

# GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

Committee:	Planning
Date:	5 <sup>th</sup> December 2018
Address/Location:	Former Civil Service Sports Ground, Estcourt Road, Gloucester
Application No:	16/00968/FUL
Ward:	Kingsholm & Wotton
Expiry Date:	17.02.2017
Applicant:	Redrow Homes
Proposal:	Erection of 89 dwellings with vehicular access from Estcourt Road and Denmark Road together with details of landscaping, play area, drainage and other associated infrastructure.
Report by:	Joann Meneaud
Appendices:	1. Site Location Plan 2. Planning layout revision B

## 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The proposal relates to the former Civil Service Sports Ground which is located between Estcourt Road and Denmark Road, in the Kingsholm area of Gloucester. The site is broadly rectangular in shape and comprises 3.5 hectares of land. The eastern boundary runs along the rear gardens of properties at The Willows and in Hinton Road and the western boundary runs adjacent to the rear gardens of properties in Tewkesbury Road and Ermin Hall in Denmark Road. The former club closed in 2011 and the previous buildings on site demolished and the site is now unused. Vehicular and pedestrian access to the site was previously from the service road off Estcourt Road.
- 1.2 The application proposes a residential development of 89 dwellings with the main vehicular access proposed from Denmark Road and a secondary vehicular access serving just twelve properties via the service road off Estcourt Road. Included within the proposals is an area of open space in the north eastern corner of the site to the rear of properties in Estcourt Road that would also accommodate a detention basin and a play area.
- 1.3 The application is now subject to an appeal against non-determination and is presented to Committee for Members to resolve how they would have determined the application and for this resolution to form the basis on the Councils case at appeal.
- 1.4 As set out in section 2 below, a further planning application for a residential development proposing 100 dwellings has been submitted. That application is currently being assessed and it is anticipated that it will be presented for determination at the January Planning Committee.

## 2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
12/00368/PRI OR	Demolition of buildings	No objections	27.07.2012
12/00369/EIA	Demolition of buildings on site.	EIA not required	19.09.2017

16/00745/EIA	EIA Screening opinion for the erection of 89 dwellings.	EIA not required	19.09.2017
18/00306/FUL	Erection of 100 dwellings with new site entrance to the south from Denmark Road and site entrance to the north from Estcourt Road, together with details of associated infrastructure, public open space and landscaping.	Pending consideration	

### 3.0 RELEVANT PLANNING POLICY

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 (Main Modifications) 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  
 SD11 – Housing mix and standards  
 SD12 – Affordable housing  
 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 213 of the NPPF sets out 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

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

The Draft 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 48 of the NPPF.

The site is subject to an allocation within the Draft City Plan at policy SA06 which states:

*'Former playing fields and other sports facilities including changing rooms and a club house that has been lying vacant for a number of years. Accessed from Estcourt Road, bounded by Denmark Road and Kingsholm Conservation Area to west, south and east. The adopted Gloucester Playing Pitch Strategy (PPS) identifies a shortfall of playing fields in the City to provide for current and future needs. The site has been sold to a development company and there is very little chance that the site will be reinstated for community sports use. With this mind, the Council will consider the redevelopment of part or the entire site provided that significant contributions are made by the developer in the context of the sports facilities lost from the site and the needs identified in the PPS. This could take the form of: retained playing pitches and ancillary facilities on part of the site as well as financial contributions to improve existing facilities elsewhere and/or the redevelopment of the whole site but with significant financial contributions for sports facilities elsewhere.'*

The Plan identifies the following site specific requirements;

- 20 dwellings.
- New public open space.
- New contribution to formal sports provision.
- Neighbourhood play area for children.

### 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. The following "day-to-day" development management policies, which are not of a strategic nature and broadly accord with the policies contained in the NPPF, should be given some weight:

OS.2 – Public Open Space Standard for New Residential Development

OS.3 – New housing and open space

OS.7 – New areas of Public open space

A.1 – New housing and allotments

### 3.7 Supplementary Planning Guidance/Documents

SPG1 Sustainable Urban Drainage Systems

SPG6 New Housing and open space

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** – No objection subject to conditions.

4.2 **Conservation Officer** – Raises concerns with the design and layout proposed.

4.3 **Landscape Adviser** – Comments regarding replacement provision and layout of proposal including on site play/landscaped areas.

- 4.4 **Ecology Adviser-** Further comments on the Habitats Regulations have been requested.
- 4.5 **Contaminated Land Adviser –** No objections, investigation has already been undertaken and soil levels deemed to be acceptable for residential use. Suggests a condition should unexpected contamination be encountered during site works.
- 4.6 **Drainage Adviser-** Requests further information on the proposed attenuation basin.
- 4.7 **Sport England –** Objects to the application on the basis that insufficient replacement facilities are proposed to mitigate the loss of facilities previously provided at the sports club.
- 4.8 **Housing Strategy and Enabling Officer –** Objects on the mix of affordable housing proposed.
- 4.9 **Urban Design Adviser –** Raises concerns with the design and layout proposed.
- 4.10 **Open Space and Playing Pitch Adviser -** Information provided on replacement open space/sports facilities required.
- 4.11 **Archaeology Adviser –**The site has already been subject to evaluation but as there is potential for archaeology on the site a raises, no objection subject to a condition requiring a programme of archaeological work.
- 4.12 **Gloucestershire Police Design Adviser-** Has concerns with regard to the use of rear parking for the apartment block and a 'drive-thru' design element for the adjacent property. Makes a number of recommendations to reduce opportunities, for crime, improve surveillance, and prevent inappropriate parking.
- 4.13 **Environment Agency –** The site is within Flood Zone 2, we do not wish to comment directly but would refer to our standing advice.
- 4.14 **Severn Trent Water –** No objections subject to a condition requiring a detailed scheme for foul and surface water drainage.

**Local Lead Flood Agency –** No objections

## 5.0 **PUBLICITY AND REPRESENTATIONS**

- 5.1 161 neighbouring properties were notified of the application and press and site notices were published.
- 5.2 50 letters of objection, two of support, and one neither objecting nor supporting the application have been received. Also included are comments of Cllr Hilton and the Neighbourhood Partnership. The letters of objection can be summarised as follows:

### **Principle and scale of development Issues**

- This is too large a development with too many houses packed into the space.
- This is a much denser, less environmentally friendly proposal than was subject to a previous consultation by Redrow. This is cramming to the detriment of the existing local community.
- Better use of the site would be as a public park or community orchard.
- The new owners have made sure the site cannot be used for sporting facilities as they have demolished the buildings and the site has been neglected.
- The site should be developed in accordance with the City Plan – 20 houses and sports facilities with access from Estcourt Road.

### **Amenity issues**

- Residents will suffer loss of privacy with overlooking between properties.
- The new properties are just too close to existing residents.
- Concerned that future planting, extensions, fences, walls etc. could be overbearing/overshadowing to existing gardens.
- Will cause increased air, noise and light pollution.

### **Sports/Open space Issues**

- The loss of open space is unacceptable.
- The Councils Open Space Strategy says that there is a shortage of open space in Kingsholm. New replacement facilities must be made within the ward.
- Is there a need for another play area given the closeness of the Sebert Street Park?
- The proposed play area is too small.
- It is not clear what is being offered to replace the lost sporting facilities.
- The playing fields to the High School are not open to the public.
- The site has unofficially been used by local children.
- The new open space should be accessible to all residents not just to those in the new estate.

### **Trees and wildlife**

- Loss of a peaceful and green area within an urban setting.
- Loss of area and trees for wildlife and birds.
- Surprised to see the trees are to be felled, would have expected them to be protected given their location within a conservation area.
- The removal of the trees would affect our privacy and enjoyment of our garden.

### **Community Issues**

- Will put further pressure on existing community facilities which are already overstretched.
- Will put further pressure on Kingsholm primary school which may then impact upon the availability of spaces for children from traveller families living in the local area.
- The doctors' surgeries in the area are already overloaded.
- There is no local, easily accessible secondary school.

### **Traffic and Parking Issues**

- Access to Lansdown Road will become more difficult.
- Would equate to roughly 120-160 additional cars not including all their visitors which will have a negative impact on traffic flows in the area causing delays at all nearby junctions.
- Additional traffic will create unacceptable road safety issues for the nearby school.
- Proposal to close Lansdown Road and the impact upon school buses has not been properly assessed.
- Insufficient parking proposed for the new houses – the area already suffers from considerable parking congestion.
- Denmark Road is used as a cut through to London Road.
- The traffic survey does not seem to take account of the peak morning time or match days.
- The removal of the slip road will further impede traffic flow. Buses will have to make a very narrow turning to get onto Lansdown Road and this area is often used as a turning point by residents and parents dropping off at the school.
- Traffic problems exacerbated by all recent planning permissions granted in the local area including Plock Court and the Bishops College site and further afield at Longford.
- Will cause difficulties for residents to access their driveways.
- Potential danger to cyclists, pedestrians and parents and children walking to and from school the primary and high schools.

- Should consider residents only parking in the local area or possibly double yellow lines.

### **Drainage**

- The east side of the field is flooded/marshy most winters. Land drains feed into the drainage ditch which then flows into a pipe but it is not known where this then goes.
- In 2007 much of the east side of the field was flooded - developing the site will put other properties at risk of flooding.
- The basin will be inadequate in prolonged heavy rain.
- Concerned at the implications for different levels between the site and Denmark Road.

### **Heritage Issues**

- Will not be in keeping with the character of the conservation area.
- The area is historical, with the roman fortress nearby, the mass excavation would damage archaeological remains.

### **Affordable Housing**

- Not enough affordable housing, which should be for owner occupiers and kept affordable upon re-sale.
- The affordable houses are the smallest and most cramped houses rather than being representative of the houses being proposed.

### **Other Issues**

- Should incorporate a service area for Ermin Hall.

5.3 The letters of support raised the following issues:

- In principle I'm glad that the land is going to be put to use
- This is much needed housing in an appropriate location which will provide a good mix of private and social homes.

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

- Principle

- Design, layout and landscaping
- Affordable Housing
- Traffic and transport
- Residential amenity
- Drainage and flood risk
- Open Space, Recreation, Education and Community Facilities
- Economic considerations
- Planning obligations

### ***Principle of development***

- 6.5 Paragraph 73 of the NPPF (July 2018) requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer of between 5% and 20% depending on local circumstances.
- 6.6 The 2018 NPPF introduced the Housing Delivery Test (HDT). From November 2018 this means that the most important policies for determining applications will be considered to be out of date where the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. Paragraph 216 of the NPPF includes transitional arrangements and sets out that 'delivery of housing which was substantially below the housing requirement' means where the HDT results published in November 2018 indicate that delivery was below 25% of housing required over the previous three years. The HDT results not yet been published and consequently the implications for Gloucester City are not yet clear. **An update will be provided at Committee.**
- 6.7 The JCS addresses housing supply and demand under Policies SP1 (The Need for New Development) and SP2 (Distribution of New Development) as well as within Part 7 (Monitoring and Review). Currently, the Council can demonstrate a five year supply of deliverable housing sites. This positive housing land supply position means that the housing policies in the Joint Core Strategy can be given full weight.
- 6.8 Policy SD10 of the JCS allows for infilling within the existing built up areas of the City Gloucester and requires housing of an appropriate density, compatible with good design, the protection of heritage assets, local character and compatible with the road network. The site is subject to an allocation for residential development in the City Local Plan however the plan is at a very early stage and it is considered that it only carries limited weight in the decision making process.
- 6.9 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 therefore the principle of development is considered to be acceptable in accordance with JCS Policy SD10, subject to assessment against other planning considerations in the remaining sections of this report.

### ***Design, Layout and Landscaping***

- 6.10 The NPPF states that good design is a key aspect of sustainable development. Paragraph 127 sets out criteria for achieving well-design places while paragraph 130 provides that permission should be refused for development of poor design.
- 6.11 Policy SD3 of the JCS requires all developments to demonstrate how they contribute to the principles of sustainability, Policy SD4 sets out requirements for high quality design, Policy SD6 requires development to protect or enhance landscape character while Policy SD10 requires residential development to achieve the maximum density compatible with good design, the protection of heritage assets, local amenity, the character and quality of the local environment and safety and convenience of the road network.

- 6.12 On the whole the design of the proposed dwellings follow similar design principles including hipped roofs, some projecting gables, casement style windows and the use of render and brickwork. The Conservation Officer has raised concerns with these designs, however they are considered to reflect the surrounding development incorporating the design characteristics of the existing neighbouring houses particularly in Estcourt Road and Denmark Road.
- 6.13 The design of the apartment block and its relationship with the student accommodation at Ermin Hall, Denmark Road, does raise concern. The building is proposed to be three storeys in height and would accommodate 9 apartments. At approximately seven metres from the side elevation of Ermin Hall and with the existing windows in the side elevation of Ermin Hall, the proposed apartment block would have an overbearing impact upon the living conditions of residents in Ermin Hall.
- 6.14 Whilst generally the proposed layout would comply with separation distances between the new and existing houses surrounding the site, there is concern with the layout of the plots closest to Bijou Court, off Tewkesbury Road. The location of Bijou Court is quite different in its layout to other properties along Tewkesbury Road in that it is set very close to the western boundary of the site, whereas the other properties have good sized gardens providing substantial separation to the site boundary. Given the proximity of the proposed dwellings to the existing properties at Bijou Court it is not considered that the proposed relationship is an acceptable one and would result in harm to the living conditions of residents of Bijou Court.
- 6.15 Within the scheme itself there are some overbearing relationships between properties proposed for example at plots 35, 36 and 37 and between plots 54 and 55. Additionally the siting of Plot 55 and its proposed projecting garage would result in it being a very prominent feature in the street scene along the edge of the open space area. Furthermore plot 38 would have a very poor outlook with garages along the length of the boundary of its small garden and the gable of plot 40 filling much of its rear boundary
- 6.16 The two new houses proposed at the entrance to the site from Estcourt Road (plots 1 and 89) would have their gardens to the side, rather than to the rear and this results in the need to have 1.8 metre high brick walls along the frontage to Estcourt Road (set forward of the houses themselves), which would be a feature at odds with surrounding development where houses have fairly open frontages to Estcourt Road and their main gardens are to the rear. 102 Tewkesbury Road is the exception to this given its corner position and because of this, the position of plot 1 is perhaps understandable however plot 89 fails to respect the character and form of the row of houses along Estcourt Road.
- 6.17 The removal of the trees and hedges along the Denmark Road frontage would open up this boundary, allowing full views into the site from the road. There is a change in levels at this boundary with the site being noticeably lower than the adjoining land. The change in levels does present some difficulties in dealing with the frontage development. The main access into the site is to the eastern side of the frontage and the three storey apartment block proposed at the western boundary. Within the central part of the frontage, the design details detached properties set back from Denmark Road footpath, between approx. 17 and 20 metres. The properties are all detached and are served by private drives, with an open plan nature. This has a very different feel to and is at odds to the form and layout of the surrounding development. Opposite the site properties are set much closer to the road, with individual driveways from the road and enclosed gardens. Additionally, further along Denmark Road is The Willows development, which is set back a few metres from the footpath and also Ermin Hall which is set back minimally from the footpath and enclosed by railings. The frontage of the proposed site does not respond positively to its surroundings as required by Policy SD4 and does not take opportunities to enhance local distinctiveness.



- 6.18 The possibility of setting the proposed houses closer to Denmark Road, with direct access from the road, more in keeping with its surroundings has been discussed with the developer who has responded by saying that this would cause difficulties with levels, drainage and would reduce the availability of parking along this stretch of the road. The applicants view on this issue is understood, nevertheless, it is not considered that this prominent part of the site has been well designed and it does not meet the requirements of policy SD4, nor the NPPF which requires developments to add to the overall quality of the area, be sympathetic to the surrounding built environment and establish or maintain a strong sense of place.
- 6.19 The apartment block proposed in the south west corner of the site is considered to be rather bulky in terms of its mass and general design, however given that it would be sited in close proximity to the four storey element of Ermin Hall, would be set back from the pavement at approximately 17 metres and would be set at a lower level it would not be overly prominent in the street scene.
- 6.20 Plot 84 is in a prominent position next to the detention basin which forms part of the proposed open space. The footpath network within the open spaces passes right by the flank elevation of this plot. The side elevation of plot would be blank and is elongated by the integral garage to the front of the plot resulting in a very poor relationship with the public footpath. This fails to take a clear opportunity for creating a sense of place.
- 6.21 In conclusion on design grounds, whilst the overall approach to the development of the site is considered acceptable in general terms (including the quantum of development and overall density proposed), there are elements of the proposal which fail to take the opportunities available to improve the character and quality of the area. The proposals fail to respond positively to the site's surroundings, would not provide for high quality open space and would result in unacceptable relationships between proposed dwellings and existing properties (in particular at Bijou Court) as well as proposed dwellings within the scheme itself. This is a matter which weighs against the proposed development.

### ***Heritage Assets***

- 6.22 Chapter 16 of the National Planning Policy Framework (2018) sets out the importance of protecting and enhancing the historic environment, and conserving heritage assets in a manner appropriate to their significance. In particular, paragraph 192 states that in determining planning applications, local authorities should take account of *'the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation'*.
- 6.23 Sections 16 and 72 Listed Buildings and Conservation Area Act require special consideration to be given to the protection of heritage assets and their settings. The NPPF states that *"where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including where appropriate securing it optimum viable use. The impact resulting in less than substantial harm must be given considerable weight in the assessment of the application and planning permission should not be granted unless there are public benefits of doing so."*

### **Conservation Area and listed buildings**

- 6.24 *The site lies adjacent to both the Kingsholm and Denmark Road Conservation areas. The Kingsholm Conservation area boundary adjoins the western boundary of the site. The boundary runs to the south of the garages at Bijou Court and runs around the boundary of the rear gardens of the four listed buildings at 80, 82, 84 and 86 Kingsholm Road and then includes numbers 52-58(evens) and 78 Denmark Road. The Denmark Road conservation area boundary runs along the frontage of the site at Denmark Road and then along most of its eastern boundary (excluding the boundary where it is adjacent to The Willows and where adjacent to the modern development at the bottom of Hinton Road).*

- 6.25 Section 72 of the Planning (Listed Buildings and Conservations Areas) Act 1990 state that where an area is designated a Conservation area “special attention shall be paid to the desirability of preserving the character or appearance of the area.”
- 6.26 The Conservation Officer has raised concerns regarding the design, scale and mass of the apartment block and adjoining coach house, the design and appearance of the proposed housing units, the amount and materials of hard standing
- 6.27 Any development of the site would undoubtedly change the setting of these two conservation areas to some degree. There are limited views into the site from Denmark Road given the hedges, conifers and trees inside the site and which extend along most of this frontage. The removal of all this landscaping would increase the visibility of the site from this location. Both conservation area appraisals recognise the importance of trees in softening the urban landscape and there is no doubt to the importance of the mature trees along Denmark Road and in the central island between the two carriageways, in adding to the character and appearance of the conservation area. It is these trees that make the greatest contribution. None of the planting within the site has any protection and could be removed without recourse to the Local Planning Authority.
- 6.28 It is accepted therefore that the development of this site would result in some limited harm to the settings of the adjoining conservation areas. This harm would be at the lower end of ‘less than substantial’ in the context of the NPPF. It is recognised that the site has been vacant for some time and has been poorly maintained, and has also been identified for housing development in the emerging City Plan. As referred to earlier in the report the proposed layout of the scheme at the part most visible from Denmark Road would result in a development at some variance to the pattern and form of its surroundings. However its setback from the road and the change in levels within the site would serve to reduce its prominence and visibility from the street. The landscaping and planting proposed to the road frontage would help soften its appearance in the street scene.
- 6.29 Whilst the comments of the Conservation Officer are noted it is considered that the public benefits arising from the proposal (including the provision of market and affordable housing and the associated economic benefits) are capable of outweighing this harm.

#### Listed Buildings

- 6.30 Section 66 of the Planning (Listed Buildings and Conservation Areas Act 1990 state where development which affects a listed building, or its setting, the Local Authority “shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possess”.
- 6.31 The four properties at 80, 82, 84 and 86 Kingsholm Road are Grade II Listed. Their rear gardens adjoin the site along the south western corner to the rear of Ermin Hall and up to their boundary with Bijou Court. From the site itself, it is the rear of the properties and their gardens that are visible.
- 6.32 The buildings are of a similar design built around 1820 and of three storeys in height, constructed of brick with slate roofs. As two pairs of semi-detached properties, they form an impressive row along Kingsholm Road. The proposed three storey apartment block is L shaped and is proposed to be sited at its closest point approximately 8 metres from the rear garden boundary of number 80 Kingsholm Road. There is some planting along this part of the boundary and the layout plan does indicate that this would be retained. It does provide some screening to the property in views from a southerly direction but has little benefit in views from the north.
- 6.33 With the proposed position of the apartment block, and taking into account its design and three

storey height and its proposed parking area to the rear adjacent to the boundary of numbers 80 and 82, there would be some impact upon the setting the listed buildings. Nevertheless, given the location of these buildings, it is recognised that this setting is primarily made up of residential development. Whilst the proposed development site is currently open, there is no evidence of a functional relationship between the listed buildings and this land. Any harm arising from this relationship would be less than substantial.

- 6.34 In conclusion on this point, whilst there would be at most 'less than substantial' harm arising from the proposed development, it is considered that the public benefits arising from the proposals would outweigh any such harm.

#### Archaeology

- 6.35 This site has been subject to very extensive archaeological evaluation. That evaluation (and earlier investigations) has indicated that the proposed development site has been heavily disturbed – probably by quarrying in the 17th, 18th and 19th centuries. However isolated archaeological remains of Roman date do survive and the City Archaeologist advises that the proposed development has the potential to damage or destroy significant heritage assets of archaeological interest in localised parts of the site. He therefore recommends a condition be attached requiring a programme of archaeological work to be informed by a written scheme of investigation. Accordingly there would be an acceptable impact on archaeology, subject to compliance with conditions.

#### Conclusions on Heritage Matters

- 6.36 In conclusion on heritage matters, the acknowledged harm to the settings of the conservation areas and the listed buildings, which is considered to be less than substantial must be given considerable weight in the assessment of the application and must be weighed against the public benefits of the scheme. In this respect, it is considered that the re-development of this site does result in a number of public benefits including the re-use of vacant land within a sustainable location and the positive contribution to the Councils housing supply (including affordable housing) and the associated economic benefits which, taken together, are capable of outweighing any harm to heritage assets in this instance.

#### **Trees**

- 6.37 JCS Policy INF 3 (Green Infrastructure) provides that existing green infrastructure will be protected in a manner which reflects its contribution to ecosystem services and the connectivity of the green infrastructure network. Mitigation for the loss of such infrastructure should be provided on site where possible.
- 6.38 The application proposes the removal of most of the existing trees and hedges around the site including all of the hedging and trees along the frontage to Denmark Road. There are no tree preservation orders on the site. The submitted Tree report identifies that the majority of the trees within the site are considered to be of moderate arboricultural value based on their value as a group, with individuals within groups generally being of low arboricultural quality and value.
- 6.39 There are a number of trees outside the site along Denmark Road, and within the central reservation green space, that are protected by preservation orders and by their location within the Conservation Area. These trees are prominent in the street scene, are important features adding to the quality of the area however no works are proposed to these trees.
- 6.40 The scheme does include the retention of some trees to the eastern boundary and in the proposed open space area. A new landscaped area is proposed to the frontage of Denmark Road which also includes new tree planting, with further trees proposed along the internal estate roads. This new planting would mitigate for the loss of the existing trees on the site.

## ***Affordable Housing and Housing Mix***

### Affordable Housing

- 6.41 The NPPF states that where local authorities have identified the need for affordable housing, policies should be set for meeting this need on site, unless off site provision or a financial contribution can be robustly justified. Policy SD12 of the JCS provides that a minimum of 20% affordable housing will be sought on sites of 11 or more dwellings in the Gloucester City administrative area. Proposals must also have regard to Policy SD11 which requires new developments to provide a mix of dwelling sizes, types and tenures in order to contribute to mixed and balanced communities.
- 6.42 The application proposed a total of 18 affordable units comprising:
- Six 1 bedroom apartments,
  - Three 2 bedroom apartments,
  - Seven 2 bedroom houses and
  - Two 3 bedroom houses.
- 6.43 The affordable housing is all provided within the lower third of the site but in three separate areas and separated by private housing. The provision of 20% affordable housing complies with policy and the proposed clustering of the units is considered acceptable however there is concern with the mix of units proposed and it is unclear as to their proposed tenure.
- 6.44 The requirement as evidenced by the SHMA and the current housing register would be as follows:
- Seven 1 bedroom units,
  - Four 2 bedroom units
  - Four 3 bedroom units
  - Three 4 bedroom units
- 6.45 The table below gives a comparison between the current proposal and the need evidence by the SHMA and the housing register.

Net Annual requirement for Affordable Housing Gloucester compared to application					
		Beds			
SHMA AH Mixes	Total	1	2	3	4
AH home Ownership	4	1	1	1	1
Rented	14	6	3	3	2
<b>Totals</b>		<b>7</b>	<b>4</b>	<b>4</b>	<b>3</b>
<b>Totals as %</b>		<b>39%</b>	<b>22%</b>	<b>22%</b>	<b>17%</b>
Civil Service Club proposal (No.)		6	3 Flats 7 Houses	2	0
Proposal as % of units		33%	56%	11%	0%

- 6.46 It is therefore consider that the mix of affordable housing units proposed does not reflect the housing need in Gloucester and in any event at this stage there is no signed s106 obligation. On that basis the proposed development does not adequately provide for housing that would be available to households who cannot afford to rent or buy houses available on the existing housing market, contrary to the NPPF and Policy SD12 of the JCS. This weighs against the proposals, however it is anticipated that further discussions will be held with the appellant before the Public Inquiry with a review to resolving this issue.

### Proposed Market Housing Mix

6.47 Policy SD11 of the JCS requires new developments to provide a mix of dwelling sizes, types and tenures in order to contribute to mixed and balanced communities. The scheme proposes:

71 units of market housing comprising:

- Three 2 bedroom houses,
- twenty three 3 bedroom houses
- Forty five 4 bedroom houses

6.48 The latest SHMA evidence suggests that 36.8% of new market dwellings should be three bedroom properties, with 29.2% having two bedrooms, 22.3% containing four or more bedrooms and 11.7% having one bedroom.

6.49 As set above, the market housing proposed is weighted heavily towards the provision of three and four bedroom houses. The applicant has not submitted any justification for the mix as proposed. The proposed market housing does reflect to some degree the needs set out in the SHMA. Whilst there are no one bed houses proposed, and only two 3-bed houses, it is recognised that there have been a number of schemes permitted in Gloucester since the SHMA was published which include such dwellings. It is also recognised that the majority of housing in the immediate area consists of larger family homes. On that basis, it is considered that the market housing mix is acceptable in this instance.

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

6.50 Paragraph 109 of the NPPF provides that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual impacts upon the road network would be severe.

6.51 The site is proposed to be served by two vehicular accesses, one from Denmark Road and one from Estcourt Road. The principal access is from Denmark Road and it is also proposed to reconfigure the existing Lansdown Road/Denmark Road junction. The vehicular access to the site from Estcourt Road is actually from the existing service road, set behind Estcourt Road itself. This access would only serve 12 of the proposed houses. The layout does not allow for a through route for cars between Estcourt Road and Denmark Road. A pedestrian link runs from the Estcourt Road access point through into the site and into the proposed open space area. A further pedestrian access into the site is proposed at the southern end from the footpath along Denmark Road adjacent to the boundary with Ermin Hall.

6.52 As set out in section 4 above, there have been a number of objections from the local community in respect of highways matters. The application was accompanied by a detailed transport assessment and information relating to parking provision, vehicle tracking within the site and tracking for a bus with the amended Lansdown Road/Denmark Road junction.

6.53 The County Highway Authority (CHA) have considered the proposals in light of the information submitted and concluded that the traffic arising from the development can be safely accommodated upon the local highway network. Furthermore the CHA consider that there would be sufficient parking provided within the site to reduce the likelihood of indiscriminate parking on surrounding roads and that the proposed works to the nearby junction are acceptable and can be secured by a suitably worded planning condition. Therefore it is concluded that, subject to planning conditions, there would be an acceptable impact on the road network and the requirements of Policy INF1 are satisfied.

### ***Loss of Sports facilities Arising From Re-development of the Site***

6.54 The NPPF supports access to high quality open space and opportunities for sport and physical activity, It states that open space not be built upon unless assessment shows it to be surplus to requirements, or the loss would be replaced by equivalent or better provision, or the

development is for alternative sports and recreational provision, the benefits of which would outweigh the loss.

- 6.55 JCS Policy INF3 provides that development proposals should consider and contribute positively towards green infrastructure. Where new residential development will create, or add to, a need for publicly accessible green space or outdoor space for sports and recreation, this will be fully met in accordance with Policy INF4. Existing green infrastructure will be protected in a manner which reflects its contribution to ecosystem services, including recreation and play. Policy INF4 requires development proposals relating to land in or previously in a community facility use (including sports pitches or open space) to demonstrate why it is no longer required and, where appropriate, demonstrate how when and where replacement facilities will be provided. Policy INF7 relates to infrastructure delivery and developer contributions.
- 6.56 The site previously provided a number of sporting facilities including pitches, bowling green, tennis courts and changing rooms. However in 2011 the site was closed and it is now vacant, enclosed by fencing, overgrown and the buildings on site have been demolished.
- 6.57 The original planning statement submitted with the application states that there is not proposed to be any like for like provision on site, but that off-site provision on a suitable site elsewhere and that meets the needs set down in the Playing Pitch Strategy will be provided for. The planning statement suggested that the Oxstalls Campus would be the most accessible and logical site and that discussions had taken place with the University of Gloucestershire.
- 6.58 The Council's Open Space Strategy 2014 -2019 identifies that the Kingsholm ward falls well short of the council's adopted standard for open space, play and sports provision and also identifies that there is limited opportunity for the creation of new open space in the ward and that *'improvements in provision should concentrate providing high quality play and sports facilities and ensuring optimum maintenance and usage of sports pitches on existing sites'*. The Strategy makes specific reference to this site as follows:
- 'The closed Civil Service Sports Ground off Estcourt Road is currently owned by Redrow Homes. Some initial ideas have been put forward by the developer for the site. The Kingsholm & Wotton Neighbourhood Partnership has also started to develop a Community Right to Bid application for the site. The city council's planning policies will look to protect against the loss of private playing fields (or ensure that alternative provision is made elsewhere).'*
- 6.59 The replacement costs of replacement facilities, using the Sport England calculator and providing rugby, football and cricket pitches, a bowling green, three tennis courts, a sports hall and changing rooms amounts to £1,626,250.
- 6.60 The provision of replacement facilities has been discussed at length with the applicant and additionally Officers have advised that with recent investments and improved facilities, the Oxstalls site has little capacity for further investment and/or new or improved provision.
- 6.61 Following the discussion with officers, the appellant has suggested an offer payment of £250,000 to provide replacement facilities but there are no firm proposals from the applicant as to how or where any replacement facilities would/could be provided or what they would involve. The applicants statement of case submitted as part of the appeal states they would be willing to enter into a planning obligation to provide, amongst other matters, a *"viable financial contribution to the Council for off-site sports provision to mitigate the loss of the former sports facilities"* and that *"evidence will be presented which will explain how the mitigation will be provided for and how this complies with local and national planning policy and addresses sports needs identified in the Council's own evidential research and Playing Pitch Strategy"*. It does not refer to the £250,000 previously suggested.

6.62 This statement is considered to be lacking in the relevant and required detail as to the amount to be paid and therefore the likely extent of replacement provision, the engagement undertaken with the community and the form and location of the replacement provision and therefore is not considered to comply with the requirements of the policies and guidance. There is also an objection to the application from Sport England on this.

6.63 In conclusion, at this time there are no suggested contributions towards replacement sports facilities and no s106 planning obligations to provide for such replacement. On that basis the proposed development conflicts with the NPPF and JCS policies INF3, INF4 and INF7. This is a matter which weighs significantly against the proposal. Nevertheless, it is anticipated that further discussions will be held with the appellant before the Public Inquiry with a view to resolving this issue.

### **Noise**

6.64 Paragraph 127 (f) of the NPPF provides that planning should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Paragraph 180 provides that new development should be appropriate for its location taking into account likely effects of pollution on, inter alia, health and living conditions, and in particular to avoid noise giving rise to significant adverse impacts on health and the quality of life.

6.65 Policy SD14 of the JCS requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants. Additionally the policy requires that new developments are of an acceptable environmental quality, including levels of noise. Similarly policy SD4 of the JCS requires the design of new development to avoid or mitigate against potential disturbances including noise.

6.66 Given the location of the site adjacent to Estcourt Road and Denmark Road, residential development on the site would be affected by traffic noise to some extent. The application does not include any supporting noise information detailing existing noise levels across the site, an assessment of whether noise levels are within acceptable limits or whether any mitigation may be required. In the absence of such information it is therefore not possible to assess whether the development of the site would result in acceptable living conditions for future residents however it is considered that this matter can be controlled by appropriately worded planning conditions.

### **Drainage and flood risk**

6.67 The NPPF requires that development is directed to the areas at lowest risk of flooding, that new development should take the opportunities to reduce the causes or impacts of flooding, should not increase flood risk elsewhere and take account of climate change. The NPPF includes a sequential approach, requiring sequential and exceptions tests to be passed before residential development in flood zone 2 can proceed. Policy INF2 of the JCS reflects the NPPF, applying a risk based sequential approach, requiring new development to contribute to a reduction in flood risk and requiring the use of sustainable drainage systems.

6.68 As previously referred to, the site has an allocation for residential development in the draft Gloucester City Local Plan and flood risk is identified as a constraint given its location within Flood Zone 2. The application was accompanied by a Flood Risk Assessment with an addendum which includes a Sequential Test and Exceptions Test report. The addendum report concludes that there are no available sites which could accommodate the proposed development. The report continues that should the Council reach a different conclusion, an application of the Exception Test would show that there are wider sustainable public benefits which would still justify the proposed development, although it is noted that this misinterprets the sequential and exception test process.

6.69 The Council does not dispute the outcome of the assessment carried out by the appellant and

that the proposed development passes the sequential test. In reaching this conclusion it is noted that the site has been identified in the emerging City Plan. For this reason it is also considered that there are wider sustainability reasons for developing the site, including the provision of market and affordable housing, which would outweigh the flood risk on the site.

- 6.70 The proposed drainage scheme incorporates an attenuation basin which is to be sited within the area proposed for public open space on land to the rear of 14-32 Estcourt Road. This is intended to assist with the larger rainfall events and would generally be dry. The Drainage Officer advises that further information relating to the overall design, gradient, inlet/outlet of the basin would be required to ensure that it is satisfactory both in appearance and function. It is considered that such information could be dealt with by condition on the basis that the LLFA and STW are satisfied with the general principles of the drainage proposals. For these reasons it is concluded that the development would be safe for its lifetime taking into account the vulnerability of its users and that it won't increase flood risk elsewhere. This satisfies the second limb of the exceptions test.

### ***Ecology***

- 6.71 The NPPF seeks to minimise impacts on and providing net gains for biodiversity. JCS Policy SD9 requires that the development proposals contribute positively to biodiversity and where impacts occur, these are appropriately mitigated against. Additionally it requires that any proposal likely to have an impact upon an international site must be subject to a Habitats Regulation Assessment.
- 6.72 The appeal site is within 7.2 km of a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations 2017'). The application site is in close proximity to the Cotswold Beechwoods Special Area of Conservation (SAC) which is a European site. The site is also notified at a national level as Cotswold Commons and Beechwoods Site of Special Scientific Interest (SSSI).
- 6.73 In such circumstances the Planning Authority are required to undertake an assessment as to whether the proposal would be likely to have a significant effect upon the Beechwoods SAC and where significant effects cannot be ruled out, to undertake Appropriate Assessment. This is now common practice across the City, and wider area, and it has generally been considered that new residential developments do have the potential to cause significant effects. In such circumstances the applicant is required to provide information to avoid or appropriately mitigate against those effects. The application did not include such details and therefore the Council has been unable to assess that the proposal would not have a harmful effect upon the Beechwoods SAC.
- 6.74 In terms of the ecology on the site itself a Phase 1 habitat survey has been undertaken and identified that the site is mainly improved grass land, scrub and some hardstanding and notes the removal of much of existing landscaping and trees on the site. Great crested newts are not considered to be present on site but there is the potential on western boundary for common reptiles. The habitat survey does suggest that the attenuation pond would provide some wetland habitat however it is noted that the drainage strategy expects the pond to be largely dry other than 1 in 30 year events). The report identifies that there would be a potential loss of foraging area for bats but overall the site is of low ecological value. The survey suggests an ecological management plan including the provision of new bird and bat boxes. In addition to the findings report of the submitted report, it is understood that the site may also now accommodate two new badger setts not previously identified. The closure/removal of any setts would require a license from Natural England.

### ***Economic considerations***

- 6.75 The construction phase would support employment opportunities in the construction industry and



therefore the proposal would have some economic benefit. In the context of the NPPF advice that “significant weight should be placed on the need to support economic growth and productivity”, this adds some weight to the case for granting permission.

### ***Community Infrastructure Levy/Planning Obligations***

- 6.76 The Community Infrastructure Levy (CIL) Regulations allow local authorities to raise funds from developers undertaking new building projects in their area.
- 6.77 Policy INF6 of the JCS which provides that where the need for additional infrastructure and services is expected, the local planning authority will seek to secure appropriate infrastructure which is necessary, directly related, and fairly and reasonably related to the scale and kind of the development proposal. Policy INF7 (Developer Contributions) sets out that financial contributions will be sought via s106/CIL as appropriate.
- 6.78 On 25th October 2018 the Council resolved to publish and adopt a Community Infrastructure Levy (CIL), with a commencement date of 1st January 2019. Any planning applications/appeals determined after that date, subject to certain exceptions, will be liable for CIL. This means that, from the 1<sup>st</sup> January, certain types of infrastructure, which would have hitherto been secured via s106 obligations, may be delivered by CIL.
- 6.79 Section 106 must continue to be used for affordable housing and will be used for site specific infrastructure needed to make a specific development site acceptable in planning terms (for example the replacement sports facilities referred to above). Other infrastructure, not site specific, is included on the Council’s Regulation 123 list which specifies the type of infrastructure which may be delivered by CIL.
- 6.80 During the consultation period for the proposals requests were made by consultees for financial contributions towards open space requirements, education and libraries arising from the development. The appellant has also proposed financial contributions towards this, and other infrastructure including allotments. However these items are included on the Councils Regulation 123 list and as such contributions cannot be sought for these items under s106 of the Planning Act.
- 6.81 As set out in the report there are requirements in respect of this proposal for affordable housing and replacement sports facilities which s106 obligations may also be required in respect of the maintenance and management of on-site open space proposed as part of the development.

### ***7.0 Planning Balance and Conclusions***

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Local Planning Authority to determine planning applications in accordance with the Development Plan, unless material considerations indicate otherwise. Paragraph 12 of the NPPF provides that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. The most important development plan policies for determining this case are up to date.
- 7.2 This proposal has been considered in the context of the policies and guidance referred to above. The appeal site represents infilling within the existing built up area of Gloucester City and the principle is therefore acceptable subject to other material considerations. The site is subject to a draft allocation for residential development in the City Local Plan however the plan is at a very early stage and it is considered that it only carries limited weight in the decision making process. The site is located within a sustainable location with good access to the City centre and local services and amenities.

### **Benefits**

- 7.3 Benefits of the proposal include a contribution to the Council’s housing supply which is given

some weight in the context of the Council's 5 year supply position. Whilst the provision of affordable housing would normally be given considerable weight, given the shortcomings identified in the appellant's proposal that is not the case here. The appeal proposal would make a contribution to the local economy by an increase in local spend, use of community facilities and services and direct employment arising from the erection of the new dwellings to which is given moderate weight.

#### Harms

- 7.4 Harms arising from the appeal proposals are set out in the report. Whilst the quantum and density of development is considered acceptable, there are significant shortcomings with the proposed design and layout of the scheme which would fail to take the opportunities available to improve the character and quality of the area. The proposals fail to respond positively to the site's surroundings, would not provide for high quality open space and would result in unacceptable relationships between proposed dwellings and existing properties as well as between proposed dwellings within the scheme itself.
- 7.5 The proposed development would result in some limited harm to the setting of the two neighbouring conservation areas and listed buildings on Tewkesbury Road. This harm must be given considerable weight in the overall planning balance. Nevertheless, it is concluded that the public benefits arising from the scheme are capable of outweighing this harm.
- 7.6 Whilst the quantum of affordable housing proposed meets the requirements of JCS policy SD12, the mix of affordable housing units proposed does not reflect the housing need in Gloucester. Furthermore, the site was formerly used as a sports facility and the appeal proposal fails to provide for appropriate mitigation for the loss of the sporting facilities on the site.
- 7.7 There are also a number of issues that are unresolved at this stage. In particular, the lack of information to allow the Council to be able to properly assess the impact of the proposals in relation to the impact upon Beechwoods SAC, and information to demonstrate that the noise levels across the site would result in acceptable living conditions for future residents.

#### Neutral

- 7.8 The Highway Authority are satisfied that the traffic associated with the development can be safely accommodated on the local road network. The proposals would also have an acceptable impact in respect of drainage and flood risk, on-site ecology and trees.

#### Overall Conclusion

- 7.9 Overall, it is considered that the harms identified above clearly outweigh the benefits of the appeal proposals. Whilst the presumption in favour of sustainable development does not apply in this case, even if the Council could not demonstrate a five year supply of deliverable housing sites, or if the most relevant policies in this case were found to be out of date for some reason, it is considered that the adverse impacts would significantly and demonstrably outweigh the benefits and specific policies in the NPPF would indicate that development should be restricted. It should nevertheless be recognised that some of the conflicts with the development plan, in particular those harms identified in respect of affordable housing and replacement sports facilities, are capable of resolution via appropriate planning obligations.

#### 8.0 **RECOMMENDATION OF THE CITY GROWTH AND DELIVERY MANAGER**

- 8.1 That members should advise the Secretary of State that the Council would be **MINDED TO REFUSE** planning permission for the appeal proposals in the interest of the proper planning of the area for the following reasons:

1. The proposed design and layout of the scheme would fail to take the opportunities available to improve the character and quality of the area. The proposals fail to respond positively to the site's

surroundings, would not provide for high quality open space and would result in unacceptable relationships between proposed dwellings and existing properties as well as between proposed dwellings within the scheme itself. The scheme is therefore considered to be a poor design that would have be harmful to the character and appearance of the area and the living conditions of existing and future residents contrary to policies SD4, SD10 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017) and the principles set down within section 12 of the National Planning Policy Framework 2018.

2. The mix of affordable housing units proposed does not reflect the housing need in Gloucester, therefore the proposals do not adequately provide for housing that would be available to households who cannot afford to rent or buy houses available on the existing housing market. The proposals therefore conflicts with Policy SD12 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017) and the principles set down within the National Planning Policy Framework 2018.

3. The proposal fails to provide suitable replacement facilities and/or mitigation to compensate for the loss of sports facilities contrary to policies INF3, INF4 and INF 6 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017) and the principles set down within the National Planning Policy Framework 2018.

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