

GLOUCESTER CITY COUNCIL

COMMITTEE : **PLANNING**

DATE : **4TH JULY 2017**

ADDRESS/LOCATION : **LAND REAR OF 3-29 PAYGROVE LANE**

APPLICATION NO. & WARD : **16/01558/OUT
LONGLEVENS**

EXPIRY DATE : **22ND MARCH 2017**

APPLICANT : **GLOUCESTERSHIRE COUNTY COUNCIL**

PROPOSAL : **Outline application (with means of access offered for consideration) for residential redevelopment of up to 10 dwellings and public open space including associated landscaping, car parking and access.**

REPORT BY : **ADAM SMITH**

**NO. OF APPENDICES/
OBJECTIONS** : **SITE PLAN**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site is a broadly rectangular open grass field of approximately 1.4ha accessed off the west side of Paygrove Lane via a short track. To the east of the site is a row of residential properties that front Paygrove Lane and whose rear gardens back onto the site. To the south are residential properties of Leven Close (to the west they back onto the site, to the east is a row of properties side-on to the site). To the west of the site there is a residential property at the south and what appears to be its large garden extending northwards all the way up the western boundary of the site. It appears this may comprise of two premises within the building. Beyond that to the west are residential properties on The Avenue. To the north are residential properties on Richmond Gardens backing onto the site and properties on Paygrove Lane where the nearest garden borders the site side-on.
- 1.2 The proposal is made as an outline application with all matters reserved for future consideration other than the means of access, for the development of up to 10 residential dwellinghouses and public open space including associated landscaping, car parking and access.
- 1.3 It is proposed that the site access remains off Paygrove Lane at the location of the existing track. The application site also includes a wedge of land that is currently part of the adjoining residential property immediately to the north of

the access track; this provides for an enlarged vehicular access arrangement. The proposals also show the relocation of the existing road calming feature (further northwards on Paygrove Lane), bus stop flag and school warning sign.

- 1.4 An indicative layout has been submitted for consideration with 10 detached two storey properties shown in a single row down the east side of the site, with gardens backing onto the existing Paygrove Lane properties. The access road would come in off Paygrove Lane and run southwards to provide frontage access to the properties. The remainder of the site would be given over to public open space with a car park indicated at the northern edge of the field to serve the open space. This is only indicative at this stage as an example of how the development might take effect, although as will be seen later in the report there is a commitment to a set amount of open space and the car park within the final form of development.
- 1.5 The application is referred to the planning committee as the recommendation involves a s106 agreement.

2.0 RELEVANT PLANNING HISTORY

- 97/00803/OUT
- 2.1 Outline planning application for residential development. Withdrawn prior to determination.

3.0 PLANNING POLICIES

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

Central Government Guidance - National Planning Policy Framework

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

The NPPF includes relevant policy on transport, delivering a wide choice of high quality homes, requiring good design, promoting healthy communities, climate change and flooding, and conserving and enhancing the natural and historic environments.

Planning obligations and conditions

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

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

Planning conditions should only be imposed where they are

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

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

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

The Development Plan

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

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

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

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

Local Plan

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

A.2 – Particular regard will be given to the City's heritage in terms of archaeological remains, listed buildings and conservation areas.

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

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

2002 Plan allocations

- 3.7 Private Playing Field - Policy SR.2

2002 Plan Policies

- FRP.1a – Flood risk
- FRP.6 – Surface water run-off
- FRP.10 – Noise
- FRP.11 – Pollution
- FRP.15 – Contaminated land
- B.7 – Protected species
- B.8 – Non identified sites
- B.10 – Trees and hedgerows on development sites
- 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.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.9 – Parking standards
- TR.12 – Cycle parking standards
- TR.31 – Road safety

H.4 – Housing proposals on unallocated sites
H.7 – Housing density and layout
H.8 – Housing mix
OS.2 – Public open space standard for new residential development
OS.3 – New housing and public open space
OS.4 – Design of public open space
OS.5 – Maintenance payments for public open space
SR.2 – Playing fields and recreational open space
CS.11- Developer contributions for education

Emerging Plans

- 3.9 On adoption, the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy and Gloucester City Plan will provide a revised planning policy framework for the Council. In the interim period, weight can be attached to relevant policies in the emerging plans according to
- The stage of preparation of the emerging plan
 - The extent to which there are unresolved objections to relevant policies; and
 - The degree of consistency of the relevant policies in the emerging plan to the policies in the National Planning Policy Framework

Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Main Modifications Version, February 2017)

- 3.10 The Council has prepared a Joint Core Strategy with Cheltenham and Tewkesbury Borough Councils (JCS) which was submitted for examination on 20 November 2014. The Inspector published her Interim Findings in May 2016 and the JCS authorities have now approved Main Modifications to the plan for consultation. Consultation took place in February/March 2017 and further examination hearings are expected to take place June/July 2017.
- 3.11 The JCS has therefore reached a further advanced stage, but it is not yet formally part of the development plan for the area and the weight that can be attached to each of its policies will be subject to the criteria set out above, including the extent to which there are unresolved objections.
- 3.12 The following policies in the JCS are of relevance and the plan is subject to representations through the consultation which affects the weight that can be attributed to the policy;

SD5 – Design requirements
SD9 – Historic environment
SD10 – Biodiversity and geodiversity
SD11 – Residential development
SD12 – Housing mix and standards
SD15 – Health and environmental quality
INF1 – Transport Network
INF3 – Flood risk management
INF4 – Green infrastructure
INF5 – Social and community infrastructure
INF7 – Infrastructure delivery
INF8 – Developer contribution

Gloucester City Plan

- 3.13 The Draft Gloucester City Plan and “call for sites” was subject to consultation January and February 2017. The Plan is at an early stage and therefore carries limited weight.

Gloucester Playing Pitch Strategy 2016

- 3.14 The assessment involved a full analysis of supply and demand for the main sports in Gloucester, both now and in the future. The overall conclusion is that Gloucester has a lack of pitches available across all sports with the exception of cricket (although demand is likely to increase as the quality of pitches improves) and that the majority of pitches need qualitative improvements. A strategy follows, setting out a range of aims and recommendations based around the following key principles;
- Protect existing sports pitches from alternative forms of development to provide for current and future needs;
 - Enhance outdoor facilities through improving quality and management of sites;
 - Provide new outdoor sports facilities where there is current or future demand to do so.
- 3.15 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 Highway Authority raises no objection subject to conditions to secure implementation of the roads prior to occupation, implementation of the initial parts of the road and the junction prior to construction, a construction method statement, provision of fire hydrants, details of management and maintenance of the proposed streets, and details of parking and turning and their implementation. In respect of the amended indicative layout with the car park shown they have no further comment at this time but suggest that they will consider the detailed layout further in the appropriate reserved matters application (if outline permission is granted).
- 4.2 Sport England is not a statutory consultee as the playing field has not been used for over five years. They have commented however, and originally objected to the application although they noted that they would be likely to support the proposals if either a mini soccer pitch or youth 9v9 pitch is incorporated in the masterplan, and/or a financial contribution is secured to mitigate the loss in line with the Playing Pitch Strategy. Sport England has now confirmed that in light of the applicants providing a workable layout for football they withdraw the objection.
- 4.3 The Lead Local Flood Authority raises no objection to the principle of the development but required a drainage strategy to be compliant with the non-statutory technical standards for sustainable drainage and the NPPF with

respect to surface water flood risk. The LLFA also made comments about surface water flooding to the properties north of Paygrove field and is looking to secure the diversion or management of flows from the site northwards. At the time of writing an amended report has been produced and I await the LLFA's updated comments.

- 4.4 Severn Trent Water raises no objection subject to a condition to secure approval and implementation of drainage plans.
- 4.5 The County Council (planning obligations team) has requested contributions to education as set out in detail later in the report.
- 4.6 The Council's Contaminated Land Consultants raise no objection.
- 4.7 The Environmental Health Officer raises no concerns about noise for future occupants of the development. He raises concerns about road traffic noise impact to the existing properties either side of the access road and seeks further information from the developer. Notwithstanding this he would recommend approval subject to conditions to secure; hours of construction; limits on parking construction vehicles; a construction management plan; prevention of burning; measures to assist with air quality; and a scheme for refuse and recycling storage.
- 4.8 The Landscape Architect requests contributions in relation to public open space as set out later in the report.
- 4.9 The Urban Design Officer raises no objection but makes several comments;
The indicative siting of buildings is the most appropriate and efficient location and would secure that boundary;
The indicative back-to-back distances are acceptable;
Minimum 15m garden lengths are suggested;
Overshadowing needs consideration at reserved matters stage;
Careful assessment is needed at reserved matters stage of the relationship to the adjacent properties in Leven Close;
The landscape buffer at the western boundary could be a remnant of an original field boundary; it is likely that any development on that boundary would result in some harm to that hedgerow;
Would support the use of prominent pitched gables in the detailed design as a way of referencing local architectural features and increasing the interest of the development.
- 4.10 The Tree Officer raises no in principle objection but seeks new tree planting if possible and suggests along the edge of the swale on the indicative layout.
- 4.11 The City Archaeologist raises no objection subject to a condition to secure a programme of archaeological mitigation.
- 4.12 The Environmental Planning Manager raises no objection but suggests conditions to secure bird and bat boxes for biodiversity enhancement, avoid compartmentalising gardens with solid fencing, and require a site walkover survey prior to works as a precautionary approach to check for newts.

- 4.13 Similarly to the LLFA the Drainage Officer requires a suitable indicative drainage strategy to deal with surface water runoff. He has reviewed the amended submission and although he still fundamentally disagrees with parts of the report, he accepts the revised discharge rate of 3.9 l/s and is confident that it is possible to accommodate a compliant SuDS scheme at the site, proposing a more prescriptive condition for the drainage strategy as a result, and a condition for maintenance.
- 4.14 The Planning Policy Officer raises no objections on balance, noting the City Plan and Playing Pitch Strategy positions on the site (discussed further later in the report).

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1 56 neighbouring properties were notified and press and site notices were published. A further consultation has been undertaken following the receipt of the new indicative layout, which expired on the 2nd June 2017.
- 5.2 18 representations have been received. Issues raised may be summarised as follows:
- Pleased to see numbers limited to 10. Opposition to a greater number;
 - Wish to see as much of site as possible retained for public open space;
 - Wish to have consultation with local residents on form of public open space;
 - Sporting use of fields for community preferable to houses;
 - A lease to use the site for playing field use has not expired;
 - The County Council has prevented public use of the open space since the school closed in 1988;
 - Should have green space for community;
 - Support for open space for community use;
 - Open space would only be used by the new residents;

 - Traffic congestion. Pedestrian safety. Driving onto pavements occurs. Parking and road dimensions creates single lane; mounting pavement on Paygrove Lane at busy times; presence of infant school; bus service; cited example of an accident nearby; County Council should deal with these issues;
 - Provision of a new car park might only encourage more parents to drive;
 - Impact of area being used as cut through;
 - Access should be from Leven Close;
 - Impact of new estates in locality;
 - Blocking of drives by school traffic;
 - Previous County Council concerns with the bend in Paygrove Lane by the proposed junction;
 - Suggest parking provision associated with public open space to be utilised for school drop off/collection – either on site on opposite side of road;
 - Widen road by taking some of public open space;
 - Construction traffic implications. Should be from north (not past school);
 - Parking restrictions have had no noticeable impact;

- Impact on privacy, natural light, overlooking, overshadowing and view for Paygrove Lane residents;
- Dwellings better sited on other side of field where won't impact on Paygrove Lane residences;
- Dwellings better sited in middle of field with open space around;
- Noise impacts;

- Longlevens was so named because of the site in question;
- It is a greenfield site;
- Area becoming overdeveloped;

- Flooding issues;
- Until 20 years ago gardens of 13-21 Paygrove Lane would regularly flood;
- Local sewer problems;

- Impact on local nurseries, infant school (over subscribed) and Saturday footballers;
- Devaluation of properties;
- Compensation from Council;
- Houses should have more space and with a south facing garden
- Confusion over comments about there being 20 plus houses proposed – put on hold until the number is made public;
- Setting precedent for further development of the site;
- The 2006 Local Development for Gloucester concluding the potential negative impacts of development outweigh any potential positive impacts;
- Building houses in a manner to enable building more in future;
- Large gardens in majority of Longlevens;
- How to prevent kids running out into Paygrove Lane from the playing field;
- Impacts on hedgehogs and newts;
- Provision for footballers taken precedence, why so many pitches needed part should be a wildlife area; should have a playground; question access by general public; consultation needed about use of open space;
- Queries on obtaining best value from the site.

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 and via the following link:

<http://planningdocs.gloucester.gov.uk/default.aspx?custref=16/01558/OUT>

6.0 **OFFICER OPINION**

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

- Principle
- Traffic and transport
- Playing field issue/open space contributions
- Residential amenity
- Design

- Drainage and flood risk
- S106 issues

I understand that the site was formerly used as the playing fields associated with Longlevens Secondary Modern School which closed in 1988, and that it has been unused since the late 1990s.

Principle

- 6.2 The NPPF sets out 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”. The Council cannot currently demonstrate a five year supply of housing land as required by paragraph 47 of the NPPF but the Council has a route to ensuring its 5 year supply through the Joint Core Strategy, although this is not formally in place yet.
- 6.3 Paragraph 49 of the NPPF sets out that policies in relation to 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. 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 the Framework as a whole; or specific policies in the NPPF indicate that development should be restricted.
- 6.4 Policy SD11 of the JCS Main Modifications allows for infilling within the existing built up areas of the City. In terms of the broad principles of development, the site is within the built up area of the City, is in a sustainable location for residential use and would contribute to housing supply.
- 6.5 Furthermore, the site has already been considered through the early stages of the local plan process. The Council’s 5 year supply calculation involves an assumption about land that is expected to come forward for development within the Gloucester urban area, and in this regard Gloucester City is also progressing the new City Plan which is currently at draft plan stage, and was the subject of a public consultation earlier this year. The site was identified by the landowner as being potentially available for development and was consulted on in the 2013 and 2017 City Plan consultations with the City Plan noting the opportunity for a limited amount of residential development (up to 20 dwellings) whilst creating a significant amount of public open space and / or playing pitches for use by the wider community’ (although the numbers are a broad assumption and this application gives the opportunity for detailed assessment). The development of the site has been considered suitable, available and achievable but the loss of playing pitch was to be subject to the Playing Pitch Strategy.
- 6.6 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.

- 6.7 The contribution of 10 residential units to the Council's housing supply weighs in favour of the application.

Traffic and transport

- 6.8 The site would be served by a new expanded access at the existing access point between 29 and 33 Paygrove Lane with additional land previously within the boundary of the adjacent 33 Paygrove Lane to the north. The access would be via a priority junction onto Paygrove Lane which is subject to a 30mph speed limit with an advisory 20mph school safety zone restriction between Church Road and the south side of the site access. The application refers to the provision of 30 parking spaces for the development and the indicative plan now also shows the provision of a car park to serve the open space with 22 spaces. The proposals also show the relocation of the existing road calming feature (further northwards on Paygrove Lane), bus stop flag and school warning sign.
- 6.9 It is evident from the representations that there is concern locally about the road capacity, dangerous manoeuvres undertaken by drivers, and the exacerbation of problems caused during school drop off and collection times associated with the Primary School. The Highway Authority has provided comments on the proposals;
- 6.10 There have been no recorded collisions in the past 5 years in the vicinity of the site access along Paygrove Lane to demonstrate an existing highway safety issue. One representation received from a local resident provided information on an accident that was witnessed. This has been provided to the Highway Authority Officer who has noted that the collision was not in the immediate vicinity of the site access and does not alter the Highway Authority's response. According to the collision records this was the result of driver error and unrelated to the site access.
- 6.11 There are footways on both sides of Paygrove Lane with street lighting, and there are pedestrian links to nearby local amenities within walking distance including schools, nurseries and shops, and regular service bus stops are located on Paygrove Lane as well as wider services on Cheltenham Road. The site is accepted as being in a sustainable location reducing the reliance on private vehicle trips to and from the site. It is also noted there are existing traffic calming speed cushions to manage vehicle speeds.
- 6.12 There may be parking pressure on the road during school hours, however the proposed access would not significantly affect the existing on-street parking provision. It is noted that there are existing restrictions along the development side of Paygrove Lane preventing on-street parking during typical school starting and finishing times of 8:30-9:30 and 15:00-15:30.
- 6.13 It would be expected that development of the site would provide suitable parking provision and it is considered that this could be accommodated within

the site, although justified provision to meet evidenced local demand would be required at reserved matters stage when the detailed layout would be considered.

- 6.14 Based on a speed survey demonstrating low vehicle speeds of 16.1mph northbound and 16.2mph southbound, the visibility splays illustrated of 2.2m x 25m to south and 2.m x 43m to north are more than sufficient taken to the road edge rather than nearside vehicle track edge and given the adjacent road width. The site access includes suitable dimensions, widths and junction radii with flows on Paygrove Lane allowing for entering and exiting vehicles to give way if necessary, although the majority of light vehicles will be able to pass simultaneously at the site entrance.
- 6.15 The proposed 10 dwellings would result in estimated additional morning and evening peak hour vehicle trips accessing Paygrove Lane that would not be expected to result in any significant impact on existing network capacity or conditions.
- 6.16 The proposed site access works would require highway works including re-positioning of the existing adjacent bus stop, road cushion and signage. These would be subject to separate highway works agreements and approval processes.
- 6.17 The internal layout is a reserved matter, however from the initial masterplan sketch layout submitted there may be issues regarding swept path vehicle tracking, passing and visibility from the site access around the first bend illustrated close to the adjacent dwelling, internal road width, emerging visibility splays from parking/driveway spaces, and it is likely that the turning head would need to be enlarged to accommodate refuse vehicle turning. Demonstration of suitable vehicle tracking with two-way vehicle passing and forward visibility splays to nearside vehicle/pedestrian track/positions and emerging splays based on design speed would be sought. These matters could be addressed at that stage and are not an in-principle reason for refusal. It is likely that the proposals would necessitate close scrutiny of the layout and building positions in terms of design and amenity impacts so the precise layout is likely to be refined anyway.
- 6.18 The proposal would not result in a severe residual impact on the highway and no objection is raised in highway terms.

Playing field issue/open space contribution

- 6.19 Parag 74 of the NPPF sets out that existing open space and sports land should not be built on unless; an assessment shows it to be surplus to requirements; the loss would be replaced by equivalent or better provision in quantity and quality in a suitable location; or the proposal is for alternative sports and recreational provision, the needs for which clearly outweigh the loss. Sport England's policy towards such sites reflects this guidance.
- 6.20 The emerging JCS includes Policy INF4 that seeks to protect green infrastructure in a manner that reflects its contribution (including recreation

and play) and the connectivity of the green infrastructure network. It also notes that proposals should also make provision for future maintenance of green infrastructure. Policy INF5 relates to social and community infrastructure and also refers to sports pitches and open space. It requires evidence of why it is no longer required and when and where suitable local replacement will be required; that where residential development creates a need for community facilities it will be met in full on site or as a off-site contribution, of an appropriate type, standard and size; and also that it should be centrally located to the population it serves and easily accessible on foot and bicycle and by public transport.

- 6.21 The site is allocated in the 2002 Second Deposit Local Plan as a Private Playing Field to which Policy SR.2 applies. Given its age, progress to adoption and pre-dating the NPPF, limited weight can be given to the Policy. Nevertheless it is still relevant that this is a field last used for sports provision by the community, seemingly around 20 years ago before it was closed off. Policy SR.2 seeks to oppose proposals involving the loss of playing fields unless one or more of four criteria are met, including development of a small part of the site retention and improvements of the facilities; alternative provision of facilities of equal or better standard are made available elsewhere; a clear long term excess of provision is shown; or the proposals is for an indoor sports facilities of sufficient benefit to outweigh the loss.
- 6.22 In terms of consultee input in relation to the playing field issue, Sport England are not a statutory consultee given the applicant has closed off use of the field for over 5 years, but they have commented. Sport England's policy is applied to any land in use as playing field or last used as playing field, irrespective of whether that use ceased more than 5 years ago. Lack of use should not be seen as necessarily indicating an absence of need for playing fields in the locality and such land can retain the potential to provide playing pitches to meet current or future needs.
- 6.23 The Playing Pitch Strategy identifies current and future (2031) shortfalls of match session provision at adult and youth levels. It also identifies key issues including that 56% of pitches available for community use are noted as 'poor' quality – additional pitches would allow rest for existing pitches and help accommodate current and future demand. Furthermore 3 teams report unmet demand and having to turn players away they cannot accommodate including Longlevens FC which is based in the locality. This reflects comments of 20 years ago where there were objections from local youth football organisations to the 1997 application.
- 6.24 In the context of the use for playing fields last having actively taken place around 20 years ago and the fields currently being closed to the community, in the emerging City Plan the pragmatic view has been taken that the site could be suitable for a limited amount of development whilst providing community benefit in formalising access to public open space playing fields.
- 6.25 It therefore appears to be the case that there is demand for pitches in the locality, and there would be benefit in opening the field out to public use for

sport, as well as the obvious associated benefits to the community of public open space for general use.

- 6.26 While an amount of field would be lost in the proposals, the area of the site offered for public open space is shown to provide the capacity for a combination of pitches – 1 x 9v9 pitch, 2 x 7v7 pitches or 4 x 5v5 pitches. Sport England sought confirmation that the remaining field could still accommodate either a mini soccer pitch or a youth 9 v 9 pitch, which has been done. Sport England's policy reflects the NPPF requirements and as noted earlier they now raise no objection in light of this confirmation. Several representations refer to the actual end use of the public open space. The provision for pitches required on the layout plan is to establish the potential continued use in light of the partial loss of the field area. If the land is transferred to the Council for public open space it will ultimately be up to this authority how it is laid out and used. It does not mean that per se it will exclusively be used for football.
- 6.27 In terms of layout considerations associated with the playing field use, the proposals retain the majority of the site as open field and the indicative plan shows the road and buildings on the east side of the site. If a detailed application in future sited the properties along the western edge (as is suggested in some representations) more of the field would be lost as a result of the greater extent of access road required (it might also require further consideration of the impact on the hedgerow). This is contrary to the advice of Policy BE.18 which seeks that the land taken for vehicular access and circulation is minimised, and it would also likely inhibit the ability to provide all of desired infrastructure (the car park, drainage solution and pitch layouts) in the final design.
- 6.28 As well as considering the partial loss of field area as a result of the development, the fact that the application comprises additional residential units brings an associated demand for public open space contributions with it.
- 6.29 The applicant's overall open space offer proposes approximately 0.9ha (of an approximately 1.4ha site) of the site to be adopted by the City Council as public open space, provision of a car park and turning area for 22 spaces in grasscrete or similar, and a commuted sum for associated maintenance. The area of open space offered is greater than would be requested solely from 10 residential units but would serve also to re-establish a community playing facility on the remaining field. The provision of the 22 space car park is in response to the request of Officers and would improve useability by local teams. Note also that if it is proposed that sustainable urban drainage infrastructure is proposed on land to be adopted by the Council, there would need to be an additional commuted sum for maintenance.
- 6.30 In practice, in the context of the City's housing need and being unable to demonstrate a 5 year supply, the scheme would both contribute to housing supply and enable the opening up of the fields to public use once again, this time in public control if it were adopted by the Council (as opposed to the fields being privately rented out to teams as appears to have been the case in

the 1990s). In this way the development of a small part of the site would secure retention of most of the field and improve its useability and availability above the existing situation. The provision is considered an appropriate type, standard and size and in an appropriate location for the locality. With the substantial part of the field given over to the adoptable open space, I consider that the proposal would both mitigate the loss of part of the field, and provide for open space demand associated with the construction of new residential development. In the context of this dual public benefit that would arise in practice, I consider that a limited loss of the field for housing development to be acceptable.

- 6.31 I recommend that the requisite open space is taken as mitigation for the development and the remainder adopted in conjunction by the Council in order to maintain the policy position of the land as playing field. The proposed s106 contributions would mitigate the impact of the development. In this context I consider that the proposals comply with the above cited policy in respect of playing fields and open space.

Residential amenity

- 6.32 As this is an outline application a detailed assessment based on confirmed building positions, sizes, and designs cannot be made. However a sensible conclusion can be drawn based on the application parameters, and the indicative layout assists somewhat with this. The maximum scale of development is 2 storeys.

Paygrove Lane properties

- 6.33 The existing residential properties backing onto the site are around 19 to 27m from the shared boundary. The indicative plan, which provides a logical interpretation of the outline parameters, shows the proposed houses generally at 13/14m from the boundary (there is one at around 8.5m). This would provide in the main over 30m between properties which in my view is sufficient to prevent intrusive window-to-window contact. A sensible depth of proposed gardens would also mean that there would be no significant overlooking, overshadowing or overbearing effect to the private space of the neighbour's gardens. A restriction of permitted development rights might need to be considered. The property indicated at 8.5m off the boundary would require more careful attention as to impact in its precise context but it would achieve a reasonable separation between the buildings. There is no definitive need for this precise layout anyway, which would be clarified at the reserved matters stage.

- 6.34 The proposal would remove part of the existing front garden of no. 33 Paygrove Lane but it would not cause any significant detriment to the living conditions of the property.

Leven Close properties

- 6.35 At the south eastern edge of the site, the Leven Close properties run side-on to the site at close proximity. The indicative layout aligns the southernmost unit with the neighbouring Leven Close property which would avoid any significant impact on its garden area. A further assessment can be made at

the reserved matters stage when siting and scale is confirmed, including in relation to impact on side windows. The Leven Close properties further west have gardens of around 11-13m. They would not be harmed in the indicative layout. If the detailed layout sited properties along this edge of the site there is no reason to suggest that a sensible layout could not achieve satisfactory separation from the properties so as not to have a harmful impact on residential amenities here.

Richmond Gardens properties

- 6.36 Given the layout and extensions at these neighbouring properties, the gardens are up to around 15m in depth, but with the nearest extension on the diagonal plots only a matter of several metres away. The amenities of residents of these properties would not be harmed by the indicative layout of houses. If the detailed layout sited properties along this edge, care would be needed particularly in the relationship to the diagonal plots but again there is no reason to believe this is not achievable within the parameters of the application.
- 6.37 If a car park was proposed at this northern edge as is suggested, it would be likely to have sporadic use for sports, and possibly used to assist with demand at the school drop off/pick uptimes, and I do not consider that it would cause significant harm to the amenities of these residents, although it would certainly be preferable if in the detailed design the boundary treatment could be reinforced here in part or in whole, possibly through additional planting. There is currently a mix of boundary treatments. If the area is adopted the Council would have more scope to contribute to this.

32a/b Church Road and The Avenue properties

- 6.38 32a/b appears to be an older property with a large rear garden that extends along most of the western boundary of the site. It would be unaffected by the indicative layout of houses. If the detailed layout sited properties along this edge care would be needed in terms of the impact on the building and its immediate garden and the retention of the hedge would need to be considered in this context as well as its ecological value. It is probably reasonable to consider that in this context the need to protect the most used private areas of the garden dissipates further from the house, but in any respect a sensible layout with reasonable gardens is unlikely to result in harmful impacts to the amenities of residents here.
- 6.39 Properties in The Avenue beyond no. 32a/b are sufficiently far away (around 20m to the boundaries and 40m to the properties) that it is unlikely that any harm would be caused.

Environmental health comments and recommended conditions

- 6.40 The Environmental Health Officer is concerned that the increase in vehicular movements along an access road could affect immediate neighbours to either side. This requires further discussion with the applicant but appears likely to require at worst a noise fence along the boundary of any rear garden with the access road and may result in such a requirement by condition.

6.41 The suggested conditions controlling times of construction and provision of a construction management plan are considered necessary and reasonable. Construction traffic parking on Paygrove Lane could be managed by the Construction Management Plan. Preventing burning is not considered necessary as a planning condition. The 'street canyoning' and location of habitable rooms points raised by the Officer could be picked up at reserved matters stage but are unlikely to be problems anyway in my view. In terms of provision of electric vehicles there is no policy for all units to have them and in this scheme it is difficult to see the merit in seeking it for one property while a freestanding point would have maintenance/running cost issues (and layout implications in this particular site). I do not consider it reasonable to impose a requirement for boilers across this scheme. A scheme for storage of refuse/recycling would be more relevant to a flat scheme, and for houses could be considered at the reserved matters stage, and would presumably be designed in to the property curtilage by the housebuilder anyway.

Amenity conclusions

6.42 In my view the indicative layout appears broadly acceptable inasmuch as we are able to assess it in its indicative layout-only form. The only two areas that would appear to require attention are the northernmost property on plot 1, where possible overlooking of the rear garden to the north of the site would need to be avoided depending on window arrangement and proximity, and plot 6, where the access road turning head has pushed the property back to within approximately 8.5m of the boundary and again overbearing and overlooking impacts would need to be considered.

6.43 Care would therefore need to be taken at the reserved matters stage, if outline permission is granted, regarding building positions and window arrangements, so as not to cause harm to the amenities of neighbouring residents. However that detailed assessment will come at the reserved matters stage. In my view the principle of developing 10 units on the site is acceptable in terms of amenity as a result of the buildings themselves. I do not consider it could be argued that there is not a form of development within the application parameters that could be acceptable.

6.44 In terms of the associated impacts of vehicle movements on residents of properties adjacent to the access road, this requires further negotiation but it appears that a requirement for a noise fence might arise, which is likely to be acceptable to the applicant if it is agreed as necessary. Therefore it seems to me that there is a reasonable prospect that any further consideration of this matter will have the result that either an assessment is not necessary, an assessment is done but shows that the impact is acceptable, or an appropriate mitigation measure needs to be secured by way of a noise fence. If this is correct then a recommendation of approval would still stand subject to any necessary condition to secure the measures.

6.45 Subject to satisfactorily resolving this issue of vehicular noise and certain conditions, the application complies with the above cited policy context in terms of amenity.

Design

- 6.46 The detailed layout and appearance of the development would be considered at the reserved matters stage. As an outline application there are limited issues to consider in terms of design. The local area includes a mix of detached and semi-detached properties, single and two storey. The maximum scale proposed of 2 storeys would sit comfortably within this locality. The Urban Design Officer's comments could be picked up in assessing the reserved matters application.
- 6.47 As shown in the indicative layout an arrangement of properties backing onto other gardens would secure the boundaries and have associated benefits in terms of designing out crime. Properties fronting the open space would create natural surveillance of the area and present an attractive frontage to the public space.
- 6.48 I see no reason why a scheme cannot be designed within the parameters of this application that sits comfortably within the site context, and I raise no objection in design terms. The design and layout issues raised and suggested in representations could be considered in detail at the reserved matters stage. The proposal complies with the above policy context in terms of design.

Drainage and flood risk

- 6.49 An amended drainage report and indicative drainage strategy have recently been provided. The proposal shows the provision of a linear swale along the side of the public open space pitches, and a tank system beneath the car park to act as an overflow reservoir to prevent the swale overtopping (it would then be released to the sewer at greenfield rate). The swale would be approximately 0.65m deep and 6m wide in total. As such this is considered to be achievable alongside the indicated layout for 10 units, the car park and the pitches, and would not be obstructive to use of the open space. This might take a different arrangement at the detailed stage but fundamentally Officers consider a workable indicative scheme is necessary at this stage to establish principles and that a scheme is deliverable alongside other parts of the proposal. With the security of a condition to secure certain aspects of the scheme the Drainage Officer is comfortable that a workable scheme can be achieved. At the time of writing I am awaiting the further comments of the LLFA.
- 6.50 It is therefore likely that some sustainable drainage infrastructure would be sited on land offered to be adopted by the City Council. Commuted sums for maintenance would be required for this.
- 6.51 The report also suggests that the ground floor slab of the buildings would be raised above local ground level to avoid flooding in the event of local drainage system failure. This may be desirable but would require careful assessment at reserved matters stage in terms of impact on neighbouring residents and I have suggested a note be added to require clear details of this and note that land raising may not be acceptable.

- 6.52 If the LLFA accepts the proposals subject to conditions, the proposals would comply with the above cited policy context in terms of drainage and flood risk and no objection is raised in these terms.

S106 issues

- 6.53 The application creates a demand for educational provision. The County Council has made the following requests;

Libraries – no contribution is required.

Education – Pre-school places – there is some forecast capacity; no contribution requested.

Education – Primary school places – a need is generated by the development and there is no additional forecast capacity; a contribution of £35,290 is requested (specific infrastructure is Longlevens Infants and Juniors).

Education – Secondary school places – a need is generated by the development and there is no additional forecast capacity; a contribution of £28,150 is requested (specific infrastructure is Churchdown Academy).

These are agreed with the applicant.

- 6.54 The application creates a requirement to provide for replacement provision and a demand for open space as set out already. The applicant has offered the following in respect of open space;

Transfer of approximately 0.9ha of the site to the City Council as public open space/playing field

Car park to accommodate 22 spaces in grasscrete or similar

Commuted sum for maintenance of pitches

These are acceptable to Officers as mitigation for the scheme in respect of open space considerations both in respect of the partial loss of field and in terms of demand from the residential units.

As noted above if sustainable drainage infrastructure is to be sited on open space to be adopted by the City Council there will need to be an additional commuted sum for maintenance of that infrastructure. As it is not clear a) whether the infrastructure would be needed on that land, and b) what the infrastructure specification would be, it is not possible to agree an exact maintenance sum being required. It has been agreed with the applicant that a commitment is given to maintenance contributions in the event that they are required, in association with the Council's calculation formula.

Other issues

- 6.55 In terms of land contamination the Council's consultants confirm that no information has been found relating to potential contamination on site and have no adverse comments to make.
- 6.56 In terms of ecology an ecological appraisal has been produced. The submitted report concludes that this is a site of low ecological value and the Council's Neighbourhood Services Manager agrees. The hedge and scrub provide cover for a range of mammal species including hedgehogs but the majority of the site is open improved grassland and only expected to support a limited number of common small mammals. It is recommended that the boundary treatments are required to be non-compartmentalised to provide for routes for hedgehogs, etc. In terms of great crested newts the ecology report notes there were no ponds indicated on maps of the area in the locality and therefore the species is likely to be absent from the site. On a precautionary approach it is recommended that a walkover survey is required prior to development and a mitigation strategy secured if any are identified. This is likely to be the most onerous result and there is no reason to resist the principle of development on grounds of a significant impact on the species. There are no potential roosting sites for bats on site. Other species may pass through or forage at the site. The hedgerow would be retained in the indicative layout, although if the development area moved any impact on the hedgerow would have to be considered further. Enhancement can be delivered through landscaping, and the submitted report recommends bird and bat boxes as mitigation, which can also be secured by condition.
- 6.57 In terms of archaeology, the site was subject to a trial trench evaluation in 2000, and from its results it is difficult to be sure if significant assets survive. As they may do, the City Archaeologist has recommended a condition that would result in either a watching brief or excavation in advance of development, depending on the nature and extent of proposed groundworks.
- 6.58 The reference in one representation to the 2006 Local Development for Gloucester concluding the potential negative impacts outweigh any potential positive impacts in fact refers to the fields north of the School and not the application site.
- 6.59 Concerns are raised about precedent and the layout being arranged to facilitate further development of the remainder of the site. Each application is considered on its own merits. Any further application/s would need to demonstrate that its impacts are acceptable in terms of highway safety, design, residential amenity, playing pitch strategy and other planning matters and in any case, if the remainder of the field were to be adopted by the Council, it would have control over its future use. Securing of 'best value' for public assets would be a matter for the County Council as applicant to consider under the required procedures.

7.0 CONCLUSION

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where regard is to be had to the development plan for the purpose of any

determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

- 7.2 The site has already been proposed through the early stages of the local plan process for limited residential development where a pragmatic view has been taken about limited loss of the field area to deliver housing and open up the remaining fields to public use.
- 7.3 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 proposal would contribute to meeting housing demand.
- 7.4 The development would bring the majority of a long-closed private playing field into public use if the s106 terms are secured.
- 7.5 While the proposal is for fewer houses than the early local plan considerations, the balance of dwellings against open space appears to be an appropriate solution here in my view, and further development is likely to inhibit the ability to provide for the combination of pitches and drainage arrangements required.
- 7.6 The proposal would have some economic benefits in terms of construction jobs and New Homes Bonus. The proposal would mitigate social impacts in terms of contributions to education and open space retaining a large part of the site as field and bringing back into public use. Subject to conditions the proposals would cause no environmental harm in respect of ecology, contaminated land, archaeology, drainage and flood risk (unless the LLFA raises any issues with the drainage strategy). Subject to conditions there would be no severe residual impact on the highway. Subject to conditions and to resolving the issues around noise from vehicles, there would be no significant impact on residential amenity. These are subject to giving further scrutiny at the reserved matters stage if outline permission were granted.
- 7.7 With no other harm identified that cannot be mitigated by condition or legal agreement, the benefits of bringing the playing field into public use and the need to provide housing, the balance of considerations weighs in favour of granting planning permission.
- 7.7 Overall, if the outstanding matters are satisfactorily resolved, then subject to conditions and a legal agreement there is no overall objection in relation to the local plan policy context. On the same basis in respect of the NPPF, there would be no adverse impacts of granting permission that would significantly and demonstrably outweigh the benefits when assessed against the policies of NPPF as a whole.

8.0 RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER

8.1 That delegated authority is given to the Head of Planning (or such equivalent officer managing the Council's development control function as may be applicable at the time) to grant outline permission subject to:

- A. Confirmation from the Lead Local Flood Authority that they raise no objection to the application in respect of drainage arrangements subject to any conditions; and
- B. Resolution of the potential noise impact issues from vehicular movements;

and if outline planning permission is to be granted it shall be subject to the following conditions (and any further conditions necessary to deal with outstanding matters) and completion of a legal agreement to secure;

A contribution of £35,290 to primary school education (specific infrastructure is Longlevens Infants and Juniors).

A contribution of £28,150 to secondary school education (specific infrastructure is Churchdown Academy).

Transfer of approximately 0.9ha to the City Council as public open space

Provision of car park to accommodate 22 spaces in grasscrete or similar

A commuted sum for maintenance of pitches (to be agreed)

A commitment to a commuted sum for maintenance of any drainage infrastructure that is sited on land to be adopted by the City Council

and also to delegate to the Head of Planning (or such equivalent officer managing the development control function as may be applicable at the time) the incorporation of such additional provisions in the proposed planning obligation that may be deemed necessary by the solicitor.

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.

MAXIMUM PARAMETERS

Condition 5

The development shall comprise no more than 10 no. residential units.

Reason

To define the terms of this permission.

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 and the amenities of neighbouring residents in accordance with Paragraphs 17 and 58 of the NPPF, Policies BE.1, BE.7, BE.17 and BE.21 of the 2002 City of Gloucester Second Deposit Local Plan, and Policies SD5 and SD15 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Main Modifications 2017.

DESIGN

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 Main Modifications 2017, Paragraphs 17 and 58 of the National Planning Policy Framework and Policy BE.7 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 8

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 in elevation and layout) that have been submitted to and approved in writing by the Local Planning Authority. Boundary treatments shall be designed so as not to compartmentalise areas of the site, to allow for the passage of small mammals.

Reason

In the interests of privacy and security, to ensure that the design and materials are appropriate to their context, and to secure biodiversity mitigation and enhancement in accordance with Policies SD5, SD10, SD15 and INF4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Main Modifications 2017, Paragraphs 17, 58, 109 and 118 of the National Planning Policy Framework and Policies BE.5, BE.7 and B.8 of the Second Deposit City of Gloucester Local Plan (2002).

LANDSCAPE

Condition 9

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

- (a) Fencing. Protective fencing must be installed around trees and hedgerows to be retained on site. The protective fencing design must be to specifications provided in BS5837:2005 or subsequent revisions, unless agreed in writing with the local planning authority. A scale plan must be submitted and approved in writing by the local planning authority accurately indicating the position of protective fencing. No development shall be commenced on site or machinery or material brought onto site until the approved protective fencing has been installed in the approved positions and this has been inspected on site and approved in writing by the local planning authority. Such fencing shall be maintained during the course of development,
- (b) Tree Protection Zone (TPZ) The area around trees and hedgerows enclosed on site by protective fencing shall be deemed the TPZ. Excavations of any kind, alterations in soil levels, storage of any materials, soil, equipment, fuel, machinery or plant, citing of site compounds, latrines, vehicle parking and delivery areas, fires and any other activities liable to be harmful to trees and hedgerows are prohibited within

the TPZ, unless agreed in writing with the local planning authority. The TPZ shall be maintained during the course of development

Reason

To ensure adequate protection to existing trees which are to be retained and to retain habitat, in the interests of the character and amenities of the area and protecting biodiversity in accordance with Policies SD10 and INF 4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Main Modifications 2017, 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 10

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 Main Modifications 2017 and Paragraphs 17 and 58 of the NPPF.

ARCHAEOLOGY

Condition 11

No development 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, Policy SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Main Modifications 2017 and Policies BE.36, BE.37 & BE.38 of the Gloucester Local Plan (2002 Second Stage Deposit). This is necessary pre-commencement of development due to the potential harm to heritage assets from early phase works.

ECOLOGY

Condition 12

Bird and bat boxes (or facilities of a similar nature) shall be installed in accordance with details to be submitted to and approved in writing by the Local Planning Authority. They shall be installed in full in accordance with the approved details prior to occupation of the respective buildings or prior to the end of the first planting season following completion of the development in the event of tree-mounted fittings.

Reason

To secure biodiversity mitigation and enhancement in accordance with Policies SD10 and INF 4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Main Modifications 2017, Paragraphs 17, 109 and 118 of the NPPF and Policy B.8 of the 2002 City of Gloucester Second Deposit Local Plan.

Condition 13

No development shall commence until a site walkover survey has been undertaken by a qualified ecologist to investigate the presence of newts on the site and the results have been submitted to the Local Planning Authority. If their presence is confirmed no development shall commence until a mitigation strategy has been submitted to and approved in writing by the Local Planning Authority (including a timetable for its implementation) and the approved strategy shall thereafter be implemented in accordance with its terms.

Reason

To mitigation potential impact on biodiversity in accordance with Policies SD10 and INF 4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Main Modifications 2017, Paragraphs 17, 109 and 118 of the NPPF and Policy B.8 of the 2002 City of Gloucester Second Deposit Local Plan.

DRAINAGE

Condition 14

No development shall commence on site until a detailed scheme for the disposal of surface water that employs a SuDS strategy has been submitted to and approved in writing by the Local Planning Authority. The submission must demonstrate the technical feasibility/viability of the drainage system through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the life time of the development. The drainage scheme shall be carried out in accordance with the approved details and completed in full prior to occupation of the development.

The drainage scheme shall include the following;

- The peak surface water discharge rate from the site for all events up to the critical duration 1 in 100 year (+ 40% climate change) event shall not exceed 3.9 l/s.

- The above rate includes runoff captured from all permeable and impermeable areas within the red line boundary. If the drained area is reduced in size, then the permissible discharge rate shall be re-calculated.
- The SuDS design shall ensure that surface water runoff from the field across the whole of the north boundary is captured.
- The SuDS design shall accommodate as much of the required attenuation volume as possible in a swale. The swale shall not occupy a width of more than 7 metres and shall have side slopes as shallow as possible (not exceeding 1 in 5 on any side facing a playing pitch on the site).
- Any attenuation volume which cannot be accommodated within the swale shall be accommodated within a secondary attenuation feature at a location to be specified.

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 Main Modifications 2017 and Paragraph 103 of the NPPF. Details are required pre-commencement given the potential impact on the possible drainage design of early phase works.

Condition 15

No building shall be occupied until a SuDS management and maintenance plan for any 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 Main Modifications 2017 and Paragraph 103 of the NPPF.

Condition 16

No development shall commence until a comprehensive scheme for the provision of works for the disposal of foul sewage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented to serve the development, and no buildings shall be occupied until satisfactory foul water drainage facilities for these buildings are in place and operational.

Reason

To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to

minimise the risk of pollution, in accordance with Policies FRP.1a, FRP.6, FRP.11 of the City of Gloucester Second Deposit Local Plan 2002 Policy INF3 of the Joint Core Strategy Main Modifications 2017 and Paragraph 103 of the NPPF.

ENVIRONMENTAL HEALTH

Condition 17

Prior to commencement of the development hereby permitted, an Environmental Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority which specifies mitigation measures in respect of the following issues (including preparatory groundworks) in order to prevent nuisance. The development 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 groundworks
3. Dust from haul roads
4. Dust from stockpiles and material handling/removal
5. Light from security compounds
6. Storage of waste
7. Keeping highways clear of mud
8. Parking for contractors

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 Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Main Modifications 2017 and Paragraphs 17, 109, 120 and 123 of the NPPF. This is necessary pre-commencement of development due to the harm that could otherwise be caused by early-phase works.

Condition 18

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 Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Main Modifications 2017 and Paragraphs 17, 109, 120 and 123 of the NPPF.

>> Condition/s to secure any additional necessary mitigation in respect of noise/disturbance

HIGHWAYS

Condition 20

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 paragraph 35 and Policy INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Main Modifications 2017.

Condition 21

No works shall commence on site (other than those required by this condition) on the development hereby permitted until the first 15 metres of the proposed access road, including the junction with the existing public road and associated visibility splays, has been completed to at least binder 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 paragraph 35 and Policy INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Main Modifications 2017.

Condition 22

No development shall take place, including any works of demolition, until a Construction Method Statement (for highways impacts) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:

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

Reason

To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance paragraph 35 of the National Planning Policy Framework and Policy INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Main Modifications 2017. This is required pre-commencement of development due to the harm that could otherwise be caused by early-phase works.

Condition 23

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 24

No above-ground development shall commence 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 NPPF and Policy INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Main Modifications 2017.

Condition 25

The details to be submitted for the approval of reserved matters shall include vehicular parking and turning within the site, and the building(s) hereby permitted shall not be occupied until those facilities have been provided in accordance with the approved plans and shall be maintained available for those purposes for the duration of the development.

Reason

To 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 paragraph 35 and Policy INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Main Modifications 2017.

Condition 26

No works shall commence on site on the development hereby permitted until details of the relocated bus stop have been submitted to and approved in writing by the Local Planning Authority and the approved works have been completed and are open to the public.

Reason

To ensure that the development is designed to give priority to pedestrian movements and provide access to high quality public transport facilities in accordance with paragraph 35 of the National Planning Policy Framework and Policy INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Main Modifications 2017. This is necessary pre-commencement of development due to the potential highway safety issues that could otherwise arise from early-phase works.

Note

Reserved matters applications shall include details of any proposed levels changes with scaled plans showing existing and proposed levels for the development (including any to address a local drainage system failure). The grant of outline planning permission does not guarantee that levels changes will be acceptable.

Note

The applicant is advised that to discharge highways conditions the Local Planning Authority requires a copy of a completed dedication agreement between the applicant and the Local Highway Authority or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

Note

The proposed development will involve works to be carried out on the public highway including relocation of the existing adjacent bus stop on the west side of Paygrove Lane, potentially the adjacent speed hump, gully inspection cover and school speed limit advisory sign along with access construction 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

The developer will be expected to meet the full costs of supplying and installing the fire hydrants and associated infrastructure.

Note

Bird and bat protection informative notes.

Note

It is recommended that any vegetation clearance or management 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.

Note

In accordance with the requirements of the National Planning Policy Framework the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the Council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.

Decision:

Notes:

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Person to contact: Adam Smith
(Tel: 396702)

16/01558/OUT

Playing Field Rear 3-29
Paygrove Lane
Gloucester

Planning Committee 04.06.2017

