

# GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

Committee:	Planning
Date:	5 <sup>th</sup> June 2018
Address/Location:	University Of Gloucestershire Oxstalls Lane Gloucester GL2 9HW
Application No:	18/00320/FUL
Ward:	Longlevens
Expiry Date:	13.06.2018
Applicant:	University of Gloucestershire
Proposal:	<p>Variation of Condition 46 of permission ref. 16/01242/FUL to amend the implementation timescale for the junction works at Cheltenham Road/Oxstalls Lane/Site Access</p> <p>Original development is Outline planning application (with all matters reserved except for access) for a 10,000sqm business school, student accommodation (up to 200 beds), additional car parking, new and improved sports facilities at Oxstalls Sports Park, Debenhams Playing Field, Oxstalls Campus &amp; Plock Court Playing Fields, and the Former Bishops College, new and improved vehicular, pedestrian &amp; cycling accesses &amp; associated works.</p>
Report by:	Adam Smith
Appendices:	Business school phasing plan Approved junction improvement works ref. 8150436/6006 Rev. C

## 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application relates to the University of Gloucestershire campus. The campus and surrounding land benefit from outline planning permission for development in three main components – the sports facilities (at Plock Court), the student halls (at the former Debenhams field off Estcourt Close), and the business school (at the main campus), all of which benefit from reserved matters approval also. In the case of the business school, only the first phase of the building has been granted reserved matters approval. This first phase comprises of 5,350sq m of the overall 10,000sq m granted planning permission. The phasing plan for the business school was submitted as part of a previous application and is appended here for reference. This first phase of the business school is under construction. The second phase of the remaining 4,650sq m would potentially be constructed later.
- 1.2 The current outline planning permission includes at Condition 46 a requirement for specified junction improvement works (also appended for reference) to be constructed before occupation of the business school. The application proposes to amend this condition.
- 1.3 The amendment to the condition is proposed as a result of the constraints on implementing the junction improvement works due to the presence of utility apparatus – notably a major artery, junction and hub of fibre optic cables and underground infrastructure. The applicants have control over the construction works to the University site access and the existing extent of the Cheltenham Road/Oxstalls Lane junction, however they do not have control over the timescale for the statutory authorities for the utility apparatus and the diversion works that are required to

complete the junction improvements. In this situation, the condition could, as currently worded, potentially delay the intended opening of Phase 1 of the business school in September 2018.

- 1.4 A previous application (17/01345/FUL) was submitted but later withdrawn, which also sought to amend Condition 46, but in this case to refer to an alternative junction improvement design as well (this involved a reduced set of works to Oxstalls Lane to avoid the utility infrastructure) and furthermore to delay the completion of the works by 1 year. However it could not be shown that the revised design could deliver adequate mitigation to accommodate the development traffic and committed development within the area of influence. As such, the current application does not now propose to alter the approved junction improvements. Instead it seeks to amend Condition 46 to allow only the first phase (5,350sq m) of the business school to be occupied prior to completion of the junction improvement works. The applicants' proposed new wording is as follows:
- 1.5 *The junction improvement works at Cheltenham Road/Oxstalls Lane/Site Access shall be constructed in accordance with the approved plan 8150436/6006 Rev. C **prior to any subsequent commencement of development in excess of 5,350m2 (Phase 1 of the Business School)**.* (proposed amended text emphasised).
- 1.6 This would allow the first Phase of the business school to come forward with the junction in its existing arrangement. A Transport Assessment has been submitted alongside the application, which has been subject to detailed discussion with the Highway Authority prior to submission.
- 1.7 The approved junction improvement scheme is already underway, however as noted given the extent of work required to be carried out by statutory utility operators there is a concern that the improvement works may not be complete prior to the intended September 2018 opening of the business school. The applicants have noted that it is still their intention to complete the highway improvement works in accordance with the approved scheme as soon as practically possible – it is not their intention to await Phase 2 coming forward to complete the works.
- 1.8 The application is referred to the planning committee given the high level of interest expressed about the highways impact of original outline application and the associated proposed junction improvement works

## 2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
15/01190/OUT	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,	Granted outline permission	28.07.2016

	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.		
16/00945/REM	Reserved matters application for the approval of the appearance, landscaping, layout and scale of the Sports Hall, Plock Court access road and Pavilion development (pursuant to outline permission ref. 15/01190/OUT)	Approved	06.12.2016
16/01012/REM	Application for approval of reserved matters of appearance, landscape, layout and scale for 2 no. sports pitches and associated development including floodlights, storage equipment, noise barrier and boundary fencing (pursuant to outline planning permission ref. 15/01190/OUT)	Approved	06.12.2016
16/01048/FUL	Variation of condition 42 of permission ref. 15/01190/OUT to alter the timescale for the dismantling of the existing University artificial grass pitch and construction of the proposed new artificial grass pitches at Plock Court/former Bishops College	Granted (with deed of variation)	17.02.2017
16/01106/REM	Reserved Matters Planning Application (for approval of appearance, landscaping, layout and scale) relating to the provision of the first 5 metres of access road from Estcourt Close, into Debenhams Field, to serve the proposed student accommodation, with associated temporary fencing and gate, and other associated works, pursuant to outline planning permission ref. 15/01190/OUT	Approved	16.12.2016
16/01241/REM	Application for approval of the reserved matters of appearance, landscaping, layout and scale for the Business School & Growth Hub building, pursuant to outline permission ref 15/01190/OUT, at the University of Gloucestershire, Oxstalls Campus	Approved	09.02.2017
16/01242/FUL	Variation of Conditions 54, 57 and 59 of permission ref. 16/01048/FUL to allow for the phased provision of car parking and the phased / amended provision of cycle parking relating to the phased implementation of the University business school	Granted (with deed of variation)	24.03.2017
17/00910/REM	Revised reserved matters application for the landscaping of the site, including new landscape mound, for the business school phase of the development, pursuant to Outline Planning permission reference : 15/01190/OUT	Approved	20.11.2017
17/01345/FUL	Variation of condition 46 of permission ref.	Withdrawn prior to	08.03.2018

	16/01242/FUL to alter the proposed junction improvement works at Cheltenham Road/Oxstalls Lane/Site Access and the implementation requirement	determination	
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### 3.0 RELEVANT PLANNING HISTORY

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

#### 3.2 National guidance

National Planning Policy Framework (NPPF) and Planning Practice Guidance

#### 3.3 Development Plan

##### **Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted 11 December 2017)**

Relevant policies from the JCS include:

- SP1 - The need for new development
- SP2 – Distribution of new development
- SD3 – Sustainable design and construction
- SD4 – Design requirements
- SD6 – Landscape
- SD8 – Historic Environment
- SD9 – Biodiversity and geodiversity
- SD10 – Residential development
- SD14 – Health and environmental quality
- INF1 – Transport network
- INF2 – Flood risk management
- INF3 – Green Infrastructure
- INF4 – Social and community Infrastructure
- INF6 – Infrastructure delivery
- INF7 – Developer contributions

#### 3.4 City of Gloucester Local Plan (Adopted 14 September 1983)

The statutory Development Plan for Gloucester includes the partially saved 1983 City of Gloucester Local Plan. Paragraph 215 of the 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.*’ The majority of the policies in the 1983 Local Plan are out-of-date and superseded by later planning policy including the NPPF and the Joint Core Strategy. None of the saved policies are relevant to the consideration of this application.

#### 3.5 Emerging Development Plan

##### **Gloucester City Plan**

The Gloucester City Plan (“City Plan”) will deliver the JCS at the local level and provide policies addressing local issues and opportunities in the City. The Draft Gloucester City Plan 2017 takes forward the results of previous consultations and was subject to consultation January and February 2017. As the Plan is at an early stage, it is considered that it carries limited weight in accordance with paragraph 216 of the NPPF.

#### 3.6 Other Planning Policy Documents

##### **Gloucester Local Plan, Second Stage Deposit 2002**

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. While there are number of policies in the 2002 Plan which are

considered to accord with the NPPF and have not been superseded by the JCS, none of these are considered to be relevant to the current application.

3.7 All policies can be viewed at the relevant website address:- national policies:

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

Gloucester City policies:

<http://www.gloucester.gov.uk/resident/planning-and-building-control/planning-policy/Pages/current-planning-policy.aspx>

#### 4.0 **CONSULTATIONS**

4.1 **Highway Authority.** The Highway Authority raises no objection to the proposed variation of condition. The comments are summarised in the Officer opinion section below.

4.2 **Highways England.** Highways England is the highway authority for the strategic road network, and raises no objection.

#### 5.0 **PUBLICITY AND REPRESENTATIONS**

5.1 449 neighbouring properties were notified and press and site notices were published.

5.2 No representations have been received from the public.

5.3 The full content of all correspondence on this application can be viewed on:

<http://www.gloucester.gov.uk/resident/planning-and-building-control/Pages/public-access.aspx>

#### 6.0 **OFFICER OPINION**

##### 6.1 ***Legislative background***

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 The development plan consists of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) and the partially saved 1983 City of Gloucester Local Plan. However, as outlined earlier, the 1983 Local Plan is considered to be out-of-date.

6.4 The principle of the development is already approved. It is considered that the main issues with regards to this application are traffic and transport and economic considerations.

##### ***Traffic and transport***

6.5 The NPPF requires that development proposals provide for safe and suitable access for all and that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Policy INF1 of the JCS requires safe and accessible connections to the transport network.

6.6 The proposed junction improvement works were based on the occupation of the full 10,000sq m of the business school. As noted above, the first phase of 5,350sq m of the business school is

under construction. The proposed variation of condition would allow that first phase to be occupied prior to completion of the junction improvement works. In order to consider whether the existing junction can accommodate the occupation of Phase 1 a Transport Assessment has been produced and assessed by the Highway Authority.

- 6.7 The original traffic surveys undertaken in October 2015 in support of the original application have been increased by appropriate growth factors in order to be up to date. The traffic generated by the proposed development is based on the original surveys and pro-rated to the proposed occupation of 5,350sq m. This equates to the following traffic movements associated with the first phase:

AM peak hour 0800 – 0900 71 two-way trips  
PM peak hour 1700 – 1800 53 two-way trips

- 6.8 This is the development traffic that is tested on the existing junction. In comparison the traffic movements associated with the full 10,000sq m is:

AM peak hour 0800 – 0900 133 two-way trips  
PM peak hour 1700 - 1800 99 two-way trips

- 6.9 The proposed traffic movements have been assigned to the local road network in the same proportions as the existing base year turning movements which is appropriate.

6.10 *Highway impact/Junction capacity assessment*

In order to assess the impact of Phase 1 of the business school on the existing network, capacity assessments of the existing site access and Cheltenham Road/Oxstalls Lane junction have been carried out for the following scenarios; 2017 base year, 2018 opening year and 2020 forecast year.

6.11 Campus access

For all of the above scenarios the campus access junction operates within capacity. The capacity of a junction is measured by the ratio of flow to capacity also known as RFC. A maximum RFC of 0.85% is normally used to determine the theoretical capacity of a junction to allow for + or – 15% variation for any site and is the normal threshold applied to modelling of priority junctions. A RFC above 1 or 100% demonstrates that the junction is operating over capacity. The maximum RFC for the site access occurs on the campus access to Oxstalls Lane (south) arm with an RFC of 0.31% which is well below the design capacity and is acceptable.

6.12 Cheltenham Road/Oxstalls Lane

The modelled scenarios for the opening year 2018 with Phase 1 show that the RFC exceeds the theoretical threshold of 0.85% in the weekday peak at 0.86% on the Oxstalls Lane to Cheltenham Road (west) arm. All other arms operate within capacity. This is an increase of 8% on this arm of the junction from the base year of 2018 without development and an increase of 2 queueing vehicles. Although this exceeds the threshold by 1% it only occurs on one arm and cannot therefore be considered significant or severe.

- 6.13 The modelling has also assessed a future year of 2020 although it is recognised that it is highly likely that the junction improvements would be in place by this point and therefore conclusion has not been drawn from these results. Not surprisingly the existing junction operates over capacity with Phases 1 and 2 (the full 10,000sq m) being built out, which is why the junction improvement works are necessary overall.

*Conclusion*

- 6.14 The junction capacity assessment demonstrates that Phase 1 (5,350sq m) of the business school can be accommodated on the existing junction arrangement, including growth and

committed development, without a severe impact occurring.

- 6.15 The Highway Authority is satisfied that varying the condition to allow the applicants to continue with the current highway improvement works and with the proposed business school opening and allowing occupation of up to 5,350sq m of the business school would not have a significant or severe impact on either the campus access or the Cheltenham Road/Oxstalls Lane junction. Highways England are satisfied that the issues in relation to the traffic impact of the development on the strategic road network were addressed at the outline stage, and that the proposed variation of condition will not impact on that prior assessment. It is recognised that the junction will operate marginally worse but this is not considered to be either significant or severe in accordance with Paragraph 32 of the National Planning Policy Framework. Given that the approved junction improvement works are underway and there is no reserved matters approval yet for Phase 2 of the business school (after which there would obviously also be a construction period prior to occupation), it is anticipated that in practice the junction works would be complete long before Phase 2 (and therefore the whole of the approved 10,000sq m) would be occupied, whereby the junction improvement works become necessary to mitigate the impact.
- 6.16 The proposal complies with the above-cited policy and guidance and no objection is raised in terms of traffic and transport.

### ***Economic considerations***

- 6.17 It has already been established that the business school would have an economic benefit to the area. Potentially delaying its opening as a result of the current condition 46 wording would delay the economic benefit. The application would therefore enable the earlier delivery of the economic benefits associated with the first phase of the business school. 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 weight to the case for granting permission.

### ***Consideration of the proposed varied condition***

- 6.18 Conditions can 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.
- 6.19 Therefore, given the foregoing analysis of the traffic impacts of Phase 1 of the business school on the existing highway arrangement, preventing *any* occupation of the business school ceases to be a necessary requirement. It is instead appropriate to allow the first phase of the business school to be occupied prior to the completion of the junction works. A reworded condition on this basis would still serve the purpose originally intended for Condition 46; that being to mitigate the significant impacts of the development.
- 6.20 In the interests of precision and clarity I consider that the proposed new wording of the condition should be amended slightly. I therefore recommend that Condition 46 is varied instead in the following way:

*The junction improvement works at Cheltenham Road/Oxstalls Lane/Site Access shall be constructed in accordance with the approved plan 8150436/6006 Rev. C **prior to any development of the business school in excess of 5,350m<sup>2</sup> (Phase 1)**. (my proposed amended text emphasised)*

### ***Conclusion***

- 6.21 This application has been considered in the context of the policies and guidance referred to above. The proposal is consistent with those policies and guidance in terms of highway safety

and economic considerations; the proposal is acceptable and accordingly it is recommended that the application be approved, however I recommend a slightly different wording that would have the same effect.

## 7.0 RECOMMENDATION OF THE CITY GROWTH AND DELIVERY MANAGER

7.1 That a new outline planning permission is GRANTED subject to the conditions imposed on permission ref. 16/01242/FUL but with Condition 46 varied as follows:

*The junction improvement works at Cheltenham Road/Oxstalls Lane/Site Access shall be constructed in accordance with the approved plan 8150436/6006 Rev. C **prior to any development of the business school in excess of 5,350m2 (Phase 1).***

and subject to completion of a deed of variation to secure the terms of the s106 agreement associated with outline permission ref. 15/01190/OUT as varied by 16/01242/FUL to the permission for the current application ref. 18/00320/FUL and the incorporation of such additional provisions in the proposed planning obligation that may be deemed necessary by the solicitor.

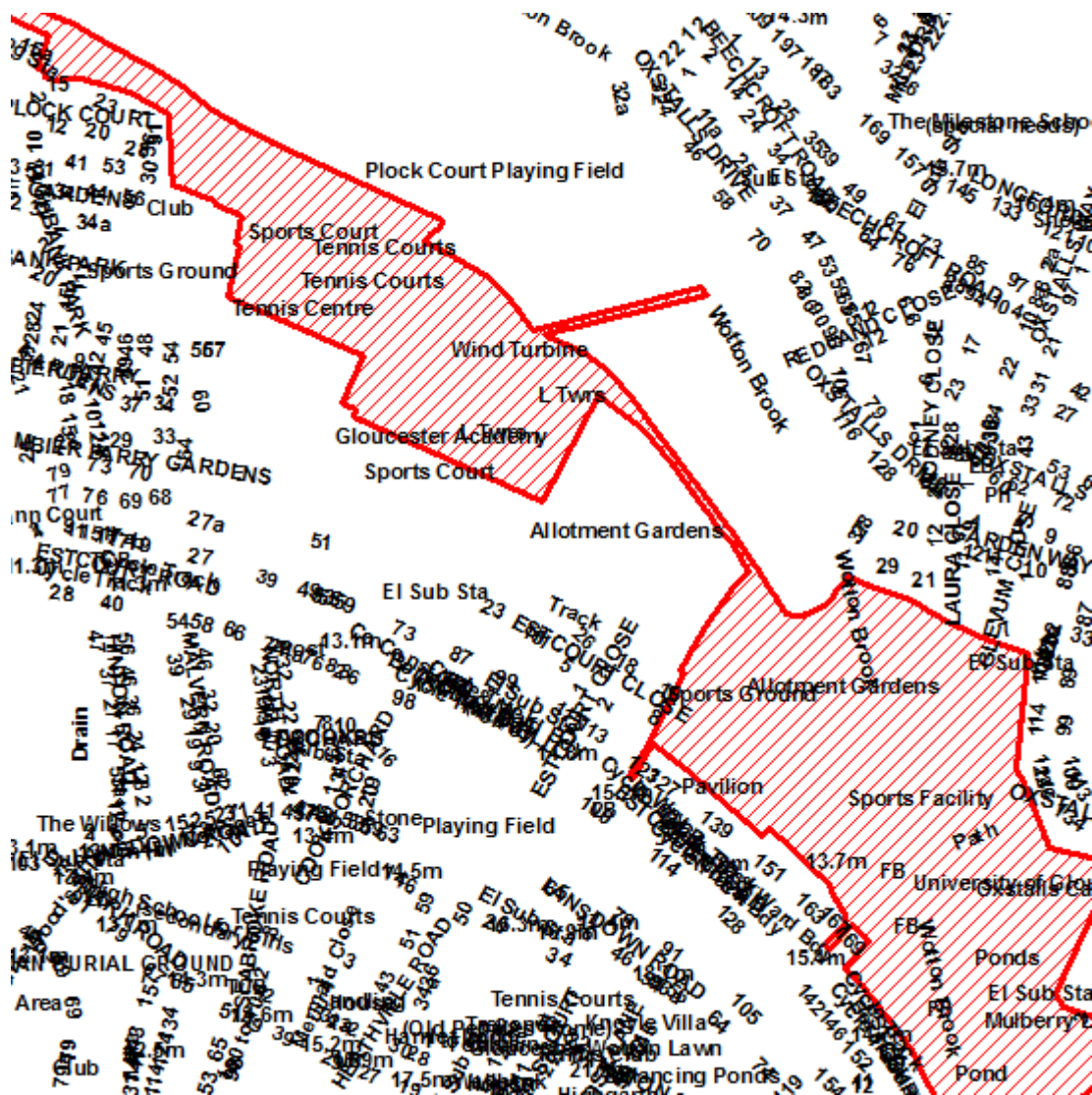
**Person to Contact:** Adam Smith (396702)



Planning Application: | 18/00320/FUL

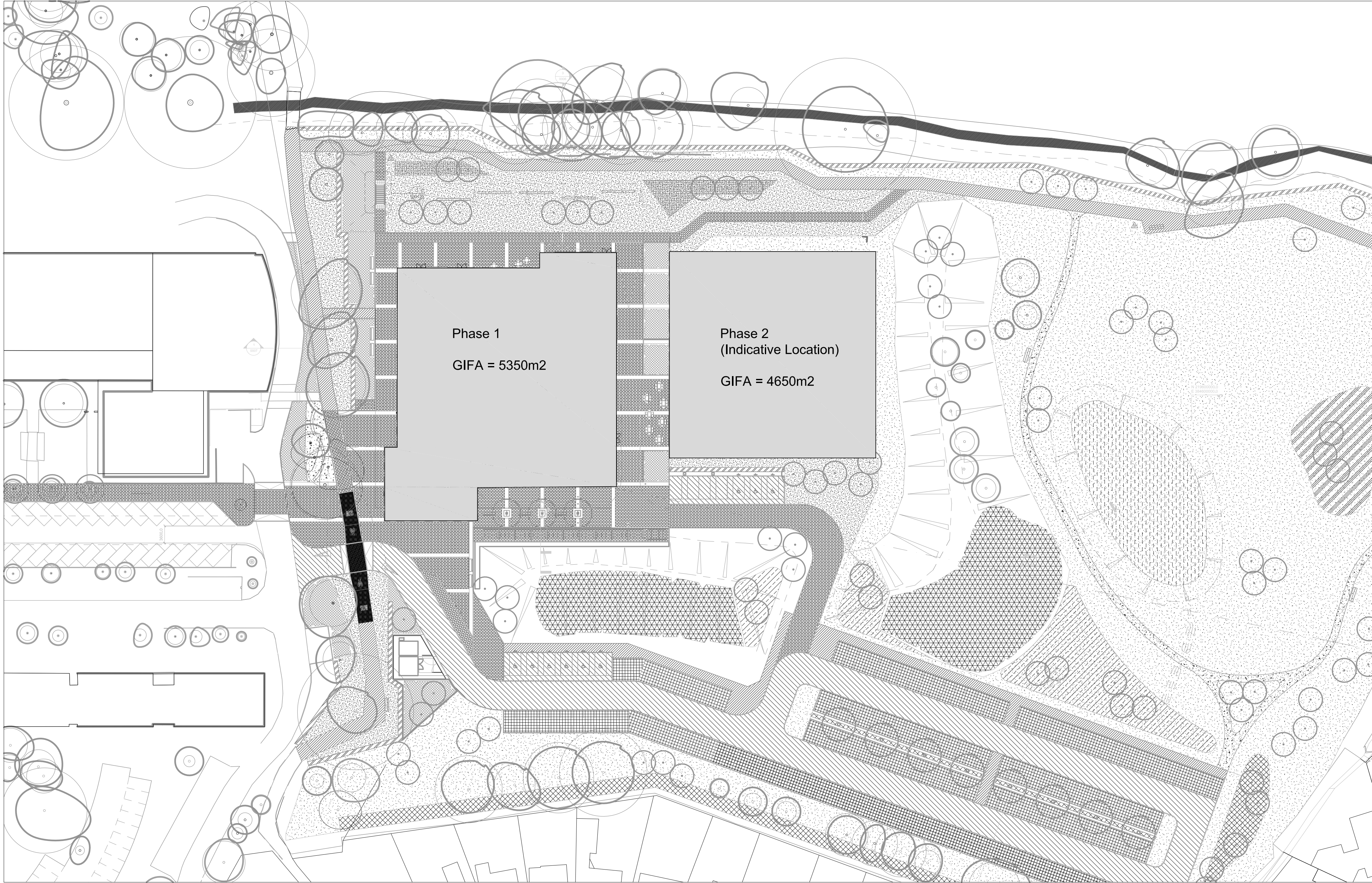
Address: | University Of Gloucestershire  
Oxstalls Lane Gloucester GL2  
9HW

Committee Date: |





# Phasing Plan



Rev	Description	Drawn/Chkd	Date Issued
1	First Issue	TE	20.12.16

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Drawn: TE  
 Date: DEC 2016  
 Scale @ A1: 1 : 500  
 Status: SO

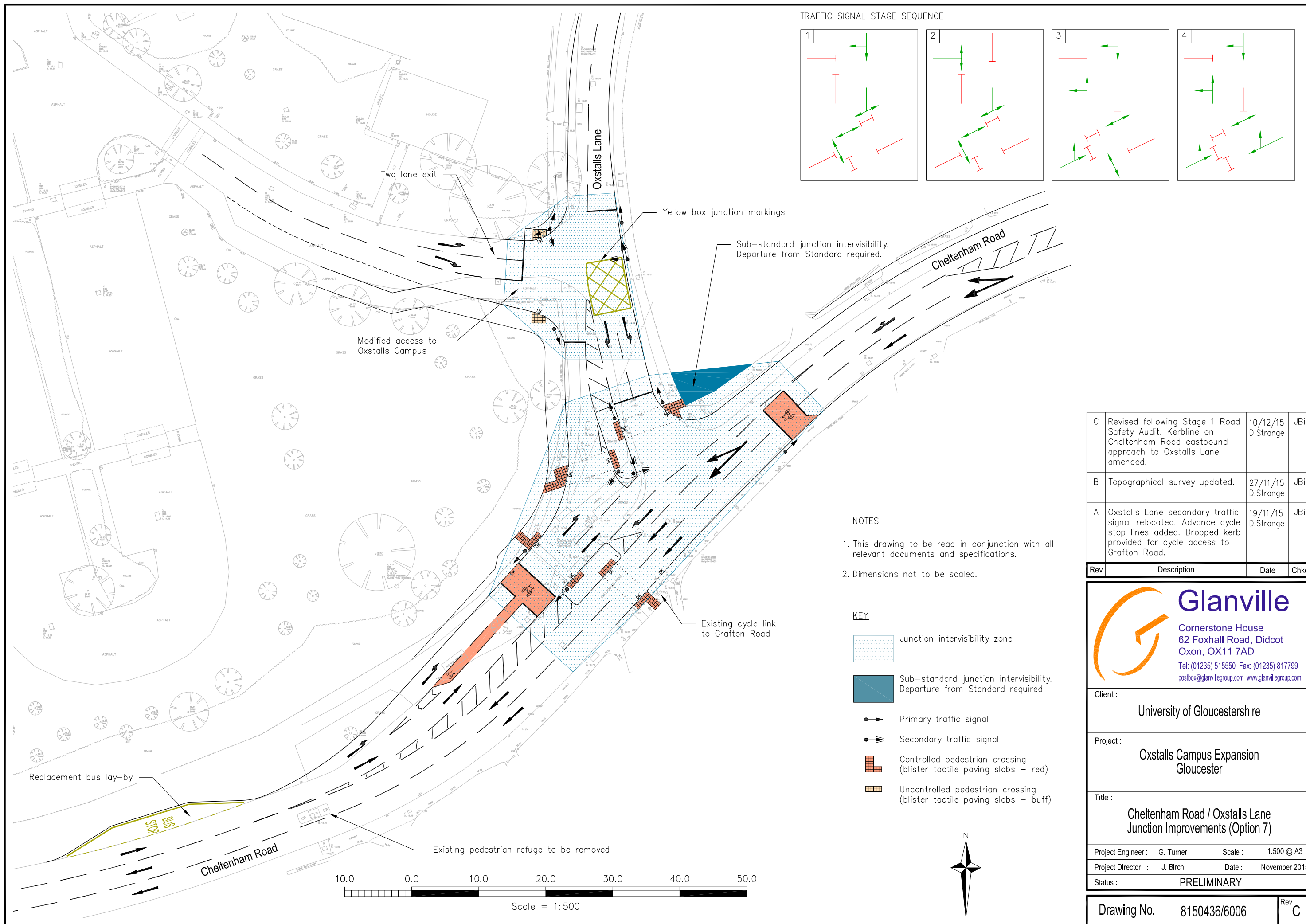
Austin-Smith Lord LLP  
 Architects Designers Planners  
 Landscape Architects  
 one Dunleavy Drive  
 Cardiff  
 CF11 0SN  
 t +44 (0)2920 225 208  
 e cardiff@austinsmithlord.com  
 Drawings and models prepared by  
 Austin-Smith Lord LLP using AutoDesk Revit

**Austin-Smith:Lord**  
 Project: Business School & Growth Hub - University of Gloucestershire, Oxstalls Campus

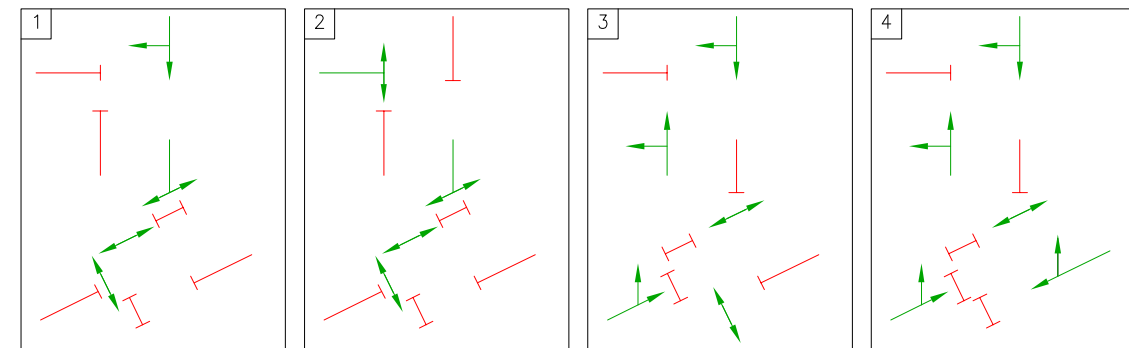
Description: Phasing Plan

Job No. 315231 Drawing No. UoG\_ASL\_00\_00\_DR\_A\_SK0050 Revision





TRAFFIC SIGNAL STAGE SEQUENCE



NOTES

1. This drawing to be read in conjunction with all relevant documents and specifications.
2. Dimensions not to be scaled.

KEY

- Junction intervisibility zone
- Sub-standard junction intervisibility. Departure from Standard required
- Primary traffic signal
- Secondary traffic signal
- Controlled pedestrian crossing (blister tactile paving slabs - red)
- Uncontrolled pedestrian crossing (blister tactile paving slabs - buff)

C	Revised following Stage 1 Road Safety Audit. Kerblines on Cheltenham Road eastbound approach to Oxstalls Lane amended.	10/12/15 D.Strange	JBi
B	Topographical survey updated.	27/11/15 D.Strange	JBi
A	Oxstalls Lane secondary traffic signal relocated. Advance cycle stop lines added. Dropped kerb provided for cycle access to Grafton Road.	19/11/15 D.Strange	JBi
Rev.	Description	Date	Chkd

**Glanville**  
 Cornerstone House  
 62 Foxhall Road, Didcot  
 Oxon, OX11 7AD  
 Tel: (01235) 515550 Fax: (01235) 817799  
 postbox@glanvillegroup.com www.glanvillegroup.com

Client :  
 University of Gloucestershire

Project :  
 Oxstalls Campus Expansion  
 Gloucester

Title :  
 Cheltenham Road / Oxstalls Lane  
 Junction Improvements (Option 7)

Project Engineer : G. Turner      Scale : 1:500 @ A3  
 Project Director : J. Birch      Date : November 2015  
 Status : PRELIMINARY

Drawing No. 8150436/6006      Rev C