection in the east caused by the M5, is unaltered from the 1884 OS map. Indeed the road that borders the area to the west and north, moated site, Winnycroft Farm, and a single remnant orchard are all present as 1884 features. Significant urban expansion of Matson in the west, and the M5 located on the higher ground in the east, are large scale detractors in an otherwise very rural environment, and impact upon views and tranquility. Furthermore, within the area the dilapidated state of the Winnycroft Farm sheds/shelters, the overly mature state of some boundaries, and occasional dilapidated fence (including a short section of much degraded high security fencing by Winnycroft Farm) give the area a poorly maintained, and somewhat unkempt, character. However, the rough grass; textural scrub and tree boundaries; old orchard and narrow and sporadically vegetated stream are likely to support significant biodiversity. The pasture becomes somewhat more improved and expansive in the very south of the area, and subsequently more in keeping with the character of the landscape south of Robinswood Hill. Although a very contained landscape, the area can be accessed by a number of public footpaths that cross the site and link with adjacent areas.*

- 6.74 The sensitivity analysis gave five landscape classifications ranging from low to high. It identified the site as being of medium sensitivity – which is defined as “key characteristics of landscape are vulnerable to change and/or have value as a landscape resource”.

Its assessment of the site is as follows:

*“a small compartment physically contained by landform to the east, west and south by housing in the north. Furthermore the M5 which is visually prominent in its immediate vicinity, creates a loud boundary to the south east. The area is visually associated with the AONB landscape and a pedestrian foot bridge provides amenity access across the M5, linking the two areas. Public footpaths also link with Robinswood Hill, although housing does, in part, interrupt the visual continuity between the landscape compartments.*

*Land use is entirely pastoral and landscape features such as well established features such as well established dense hedgerows, mature trees and stream (supporting willows) are present, giving the area a well vegetated appearance, remnant orchard and a small field pattern add to the attractiveness. However, low levels of maintenance have led to a dishevelled appearance in places and the degradation of some features including the dilapidated Winnycroft farm buildings.*

- 6.75 In 2013 WSP undertook a further landscape analysis of potential development sites. Again this involved a larger site than just the application site but this time excluded the land between Matson Lane and Winnycroft Lane.

- 6.76 This analysis concludes that development on part of the site would not be entirely detrimental to the surrounding landscape character and visual amenity and suggests development on the north eastern part of the site. Alternatively it suggests a second option of developing the site as a whole with a comprehensive master plan with the important landscape features to be retained.
- 6.77 It recommends low density development with open space areas to be within the development, the retention of hedgerows and trees, strengthening of hedgerows and further landscaping to soften the impact of views from the AONB and Robinswood Hill.

Land to the east of the application site, to the other side of the M5 boundary forms part of the designated Cotswolds Area of Outstanding Natural Beauty. The AONB is described as “an outstanding landscape whose distinctive character and natural beauty are so precious that it is in the nation’s interest to safeguard them. Such land is protected by the Countryside and Rights of way Act 2000. The Act places a statutory duty on relevant authorities to have regard to the purpose of conserving and enhancing the natural beauty of the AONB when exercising or performing any functions affecting land in the AONB.

- 6.78 The Cotswold AONB has an adopted management plan (2013) which sets down the vision for the AONB together with policies for its management and mechanisms for review. Of particular relevance to this proposal is policy LP 2 which states that “development proposals and changes in land use and management, both within and outside the AONB, take account of guidance and advice published by the board”
- 6.79 The applicant has undertaken a full landscape and visual impact assessment of the proposals for the site. The assessment considers the value of site features, topography and also the visibility of the site from various viewpoints. The appraisal concludes that the visual effects of the proposed development on the AONB are considered to be “moderate” and would not undermine the primary objectives of the AONB management plan.
- 6.80 There have been a number of concerns raised by consultees in relation to the impact of the development upon the landscape character of the area and specifically the AONB including CPRE and adjoining Parish Councils. Additionally the Cotswolds Conservation Board, who are the body responsible for the management of the Cotswolds AONB, object to the development as proposed within this application. They conclude that whilst some of the site may be suitable for development, a substantial area, including much of the application site is not suitable for development. They consider that “the development of the area closest to the M5 would substantially interfere with views of the scarp slope from numerous public viewpoints and break the visual connection between the landscape of the AONB and the similar landscape to the west of the M5”.

- 6.81 At the pre application stage, concerns were raised with the applicant regarding the extent of the land to be developed. Particular concern was raised regarding built development on the southern parcel of land comprising the area to the south of the motorway footbridge. In our view development on this part of the site would visually interrupt the views from the Cotswold scarp across to Robinswood Hill. The applicant has sought to address these concerns in developing the master plan. The sensitive southern part of the site will accommodate the proposed sports pitches thereby retaining an open and undeveloped character.
- 6.82 Winnycroft Lane clearly acts as a defined and hard boundary between the urban built up area of the city and the more rural character of the site and the wider area between Winnycroft Lane and the motorway. The motorway itself also acts as a hard and defined boundary and clearly impacts upon the character and appearance of the area.
- 6.83 In my opinion, views from Robinswood Hill Country Park across to the site are fairly limited by the vegetation and the land form and there are also limited clear views from the golf course. There are some views into the site from the houses set up on the elevated part of Painswick Road to the east, from Winnycroft Lane and from surrounding houses. Views from traffic along the M5 are also limited as at this point as the motorway is in a cutting before it elevates and passes over Painswick Road.
- 6.84 I consider that in wider views and from public vantage points there is limited visibility of the site. It is also considered that with the new development, the views from the higher footpaths within the AONB at a higher level across to Robinswood Hill will be maintained as the new development will be seen against the backdrop of Matson. Views in the shorter distance will be more affected such as from Winnycroft Lane, from surrounding residential properties and from within the site itself. Again in many views the new development would be seen against the backdrop of the existing houses and blocks of flats. Furthermore, from the south, views would be screened by the existing tree belt.
- In my opinion there are a number of factors that will limit the impact of the development in landscape terms and ensure that the character as identified in the landscape studies are not overly compromised or adversely affected. The overall density of the proposals is low with a high proportion of land to be used for open space. Most of the trees on site are to be retained and there will be strengthening and improvement to the hedgerows to the boundaries of the site. The existing stream is to be enhanced and will be set within an open and green setting and together the various open spaces will form green corridors through the site. New planting across the site and the provision of the new orchard area will all help soften the appearance of the development. The southern end of the site has been deliberately proposed for the provision of the sports facilities. This part of the site is considered the most sensitive in terms of views from the AONB and to keep this area open and in effect a buffer between the new built form and the adjacent fields helps reduce the overall impact. In this respect I conclude that the proposed development is acceptable in landscape impact terms and should not have a harmful impact upon the Cotswolds AONB.



### Ecology and trees

- 6.85 Guidance in the NPPF seeks to conserve and enhance the natural environment, promote biodiversity and protect wildlife. Similarly Policies B7 and B.8 of the 2002 Plan and SD10 of the JCS which encourage development to contribute positively to biodiversity and policy B10 requires the retention of important trees and hedgerows and compensatory replacement when this is not possible.
- 6.86 There is tree preservation order across the site (which also includes the adjoining site) that covers a total of 22 oaks, one ash and one field maple, with 16 being on the application site.
- 6.87 The applicant has carried out a full arboricultural assessment of this site which identifies 41 individual trees, 15 groups of trees and 21 areas of hedgerow. The report details the species, height, condition and value of each item and identifies a range of trees including oaks, field maple, ash and willows.
- 6.88 There are a group of 7 oaks (with one field maple) located towards the southern part of the site that are to be retained and will form an attractive enclosure to the sports area and will screen the built development from the south. Additionally the five mature oaks located close to Winneycroft Lane are to be retained within the proposed open space areas and will enhance the attractiveness and setting of these areas. The remaining protected oaks dotted across the site are also to be retained within proposed open space and amenity areas, an approach which gives appropriate space to the tree.
- 6.89 The submitted details propose the removal of 5 individual trees comprising a bird cherry, an elm, a hawthorn, a crack willow and an oak. None of the trees to be removed are within the Tree Preservation Order and there is no objection in principle to their removal given their value and/or condition. The oak to be removed has been identified as one of a number of trees with bat roosting potential, however it is described as 90% dead and for safety reasons should be felled given that it would be located in the area proposed for a children's play area. This would be subject to a separate application for request for felling and would need to be subject to an updated bat survey at that time. If bats are found to be using the tree then a separate license would be required.
- 6.90 The applicant has undertaken an extended Phase 1 habitat survey to assess the ecology of the site and subsequent further detailed Phase 2 surveys relating to breeding birds, bats, badgers, great crested newts and a grassland botanical survey.

In summary the reports identify;

- There are no statutory or non statutory ecological designations within the application site.
- Ecological constraints and issues have informed and influenced the design of the master plan.

- The majority of the site is intensively grazed semi improved pasture of little intrinsic value.
- The stream, semi improved neutral grassland, hedgerows and mature trees comprise the most valuable habitats on the site.
- All of the existing hedgerows that run across the site, forming the old field boundaries are to be removed however they are generally in poor condition and of limited ecological value. The hedges to the perimeter boundaries of the site are generally to be retained.
- Surveys have identified populations of breeding birds, foraging/commuting bats with potential roosting in trees and badger setts and activity.
- There are no ponds on the site suitable for great crested newts however they have been identified in ponds within 500m of the site.

6.91 From the survey information it is clear that the bats are commuting and foraging along the stream and the hedgerow network, most of these hedges that lie within the site are to be removed. The new development would provide a number of green corridors and wedges and these should provide acceptable alternative foraging and commuting routes for the bats. Where lighting is required for these areas it must be designed to be bat sensitive and avoid light spillage upwards.

Some of the trees across the site have been identified as having high bat roosting potential, however during the bat activity surveys, no evidence of emergence or entry was recorded and I refer to the oak to be removed earlier in the report.

I accept the conclusions of the report that the development will have some impact upon the existing habitats. I also agree that as the majority of the site comprises semi improved pasture that it does have limited ecological value and whilst a significant proportion of hedgerows are to be removed the boundary hedgerows will be strengthened and improved.

In terms of the overall impact upon bat species we need to be clear that the three derogation tests have been addressed. The first concerns the overriding public interest - 11,800 homes have to be built in Gloucester up until 2031. This site is required to help deliver this figure. We have already identified that the development of the site is acceptable for housing and would assist in meeting the Councils housing supply. Given the tight urban boundary of Gloucester, there are few if any sites that can deliver this number of houses within that timeframe. Additionally as the site is only used for foraging and commuting and because linear features are either protected or compensated for then it will not have any material impact upon the conservation status of any bat species.

6.92 The most important ecological components on the site, namely the ancient trees and the stream corridor are to be retained and the latter enhanced. Also the proposal includes measures to enhance biodiversity and provide ecological benefits and these include new hedgerow, tree and landscape planting; the creation of a new orchard area, the enhancement of the stream and stream corridor and new wetland features as part of the drainage

proposals. Such areas will provide new habitats of greater ecological potential than the existing pasture. The applicant also suggests a condition requiring the submission of an ecological management plan which would include the following an update survey of affected habitats immediately prior to the commencement of development, measures to protect the badgers and their setts (which will require a separate licence from Natural England in any case), increase bat roosting potential, a wildlife sensitive lighting scheme, bird boxes, management of hedges and detailed measures to protect species, trees and landscape features throughout the period of construction.

- 6.93 Further conditions will require a scheme for new hedgerow planting and improved hedgerows to the boundaries of the site, tree protection measures including fencing and root protection zones, tree felling to be undertaken in the presence of a licensed bat ecologist and outside of the bird nesting season. With these safeguards in place it is considered that the application accords with the general principles of the guidance and policies in place.

#### Public footpaths

- 6.94 The NPPF states that planning policies should protect and enhance public rights of way and access and opportunities should be sought to improve facilities.

The 2002 Plan through policy TR38 seeks to ensure that new proposals make satisfactory provision for the retention or diversion of public rights of way.

JCS policy SD5 promotes well designed development with layouts that are easy to navigate, have links to green infrastructure and legible routes linking in with wider connections.

There are a number of footpaths crossing the site including the Glevum Way. The footpaths provide access to the motorway foot bridge and across the site to the adjoining Mini Winney site and to the land to the south accessed from Winnycroft lane. Supporting information states that diversions to these designated routes will be required. New routes would be proposed through the open spaces, alongside the allotments to access the footbridge and across into the Mini Winney site.

- 6.95 The applicant states that the improved footpath connections across the site would facilitate pedestrian movements from the neighbouring housing through the development site and into the countryside to the south and to the AONB to the other side of the motorway. The provision of better and more legible routes was a particular matter raised in the community engagement undertaken prior to the submission of the application.

The Ramblers Association have objected to the application on the grounds that development on these fields would lead to a loss of public rights of way and would urbanise the Glevum Way.

- 6.96 Any proposed diversion of the public rights of way would be subject to a formal diversion order and it will be important to ensure that new routes link in with routes running up to the boundaries of the site. I do not agree with the view of the Ramblers Association as the open space network will encompass new footpaths providing clearer and more legible routes across the site and this

together with the new road accesses will create greater permeability and a choice of formal routes through the development.

### Flooding and drainage

- 6.97 The NPPF requires that development is directed to the areas at lowest risk of flooding, that new development should take the opportunities to reduce the causes or impacts of flooding, should not increase flood risk elsewhere and take account of climate change. Policy FRP1a of the 2002 Plan also promotes the risk based approach and policy FRP6 requires the provision of appropriate surface water disposal.

Policy INF 3 of the JCS follows the principles set down within the NPPF in relation to applying a risk based sequential approach, requiring new development to contribute to a reduction in flood risk and requiring the use of sustainable drainage systems.

- 6.98 The entire site lies within Flood zone 1, which is the lowest risk zone with a less than 1 in 1000 annual probability of flooding. A stream runs west to east across the top third of the site and the Environment Agency's surface water mapping shows some risk of surface water flooding along this watercourse.

The proposal is considered acceptable in terms of flood risk at the site and as the site is in Flood Zone 1, a Sequential test does not need to be undertaken.

- 6.99 The developer has carried out some additional hydraulic modelling along the watercourse. This shows some out of bank flooding for the 100 year and 1000 year events, and largely reflects the EA's surface water flood map. This flooding is restricted to a tight corridor along the watercourse and does not come close to the proposed development areas as shown on the indicative plans.

- 6.100 The application includes a drainage strategy for the site incorporating a suds system. The drainage strategy plan identifies three catchment areas from the residential development, served by four attenuation ponds and a number of swales. The applicant has also provided percolation tests for the site. It is accepted that the soil is not sufficiently permeable to allow infiltration techniques to work. It is proposed to connect the surface water drainage from the new development into the Sud Brook. There are a number of flooding hotspots along the Sud Brook downstream of the development site, and a high level of control is therefore required for surface water runoff.

Together the ponds would allow for over 6,000sqm of storage and the applicant is proposing to limit the surface water runoff rate to the Qbar value (2.52 l/s/ha or 16.1 l/s for the whole site). The ponds would provide sufficient storage for the 1 in 100 year flood event plus a 30% allowance for climate change as is the required standard. The proposed peak runoff rate and attenuation volumes are deemed acceptable as a general principle.

The detailed design of the ponds will require careful consideration to ensure that they look as natural as possible. In order to achieve this, they should be irregular, and unsymmetrical, in plan-view, straight edges should be avoided and there should be variation in the angle of slope of the sides with a maximum gradient 1 in 3). As they comprise a large area of the overall of the public open space, in the northern section, it is important that they are multi-use and can be enjoyed by dog walkers, children playing games etc. This should be eminently achievable given that the basins will only contain significant volumes of water on an infrequent basis (but small volumes on a regular basis). A meandering stream should be incorporated into each basin, between the inlet and outlet to ensure that for small rainfall events the majority of each basin remains dry.

- 6.101 Some concern is raised at the initial positioning of a foul pumping station to serve the development. This does raise a number of issues including the need for a pumping station compared to the use of a gravity system and this decision will ultimately be dependent on technical and capacity issues and subject to advice from Severn Trent Water. The fact that the station would require vehicular access and needs to be sited 15 metres away from dwellings will also impact upon the potential areas that it can be sited. The applicant has stated that the station can be designed without a building and just as a fenced area protecting the engineering equipment. It will be important to ensure that the appearance of the station does not detract from the open nature and character of the adjoining open space. Therefore should a pumping station be considered necessary a condition is proposed to require details of its location, design and screening.
- 6.102 A condition would be necessary to require detailed drainage proposals across the site together with full design details of the ponds that accord with the general principles set down within the submitted drainage strategy.

#### Archaeology and heritage assets

- 6.103 The NPPF requires that in determining applications, Authorities should take account of;
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality;
  - the desirability of new development making a positive contribution to local character and distinctiveness.

Policies BE31, 32, 33, 34, 36 and 37 of the 2002 plan lay down the criteria for assessing sites with archaeological interest, together with the requirements for site evaluation and recording. Policy BE23 seeks to ensure that development does not adversely affect the setting of listed buildings. JCS Policy SD9 stresses the importance of heritage assets and their contribution to local character and identity. Furthermore the policy requires that heritage

assets and their settings are conserved and enhances as appropriate to their significance.

- 6.104 The local area has significant archaeological interest. The moated site at Sneedhams Green lies approximately 100 metres south west of the southern boundary of this site. It is formally designated as a Scheduled Ancient Monument and it is believed that the moat dates back to the 13 or 14th century.

Previous archaeological work in the local area has identified evidence of a Roman farmstead (dating to the 1<sup>st</sup> century AD) and a later villa (dating to the 2nd to 3rd centuries AD) ,together with 2nd to 3rd century Roman Pottery.

- 6.105 In this context an evaluation of the application site has already been undertaken with the excavation of 47 trenches, spread across the land but with a particular concentration at the southern part of the site closest to the SAM.

The evaluation has identified archaeological features, predominantly of late Iron Age/early Roman date, within the proposed development area. The finds comprised predominantly pieces of pottery, fired clay and bricks which would indicate occupation dating from the mid/late first century through to the second century.

Evidence of ridge and furrow and land drains suggest that the site was of an agricultural character during mediaeval times and beyond.

- 6.106 Further archaeological work will need to be undertaken, and this can be dealt with by condition. This condition will provide for further archaeological evaluation (trial trenching) in the centre of the site. This condition will also provide for a programme of archaeological excavation of all significant archaeological deposits in advance of the proposed development, with provision for community engagement and the appropriate archiving and public dissemination of findings.

- 6.107 S106 contributions

Education and libraries

The County Council seeks a contribution to education on the following basis:

Primary school requirements – at the rate of £11,692 per primary pupil (420 dwellings would result in a total contribution of £1,227,660). Payable six months after the commencement of the development.

Secondary school requirements – at the rate of £17,832 per secondary pupil (420 dwellings would result in a total contribution of £1,123,416). Payable six months after the commencement of the development.

Pre-school requirements – at a rate of £11,692 per preschool pupil (420 dwellings would result in a total contribution of £343,745). Payable six months after the commencement of the development.

The total contribution required for education for 420 dwellings and assuming no one bedroom dwellings would be £2,694,821.

The County Council also seeks a contribution to library services on basis of £196 per qualifying dwelling (420 dwellings would result in a total contribution of £82,320).

#### Sports community building

A building is proposed to serve the playing pitches to provide changing accommodation, toilets, storage and a small “hall” together with associated car parking. The applicant has agreed to the provision of a building costing up to £250,000 for this.

#### Open space

This includes the provision of the allotments, community, orchard, parks, play areas and sports pitches. The S106 agreement would secure their timely provision on site on a phased basis and require future maintenance either through an external management company or through adoption by the City Council, subject to agreement to pay maintenance sums.

#### Highway associated works

The County Council have requested a sum of £86,280 for the implementation of a travel plan.

Works are required to the Corncroft Lane/Painswick Road junction to provide a right hand turn lane, amount to £104,709 – however this may reduce depending on when the adjoining site at Winneycroft is developed, as costs for this would be shared proportionately between the two sites.

Additionally there is a requirement for works to the Norbury Avenue junction which amount to £81,505. This is not actually set down within the S106 but is dealt with by a condition but is obviously an additional cost to the developer.

#### Linkages with the adjoining Mini Winney site.

Provision to include footpath linkages with the adjoining site along the north eastern boundary of the site.

#### Employment opportunities

The applicant is proposing a local employment and training initiative to promote opportunities for local residents and local companies. This will be set down within the S106 and follows similar principles to that used employed in the s106 relating to the development of the new M5 services

All of the above matters are agreed in principle between ourselves and the by the applicant and a draft 106 agreement is now well advanced.

### Gloucestershire Constabulary

Gloucestershire Constabulary has requested a financial contribution of £142,196.32. The applicant has advised that they do not consider that this request is justified and also refer to the issue of viability. Members will be updated in more detail on this matter.

### Affordable Housing.

Unfortunately the provision of affordable housing is not yet agreed between ourselves and the applicant.

The NPPF states that where Local authorities have identified the need for affordable housing, policies should be set for meeting this need on site, unless off site provision or a financial contribution can be robustly justified. It also states that local authorities should identify the size, type and tenure of housing that is required, by reflecting local demand.

Policies H15 and H16 set out the requirements for affordable housing within the 2002 plan. They require an overall target of 40% affordable housing (subject to site and market conditions), generally provided on site but in exceptional circumstances off site provision may be acceptable. The affordable housing should be provided across the development site and provide a range of house sizes to meet local need.

Policy SD13 of the JCS relates to the provision of affordable housing, policy INF 7 relates to infrastructure delivery and policy INF8 advises on viability. For completeness the policies are detailed in full below.

#### Policy SD13

1. *The JCS local authorities will seek through negotiation to deliver new affordable housing as follows:*
  - i. *On sites of 5-9 residential units (or covering 0.2 hectares or more of land), 20% affordable housing will be sought*
  - ii. *On sites of 10 or more residential units (or covering 0.4 hectares or more of land), 40% affordable housing will be sought.*
2. *For the purpose of this policy, residential units are dwelling houses (use class C3) and also any self-contained units of accommodation within a residential institution (use class C2). Where a development site has been divided into parts, or is being delivered in phases, the site will be considered as a whole for the purpose of determining the appropriate affordable housing requirement.*
3. *Where possible, affordable housing should be provided on-site and should be seamlessly integrated and distributed throughout the development scheme. On sites where it is not possible to deliver all affordable housing as on-site provision, the residual requirement should be provided through acceptable alternative mechanisms (such as off-site provision or financial contributions). Further guidance on acceptable mechanisms may be provided in District plans.*



4. *Affordable housing must also have regard to meeting the requirements of Policy SD12 concerning type, mix, size and tenure of residential development.*
5. *The design of affordable housing should meet required standards and be equal to that of market housing in terms of appearance, build quality and materials.*
6. *Provision should be made to ensure that housing will remain at an affordable price for future eligible households, or that subsidy will be recycled for alternative affordable housing provision.*

#### *Rural exception sites*

7. *In certain circumstances, where there is clear evidence of a local housing need that cannot be met elsewhere, affordable housing will be permitted on rural exception sites. A rural exception site must be within, or on the edge of, a rural settlement. It should be of a small scale and well related to the settlement both functionally and in terms of design.*

#### *Viability*

8. *Where there is an issue relating to the viability of development that impacts on delivery of the full affordable housing requirement, developers should consider:*
  - i. *Varying the housing mix and design of the scheme in order to reduce costs whilst having regard to the requirements of other policies in the plan, particularly Policy SD5, and the objective of creating a balanced housing market*
  - ii. *Securing public subsidy or other commuted sums to assist delivery of affordable housing*
9. *If a development cannot deliver the full affordable housing requirement then a viability assessment in accordance with Policy INF7 will be required.*

### **Policy INF7: Infrastructure Delivery**

1. *Where need is generated as a result of individual site proposals and/or as a consequence of cumulative impact, new development will be served and supported by adequate and appropriate on- and/or off-site infrastructure and services. In identifying infrastructure requirements, development proposals will also demonstrate that full regard has given, where appropriate, to implementing the requirements of the Joint Core Strategy Infrastructure Delivery Plan.*
2. *Where need for additional infrastructure and services and/or impacts on existing infrastructure and services is expected to arise, the local planning authority will seek to secure appropriate and proportionate infrastructure provision in respect of:*
  - i. *Affordable housing*
  - ii. *Climate change mitigation/adaptation*
  - iii. *Community facilities*
  - iv. *Early Years and Education*

- v. *Health and well-being facilities*
- vi. *The highway network, traffic management, sustainable transport and disabled people's access*
- vii. *Protection of cultural and heritage assets and the potential for their enhancement*
- viii. *Protection of environmental assets and the potential for their enhancement*
- ix. *Provision of Green Infrastructure including open space*
- x. *Public realm, and*
- xi. *Safety and security including emergency services*

*This list is neither exhaustive nor are its elements mutually exclusive.*

3. *Priority for provision will be assessed both on a site-by-site basis and having regard to the mitigation of cumulative impact, together with implementation of the JCS Infrastructure Delivery Plan.*
4. *Planning permission will be granted only where sufficient provision has been made for infrastructure and services (together with their continued maintenance) to meet the needs of new development and/or which are required to mitigate the impact of new development upon existing communities. Infrastructure and services must be provided in line with an agreed, phased timescale and in accordance with other requirements of this Plan.*

#### ***Policy INF8: Developer Contributions***

1. *Arrangements for direct implementation or financial contributions towards the provision of infrastructure and services required as a consequence of development, including its wider cumulative impact, and provision where appropriate for its maintenance, will be negotiated with developers before the grant of planning permission.*
2. *Where, having regard to the on- and/or off-site provision of infrastructure, there is concern relating to the viability of the development, an independent viability assessment, funded by the developer and in proportion with the scale, nature and/or context of the proposal, will be required to accompany planning applications. The submitted assessment and its methodology may be independently appraised.*

In accordance with policies where a policy compliant level of affordable housing can not be provided, the applicant has undertaken a viability assessment of the proposed development. The assessment considers scenarios with different levels of affordable housing (70% affordable rented and 30% shared ownership).

- 40% affordable housing - £11.5 million deficit
- 30% affordable housing - £8.5 million deficit
- 20% affordable housing - £5.8 million deficit
- 10% affordable housing - £3.1 million deficit
- 0% affordable housing £0.5 million deficit.

The report concludes that “all the above scenarios show viability deficits therefore technically the scheme can not support any affordable housing”.

However notwithstanding the results of their assessment, the applicant has stated that they “are potentially minded to accept an impact upon a normal rate of developer return and work with the council to achieve a 10% provision of affordable housing and may also look to achieve some of this as an off site contribution”. At the time of writing the report the applicant had confirmed at 10% affordable housing would be provided on site. For 420 dwellings, which would be the maximum number of houses to be agreed under this application, this equates to 42 dwellings. At this stage we do not have any details of the mix of tenures or range of house types that the affordable housing scheme would comprise.

We have appointed an external consultant to advise us on the applicants viability report. His view is that the development of the site would be viable in providing 15% affordable housing – thereby an increase of 21 dwellings from 42 (at 10%) to a total of 63 dwellings. The applicant has since advised that in their view 15% is not achievable.

Our consultant has highlighted a number of areas that in his view affect the overall viability of the site:

- The price of the land to be paid to the owner – which should realistically reflect the planning requirements arising from the development of the site.
- Some of the financial costs put forward in the report and in particular the interest rates.
- The floor areas proposed for the new dwellings are larger than those currently being sold by the national house builders but this is not reflected in the expected sales prices.
- The expected level of profit by the applicant, on the basis of a risk/reward ratio and then the expected level of profit by the subsequent developer, once the land is sold on
- The extent of the gross developable area of the site and high proportion of the site that is to be used for open space and sports provision.
- High level of other S106 costs required ie education contributions, highway works, sports building etc.

The Planning Practice Guidance requires local authorities to be flexible in seeking planning obligations where an applicant is able to demonstrate that they would cause a development to not be viable.

There are other cases across the City where schemes have satisfactorily demonstrated that the development of the site would not be viable with 40% affordable housing. In those circumstances we have come to an agreement on a lower figure and in some cases we have also agreed a review mechanism to enable viability to be re-assessed. There is no reason to take a different approach with this application.

However as previously stated the applicant is proposing only 10% affordable housing and has also stated that a review mechanism would not be acceptable to them. I consider that with such a large number of dwellings and expected build rates, over a five year period, a review mechanism is essential.

The advice from our consultant is that 15% affordable is achievable and therefore I propose to include the requirement for 15% affordable housing within the s106 agreement.

## **7.0 CONCLUSION**

- 7.1 The application requires a careful balancing of a range of often competing issues. The need to find sites to deliver housing requires difficult decisions to be made about sites that previously might have been ruled out of consideration, because there was any form of restrictive designation and because other less sensitive sites were alternatives.
- 7.2 The identification of the site as a Landscape Conservation Area allocation within the 2002 plan would indicate that a new housing development should be resisted. However the weight that can be given to this policy, given the dated approach and emerging JCS policy, is limited. Additionally with the need to continue an ongoing 5 year supply of housing, other sites must come into consideration for development, in order to preserve areas of the highest sensitivity from development.
- 7.3 As with any new development there will be some impacts arising from it. All impacts have to be assessed against the need for providing housing to meet predicted demand and the mitigation or design solutions proposed to reduce those impacts. The site is on the urban edge and is in a sustainable location with good access to public transport, shops and community facilities in Matson.
- 7.4 It is clear from the applicant submissions that they have sought to maximise existing landscape features on the site. A small proportion of trees are to be removed but the great majority, and those of highest quality are to be retained. The high proportion of land to be utilised as open space will create attractive areas, adding to the opportunities for participation in sport and recreation in the local area. Additionally the open areas will provide more diverse habitats in ecological terms and provide an attractive setting to the new housing.
- 7.5 Additionally the high proportion of open space to developable area, together with the overall design approach of setting lower density development to the most sensitive boundaries, will help to soften the introduction of the built form onto this agricultural land. Furthermore this approach along the southern part of the site together with the open nature of the pitches will help integrate this part of the development with the adjacent fields. Further landscaping along these boundaries, together with the network of green spaces and corridors

proposed, will further soften views from outside of the site including to and from the designated Cotswolds AONB.

- 7.6 The scale of the proposed development of up to 420 houses should be satisfactorily accommodated on the site and integrate well with the local surroundings. Existing and new residents will benefit from the open space, allotments, play areas, and new sports pitches and community building. However residents will experience additional traffic along the local road network and obviously those immediately surrounding the site will have a very different outlook from their properties.
- 7.7 The Highway Authority are satisfied that with the road improvements required, including the provision of a right hand turn facility on Painswick Road, the traffic arising from the development can be safely accommodated onto the local highway network. Similarly the Highways Agency raise no objection in terms of the impact of the proposals upon the strategic road network.
- 7.8 The site is subject to high levels of noise from the M5 and to a lesser extent from traffic along Winneycroft Lane. The applicant has demonstrated that with adequate mitigation the noise levels for the new dwellings can meet the WHO guidelines. The motorway will always have some impact upon the site and this will be noticed more within the areas or adjacent open space, allotments and sports pitches. . Planting to the noise bund will help screen the visual impact of vehicles travelling along the motorway as well as providing further visual screening to the site when viewed in shorter views from the east.
- 7.9 The development is also considered acceptable in terms of the setting of surrounding listed buildings and the Scheduled Ancient Monument.
- 7.10 The scheme provides a significant number of financial contributions however there is a notable shortfall in terms of the proposed affordable housing provision. It is accepted that the development of the site raises viability issues and as such the overall “package” of contributions should be seen in that context. However on the basis of the information with the Council, and the consultants advice, I consider it reasonable to require 15% affordable housing and a review mechanism to be included in the section 106 agreement. I consider.
- 7.11 Overall I consider that the principle of development is acceptable and that subject to appropriate conditions and the completion of a s106 agreement securing the required level of affordable housing that outline planning permission should be granted.

#### **RECOMMENDATION OF THE DEVELOPMENT CONTROL MANAGER**

- 8.0 That subject to no new material planning considerations being raised within the consultation period, that outline planning permission is granted subject to the completion of a section 106 agreement to secure the requested planning

obligations together with the provision of 15% affordable housing and a review mechanism for the re-assessment of the viability of the scheme.

A fully detailed list of conditions will be provided within the late material report.

Decision: .....

Notes: .....

Person to contact: Joann Meneaud  
(Tel: 396787)

## **GLOUCESTER CITY COUNCIL**

**COMMITTEE** : **PLANNING**

**DATE** : **DECEMBER 15 2015**

**ADDRESS/LOCATION** : **LAND AT WINNYCROFT LANE, MATSON, GLOUCESTER**

**APPLICATION NO. & WARD** : **14/01063/OUT  
MATSON AND ROBINSWOOD**

**EXPIRY DATE** : **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 MENEAUD**

### **1.0 ADDENDUM REPORT**

#### **ADDITIONAL CONSULTATION RESPONSES**

##### **Environmental Protection Manager**

No objection to the application on air quality or noise issues. Conditions are proposed to require noise mitigation and sample testing of the implemented measures prior to occupation.

##### **Viability Consultant**

A briefing note dated 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:

- Winnycroft 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 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

*The total number of dwellings*

No. Qualifying dwellings

670

*Based on planning app information.*

### **Pupil Yields**

Pre-school

46.9

Primary

167.5

Secondary

100.5

**Total**

**314.9**

At Primary level, the 167.5 children is equivalent to almost 6 classes (7 classes is equivalent to a whole school 1FE). Even allowing for the surplus referred to above, we are talking about a five classroom expansion at another school. That requires a huge amount of space and creates a very large school (Robinswood is already a 2FE). Expansion at Robinswood, therefore, will require more than just 5 extra rooms. Consideration will need to be given to an additional hall, extra toilets, expanded staff facilities (including parking) and more breakout/ small group teaching space. A 3FE school is required to have one main hall and one smaller hall, according to the June 2014 Building Bulletin 103:

Primary schools larger than one form of entry (FE) will require an additional small hall and/ or studios (one for approximately every further FE). In a primary school, the total area for this category of space should include:

- a main hall of at least 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)