

GLOUCESTER CITY COUNCIL

COMMITTEE	:	PLANNING
DATE	:	6TH SEPTEMBER 2016
ADDRESS/LOCATION	:	FORMER BISHOPS COLLEGE, ESTCOURT CLOSE
APPLICATION NO. & WARD	:	16/00631/OUT LONGLEVENS
EXPIRY DATE	:	6TH SEPTEMBER 2016
APPLICANT	:	GLOUCESTERSHIRE COUNTY COUNCIL
PROPOSAL	:	Outline application (with all matters reserved other than means of access) for redevelopment of part of the Former Bishop's College site for residential use creating up to 90 new homes and provision of open space
REPORT BY	:	ADAM SMITH
NO. OF APPENDICES/ OBJECTIONS	:	SITE PLAN

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site comprises, broadly, the southern and western parts of the former Bishops College grounds. At the south east the site borders the existing residential properties on Estcourt Road and Estcourt Close and at the east edge the allotments site off Estcourt Close. The existing school buildings are sited in this south east portion of the site. The school complex also includes a pedestrian link out onto Estcourt Road at the south between the houses, and this is included in the application site.
- 1.2 On the west side of the site are existing playing fields which border properties in Gambier Parry Gardens and north of this they border the gala wilton sports ground and the tennis centre and its car park.
- 1.3 The applicant also owns the playing fields to the north of the school buildings adjoining Plock Court. Members may recall that this part of the playing fields was included in the recent University of Gloucestershire application and proposed for 3g sports pitches and a sports hall.
- 1.4 I understand that the school closed in 2010 following consolidation of the academy facilities to the Painswick Road/Cotteswold Road site. The existing

school buildings comprise a range of sizes and styles of building, with a car park at the southern edge off the access, an open grassed area north of the access road, and various hard surfaced areas for student use. The site area is 5.66ha.

- 1.5 The application is made in outline form with all matters reserved except for means of access, which would be off the end of Estcourt Close at the current access point. The proposal is for up to 90 residential units. The proposal also includes the western 'playing fields' portion of the site retained as such.
- 1.6 An indicative layout has been provided showing the residential development broadly on the footprint of the existing school buildings with some encroachment onto the eastern portion of the fields. This includes the retention of the pedestrian link to Estcourt Road and the caretakers house at the top of this link as well as the retention of several trees at the south and east of the site. The proposed scale of buildings is up to two storeys.
- 1.7 The application is referred to the planning committee as it involves the construction of over 50 residential units and requires a s106 agreement if granted.

2.0 RELEVANT PLANNING HISTORY

School proposals

- 2.1 Numerous applications for extensions and other school buildings, floodlighting, sports areas, temporary buildings, sports hall, at the north of the site, since the mid 1960s.

97/00023/OUT

- 2.2 Demolition of existing changing rooms and (Outline) construction of tennis centre. Granted subject to conditions 21.08.1997.

99/00174/DCC

- 2.3 (Reserved Matters) Construction of tennis centre, new access road and car park, and existing changing facilities. No objections 18.05.1999.

Adjoining site - 15/01190/OUT

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

connections & associated highways, landscaping & ancillary works. Granted subject to conditions and a legal agreement 28th July 2016.

3.0 PLANNING POLICIES

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

Statutory Development Plan

3.2 The statutory Development Plan for Gloucester remains the partially saved 1983 City of Gloucester Local Plan ("1983 Local Plan").

3.3 Paragraph 215 of the National Planning Policy Framework ("NPPF") states that '*...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.*'

3.4 The 1983 Local Plan is more than thirty years old and, according to the Inspector who dealt with an appeal relating to the Peel Centre, St. Ann Way (13/00559/FUL), '*...its sheer ages suggests it must be out of date...*' (par. 11 of the Inspector's report). Members are advised that the 1983 Local Plan is out-of-date and superseded by later planning policy including the NPPF.

Central Government Guidance - National Planning Policy Framework

3.5 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 includes relevant policy on;

Building a strong, competitive economy

Promoting sustainable transport, including the statement that 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

Requiring good design

Promoting healthy communities

Meeting the challenge of climate change, flooding and coastal change

Conserving and enhancing the natural environment

Conserving and enhancing the historic environment

Planning obligations and conditions

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

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

Planning conditions should only be imposed where they are

- Necessary;
- Relevant to planning and to the development to be permitted;
- Enforceable;

- Precise; and
- Reasonable in all other respects.

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

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

Of note for this application, the NPPG includes the guidance on vacant buildings credit. This is an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into use or is demolished to make way for a new building, the developer should be offered a financial credit when the Authority calculates the affordable housing request. The existing floorspace of a vacant building should be credited against the floorspace of the new development.

Emerging Development Plan

Draft Joint Core Strategy for Gloucester, Cheltenham and Tewkesbury

- 3.6 The City Council is currently working on a new Development Plan that will replace the 1983 Local Plan. The new Development Plan will comprise the Joint Core Strategy for Gloucester, Cheltenham and Tewkesbury ("JCS") and Gloucester City Plan ("City Plan") once they are adopted.
- 3.7 The JCS was submitted to the Government for Inspection in November 2014. Policies in the Submission Joint Core Strategy have been prepared in the context of the NPPF and are a material consideration.
- 3.8 Paragraph 216 of the NPPF states that weight can be given to relevant policies in emerging plans according to:
- The stage of preparation of the emerging plan;
 - The extent to which there are unresolved objections to relevant policies; and
 - The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF
- 3.9 The JCS is part way through the Examination process and the Inspector published their Interim Report in May 2016. However, a number of proposed modifications are expected to be made to the policies in the plan. The Council has received legal advice to the effect that the JCS can only be given limited weight at this time.
- 3.10 Relevant policies from the Draft JCS are:

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
INF4 – Green infrastructure
INF5 – Social and community infrastructure
INF7 – Infrastructure delivery
INF8 – Developer contribution

Gloucester City Plan

- 3.11 The Gloucester City Plan (“City Plan”) is at a much less advanced stage than the JCS. The City Plan will be presented in three parts: Part 1 will set out the context for the City Plan, including the main challenges facing the city, a strategy for development and key development principles. Part 2 will identify development management policies. Part 3 will identify development opportunities.
- 3.12 Part 1 was subject to consultation in 2012 and is to be reviewed. Part 2 was subject to consultation in 2013 on potential future development sites in the City as well as a draft vision and strategy for the city centre. Parts 2 and 3 have also yet to be completed.
- 3.13 On adoption, the Joint Core Strategy, City Plan and any Neighbourhood Plans will provide a revised planning policy framework for the Council.

Gloucester Local Plan, Second Stage Deposit 2002

- 3.14 Regard is also 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, albeit of limited weight.

2002 Plan allocations

- 3.15 None.

2002 Plan policies

- 3.16 Members are advised that the following “day-to-day” development management policies, which are not of a strategic nature and broadly accord with the policies contained in the NPPF, should be given some weight:

B.7 – Protected species
 B.10 – Trees and hedgerows on development sites
 B.11 – Tree preservation orders
 FRP.1a – Flood risk
 FRP.6 – Surface water run-off
 FRP.8 – Renewable energy
 FRP.10 – Noise
 FRP.11 – Pollution
 FRP.15 – Contaminated land
 BE.1 – Scale, massing and height
 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.12 – Landscape schemes
 BE.14 – Native species
 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.33 – Archaeological field evaluation
 BE.34 – Presumption in favour of preserving archaeology
 BE.36 – Preservation in situ
 BE.37 – Recording and preserving archaeology
 TR.1 – Travel plans and planning applications
 TR.2 - Travel plans – planning obligations
 TR.9 – Parking standards
 TR.12 – Cycle parking standards
 TR.31 – Road safety
 TR.33 – Providing for cyclists/pedestrians
 TR.34 – Cyclist safety
 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
 OS.2 - Public open space standard for new development
 OS.3 - New housing and public open space
 OS.4 – Design of public open space
 OS.5 - Maintenance payments for public open space
 SR.2 – Playing fields and recreational open space
 CS.1 – Protection of community facilities
 CS.11 - Developer contributions for education

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

4.0 **CONSULTATIONS**

4.1 The Highways Agency raises no objection.

4.2 The Highway Authority raises no objection subject to conditions to secure a Construction Method Statement; implementation of the Travel Plan; completion of access prior to occupation; details of vehicular parking and turning with reserved matters applications and their maintenance; fire hydrants; arrangements for future management and maintenance of the proposed streets; a pedestrian crossing point across the south western arm and western turning head of Estcourt Close; and street lighting to the pedestrian link between the site and Estcourt Road.

4.3 The Police make the following observations supplemented with a plan; Residents need good views of where their vehicles are parked. In-curtilage parking should be used to improve vehicle security and prevent congestion likely to cause issues and conflict.
The northern and eastern boundary should be robust and strengthened with defensive planting to prevent intrusion.
Circuitous roads can be misused by speeding vehicles. Breaking the site up into sections prevents such anti-social behaviour.
Planting should not restrict surveillance opportunities, assist in climbing or create hiding places. Planting along footpaths needs to be carefully considered to ensure it will not grow over the path, restricting the width, creating narrower and less inviting areas. Landscaped areas will need to be managed.
The boundaries abutting a POS should be reinforced with a line of defensive planting to restrict garden thefts and burglary.
Road edging should include off-road mitigation to prevent inappropriate access and parking.
The boundary with neighbouring plots should define ownership and be reinforced to protect the existing properties.
To avoid conflict, there should be clear demarcation between private front garden and public space.
The lighting plan should be designed to encompass the development and allow for seasonal variations within the planting scheme; thereby removing areas of deep shadow to reduce the fear of crime, along with opportunities of crime and Anti-Social Behaviour.
Consideration should be given to whether the junction can cope with the increase in traffic.
External fencing 1.8m close board. Internal fencing 1.5m.
Doors and windows should comply with PAS24:2012.

It is recommended that the development is built to meet Secured by Design standards. Secured by Design (SBD) is a police initiative, 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.

- 4.4 Sport England does not object, accepting the argument around the scheme involving loss of land incapable of forming part of a playing pitch and no loss of ability to use/size of playing pitch. They note the playing pitch strategy aspirations to protect the College playing fields for sport, which in part the scheme does, and note that the proposal has endorsement from the Football Association. They also consider that part of the s106 should go towards pitch improvements on the remainder of the playing field at the college.
- 4.5 The Environment Agency does not give detailed comments on such schemes.
- 4.6 The Lead Local Flood Authority recommends that any permission includes a condition to secure a surface water drainage strategy including infiltration testing, precise layout of drainage system, runoff rates and impermeable/permeable areas, and a condition to secure a SuDS maintenance plan.
- 4.7 Severn Trent Water raises no objection.
- 4.8 The County Council planning obligations Officer has requested contributions to education provision (£333,155 for primary school places, £307,928 for secondary school places), and to library provision (£17,640), based on the envisaged 90 units.
- 4.9 The Housing Officer has commented;
The application of vacant buildings credit significantly limits the contribution that this site can make to meeting housing need in the city;
In one of the higher value areas of the city the application offers an opportunity to ensure a contribution in line with the emerging JCS Policy;
There is a significant shortfall in the provision of affordable housing in the city with many brownfield sites delivering well short of the target contribution. It is vital that on higher value sites that the highest possible contribution is achieved;
Data indicates that the development is likely to be able to support an affordable housing contribution and may well be able to exceed 20%;
Emerging JCS policy refers to a 20% affordable housing requirement and “the viability of a site may enable additional level of affordable housing to be delivered above the requirements set out in this policy”; also that the developer will need to show a detailed viability appraisal to show what contribution can be made and this should be tested; this should be retested at reserved matters stage;
To agree to the principle of development the Committee needs to understand how the development is likely to assist in meeting the need for a variety of housing types and tenures which is currently absent;
The application should be judged in relation to the NPPF requirement to create a sustainable development in particular providing the supply of housing that meets the need of present and future generations;
If the demonstration of a varied mix of dwellings to address the need for open market housing in the Strategic Housing Market Assessment is not

addressed in the outline then it would need to be addressed in any subsequent reserved matters application;

The development offers the opportunity to provide an alternative open market offer for older people in the local area with high quality 'right sizer' housing that could release family homes in the area and assist the Authority in planning to respond to the changing demographic profile of an ageing population;

Should the developer be able to justify provision of bungalows, further advice can be given on size of units and they should be built to wheelchair user standard;

An indicative mix requested for the affordable housing offer is

2x 1-bedroomed properties; 3x 2-beds; 2x 3-beds; 1x 3+ beds;

Affordable units should be in small clusters of between 6 and 8, and there should be no discernible difference in design;

The developer should demonstrate how the development will go to meet the needs of the County's ageing population and households with a disabled member or wheelchair user;

A fabric first approach to energy efficiency is recommended and liaison with Registered Providers regarding size and environmental standards is suggested;

An off-site contribution for affordable housing is not justified, provision should be on site.

- 4.10 The Contaminated Land Consultant raises no objection subject to the standard contaminated land condition.
- 4.11 The Environmental Health Officer raises no objection subject to conditions to secure an environmental management scheme for the construction activities, to restrict hours of construction, and to prevent burning.
- 4.12 The Urban Design Officer raises no objection to the principle of residential development or the proposed density, if anything he might suggest a higher density. He raises concerns about provision of a balanced community if there is only a limited range of smaller and more affordable properties. He also raises no objection to the main access off Estcourt Close, provided there is no objection from the Highway Authority. The pedestrian access off Estcourt Road provides an alternative means of accessing the site and would better connect the site with the wider area. Broadly he considers the indicative plan to be a logical layout.

The remainder of his comments relate to the detailed layout which would be relevant at the reserved matters stage given this is only an indicative layout currently. These comments relate to:

Provision of properties backing onto each other for security

Definition of the area around the main access

Avoiding splitting up the open space around the retained trees

Addressing large open 'incidental' areas

Defining streets and providing natural surveillance

- 4.13 The City Archaeologist raises no objection subject to a condition to secure a programme of archaeological work.
- 4.14 The Environmental Planning Manager raises no objection in principle. In respect of the pond he considers it would be best to keep it in situ and recommends a condition to either retain it or provide a compensatory feature as a replacement.
- 4.15 The Tree Officer agrees with the submitted tree report on the whole. The retention of protected trees should be in open space as indicated (rather than back gardens). If possible tree T40 should be incorporated into the layout, and a commitment to planting on the playing fields given depending on the planting proposed in the main body of the site. A tree protection plan and arboricultural impact assessment as per BS5837:2010 will also be required. The later revision to retain the pond and some of the copse at the south are welcomed.
- 4.16 The Landscape Architect has made a s106 request on the following basis:
1 ha public open space
£331,000 for sport (or provision for football of changing rooms and goal posts)
£121,000 for play (within nearby area)
£42,000 for general (or provision of general open space facilities – e.g. surfaced footpath link, seating, bins/dog bins, ball stop fence, boundary fence (e.g. knee rail) to open space/residential area boundary)
* This is an estimated request based on an estimated breakdown of properties and could change depending on the eventual detailed proposal.
- 4.17 The Policy Officer raises no objection and includes the following comments;

The Submitted Joint Core Strategy identified an Objectively Assessed Need for the JCS area of 30,500 dwellings for the period 2011-2031 with a housing requirement figure for Gloucester City of 11,300 dwellings.

The JCS Inspector's Interim report (May 2016) states that the Objectively Assessed Housing Need (OAHN) for the JCS area is 33,500 dwellings. The Inspector also concludes that a 5% policy uplift for the delivery of affordable housing should be applied making a total housing requirement across the area of 35,175. The housing need for Gloucester is defined as 14,340 dwellings.

The Housing Background Paper supporting the Inspector's Interim Findings (Feb 2016) demonstrated that the City has an indicative capacity of 7,685 dwellings comprising completions since 2011, existing commitments, potential City Plan supply and windfalls. The remaining supply of land to meet the Gloucester dwelling and employment land requirements will be found outside the City in urban extensions to Gloucester.

The site is not currently allocated for residential purposes in the 2002 Second Deposit Local Plan. Policy CS.1 Protection of community facilities is also identified.

Ward profiles were produced in order to support the Summer 2013 City Plan sites consultation. A SWOT analysis of each ward was produced which helped to identify potential issues that any new development in a ward might seek to address. For Longlevens ward the issues identified included;

- A low percentage of social rented and private rented homes making it difficult for first time buyers and those wishing to move to the area to purchase
- A lack of play equipment within the ward

The Planning Policy Team consider that any new housing development at the site would provide the opportunity to address some of the weaknesses in the ward which were acknowledged by the local community during the Summer 2013 City Plan sites consultation.

The site was submitted to the planning authority by the County Council for consideration in the 2011 Strategic Housing Land Availability Assessment (SHLAA) where the site was identified as 'a functioning school site but to be vacated in phases over the next few years'. The site has continued to be promoted by the County Council for development in subsequent SHLAA's and more recently through the Strategic Assessment of Land Availability (SALA).

The Cabinet of the County Council has now agreed to the disposal of the site. It comprises one of a suite of sites owned by the County Council across the City that has been agreed for disposal.

In 2013 each JCS authority undertook a Strategic Assessment of Land Availability (SALA), these studies, undertaken in compliance with the NPPF and Draft Beta National Planning Practice Guidance (October 2013) superseded previous SHLAA and SELAA documents studies.

The 2013 SALA identified the constraints affecting the site but in conclusion found it suitable, available and deliverable within five years and able to contribute to the Council's five year housing land supply with a capacity of approximately 108 dwellings using the agreed JCS SALA methodology.

The findings of the 2013 SALA were used to inform the potential City Plan capacity figure for the Submitted JCS (November 2014) and the site has continued to contribute to the City Plan Potential figure in subsequent updates of the JCS Housing Background Paper – the latest of which was published in March 2016 with the site contributing 85 dwellings to the City's total capacity and 85 dwellings to the City's five year housing land supply.

The site does provide the opportunity to provide a mix of house types and sizes to meet the housing need identified in the 2015 SHMA update submitted to as evidence to the JCS EiP. For the City the need for 2 and 3 bedroomed units is highlighted, as is the need for accommodation suitable for a rapidly ageing population, including downsizer accommodation that is designed to easily meet the changing living and mobility requirements of elderly occupiers.

Given the City cannot meet its housing need within the plan period and requires contributions from JCS strategic allocations located in the green belt within Tewkesbury Borough, in accordance with the duty to co-operate, within the first five years in order to achieve a 5 year housing land supply, it is important that all sites, brownfield and Greenfield, that have the potential to contribute to City Plan capacity are bought forward in order that the City can continue to deliver housing in accordance with national planning policy guidance cited in paragraph 47 of the NPPF.

In principle, and subject to the aforementioned bringing forward suitable sustainable development on the site will help to ensure that the City maintains a healthy housing land supply and will help to deliver more affordable housing and open space that is publically accessible to the benefit of the City's residents.

- 4.18 The Drainage Engineer remains unsatisfied with the level of information proposed in support of the application.

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1 Neighbouring properties were notified and press and site notices were published. A subsequent consultation period on new material was also undertaken and expired on the 19th August 2016.

- 5.2 42 representations have been received and may be summarised as follows:

- Lack of public consultation;
- Previous exhibitions had consideration for 50 not 90 houses and traffic survey not presented at the exhibition and would also only be based on 50 not 90 houses, with no social housing and no houses on currently green areas; no explanation increased numbers;
- Social housing is not conducive to, representative of or in keeping with the area around this site;
- Entry road through Estcourt Close is not fit by virtue of construction and design to take both the proposed housing development traffic and the University service traffic;
- Estcourt Close only ever intended to have limited service entry to the school, the allotments and 24 houses;
- Impact would be reduced if construction traffic and future access were via Gambier Parry Gardens or the tennis centre;
- The Estcourt Road service road is equally unsuitable for access – design and construction is similar to Estcourt Close and surface is already breaking up;
- County Council as highway authority should undertake resurfacing and improvement works to the Estcourt Road service road;
- Accumulation of traffic with development of Debenhams field at same time will cause havoc;
- Should add a second access via Gambier Parry Gardens;
- Transport Assessment is inadequate as only looks at parking- needs to better assess impact of construction and mature traffic congestions;

- When College was operating, access via Estcourt Close was restricted for safety reasons to only allow teachers, disabled and service vehicles onto the site. All students entered the site using the pedestrian access in Estcourt Road. Also the flows were only for school periods and should be averaged over a year. These have not been considered;
- Wrong to conclude that since the traffic impact of the proposed development is less than that of the school in operation, the development is therefore acceptable;
- Real figures for estimated traffic flows would be much larger than stated;
- Estcourt Close gets congested when Gloucester Rugby play;
- Estcourt Close is only 4.8m wide in places not 5.5m;
- Assessment fails to identify that the service road is also only 4.8m wide and is totally unsuitable given its condition and the parked cars reducing the useable width;
- New developments invariably display higher levels of car ownership than existing neighbouring areas;
- Bus service is very limited; actually site is further from stops than stated; disputing whether site is highly accessible;
- The completion of the cycle track along the north side of Estcourt Road, the repair and upgrade of the slip road along its entire length and the bringing in of parking restrictions to the local roads when there are matches at Kingsholm should be included in the s106 agreement/conditions;
- Should consider a proper priority junction between Estcourt Close and Estcourt Road (through the island between Estcourt Road and the service road giving direct access to Estcourt Close from the main Estcourt Road) – removing need to use the service road;
- Should access via a new road from Tewkesbury Road over Plock Court field, also serving the tennis centre;
- Impact of traffic flows from residential different to school – during summer holidays, nights and weekends;
- Insufficient parking provision;
- How would existing on-street parking be maintained for existing residents?;
- Estcourt Close does not have good forward visibility;
- Risk of accidents from construction traffic;
- Service road is of insufficient dimensions to cater for large construction vehicles;
- Current limited use of school facilities is having is creating a traffic and road safety problem with reckless driving; this will get worse with additional development;
- Should introduce a 20mph speed limit on the service road and traffic calming measures at all entrances/exits;
- Construction of the school post-dates the development of Estcourt Close;
- Pollution from traffic;
- No consideration to or catering for existing residents' interests – in terms of parking and general disruption, for construction and operational phase;
- The pedestrian access to Estcourt Road at the south needs upgrading – brick walls and low/not intrusive lighting; increased exposure to crime risk;
- Querying maintenance of the access route;
- Being able to walk around college grounds will be greatly reduced if permission is granted;

- There is no access from Estcourt Close to Plock Court;
- Estcourt Close is quiet and tranquil, additional homes, people, pedestrians and traffic will have a huge detrimental impact;
- Ecology survey looks only at the school and fails to acknowledge wildlife in adjoining areas;
- Submitted reports missed out the copse at the south of the site; this includes a pond, native trees and provides wildlife habitat;
- Need clarity on screening to adjacent existing properties;
- Other properties on Estcourt Road have had school building behind, but nos. 33-43 have never had buildings there – essential to retain a tree screen to screen the unaccustomed view;
- Number of houses should be reduced and create more green open space to benefit wildlife; boundary fences should allow wildlife to roam;
- The County Council gave a commitment only to build on the footprint of the school, not the playing fields. Residents believe development has crept beyond this. County Council should honour the undertaking it gave or demonstrate that the extent of land being built on has not expanded. It is understood that the number of dwellings proposed was increased due to the need to provide affordable housing as a result of the court ruling on the vacant buildings credit. As this has been overturned the Council should revert to a smaller number now;
- Clarity required on affordable housing; previous assurances given that this would not happen given anti social behaviour and due to the nature of the properties in Estcourt Road;
- Affordable housing should be provided as starter homes, which now fall under the definition of affordable housing; this will help young people who are not able to afford to buy given the relatively high property prices in this part of Gloucester;
- While there are several schools in the area, both senior schools are selective, The Milestone school is a school for children with special needs, any student attending a comprehensive school will need to be bussed out of Longlevens exacerbating traffic problems;
- Are Doctors surgeries able to accommodate the additional number of people from this and other local development?;
- The University's scheme has not yet been granted consent; (**it has since been granted*)
- The development will raise substantial monies to the County Council and should only be acceptable if there is planning gain to the local community;
- Site should be retained for educational purposes; lack of local non-selective school provision; school could easily be brought back into use; additional demand with other residential development in the area/planned development north of the City; evidence should be provided to justify the position;
- Unsatisfactory for houses to be sited so close to an intrusive facility (University's spectator stand and floodlit 3g pitches)
- Structural damage to houses from construction traffic;
- Does not meet requirement to retain or improve existing sporting areas;
- Concurrent use of pitches would be impossible and proximity to residents is of concern;
- Seek retention of trees and shrubbery at ends of adjoining gardens;
- Seek retention of trees on the playing fields by Gambier Parry Gardens;

- Seek confirmation that the only access to the development is through Estcourt Close;
- Seek confirmation that the remaining playing field is not developed and will be handed over to the City Council for use as a sporting facility. The suggested two football pitches and cricket pitch is considered appropriate;
- Seek confirmation that the City Council will not sell off the playing field for development which would call for an access through Gambier Parry Gardens;
- Maximum legal protection is put in place to ensure the playing pitches retained are never developed in future;
- Reassurance sought that the proposed playing pitches meet the necessary size standard to meet demand, consistent with the Council's playing pitch strategy;
- Devaluation of property;
- Increase in noise;
- Out of keeping with the area;
- Overbearing;
- Overshadowing;
- Loss of privacy;
- Overdevelopment of site;
- Other residents noted no objection in principle;
- In principle a sound proposal; use of previously developed land, sustainably located;
- Site has no landscape value, visual amenity, ecological value or archaeological interest;
- Provision of much needed housing and a measure of affordable housing;
- Benefits are undermined by unacceptable traffic impacts;
- Reserved matters application needs a construction environment management plan or equivalent to deal with construction traffic routing and other issues.

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

<http://planningdocs.gloucester.gov.uk/default.aspx?custref=16/00631/OUT>

6.0 **OFFICER OPINION**

Legislative background

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Local Planning Authority to determine planning applications in accordance with the Development Plan, unless material considerations indicate otherwise.

6.2 Section 70(2) of the Town and Country Planning Act 1990 (as amended) states that in dealing with a planning application, the Local Planning Authority should have regard to the following:

- a) the provisions of the development plan, so far as material to the application;
- b) any local finance considerations, so far as material to the application; and

c) any other material considerations.

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

- Principle
- Design and landscaping
- Traffic and transport
- Loss of playing field
- Planning obligations
- Residential amenity
- Economic considerations
- Loss of school facility
- Drainage and flood risk
- Land contamination
- Ecology
- Archaeology

Principle

6.4 The site is not allocated in either the 1983 Adopted Plan or the 2002 Plan. The site is in part brownfield land comprising the site of educational buildings.

6.5 The NPPF states at paragraph 47 provisions to “boost significantly the supply of housing”. The NPPF further states at paragraph 49 that “housing applications should be considered in the context of the presumption in favour of sustainable development”.

6.6 The NPPF requires that local authorities should be able to demonstrate a five year supply of housing land plus a buffer. For Gloucester, the buffer is 5% because of its past record of housing delivery (local authorities with persistent under delivery are required to provide a 20% buffer).

6.7 The Council cannot currently demonstrate a five year supply of housing land as otherwise required to do so by paragraph 47 of the NPPF. The following issues are factors:

The JCS Inspector’s Interim Report recommends that the objectively assessed housing need for the JCS be uplifted by 5% from 33,500 new homes to 35,175 homes; and

The delivery of housing through the JCS is reliant on strategic housing sites coming forward on Greenbelt land. Such land is nationally protected and this strategy has not been formally endorsed through adoption of the JCS, which is anticipated in early 2017. The City Council’s adopted development plan dates from 1983 and this document does not have up to date allocations for new housing sites coming forward.

6.8 In practice then, the City has a route to ensuring its 5 year supply but it is not formally in place yet. Paragraph 49 of the NPPF sets out that 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. The five year supply position is clearly important in considering applications for housing but it is not considered to be decisive in this case. Specific policies are not in this case resisting appropriate residential development of the site. Other planning considerations are dealt with in the remaining sections of the report.

6.9 As noted in the Policy Officer's comments above, the site was submitted for consideration in the strategic housing land availability assessment, and subsequent land availability analysis found the site to be suitable, available and deliverable within five years and able to contribute to the Councils five year housing land supply. This informed the potential City Plan capacity figure for the JCS and the site has continued to contribute to this in subsequent updates. It is important that all sites that have the potential to contribute to City Plan capacity are brought forward in order that the City can continue to deliver housing in accordance with national policy. It would help to ensure that the City maintains a healthy housing land supply.

6.10 In terms of the broad principles of development, the site is within the built up area of the City and is a sustainable location for residential use. It would reuse a brownfield site and would contribute to housing supply. It could help to address identified issues in the ward including the low percentage of social rented and private rented homes and lack of play equipment. A mix of housing is proposed by the applicants to be in line with the Gloucestershire SHMA update 2014 and would come through in the reserved matters application/s if outline permission is granted. I do not consider there are in-principle reasons why the residential redevelopment of the site should be refused.

6.11 Paragraph 14 of the NPPF states that:

Where the development plan is absent, silent or relevant policies are out of date, local planning authorities should grant planning permission unless:

- *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole; or*
- *Specific policies in this framework indicate development should be restricted*

6.12 The Policies of the 1983 Plan are out of date. The decision making basis of Paragraph 14 is therefore key in guiding the consideration of this application. Assessment of other planning issues is undertaken below and will indicate any such adverse impacts and benefits.

Design and landscaping

6.13 The existing school buildings range in style, materials and age, and are between one and three storeys. They are of limited architectural or historic interest and their loss is not of concern.

6.14 The development is proposed at two storeys maximum. This would tie in comfortably with the character of the surrounding area. At 90 units the scheme represents 28 dwellings per hectare over the developable area.

There are a range of design and layout styles in the nearby area, including the large property, low density ribbon development along Estcourt Road, the denser but still generous modern, largely detached Gambier Parry Gardens development, the mix of styles in Estcourt Close, and the denser, older properties south of Estcourt Road.

- 6.15 In my view a balance is needed between maintaining the character of the area and delivering the houses that are needed. Given the context I consider the 90 unit scheme acceptably strikes this balance. The indicative plan demonstrates that an appropriate scheme could be designed at reserved matters stage based on 90 units that would provide a contribution to housing supply while maintaining a good environment for residents and not significantly harming the character of the area.
- 6.16 The use of the pedestrian access to the south of the site is desirable in terms of ease of movement and sustainability. It is recommended that an upgrading of this with suitable lighting is sought by condition, in the interests of public safety and security. The construction of walls alongside it as requested in representations is not considered necessary or reasonable.
- 6.17 The site immediately borders the existing tennis centre and the site of the proposed sports pitches/sports hall to the north (the latter have outline permission and reserved matters applications have been submitted). There is currently no public access between the two and the application site acts as something of a barrier to north-south movement. The provision of one or ideally two links between the sites is highly desirable for residents to access the formal sport and open space facilities in a direct and sustainable manner and would also benefit the wider community. It appears to be agreeable to parties on either side. I recommend it is secured by condition.
- 6.18 The detailed comments made by the Urban Design Officer could be picked up in discussions about the detailed layout at reserved matters stage, if outline permission were granted. There are Conservation Areas to the south of Estcourt Road, but the proposals would not affect their character or appearance. The Police comments can be picked up at the reserved matters stage if the outline permission is granted, or are matters of detailed specification that could be addressed by the developer. In respect of their comments on the junction, this is assessed by the Highway Authority.
- 6.19 In terms of landscaping, a tree survey has been undertaken. There are 5 oaks on the site that are protected and they are proposed to be retained within the development. Their retention is obviously welcomed and in my view they would make a positive contribution to the appearance of the development. I recommend their retention is secured by condition alongside a strategy demonstrating that surroundings, future growth and maintenance are taken into account.
- 6.20 There is in addition a copse of trees at the south of the site that borders onto the residential properties beyond. It currently provides a fairly substantial screen for the properties to the south. In themselves the trees are not of

sufficient quality to merit a protection order but in association with the pond they provide habitat and a contribution to the natural environment of the site. The indicative plan shows partial retention around the pond which is desirable (or equivalent alternative provision) and I recommend conditions for a management strategy for selective thinning out and retention of habitat if retained.

- 6.21 There is a Landscape Conservation Area designated in the 2002 Plan to the north of the school at Plock Court. While this is an outdated approach to landscape designation, I do not consider the proposals would harm the landscape here anyway.
- 6.22 Overall I consider that subject to conditions there would be no conflict with the above cited design and landscaping policy context.

Traffic and transport

- 6.23 The existing vehicular access off the western end of Estcourt Close is proposed to be retained as the access to the development. Estcourt Close connects to Estcourt Road (the service road parallel with the main dual carriageway) via a priority junction, which links onto the dual carriageway section at various points along the road, and at either end the Cheltenham Road roundabout and the Tewkesbury Road/Kingsholm Road roundabout.
- 6.24 The applicants have undertaken a study based on census data on vehicle ownership in the ward. This shows 1.45 cars per household with 90 units then generating a demand for 130 spaces in the scheme (* I asked the Highway Authority regarding visitor parking implications also – see below).
- 6.25 There are several bus stops along Estcourt Road, the service runs through the local part of the city. The 94 services run on Cheltenham Road approximately 800m to the south east connecting the city centre and Cheltenham. Services also run on Tewkesbury Road approximately 600m to the west connecting the city centre to Tewkesbury and Cheltenham. The railway station is approximately 1.8km south of the site
- 6.26 There are links to the surrounding pedestrian infrastructure at the main site access and at the south of the site, and Estcourt Road has dedicated cycleways (partial) and footways on both sides of the carriageway. There are a number of uncontrolled crossing points along Estcourt Road and a Toucan crossing close to the pathway out of the site to the south.
- 6.27 The site is within 2km of various local facilities including public transport, schools (though it should be noted that one of the schools is for children with special needs and two are selective secondary schools), shops and employment opportunities.
- 6.28 A Transport Assessment and Travel Plan have been submitted. The Transport Assessment concludes that the site is in a sustainable location and the associated vehicle trip generation would not have a material impact upon the local highway network.

6.29 The Highway Authority has considered the proposals and raises no objection, making the following comments (italicised):

Access

6.30 *Vehicle access to the proposed development is proposed to be taken from the western end of Estcourt Close with the existing road being extended in to the proposed development at the location of the current access to the school. Currently only access is being determined as part of this application with all other matters reserved for future consideration, I am satisfied however that an access at this location could provide a safe and suitable internal layout.*

6.31 *The existing pedestrian access to the site will be retained and used to provide a pedestrian link between the site and Estcourt Road, this should be upgraded to provided street lighting which I would recommend is the subject of a planning condition.*

Traffic generation

6.32 *The submitted Transport Assessment (TA) has considered the likely level of vehicle movements that would be generated by the proposed development and compared this to that which could be granted by the existing use of the site (ie that no additional permissions would be required to reinstate the school use).*

6.33 *The TA has used the Trip Rate Computer Information System (TRICS) database in order to assess the likely multi-modal trip rate of the proposed development by using a database of surveys of similar sites.*

6.34 *This process found the anticipated level of movements associated with the proposed 90 dwellings to be as follows-*

<i>Time period</i>	<i>Vehicles</i>	<i>Cycles</i>	<i>Pedestrians</i>	<i>Public transport</i>
<i>0800-0900</i>	<i>44</i>	<i>1</i>	<i>14</i>	<i>4</i>
<i>1700-1800</i>	<i>42</i>	<i>2</i>	<i>11</i>	<i>3</i>
<i>0700-1900</i>	<i>383</i>	<i>13</i>	<i>112</i>	<i>25</i>

6.35 *As discussed above the site has an existing use as a school and therefore it is appropriate to consider the number of movements that could be associated with the existing use. The applicant has again used the TRICS database to obtain evidence of the number of movements associated with similar school sites. This found that the number of movements associated with the school site would be as follows-*

<i>Time period</i>	<i>Vehicles</i>	<i>Cycles</i>	<i>Pedestrians</i>	<i>Public transport</i>
<i>0800-0900</i>	<i>147</i>	<i>52</i>	<i>320</i>	<i>113</i>
<i>1700-1800</i>	<i>36</i>	<i>25</i>	<i>88</i>	<i>33</i>
<i>0700-1900</i>	<i>715</i>	<i>162</i>	<i>1012</i>	<i>317</i>

6.36 *These figures are based on the full capacity of the existing school which is 900 pupils. As stated in the TA due to the reduced demand at the school in the final few years of operation the average number of pupils enrolled at the school is 614 pupils. The TA has provided a comparison of movements between the proposed use and the lower enrolment figure in order to provide a reasonable comparison between the proposed use and the existing potential use of the site. This comparison shows an overall reduction in movements as a result of the development when compared with the number of movements from the school use.*

 * Insert provided here for reference - Figures for the average of 614 pupils (average number of pupils per year over the final 11 years):

Time period	Total vehicle trip generation		
	Arrivals	Departures	
0800-0900	73	28	(101)
1500-1600	26	57	(83)
1700-1800	8	18	(26)
0700-1900	250	244	(494)

6.37 *I note that there are a number of comments raised about the suitability of this approach as the school operated in such a way that the vehicle access from Estcourt Close was used only by staff, visitors and a limited number of pupils with most pupils who arrive by car or bus being dropped off close to the pedestrian link from the service road of Estcourt Road. This is accepted however it does not materially change the conclusions that are made within the TA. The site access would have been used by staff and visitors which are likely to have amounted to a number of vehicle movements broadly similar to the number anticipated from the proposed development. Whilst the TA has addressed the number of movements from the permitted use it is accepted that it has not fully considered the nature of these movements and their impact on Estcourt Close. I have however made my own assessment of these matters and consider that the overall conclusion that a suitable means of access is provided is still correct.*

6.38 *Notwithstanding the comparison to the previous use the number of vehicle movements generated by the proposed development is not considered to be significant and could be safely accommodated by the existing network.*

Impact on local highway network

6.39 *Away from the site access the impact of the development is reduced. As covered above the operation of the school was such the vehicle access was not used by all pupils and the majority that arrive at the school by vehicle were dropped off on the service road to Estcourt Road. This means that the proposed development of the site would significantly reduce the number of vehicles using this area with the exception of the evening peak hour which*

would be slightly higher but not significant in terms of the number of movements already accommodated.

- 6.40 *The number of vehicle movements on Estcourt Close would increase slightly for the daily period however the total numbers would still be low and can be safely accommodated by the existing highway network. The TA records Estcourt Close as being 5.5m wide however my own measurements are generally in the order of 5m. A limited amount of on-street parking occurs in this area however this does not restrict the flow of traffic and the largest vehicle needed to service the development would be no larger than that already serving the existing dwellings.*
- 6.41 *For non-motorised users (pedestrians, cyclists) the total number of movements is significantly less than the extant use of the site however the routes that are taken are likely to be materially different due to the change of use, ie rather than routes from the local residential areas to the site the routes would be from the site to the local facilities.*
- 6.42 *An NMU (*non-motorised user) Context Report has been submitted which covers the difference in these routes and identifies four routes from the development to the local facilities. This report identifies 4 items that are considered to be deficiencies in the local network when compared with current standards and considers that two items should be addressed as part of the application. Firstly that dropped kerbs and tactile paving should be provided across Estcourt Close at its junction with Estcourt Road to allow pedestrians to travel safely to the south east. Secondly to the south east of the site the cycle path that runs along side Estcourt Road terminates on the approach to the roundabout with a slip on to the carriageway. This is not clearly marked and would appear that some signs are missing. Given that this route forms part of a significant link within the city the existing levels of cycle movements would not be materially increase especially when considering the previous use of the site which had a much higher level of cycle use. I do however consider that the pedestrian link to from Estcourt Road should be upgraded with street lighting to make the route more attractive.*

Accessibility

- 6.43 *The proposed development site is located in an accessible position within the urban area of Gloucester. The city centre is within cycling distance of the site and some residents may be inclined to walk to the city particularly for leisure trips. Estcourt Road has a number of bus stops within a short walking distance of the site however the number of services serving these stops are limited. The frequent bus services are located on Tewkesbury Road and Cheltenham Road which are approximately 800 and 1000m walk from the site which are acceptable distances and not dissimilar to the surrounding residential areas. These services provide a connection to central Gloucester as well as Cheltenham and Tewkesbury.*

Layout and parking

- 6.44 *The application is submitted in Outline form with matters other than access reserved for future consideration. The proposed indicative layout is acceptable and I am satisfied that any future reserved matters application could provide*

for suitable levels of both residential and visitor car parking within the space available.

Travel Plan

- 6.45 *A Travel Plan has been submitted in support of the development and will be implemented and enforced by planning condition. The Travel Plan aims to increase the modal split of travel patterns from the development travelling by foot, cycle and bus reducing the number of movements by private car by 10%. The Travel Plan will use various measures such as providing walking and cycling maps, bus timetables and information packs which could be increased to meet the targets if required.*

Committed development

- 6.46 *The re-development of the adjacent University site will mean that Estcourt Close will also serve the university development. The MasterPlan shows that Estcourt Close will serve a student accommodation block which will have limited vehicle access only. It is considered that the cumulative effects of both developments would be acceptable and could be safely accommodated by the highway network.*
- 6.47 Several objections comment on the condition of the road surface. The County Council has powers under the Highways Act to recover costs for extraordinary damage, and they would ask the developer to provide a condition survey of the roads before commencing works if permission were granted and implemented.
- 6.48 The Authority could not reasonably ask for alternative or secondary access arrangements (e.g. from Gambier Parry Gardens or across Plock Court as suggested in representations) if the proposals are shown to be acceptable.
- 6.49 In terms of the construction traffic routing, the Highway Authority's recommended condition includes a provision for construction traffic and routing to site. There may be a requirement for a small amount of temporary parking restrictions for the construction period but this is unlikely to be significant.
- 6.50 Several representations refer to indications previously that the scheme would comprise c50 units. This may or may not indicate an acceptance within the community that this number would be acceptable. In any respect, the consideration must be based on whether the proposed scheme is acceptable in highways terms, not whether a lesser number of units would be preferable. The NPPF states that 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'.
- 6.51 Subject to conditions the application would not conflict with the above-cited highways policy context, notably in the context of the NPPF the residual cumulative impacts of the development would not be severe. No objection is raised in highways terms.

Loss of playing field

- 6.52 The proposed developable area extends partially beyond the limit of the existing educational built development and into the playing fields.
- 6.53 Representations note that the development extent was expanded when vacant buildings credit was withdrawn, and should therefore now be constrained to the footprint of the school again, as per the County Council's original commitment. I am unaware of any such commitments and changes, but nevertheless, the planning authority must determine the application in front of it, based on the relevant considerations.
- 6.54 The Authority's Playing Pitch Strategy identifies 2 good quality pitches and 1 poor quality non-turf cricket wicket that is not suitable for use. The strategy is to protect and enhance the sports provision. Sport England has not objected, accepting the proposed justification around loss of land incapable of forming part of a playing pitch and the scheme leading to no loss of ability to use/size of playing pitch. It is likely that the pitches would be managed in conjunction with the neighbouring facilities and would provide for the demand for types of pitches in that wider context. In this particular case the proposed arrangement is considered to be acceptable.
- 6.55 The applicant advocates the benefits of the scheme in securing the long-term community use of currently private playing fields. This may be seen as a positive improvement given the prospect of private playing field landowners otherwise keeping fields in limited or even no use at all and them not contributing to public demand for recreation facilities. In practice the offer of the western fields seeks to provide for open space demand associated with the scheme and is in part necessary mitigation for the housing development here anyway, rather than a unilateral benefit from the scheme. I view it as providing a practical means of maintaining the policy requirements for the non-development of fields and according with the aspirations of the playing pitch strategy to protect the school fields for sport.
- 6.56 There is no explicit compliance with the 2002 Plan policy SR.2 in this regard, however it is concluded that taking into consideration the weight to be afforded to the 2002 Plan, the advice of Sport England as an expert consultee and contribution of that to the assessment against the emerging and national policy in respect of the contribution that the existing facilities make and the overall harm that would arise, that subject to conditions no objection be raised in these terms.

Planning obligations

Affordable housing/vacant buildings credit

- 6.57 Current national planning policy includes an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant buildings when the Authority calculates

an affordable housing contribution. Vacant buildings credit has previously been deleted from Government policy after a High Court ruling, but a subsequent Court of Appeal decision has led to its reinstatement. It is now returned as a material consideration in the determination of the application, although a further successful challenge could remove it again. Representations ask for affordable housing provision to be delivered as starter homes, however this provision has not been fully enacted yet. It is also the Authority's policy to seek affordable housing on all larger residential schemes – not to pick and choose which ones by reference to the 'character' of the area.

- 6.58 The Authority's policy position on affordable housing is 40% of the total. The request from this scheme would ordinarily then be 36 units. Vacant buildings credit provides for the affordable housing requirement to be reduced by the same proportion as demolished vs proposed floorspace. While the floorspace of the existing school buildings floorspace is a known quantity, the precise residential floorspace proposed is unknown given this is an outline application.
- 6.59 The applicant has calculated that the remaining vacant buildings comprise 6,224 sq m and the proposed 90 dwellings as 7,950 sq m. The affordable housing request should therefore (on the basis of this estimated proposal) be 21.7% of the normal required. The applicant therefore proposes 8 affordable housing units of the 90, instead of 36 that would normally be sought.
- 6.60 As the affordable housing component would be calculated on a formula basis including the floorspace of the resultant detailed scheme, the affordable housing numbers could in practice go up or down slightly. The currently proposed 8 is on the basis of the indicative scheme floorspace.
- 6.61 The applicant's offer is therefore the policy-compliant position, factoring in vacant buildings credit. This should be secured by s106 agreement.

Open space

- 6.62 Again as this is an outline proposal, the precise open space request is likely to vary slightly as the detail is provided. On an assumed breakdown of unit sizes for the 90 units, the formula sets out the following for consideration:

1ha of public open space

£331,000 for sport (or suitable sports provision if required – e.g. changing rooms and goalposts provided for)

£121,000 for play (likely to be provided as an off-site contribution particularly given the need for 20-30m buffers around a play area)

£42,000 general (not required if facilities are delivered on site, e.g. surfaced footpath link to Plock Court, seating, bins/dog bins, ball stop fence, boundary knee rail to roads)

(the total sum of £494,000 would only be required if the applicant were to provide nothing and may be reduced depending on the detail of the mitigation)

- 6.63 2.3ha of open space is offered for adoption at the west side of the site. I consider that the scheme would mitigate its impact in terms of public open space requirements and also practically retain playing fields and bring them from private to public use allowing for wider use. I recommend that the Council secures the policy required open space and could adopt the whole western field to maintain the policy aspiration to avoid development on playing fields.
- 6.64 A package of mitigation measures is sought for open space/sport/play. The precise nature of this is under discussion currently and should be secured by s106 agreement.
- 6.65 It is worth commenting in this section on several of the issues raised by residents in respect of the proposed open space;

The indicative provision of formal sports facilities with the application is rather cramped. The arrangement is more likely to be a single pitch or combination of reduced size or junior pitches which appears to be where the demand is currently.

Ball stop fencing is sometimes required. It can be facilitated in certain instances by a demountable system that is raised up prior to matches.

Existing trees would come over to the Council in the adoption process and are likely to be retained particularly where residents evidently seek their retention. They do not appear to inhibit use of the fields and I do not see why the Council would want to remove them unless they caused a nuisance.

In terms of the proposals reducing the ability to walk the grounds of the school, there is probably no right to do this currently, and the proposals would actually increase public accessibility and use.

In terms of the comments about preventing future development on the playing fields, there would remain the general policy presumption against building on playing fields. Furthermore, quite apart from questioning whether the Council would ever actually want to build on its adopted open spaces, it is usual practice for there to be a restrictive covenant in the transfer agreement to prevent use for anything other than sporting, recreation, leisure or associated uses.

Libraries

- 6.66 A contribution of £17,640 is sought to library provision, specifically towards additional library resources at Longlevens library. This is based on 90 units and may be revised in respect of the eventual scheme. This should be secured by s106 agreement.

Education

- 6.67 A contribution of £333,155 is sought to primary school provision, specifically towards the provision of additional places at Kingsholm CE Primary. A contribution of £307,928 is sought to secondary school provision, specifically

towards the provision of additional places at Gloucester Academy. This should be secured by s106 agreement.

- 6.68 Both are based on 90 units and may be revised in respect of the eventual scheme.
- 6.69 The capacity of local medical services should be a matter for healthcare providers.
- 6.70 The s106 contributions will comply with the NPPF requirements and CIL Regulations and would mitigate the impacts of the development compliant with the above cited policy context.

Residential amenity

- 6.71 The distance between the edge of the site and the rears of properties on Estcourt Road is in the region of 30-40m. Several of the properties have substantial trees providing a degree of screening in addition. The separation distances are sufficient that no significant harm would be caused to the properties from the two storey development of this site for residential units. Similarly, with considerate design and layout, the proposed units should not significantly harm amenities in terms of impacts on the rear garden spaces.
- 6.72 As noted already the copse of trees at the south provides a screen between the properties bordering it and the rest of the application site. I can see that it would be desirable for residents if it were retained, but it not in my view essential in amenity terms given the 2 storey scale of the proposed development and the large rear gardens of the Estcourt Road properties – a scheme could be sensibly designed so as to have no significant harm on the amenities of residents here. I see no reason though why the detailed scheme could not retain some of the boundary trees here though. The indicative scheme indicates part retention of the copse however this is based on ecological considerations around the pond as much as anything.
- 6.73 The indicative layout shows that houses could be sited south of the access road at the site entrance and therefore adjacent to no. 23 Estcourt Close. There are potential impacts on this property depending on the detailed design and siting proposed but again with considerate design there is no reason that a scheme along the parameters proposed would cause significant harm.
- 6.74 The allotments are to the east side. The hedge/trees along this boundary appear to mostly be within the application site and is indicated to be kept in the ecological report. Even if it were to be removed as part of a development I do not see that the development would cause significant harm to this neighbouring use.
- 6.75 The proposed developed area is about 80 metres from the rear gardens of the Gambier Parry Gardens properties to the west, and the separation of properties is potentially greater if there is a circulatory road and set-back houses as in the indicative layout. At this separation, a residential

development along the parameters proposed would not be harmful to residents of those properties.

- 6.76 In terms of general disturbance, there would be a trade off between the activities and noise associated with a school use – large numbers, intensive use through limited hours of the day/weeks of the year vs ongoing continued residential use. I do not see that there would be disturbance associated with residential use of the site that would cause significant harm to the amenities of neighbouring residents.
- 6.77 The site borders the proposed site for the sports hall and pitches recently granted outline planning permission for the University. It appears likely that residential properties would abut the boundary here and that floodlights would be in close proximity to the boundary on the other side, if both schemes were implemented. The applicant has submitted the application in knowledge of this arrangement. The sports pitches reserved matters application is required to be accompanied by details of the floodlighting and noise fence and would need to be assessed in terms of impacts on future residents of this site if this scheme is granted when the sports pitches scheme is determined.
- 6.78 I recommend the environmental management scheme and hours of construction conditions are imposed. I do not consider the 'no burning' condition is necessary. Subject to conditions, the proposals would comply with the above cited policy context on amenity issues.

Economic considerations

- 6.79 The construction phase would support employment opportunities. I understand that the Home Builders Federation suggests that the construction of one home per annum generates on average 4.3 direct and indirect jobs. The proposal would have some economic benefit. In the context of the NPPF advice that 'significant weight should be placed on the need to support economic growth through the planning system', this adds some limited weight to the case for granting permission.

Loss of school facility

- 6.80 The scheme would clearly lead to the loss of a site last used as a school. The applicants advised that the closure of the school in 2010 was due to falling standards and a lack of demand for places. At this time the school merged with Gloucester Academy and relocated. They also advised that currently there is sufficient capacity within the planning area to meet the basic need for places and this will remain the case 'until a predicted 2017/2018'. Furthermore that the site is considered to be unsuitable for a new school as it is not in the correct location to suit future demand. The site is therefore surplus to the requirements of Gloucestershire County Council.
- 6.81 Policy CS.1 in the 2002 Plan seeks to resist the loss of existing community facilities unless the facility is replaced within the new development; or alternative provision of equivalent community benefit is provided; or the facility is not in use and it can be established that there is a surplus of community facilities in the locality and no other organisation is willing to acquire the site

and continue use as a community facility. In a wider sense, the NPPF notes that planning should “deliver sufficient community and cultural facilities and services to meet local needs”.

- 6.82 There is no obligation in planning terms to implement the residential scheme if it were granted, and the school use could be resumed if there were a change of approach from the County Council. Recent statements by the County Council have set out that they “are able to meet future demand by filling all the surplus places currently in some of our schools and by expanding existing schools. The County Council recently announced a £4.1m investment in schools in Gloucestershire to create extra space for more pupils”. Further, the Cabinet Member for Children and Young people said there is an agreed plan in place to deal with growth in secondary pupil numbers by filling empty places at other Gloucester schools, and by expanding them where necessary. They have also said that there is not enough funding or need for a new secondary school in Gloucester. There are no developments of the necessary size forecast for Gloucester and the surrounding area to justify a new small secondary school. The view of the education authority is evidently that the application site is not needed for that planning use.
- 6.83 On the face of it the lack of a non-selective school in this part of the City, children travelling out of the area to schools, and disposal of a school site is rather confusing. Nevertheless the relevant Authority has clearly decided it is surplus and it is difficult to see what practical result an objection on such grounds would lead to even if one gave significant weight to Policy CS.1 and determined that criterion 3 of the policy was not satisfied. In terms of the NPPF, the evidence from the relevant Authority indicates that sufficient community facilities to meet local needs are in place.
- 6.84 I understand that outside the planning system Councils are required to make a submission to the Department for Education to dispose of school sites.

Drainage and flood risk

- 6.85 A Flood Risk Assessment has been produced in support. The site is within flood zone 1. No historic flood events are recorded.
- 6.86 An indicative drainage strategy has been produced. This reflects the infiltration tests carried out to understand the size and volume of structures needed to accommodate surface water flows although those tests have not been provided for review by the drainage engineer. Given the poor infiltration rate an outfall to the STW system is proposed. The indicative proposed system utilises porous paving, and several modular storage systems beneath the roads which together with soakaways would discharge runoff from residential roofs. This is proposed to deal with runoff at source. Runoff from adopted road would be via a gully system and attenuated in geocellular crate units prior to the highway drain system although it proposes swales and bio retention areas if possible, which would contribute to quality of water treatment. The detention basins previously shown beneath retained trees have now been removed. It is stated that the greenfield runoff rate is achievable if the full SuDS strategy set out it utilised.

- 6.87 A more aspirational SuDS scheme would be sought than that indicated on the indicative plan. The applicant is content however that the required on site storage volume would be achievable with the stated use of SuDS features.
- 6.88 The Lead Local Flood Authority is satisfied subject to details of the SuDS system being secured by condition and Severn Trent Water also raises no objection. The Council's Drainage Engineer is satisfied as to flood risk, but remains unsatisfied at the level of information provided to demonstrate a satisfactory drainage strategy. Notably an above-ground sustainable urban drainage strategy, the results of the infiltration tests carried out (given the confusion about the possible drainage solutions), and evidence that a 90-unit scheme can accommodate above-ground SuDS features (including a suitable buffer zone). It is recommended that this is addressed. Subject to securing this, the proposals would comply with the above-cited policy context on drainage and flood risk.

Land contamination

- 6.89 There are a number of potential contamination sources but nothing out of the ordinary. No conflict with policy would arise and no objection is raised subject to the standard contaminated land condition.

Ecology

- 6.90 An ecological appraisal has been undertaken including a Phase 1 habitat survey. Their record search identified certain protected and notable species recorded within 1km of the site. The site is considered to be of low ecological value in terms of the habitats present. There is potential for protected or notable species to occur but this is likely to be restricted to foraging and commuting bats, and nesting birds.
- 6.91 The locations with potential to support bats were searched but there was no evidence and it is likely that they are absent from the roof spaces, and no external features offered potential roosting sites. None of the trees appeared to have suitable features that could be used by roosting bats. The creation of new residential gardens is likely to provide additional foraging habitat.
- 6.92 A supplementary report was submitted examining the woodland and pond in the copse to the south of the site. The pond scored a 'poor' rating for its suitability for Great Crested Newts which is below the threshold at which further surveys to determine the presence or absence of newts are usually recommended, and it is likely that they are absent.
- 6.93 The revised indicative layout shows the retention of the pond and some of the trees in the copse here. I recommend a condition to secure this or alternative replacement. I also recommend a condition to secure ecological mitigation, including replacement of lost trees, low impact lighting strategy for bats and provision of bat and bird boxes. Subject to these the proposals would comply with the above-cited policy context on ecology.

Archaeology

6.94 A desk based assessment was undertaken, followed by an archaeological evaluation comprising 7 trenches. A small group of Roman features was revealed in the south eastern corner and evidence of ridge and furrow cultivation across the site. No conflict with policy would arise and objection is raised subject to securing the archaeological work by condition.

7.0 CONCLUSION

7.1 The site is considered to be a suitable residential site in its location, and forms part of the Council's housing supply and is a potential City Plan allocation. Even with this, the Council cannot currently demonstrate a 5 year supply as required. The proposals would contribute to meeting housing demand. The proposals would not lead to a severe residual impact on the highway subject to certain conditions. The relevant Authority has determined that the site is not required for educational purposes and can be disposed of. The proposal would have some economic benefits in terms of construction jobs, New Homes Bonus, and it would reuse a vacant site. The proposal would mitigate social impacts in terms of contributions to affordable housing (likely on the basis of vacant buildings credit), education, libraries and open space. Subject to conditions the proposals would cause no environmental harm in respect of ecology, flood risk and archaeology. It would lead to a modest enhancement of the visual appearance of the environment subject to the approval of details.

7.2 Subject to conditions and a legal agreement there is no overall objection in relation to the local plan policy context provided the drainage strategy issues are resolved. On the same basis in respect of the NPPF, there are no adverse impacts of granting permission that would significantly and demonstrably outweigh the benefits when assessed against the policies of NPPF as a whole. There are no other material considerations that indicate that the application should be refused. It is therefore considered that outline planning permission should be granted.

8.0 RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER

8.1 That, subject to confirmation that the Council's Drainage Engineer is satisfied as to the future provision of an acceptable sustainable urban drainage strategy, and securing of a legal agreement or agreements to provide the following;

1. A proportion of affordable housing (as set out in the report factoring in vacant buildings credit as required)
2. A package of mitigation for open space requirements that the Committee delegates to the Development Control Manager to finalise
3. A financial contribution towards education on the basis set out in the report
4. A financial contribution towards libraries on the basis set out in the report

and delegation from the Committee to the solicitor for the incorporation of such additional provisions in the proposed planning obligation that may be deemed necessary by the solicitor, planning permission is granted subject to the following conditions;

Condition 1

Approval of the details of the appearance, landscaping, layout and scale of the development (hereinafter called “the reserved matters”) shall be obtained in writing from the Local Planning Authority prior to the commencement of development except as provided for by other conditions.

Reason

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Condition 2

Plans and particulars of the reserved matters referred to in condition 1 above shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason

Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

Condition 3

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 5 years from the date of this permission.

Reason

Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

Condition 4

The development hereby permitted shall begin either before the expiration of 5 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

Condition 5

The area of the site developed for residential use and associated road infrastructure shall be no greater in extent than that shown on plan ref. 7769 007G Indicative Layout Option 2.

Reason

To secure the basis of the proposed development, to protect the remaining playing field and secure the terms under which the encroachment to playing fields is acceptable in accordance with the NPPF, Policy SR.2 of the 2002 City of Gloucester Second Deposit Local Plan and Policies INF4, INF5 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014.

DESIGN

Condition 6

The scale of development shall be no greater than two storeys.

Reason

To secure the maximum scale parameters in the application in the interests of preserving the character and appearance of the area in accordance with the NPPF, Policy BE.1, BE.7 and BE.17 of the 2002 City of Gloucester Second Deposit Local Plan, and Policy SD5 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014.

Condition 7

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

Reason

To ensure that the materials and exterior building components are appropriate to their context, in accordance with Policy SD5 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraph 58 of the National Planning Policy Framework and Policy BE.7 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 8

Highways, footpaths, cycle ways, parking areas and all other hard surfaces shall be implemented only in accordance with details of the surface material finishes (set out on a scaled layout plan) that have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that the design and materials are appropriate to their context, in accordance with Policy SD5 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraph 58 of the National Planning Policy Framework and Policy BE.7 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 9

Street and open space furniture, screen walls, fences/railings and other means of enclosure shall be implemented only in accordance with details (set out on scaled plans) that have been submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of privacy and security and to ensure that the design and materials are appropriate to their context, in accordance with Policy SD5 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraph 58 of the National Planning Policy Framework and Policies BE.5 and BE.7 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 10

Unless otherwise agreed to in writing by the Local Planning Authority pedestrian access/es between the edge of the developed area of the application site and edge of the site bordering the sports facilities complex to the north shall be implemented in accordance with details of their layout and any gates or similar structures and a timetable for implementation to be submitted to and approved in writing by the Local Planning Authority.

Reason

The provision of links through to the proposed and existing sports facilities immediately to the north of the site is necessary to provide convenient and sustainable links for residents and to maximise the design opportunities of the site in accordance with the NPPF, Policy SD5 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014 and Policy BE.4 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 11

No above ground construction shall commence on site until details of street lighting for the pedestrian link between the site and Estcourt Road have been submitted to and approved in writing by the Local Planning Authority and shall be provided in accordance with the approved details prior to occupation of the first dwelling and shall be maintained as such until and unless adopted as highway maintainable at public expense.

Reason

In the interests of community safety while protecting the amenities of neighbouring residents and in order to take up the opportunities for sustainable transport modes and to give priority to pedestrian movements in accordance with paragraphs 17, 32 and 35 of the National Planning Policy Framework, Policies BE.5 and BE.21 of the Second Deposit City of Gloucester Local Plan (2002) and Policies SD5 and SD15 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014.

TREES AND LANDSCAPE

Condition 12

Reserved matters applications shall retain within the detailed layout the 5 no. existing trees (subject to a tree protection order) noted as retained on the indicative layout option 2 ref. 7769-007G submitted with the application for outline planning permission and shall be accompanied by a report detailing;

- a suitable use and physical arrangement of the area surrounding each tree;
- how the layout responds to the future growth and maintenance needs of the trees;
- that there will be no shading of nearby properties to an unreasonable degree (BRE209);
- proposals for suitable foundations of nearby buildings as may be necessary in respect of the presence of the retained trees;
- an arboricultural impact assessment to BS5837:2010;

Development shall proceed only in accordance with the approved details and these trees shall be retained in perpetuity.

Reason

To ensure adequate protection to existing protected trees which are to be retained and to retain habitat, in the interests of the character and amenities of the area and protecting biodiversity in accordance with Policies SD10 and INF 4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 17, 109 and 118 of the National Planning Policy Framework and Policies B.8, B.10 and BE.4 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 13

Reserved matters applications involving the land at the south west of the site around the pond shown to be retained on the indicative layout (option 2 ref. 7769-007G submitted with the application for outline planning permission) shall be accompanied by details to show the retention of trees in this location and the management of the area including any selective tree removal, thinning out and habitat retention. If the existing copse here is not proposed to be retained in its entirety, tree replacements of equivalent number shall be planted in accordance with details to be shown on the landscape plans and implemented in accordance with the landscape condition 16.

Reason

To ensure adequate protection to existing trees which are to be retained and to retain habitat in accordance with the submitted Ecological Appraisal, in the interests of the character and amenities of the area and protecting biodiversity in accordance with Policies SD10 and INF 4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 17, 109 and 118 of the National Planning Policy Framework and Policies B.8, B.10 and BE.4 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 14

Any damage caused to any tree which is to be retained shall immediately be notified to the local planning authority and any such remedial work as is advised by the Authority shall be undertaken immediately. As soon as possible thereafter such further work as is necessary to secure the preservation of the tree shall be undertaken in accordance with BS 3998:1989 Tree Work.

Reason

To ensure adequate protection to existing trees which are to be retained and to retain habitat, in the interests of the character and amenities of the area and protecting biodiversity in accordance with Policies SD10 and INF 4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 17, 109 and 118 of the National Planning Policy Framework and Policies B.8, B.10 and BE.4 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 15

No development including demolition or site clearance shall be commenced on the site or machinery or material brought onto the site for the purpose of development until full details of adequate measures to protect trees and hedgerows including those within the developable area required to be retained by condition 12 have been submitted to and approved in writing by the local planning authority. These shall include:

(a) Fencing. Protective fencing must be installed around trees and hedgerows to be retained on site. The protective fencing design must be to specifications provided in BS5837:2005 or subsequent revisions, unless agreed in writing with the local planning authority. A scale plan must be submitted and approved in writing by the local planning authority accurately indicating the position of protective fencing. No development shall be commenced on site or machinery or material brought onto site until the approved protective fencing has been installed in the approved positions and this has been inspected on site and approved in writing by the local planning authority. Such fencing shall be maintained during the course of development,

(b) Tree Protection Zone (TPZ) The area around trees and hedgerows enclosed on site by protective fencing shall be deemed the TPZ. Excavations of any kind, alterations in soil levels, storage of any materials, soil, equipment, fuel, machinery or plant, citing of site compounds, latrines, vehicle parking and delivery areas, fires and any other activities liable to be harmful to trees and hedgerows are prohibited within the TPZ, unless agreed in writing with the local planning authority. The TPZ shall be maintained during the course of development

Reason

To ensure adequate protection to existing trees which are to be retained and to retain habitat, in the interests of the character and amenities of the area and protecting biodiversity in accordance with Policies SD10 and INF 4 of the

Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 17, 109 and 118 of the National Planning Policy Framework and Policies B.8, B.10 and BE.4 of the Second Deposit City of Gloucester Local Plan (2002). Receipt of details pre-commencement is necessary to fully protect retained trees.

Condition 16

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

Reason

To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment, in accordance with Policies BE.4 and BE.12 of the Second Deposit City of Gloucester Local Plan (2002), Policy SD5 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version 2014 and Paragraphs 17 and 58 of the NPPF.

ECOLOGY

Condition 17

The existing pond at the south of the site shall be retained in situ or like for like replacement made. Any replacement provision shall be completed in full prior to the final occupation if a unit on the site unless an alternative timetable is agreed in writing by the Local Planning Authority in which case provision shall be made in accordance with the approved alternative timetable. The retention or re-provision of the pond shall be shown on the detailed layout plans in reserved matters applications.

Reason

To preserve biodiversity in development in accordance with that indicated in the application and with Paragraph 118 of the NPPF and Policy SD10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version 2014.

Condition 18

No development shall be commenced until a Schedule of ecological mitigation measures has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include;

- Retention of existing trees or replacement planting for trees that are felled;
- Works to retained areas of woodland;

- Retention and enhancement of existing pond, or replacement with enhanced pond with a methodology for infilling of the existing pond;
 - Bat and bird boxes or similar provision;
 - A lighting strategy demonstrating mitigation measures for bats;
- Development shall be implemented in accordance with the approved details and any physical measures shall be provided in full prior to the final occupation of a unit within the development unless an alternative timetable is agreed in writing by the Local Planning Authority in which case provision shall be made in accordance with the approved alternative timetable.

Reason

In accordance with the recommendations of the ecological report to incorporate biodiversity in development in accordance with the Paragraph 118 of the NPPF and Policy SD10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version 2014.

DRAINAGE

Condition 19

No development approved by the permission shall be commenced until a detailed drainage strategy including a scheme of surface water treatment has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall be supported by evidence of ground conditions and modelling of the scheme to demonstrate it is technically feasible and where applicable adheres to the relevant guidance and standards. The Strategy shall ensure a surface water discharge rate from the site of no more than 11.6 litres per second. The drainage scheme shall be carried out in accordance with the approved details. Where surface water requires disposal off site (i.e. not infiltrated) the applicant must provide evidence of consent to discharge/connect through 3rd party land or to their network, system or watercourse.

Reason

To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution, in accordance with Policies FRP.1a, FRP.6, FRP.11 of the City of Gloucester Second Deposit Local Plan 2002 Policy INF3 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version 2014 and Paragraph 103 of the NPPF.

Condition 20

No building shall be occupied until a SuDS maintenance plan for all SuDS/attenuation features and associated pipework has been submitted to and approved in writing by the Local Planning Authority. The approved SuDS maintenance plan shall be implemented in full in accordance with the agreed terms and conditions and shall operate for the lifetime of the development.

Reason

To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution, in accordance with Policies FRP.1a, FRP.6, FRP.11 of the City of Gloucester Second Deposit Local Plan 2002 Policy INF3 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version 2014 and Paragraph 103 of the NPPF.

ENVIRONMENTAL HEALTH

Condition 21

Prior to commencement of the development hereby permitted, an Environmental Construction Management Plan shall be submitted to and approved in writing by this Authority which specifies mitigation measures in respect of the following issues (including demolition and preparatory groundworks) in order to prevent nuisance. The use shall not be commenced until the approved plan has been made fully operational, and thereafter it shall be operated and maintained for the full duration of the construction phase. The scheme shall include details of how dust will be qualitatively monitored: –

1. Dust from demolition
2. Dust from groundwork's
3. Dust from stockpiles and material handling/removal
4. Storage of waste
5. Keeping highways clear of mud

Reason

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

Condition 22

Construction work and the delivery of materials shall be limited to the hours of 0800 hours to 1800 hours Monday to Friday, 0800hours to 1300hours on Saturdays and for the avoidance of doubt no construction work or deliveries shall take place on Sundays or Bank Holidays.

Reason

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

Condition 23

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 4 have been complied with. If

unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until part 4 has been complied with in relation to that contamination.

1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

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

(ii) an assessment of the potential risks to:

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

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

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

2. Submission of Remediation Scheme

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

3. Implementation of Approved Remediation Scheme

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

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

4. Reporting of Unexpected Contamination

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

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

5. Long Term Monitoring and Maintenance

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

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

Reason

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

ARCHAEOLOGY

Condition 24

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

Reason

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

HIGHWAYS

Condition 25

1) 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. provide for the parking of vehicles of site operatives and visitors;
- ii. provide for the loading and unloading of plant and materials;
- iii. provide for the storage of plant and materials used in constructing the development;
- iv. provide for wheel washing facilities;
- v. specify the intended hours of construction operations;
- vi. measures to control the emission of dust and dirt during construction
- vii. measure to provide safe access for construction vehicles from Estcourt Road to the site access including a vehicle routing plan.

Reason

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

Condition 26

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

Reason

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

Condition 27

No building 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, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework.

Condition 28

The details to be submitted for the approval of reserved matters shall include vehicular parking and turning facilities within the site, and the buildings 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 ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.

Condition 29

No above ground 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.

Condition 30

No above ground 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, suitable and secure access is achieved and maintained for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework and to establish and 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.

Condition 31

No above ground development shall commence on site until details of a pedestrian crossing point across the south western arm and western turning head of Estcourt Close has been submitted to and agreed in writing by the Local Planning Authority and shall be provided in accordance with agreed details prior to occupation of the first dwelling and shall be maintained as such until and unless adopted as highway maintainable at public expense.

Reason

In order to take up the opportunities for sustainable transport modes and to give priority to pedestrian movements in accordance with paragraph 32 and 35 of the National Planning Policy Framework.

Note

The proposed development will involve works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the County Council before commencing those works.

Note

Trees on this site are protected by Tree Protection Order no. 294 confirmed 16th December 2015.

Note

Bird and bat protection informative notes.

Note

It is recommended that building demolition and any vegetation clearance or management of hedges be carried out outside the bird nesting season of March to August. Where this is not possible, buildings and vegetation should be surveyed for nesting birds by a suitably qualified person prior to works commencing. If found, the habitat must remain intact until the young have fledged.

Decision:

Notes:

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Person to contact: Adam Smith
(Tel: 396702)

16/00631/OUT

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GL1 3LR

Planning Committee

