

**GLOUCESTER CITY COUNCIL**

**COMMITTEE** : **FULL COUNCIL**

**DATE** : **22ND MAY 2000**

**SUBJECT** : **CONEY HILL HOSPITAL & CLOCK TOWER**

**WARD** : **ABBEYMEAD**

**REPORT BY** : **HEAD OF PLANNING SERVICES**

**AUTHOR OF REPORT** : **PHILIP STADDON**

**NO. OF APPENDICES** : **APPENDIX 1 - REPORT TO PLANNING COMMITTEE, 18TH APRIL 2000 (PT18040A)**  
**APPENDIX 2 - EXTRACT FROM CABINET MINUTES OF 19TH APRIL 2000**

**REFERENCE NO** : **PT22050A**

**1. PURPOSE OF REPORT**

1.1 To enable the Council to determine the two applications for planning permission in respect of proposed residential development in the former grounds of Coney Hill Hospital and the proposed change of use of the Clock Tower building to residential flats.

**2. RECOMMENDATIONS**

2.1 That the Council resolve to grant planning permission for application no. 99/00683 and to grant Outline planning permission for application no. 99/00682/OUT subject to:

- (i) The resolution of outstanding matters with regard to education contribution.
- (ii) The satisfactory resolution of the outstanding transportation issues outlined in the report.
- (iii) The application being referred to GOSW (App 99/00682/OUT).
- (iv) The applicant entering a S106 Obligation to secure the items outlined in the report (App 99/00682/OUT).
- (v) Conditions to be determined by the Head of Planning Services (both applications).

### **3. BACKGROUND**

3.1 These significant planning applications were considered by the Planning Committee at its 18th April 2000 meeting. The full report to that Committee is appended to this report. The Planning Committee resolved to refuse to grant planning permission for the residential proposal on a majority 6/4 vote. The reasons for refusal proposed by the Committee were:

- (i) That the proposal would result in unacceptable traffic and highways implications.
- (ii) The proposal was considered premature being in advance of the emerging Local Plan.

3.2 The resolution to refuse permission, which was against Officer advice, was considered by the Cabinet at its 19th April 2000 meeting. The Cabinet decided that the applications should be referred to Full Council for formal determination.

### **4. INFORMATION**

4.1 The appended Planning Committee report gives a very comprehensive account of the proposals, the issues raised and details of representation received.

4.2 At the Full Council meeting a presentation will be given by the Development Control Manager and this will include updates on the published Planning Committee report and he will also report any further representations received since the Planning Committee meeting.

### **5. COMMUNITY SAFETY**

5.1 Community safety issues are dealt with in Section 5 of the Planning Committee report.

### **6. FINANCIAL IMPLICATIONS**

6.1 The successful negotiation of a S.106 agreement will secure the items that have been outlined in the report. There is no revenue budget to cover any potential appeal costs should the council decide to reject the planning application.

### **7. LEGAL IMPLICATIONS**

7.1 The planning report attached to this one provides members with the detail of the application including the offer of a planning agreement to include the planning benefits indicated in para. 1.6.

- 7.2 The planning history on this site is relevant , in particular the decision of the Inspector arising out of the 1996 inquiry indicating the reasons for refusal at that time. Members must take into account all relevant and material planning considerations and ignore irrelevant matters. The planning report provides the details of material considerations which must be taken into account in reaching a decision.
- 7.3 If members are minded to refuse this application they must look at the available evidence and reach a decision on that. A refusal can be appealed against and it is likely that a public inquiry will be held. The inquiry will consider the grounds for refusal which must be based on planning grounds and be capable of being substantiated in evidence at a public inquiry.
- 7.4 It is clear advice (PPG 1) that public opposition, by itself , is not a valid reason for refusal. It however can be an element of a planning reason for refusal e.g. the effect on amenity of the area of a proposal.
- 7.5 If a ground for refusal is withdrawn or no evidence, or insufficient evidence, is put forward at the appeal an award of costs against the Council can be made and is likely to be awarded. This means the Council would pay the appellants costs as well as its own.

## **8. HEALTH AND ENVIRONMENTAL IMPLICATIONS**

- 8.1 These issues are dealt with comprehensively in the appended Planning Committee report.

## **9. PERSONNEL IMPLICATIONS**

a) Staffing Implications

N/A

b) Trade Union Implications

N/A

Background papers :  
Published papers :  
Plans :  
Person to contact : Philip Staddon, Tel. 396783

MVJ/PT22050A  
16.5.00

**GLOUCESTER CITY COUNCIL**

**COMMITTEE** : **PLANNING**

**DATE** : **18TH APRIL 2000**

**ADDRESS/LOCATION** : **CONEY HILL HOSPITAL & CLOCK TOWER**

**APPLICATION NO. & WARD** : **99/000682/OUT, 99/00683/COU  
ABBEYMEAD**

**PROPOSAL** : **99/00682/OUT - PROPOSED RESIDENTIAL  
DEVELOPMENT, ERECTION OF DOCTORS  
SURGERY AND/OR RETAIL UNITS,  
CONSTRUCTION OF ASSOCIATED ROADS  
AND LAYING OUT OF AREAS OF OPEN  
SPACE ON LAND TO THE EAST AND  
SOUTH OF FORMER CONEY HILL  
HOSPITAL.  
99/00683/COU - CHANGE OF USE OF  
CLOCK TOWER BUILDING TOGETHER  
WITH ADJOINING LAND TO EITHER USE  
CLASS C2 (RESIDENTIAL INSTITUTIONS),  
USE CLASS C3 (DWELLING HOUSES) OR  
USE CLASS D1 (NON RESIDENTIAL  
INSTITUTIONS)**

**REPORT BY** : **PHILIP STADDON**

**NO. OF APPENDICES/  
OBJECTIONS** : **SITE LAYOUT PLAN  
90 REPRESENTATIONS RECEIVED,  
SUMMARISED IN REPORT BUT NOT  
REPRODUCED**

**1.0 DESCRIPTION**

- 1.1 These applications relate to the grounds of the former Coney Hill Hospital and to the last remaining hospital building on the site, the Clock Tower. The land and property are owned by the Secretary of State for Health.
- 1.2 The applications relate to a major housing proposal on land to the south and east of the Clock Tower and to proposed changes of use of the Clock Tower itself.

1.3 This site has a complex planning history and the proposals raise significant and complex planning policy issues. This report aims to set out these issues comprehensively and provide an informed basis for Members' decision making on what has proved to be a locally controversial proposal.

#### 1.4 Site Description

1.4.1 Before I describe the applications in detail I think it is necessary to briefly describe the site and its key features. I am aware that some Members will be very familiar with this site whereas others may not.

1.4.2 The two application areas together encompass all that remains of the grounds and buildings of the former Hospital. The total area is almost 20 hectares.

1.4.3 The Clock Tower building, which was severely fire damaged last autumn, stands at about the highest point of the site and is a prominent local landmark. The land slopes quite gently down to the east where it forms a 330 metre frontage to Abbeymead Avenue. The site slopes down more steeply to the west where it abuts the River Twyver (which runs parallel with Bittern Avenue) and to the south where the site abuts the curtilages of modern dwellings in The Malverns, The Chase, Harebell Close, Daffodil Close and Foxglove Close. To the north of the site are new dwellings, some still in the course of construction, a reserved school site (immediately to the north of the Clock Tower) and a Special Needs Centre on West Lodge Drive.

1.4.4 The appearance of the site is of rather overgrown and neglected open institutional grounds. To the south of the Clock Tower is a disused cricket field and there is a disused football pitch to the east. There are many trees within the site that are subject to a Tree Preservation Order. There are also mature hedgerows within the site. Although there are no formal public rights of access to the site there are many well worn paths across the site which is clearly used by many people for informal recreational purposes.

#### 1.5 The Application Proposals

1.5.1 Application No. 99/00682/OUT - This application seeks outline planning permission for residential development, a doctors surgery, construction of associated roads and laying out of areas of open space. An indicative Master Plan has been submitted which defines the following land use breakdown:

- 10.2 hectares - housing (including roads)
- 7 hectares - Public Open Space
- 0.4 hectares - doctors surgery

1.5.2 The proposed housing areas would be to the north east and east of the Clock Tower (extending towards Abbeymead Avenue) and to the east and south of the old cricket field (extending to meet the curtilages of existing dwellings). Average density development would result in approximately 282 dwellings although a precise number is not specifically applied for. The main areas proposed as open space comprise the former cricket field and the “parkland” area to the north and west of it. The doctors surgery and/or two small shops would be within the proposed housing land probably on the principal access road.

1.5.3 Whilst this application is submitted in outline approval of the principal point of access is sought at this stage. The Master Plan indicates the creation of a new access from Abbeymead Avenue opposite the junction with Abbots Road. A signalised crossroad junction with bus priority is proposed.

1.5.4 Application No. 99/00683/COU - This is a related application which seeks permission for changes of use of the Clock Tower building to:

- Use Class C2 (Residential Institutions)
- Use Class C3 (Dwellinghouses)
- Use Class D1 (Non Residential Institutions)

The master plan shows a quite extensive curtilage for the converted building and I have asked for this to be revised as it would preclude a linkage to open space to the north.

This application was submitted prior to the major fire at the building. Incidentally the building was not insured.

1.5.5 A Traffic Assessment and a Landscape and Ecological Statement have been submitted with these proposals.

## 1.6 The “Package”

1.6.1 These applications come before Committee as a “package” of items and community benefits that Officers have negotiated over many months. The negotiations have been conducted on a without prejudice basis to define a range of measures, requirements and benefits for inclusion in a Section 106 Obligation should Members be minded to grant outline permission. The “package” comprises the following:

### A. Public Open Space

- (i) Land - 7 hectares (over 17 acres) to City Council at nil cost
- (ii) Laying Out Works - £171,000 for paths, seats, lighting, bins etc. A football pitch is envisaged on the former cricket field.

(iii) Maintenance Works \_£175,000

Note The expenditure of (ii) and (iii) would not be ring fenced ie. the Council could spend more on laying out and less on maintenance (and vice versa).

B. The Clock Tower

The fire damaged Clock Tower would be repaired and converted in 12 flats. The applicant's agent calculates this to involve a subsidy of at least £214,000 (and perhaps as much as £357,000) which would be the difference between the combined sale value of the flats and the conversion costs.

C. Affordable Housing

20% of the site would be dedicated to affordable housing provision. Two sites are envisaged and each would be passed to a Housing Association at a cost reflecting just the private servicing, infrastructure and Planning Obligation Costs. Agreement has also been reached on the principle of "converting" some of the affordable housing requirement into a financial (commuted) sum should it prove advantageous, from a Housing Strategy viewpoint, to do so.

D. Mobility Standard Housing

5% of the new private dwellings would be constructed to a "mobility" standard including special designs and features to assist people with disabilities.

E. Highways

It is proposed to signalise and introduce bus priority at the new site junction with Abbeymead Avenue and at the Upton Lane junction. Financial contributions towards bus services from Abbeymead to the city centre are also proposed. The total cost of the works and measures will be £150,000. There are other measures as well and the transportation package is explained more fully in Section 6.0 of this report.

F. Education

£300,000 is offered towards primary school provision. The sum would be paid firstly to the City Council who would release it to the Education Authority for specific primary school projects in the locality. The applicant has also offered to consider making a further contribution should the Education Authority agree to release the reserved school site to the north of the Clock Tower (the site is also owned by the applicant and the school reservation runs until 2006).

G. Doctors Surgery/Shops

A 0.4 hectare site within the housing area would be reserved and marketed for a doctors surgery and two small shops.

H. Community Building

£100,000 is offered towards the construction of a community building within the open space. The construction of changing rooms close to the existing car park has been discussed. This would serve the proposed football pitch on the former cricket field and a recently laid out pitch to the north of the site.

I. Badger Area

1.4 hectares would be protected. The land would be transferred to the Council at nil cost.

J. Balancing Pond

The existing, rather crude, balancing pond at the west end of the site would be slightly enlarged. The applicant is prepared to re-model and landscape the facility to improve its appearance and wildlife benefit.

## **2.0 RELEVANT PLANNING HISTORY**

- 2.1 Coney Hill Hospital was a purpose built Victorian “Asylum”. Such institutions were typically set in very extensive grounds usually in excess of 40 hectares. Coney Hill Hospital was no exception and its grounds extended way beyond the current application areas. Much of this land, and other land around it, has been developed as the Abbeymead residential area since 1980.
- 2.2 The hospital became redundant following the passing of the Mental Health Act 1984 and the move towards “Care in the Community”. The Health Authority appointed consultants in 1988 to look at the future of the site. This resulted in the submission of outline applications in 1990 for the whole of the site although these applications were subsequently withdrawn. The majority of the hospital buildings were demolished around this time.
- 2.3 A separate outline application for the land to the north of the present site was subsequently submitted and in December 1991 outline permission for 500 dwellings was proposed. This permission was the subject of legal agreements with the City Council and County Council. Those agreements included highways, education and open space provisions together with a requirement to use “best endeavours” to secure a re-use of the Clock Tower building. There was also a requirement to offer the Clock Tower to the City Council should a use not be found. The City Council was indeed offered the building last autumn and has a short period left to exercise its option. At the 5th April 2000 Cabinet meeting it was resolved that this option is not pursued.



- 2.4 Planning permission was granted in 1994 and 1997 to extend the life of the outline permission on the northern land. Various “reserved matters” applications for detailed layout have been approved and the development of the northern land is almost complete.
- 2.5 In 1995 “twin track” outline applications for residential development, open space and community facilities were submitted on the “southern land”. This included housing proposals on much of the land now proposed for residential development although it did not include development of the former football pitch and the overall projected dwelling numbers were 215-230 (compared with 282 in the current proposal). The Council refused permission for seven reasons:-
- (i) It would result in Structure Plan housing provision being significantly exceeded, that it would be premature and would prejudice the review of the Structure and Local Plans and that there was no overriding need to develop the site at that time.
  - (ii) It would be contrary to the Structure and Local Plans which seek to constrain the cumulative effects of development on unallocated sites.
  - (iii) Parts of the development were within the Landscape Conservation Area and would detract from the character, amenity and appearance of the area.
  - (iv) Adverse impact on badgers.
  - (v) Development in the south west of the site would be visually intrusive and detract from views towards Robinswood Hill.
  - (vi) Adverse impact on archaeology.
  - (vii) Traffic generation and congestion on Abbeymead Avenue.
- 2.6 A Public Local Inquiry was held in early 1996. It is important to note that the Council did not pursue the reasons (iv), (v), (vi) and (vii) listed above at the Inquiry subject to the appellants entering certain obligations and/or complying with certain conditions (were permission to be granted). The Inspector considered the appeal on the basis of two key issues:-
- 1. The implications of the proposal for housing land supply and the associated impact on Development Plan policies and strategies.

2. The implications on the character and appearance of the area particularly in the light of the Landscape Conservation Area policies.
- 2.7 The Inspector subsequently recommended to the Secretary of State that the appeal be dismissed. At the risk of oversimplifying the Inspector's conclusions he supported the objections on the grounds of housing land (over) supply and the associated Development Plan implications but did not support the second set of reasons in respect of impact on the area and the Landscape Conservation Area.

### **3.0 PLANNING POLICIES**

3.1 The consideration of Planning Policies was fundamental to the 1996 Inquiry and these are equally, if not more, central to the consideration of the current proposals. Since 1996 there have been significant developments in terms of national policy on housing development and the housing land supply situation is different. I set out below the principal Planning Policies that are relevant starting with national guidance, regional guidance, the Structure Plan and then Local Plan policies.

#### **3.2 Central Government Policy**

3.2.1 PPG3: A new Planning Policy Guidance Note on Housing was issued in March 2000. This represents the Government's new approach to housing and has introduced significant new changes over earlier policy. One of the fundamental shifts is the introduction of a more sequential approach which advocates using previously developed sites before greenfield sites. The Environment Secretary has recently clarified that there is no longer a requirement for authorities to maintain five years supply of housing land which is free from constraints. That is to say the five years supply can, and should, include previously developed (brownfield) sites.

3.2.2 PPG13 (Transport): Sets out Central Government planning policy on transport which seeks to reduce motorised journeys, encourage alternative modes of transport and reduce reliance on the private car. With regard to housing it encourages new development within urban areas, close to facilities and public transport facilities and generally discourages housing development in less sustainable locations.

3.2.3 Draft Replacement PPG13 (Transport) goes further than the existing PPG. It suggests that Local Planning Authorities should assess sites against 'non car' accessibility criteria and against the adequacy of existing infrastructure, including public transport capacity. It requires applicant's Transport Assessments, for developments over 100 dwellings, to:

- (a) illustrate the likely modal split of journeys to and from the site,

- (b) propose measures that will improve access by public transport, walking and cycling and reduce the number and impact of motorised journeys,
- (c) propose a level of car parking, and
- (d) propose measures required to improve access arrangements to the site, taking into consideration the agreed reduced car generation from the site, plus the existing traffic levels and traffic likely to be generated by already approved (but yet to be implemented) planning applications.

3.2.4 Circular 1/97: gives advice on Planning Obligations. It states the broad principles against which requirements will be judged. These are whether they are:

- necessary
- relevant to Planning
- directly related to the proposed development
- fairly and reasonably related in scale and kind to the proposed development
- reasonable in all other respects

### 3.3 South West Regional Guidance (RPG10)

3.3.1 RPG10 was produced in 1994. It sets out a 53,000 dwelling target for Gloucestershire for the 1991-2011 period. The RPG promotes sustainable locations for new housing concentrated in and around the main urban areas. The RPG is currently under review.

### 3.4 Structure Plan Policy

3.4.1 The Structure Plan brings forward the RPG10 target and allocates it strategically across the County giving Gloucester the largest figure at 10,250 for the period 1991-2011 (Policies H1 and H2). Policy H3 promotes a phased release through the Local Plan process. Policy H4 gives priority to development in Gloucester and Cheltenham. Other policies requires appropriate affordable housing provision (H7), housing mix (H8) and appropriate densities (H9).

### 3.5 Local Plan Policies

3.5.1 The Local Plan situation is, as Members will be aware, not straightforward. There are effectively three plans to consider (i) the adopted 1983 City of Gloucester Local Plan, (ii) the City of Gloucester Local Plan - Interim Adoption Copy 1996 and (iii) the emerging new Local Plan to be issued in draft in April 2001.

3.5.2 (i) The City of Gloucester Local Plan (1983) - is the only adopted Local Plan. This Plan allocates parts of the application area, to the south of the cricket field, for housing development as part of 159 hectare Abbeydale allocation.

Note: It was recognised at the 1996 Inquiry that this Plan was out of date and of limited relevance.

3.5.3 (ii) The City of Gloucester Local Plan (Interim Adoption Copy 1996) - At the 1996 Inquiry greater weight was given to the City of Gloucester (Pre 1991 Boundary Extension) Local Plan which subsequently progressed through a Public Inquiry in 1993/4 to "Interim Adoption Copy" in 1996 although it has not been formally adopted.

3.5.4 The 1996 Local Plan allocates a range of sites to meet the then Structure Plan housing land supply targets for the period 1986-2001. The Plan did not allocate any of the present application areas for housing land but does include the "northern land" reflecting the commitment of the 1991 outline permission.

3.5.5 Policy H1(c) of the Plan does allow for residential development on unallocated sites provided they would not prejudice other Local Plan policies or result in other material harm. Other housing policies in the Plan seek satisfactory layouts, reservation of land for shops, encouraging residential conversions and the provision of affordable and accessible housing.

3.5.6 The Plan defines a Landscape Conservation Area under Policy NL1(a) which includes much of the present application area. It broadly includes the cricket field, land to the west including the River Twyver and land to the north east of the Clock Tower. The south-east quadrant of the site is not included. Policy NL.1(g) seeks to protect Landscape Conservation Areas from harmful development.

Note It should be noted that the boundary of the Landscape Conservation Area is at variance with the 1994 Local Plan Inspector's conclusions. The views of the 1994 Inspector on this issue were supported by the Inspector at the 1996 planning application inquiry. Since then the Council has commissioned Landscape Consultants to advise on the extent of the Landscape Conservation Area as part of a city wide resurvey to help inform the review of the Local Plan. The advice is that the Conservation Area should be reduced such that it no longer includes the areas where housing is now proposed (ie. in line with the 1994 and 1996 Inspectors' views). Those findings were reported to the Planning & Transportation Committee in January 1999. Public consultation on the Local Plan Issues Papers has, however, been delayed but is due to commence later this month.

3.5.7 The presence of playing fields (cricket and football) on the site, albeit that they have not been used for a considerable time, also raises issues in respect of Policy LR2(h) which seeks to protect playing fields from development unless partial development would retain or enhance available sports and recreational facilities, alternative provision is made or there is no demand in the area. This policy accords with Central Government advice contained in PPG17 (Sport and Recreation). The playing pitch analysis (1996/7) which was endorsed by Planning and Transportation and Leisure Committees in June 1999 reaffirmed the need to safeguard private playing pitches to meet predicted future community needs.

3.5.8 (iii) The Emerging Local Plan - is due to be published in draft form in April 2001. The Issues Papers will be published for consultation at the end of this month. The Housing Issues Paper flags up part of the current application site as one of the options for new housing, and the Green Areas Issues Paper will seek views on what changes should be made to the Landscape Conservation Areas.

#### **4.0 ECONOMIC DEVELOPMENT**

4.1 This housing development will undoubtedly generate local employment in the construction and related industries. No precise figures can be given.

#### **5.0 URBAN DESIGN AND COMMUNITY SAFETY**

5.1 The layout and design of the housing are "reserved matters" that would be the subject of scrutiny at the detailed planning stage. However the disposition of the proposed housing and open space areas does give tremendous opportunity to provide development which fronts rather than turns its back on areas of open space. The laying out and enhancement works to the Open Space would have substantial community safety benefits as a result of the provision of paths, lighting and more intensive use and associated passive surveillance.

#### **6.0 TRAFFIC AND TRANSPORT**

6.1 A housing development of this scale will inevitably have highway implications. A Traffic Assessment has been submitted, assessed, and a supplementary statement produced.

6.2 The originally submitted Traffic Impact Assessment sought to assess the traffic and highway matters likely to arise from the development of the proposed site. At the outset your officers made the applicants aware of certain peak time congestion problems and the need to address these and to encourage the use of modes of transport other than the private car. The Traffic Assessment modelled the impact, using existing modal split assumptions and concluded that all junctions would operate successfully with the exception of those at:

- (i) Blakes Hill Road
- (ii) North Upton Lane
- (iii) Church Lane

- 6.3 It proposed mitigation measures in the form of improvements to the design of the Church Lane and Blakes Hill Road roundabouts together with the introduction of a signalised junction at North Upton Lane. The assessment also argued that the site was well located in respect of public transport, pedestrian and cycle linkages and that a cycle link would be provided across the site. It concluded that there were no valid highway/transportation reasons to justify withholding permission.
- 6.4 Whilst accepting the benefits of the junction improvements particularly in terms of easing bus movements your officers felt that this Assessment had not gone far enough in terms of the need to encourage “modal shift” away from private car use in line with current national and locally accepted guidance. Officers requested that the issues be re-examined with a view to achieving amore sustainable approach towards transportation and to adopt the Draft PPG13 approach outlined in paragraph 3.23 of this report.
- 6.5 This was duly completed and the following package, which is far more comprehensive and sustainable, is now offered:
- (i) The applicant will offer a financial contribution of up to £20,000 per year for a maximum of 3 years towards an improved **direct** bus service between Abbeymead Avenue and the city centre (this would hopefully deal with the lack of spare bus capacity that occurs in peak hours).
  - (ii) The proposed site access from Abbeymead Avenue will be provided in the form of a bus priority traffic signalised junction.
  - (iii) The existing Abbeymead Avenue/North Upton Lane junction will be upgraded from a small roundabout to a bus priority traffic signalised junction.
  - (iv) The proposed junctions will provide a significant improvement at these locations for both buses and other vehicles.
  - (v) In order to promote the use of buses, shelters will be installed at a number of bus stops in the locality.
  - (vi) The layout will include a section of cycletrack which will provide the missing link between Abbeymead Avenue and Coney Hill Road.

(vii) In order to promote cycling within the new development, secure cycle parking facilities will be provided at each of the dwellings (*probably in the form of a secure stand or wallhook*). Additionally, each of the dwellings will provide a bicycle for new residents.

(viii) Each of the residential properties will have an information pack showing the routes of cycletracks both into the City Centre and in the local vicinity. The information pack will also contain information about buses into the City Centre.

6.6 This package has clearly moved in the right direction and includes innovative measures that Members will not have before had placed before them. There is, however, still a need to develop the proposals further to secure full Highway Authority acceptance. That acceptance is going to require confirmation that the bus subsidy is sufficient to secure the 'shuttle' service envisaged; a master plan requirement in respect of cycle and pedestrian provision; garages to include cycle parking (ie. covered); provision of cycles linked to house size; the inclusion of pedestrian phases on traffic lights and some technical modifications to the proposed junction improvements.

6.7 Dialogue on these matters is ongoing and I hope to be in a position to report the formal Highway Authority views at the meeting.

## **7.0 EQUAL OPPORTUNITIES AND DISABLED ACCESS**

7.1 The substantial element of affordable housing will assist in meeting the housing needs of low income and other disadvantaged groups within the community. The Building Regulations now require all new dwellings to incorporate basic disabled access features. The applicant's offer to construct 5% of dwellings to a "Mobility Standard" is to be welcomed and accords with the aspirations contained in Policy H3(e) of the 1996 Local Plan.

## **8.0 OTHER ENVIRONMENTAL IMPLICATIONS**

8.1 there are many mature trees within the site, many of which are protected by a Tree Preservation Order made in 1990. The proposals need not necessitate the removal of any significant trees.

8.2 The site has no overwhelming ecological or wildlife interest but certain hedgerows and certain areas of scrub landscape are worthy of retention. There is a badger sett in the southern part of the site and this area is proposed to be protected. A Landscape and Ecological Assessment has been submitted in the form of an update of work carried out in respect of the 1996 proposals.

## **9.0 CONSULTATIONS**

- 9.1 Gloucester Civic Trust - totally opposed to the development of land to the east and south of the hospital for housing. This should be retained as necessary open space.
- 9.2 Engineering Services (acting, then, as STW agent) - full details of foul and surface water arrangements to be agreed prior to the commencement of development.
- 9.3 Environment Agency - stated in January 2000 that it required more time to consider the application. No further response received.
- 9.4 Education Authority - requested education contributions totalling £806,500 (comprised of £378,500 for primary school contribution, £354,500 for secondary education and £73,500 for sixth form education). The Education Authority has been consulted on the applicant's offer and their response will, hopefully, be available before the meeting.
- 9.5 Gloucester Archaeology Unit - most of the site is not thought to be of significant archaeological interest although there is the potential for the presence of deposits in the vicinity of the former football field. Appropriate conditions and/or clauses in a Section 106 Obligation can cover these matters.

## **10.0 PUBLICITY AND REPRESENTATIONS**

- 10.1 The housing application was advertised as a Departure from the 1983 Local Plan, four site notices were displayed and almost 200 neighbouring properties were notified by letter. Ward Councillors were also notified. A total of 90 representations have been received and clearly it is not practical to reproduce these within the report. Members who wish to inspect the file of representations prior to the meeting should contact the Development Control Manager.
- 10.2 The representations are largely, but not exclusively, from local residents and range from simple 'proforma' slips stating opposition to the proposal to detailed letters of objection and comment. The following is a fairly comprehensive summary of the matters raised:
- destruction of a green area of vital importance
  - loss of much needed open space
  - adverse impact on wildlife
  - impact on badgers
  - loss of trees and hedgerows
  - there is already a deficiency of open space in the area
  - loss of outlook
  - traffic congestion is already unacceptable during peak hours and would worsen



- the road infrastructure can't cope with additional traffic
- no further development should be allowed until Lobleys Drive opened
- ground water problems
- increased noise
- local schools are oversubscribed and can't cope with additional children
- increased crime
- no more housebuilding should be allowed in this congested area
- "social housing" may result in antisocial behaviour
- air pollution
- a previous application was dismissed on appeal and so should this one
- existing community facilities and amenities are inadequate
- the proposal is financially rather than environmentally driven
- there are already enough G.P.s surgeries in the area

10.3 I recently notified all those originally notified and all those who had submitted representations of the committee date and of the receipt of amended plans (which slightly adjusted the housing and open space areas proposed).

## **11.0 OFFICER OPINION**

11.1 These applications raise significant and complex issues. The task before Members is not an easy or straightforward one. A very thorough assessment is required of the planning history, the various Inspector's conclusions and the complexity of policy and related issues some of which have moved on since the 1996 Inquiry.

11.2 I shall commence my Opinion with an appraisal of the main policy and "principle" issues; I will then assess the "attractiveness" of the package that is offered and I shall then draw these matters together in my conclusions.

11.3 Policy/Principle Issues - I think that it is widely accepted that the 1983 Local Plan, whilst still the adopted Local Plan, is of limited relevance. A more useful starting point in my view is the Inspector's findings in respect of the 1996 Inquiry. Of fundamental relevance, in my opinion, is that the Inspector did not reject outright the principle of residential development on the application site.

11.3.1 The Inspector did not accept that the development would have an undue impact on the character of the area and he clearly disagreed with the widely drawn Landscape Conservation Area boundary which was at odds with the earlier Local Plan Inspector's view in respect of the 1993 Inquiry. Those views have since been endorsed by independent landscape consultants and the redefinition of the boundary of the Landscape Conservation Area will be an issue for debate through the new Local Plan. However, to ignore these important views in the context of these applications would be unrealistic and dangerous (should an appeal ultimately be lodged). His objection was to the timing or "prematurity" of the proposal and he accepted the Council's evidence that five year's housing land supply existed within a robust planned strategic framework. He accepted that the development at that time would

have resulted in oversupply and that this would undermine the Development Plan Strategy which focused around the South West Bypass.

11.3.2 With regard to housing land supply there have been two significant changes since the 1996 Inquiry. The first is that the Council can no longer demonstrate five years land supply; presently there is about 4½ years supply. Secondly the recently published PPG3 has placed a new emphasis and priority on the development of brownfield sites and sites with constraints can, and should, form part of the five year supply although the Government emphasises the need to adopt a “plan, monitor and manage approach”.

11.3.3 The Coney Hill site is actually a rather difficult site to apply greenfield/brownfield arguments. One part of the proposed housing area, to the north east of the Clock Tower, is in fact brownfield having previously been occupied by hospital buildings. However the remaining larger part of the site is in my view “greenfield” but the normal greenfield considerations, which typically relate to outward settlement expansion or new settlements on farmland, cannot be fully applied here. This site lies very much within the built up area with good access to transport links and local facilities. The development of such sites is very much in accordance with the broad sustainable thrust of Central Government advice and Development Plan policy. In this sense the site must score much more highly than a greenfield release on the edge of the city but clearly does not score as highly as a city centre brownfield site.

11.3.4 In my view the issue of whether the site should now be released is much more finely balanced than it was at the time of the 1996 Inquiry. The arguments in favour of releasing the site now are:

- there is no longer a five year housing supply
- the allocations relating to the GSWB in Hempsted have now been granted permissions with agreements to contribute to funding the Hempsted section of the road and the Castle Meads section is now also secured
- the site is within the built up area in a sustainable location
- that sequentially preferable brownfield sites will take time to progress
- the scale of this development is unlikely to prejudice the emerging Local Plan housing land release strategy.

11.3.5 Equally there are counter arguments that such a significant housing land release should be more properly appraised through the Local Plan process. However I think that Members need to carefully assess the attractiveness of the negotiated package before forming a view on this.

## 11.4 The “Attractiveness” of the Package

11.4.1 Since the submission of the application your officers have been involved in extensive, without prejudice, negotiations to secure the best possible “package” should Members resolve to grant outline permission. I offer below my assessment of the individual components of the package:

11.4.2A. Public Open Space - The offer of 7 hectares of open space is extremely attractive and greatly in excess of the minimum standard which would require 1.7 hectares. In addition to the land sufficient resources would be made available to lay out the land as a public park providing all necessary facilities including paths, bins, lighting, play equipment and the laying out of a football pitch on the former cricket field. Further resources would be made available for up to ten years maintenance. A total of £346,000 would be available for laying out and maintenance.

I do appreciate that many local people already regard this site as public open space. The reality is that it is not and there are no public rights of access. The development would result in the reduction of the existing open land but what would remain would be the most attractive areas and they would public open space in perpetuity. Equally important the land would be properly laid out with a view to maximising recreational opportunity and community safety. Although the scheme will result in the loss of one sports pitch the results of the recent playing pitch analysis showed a decline in demand for cricket pitches. The proposal to create a new football pitch on the former cricket field will help to meet the local need for football pitches and the loss of the potential cricket pitch needs to be viewed in the context of the whole package of gains.

B. The Clock Tower - This is a very important landmark building and there have been many attempts to find a new use for it. The option of Council acquisition has always seemed rather unrealistic particularly after last years severe fire damage. Recognising the architectural and landmark importance of the building and the previous difficulties of securing a new use negotiations centred upon linking its restoration to the proposed housing development. These negotiations succeeded in securing an offer to repair and convert the building to 12 flats and this must be regarded as substantial benefit to the locality.

C. Affordable Housing - the 20% offer is fully acceptable and accepted by the Head of Housing Strategy and Needs. The flexibility of allowing part of the requirement to become a commuted payment is also desirable.

D. Mobility Standard Housing - Whilst officers had sought 10% mobility housing the 5% offer is nonetheless welcome.

E. Transportation - A full assessment is given in Section 6.

F. Education - I am still awaiting the response of the Education Authority to the applicant's offer. I must say that the Education Authority's initial financial requirement does seem inordinately high for this scale of development. If the Education Authority do not accept the applicants offer further discussion would be necessary and the requirement would need to be comprehensively justified in terms of the criteria set out in Central Government Circular 1/97.

G. Doctors Surgery/shops - the reservation of a 0.4 hectare site to be marked for a surgery and two small shops is highly desirable in terms of providing local convenient services and minimising car-borne trips.

H. Community Building - the £100,000 contribution is in my view a reasonable offer for a development of this scale. The most preferred on site use would be towards sports changing facilities.

I. Badger Area - the protection of the badger area and free transfer of the land to the Council is welcome.

J. Balancing Pond - I am pleased that the applicant is prepared to undertake a remodelling and landscaping of the rather crudely formed existing balancing pond. This will enhance the landscape.

## 11.5 Conclusions

11.5.1 The issues in respect of these proposals are more finely balanced but perhaps more complex than those relating to the earlier scheme which was the subject of the Inquiry in 1996.

11.5.2 That appeal was dismissed on housing land supply plan strategy grounds only the Inspector having rejected the local impact and landscape conservation area objections. The Council can no longer demonstrate a five year housing land supply and given the latest position on the GSWBP scheme are less able to argue damage to the Local Plan Strategy. It would be unrealistic to resurrect the Landscape Conservation Area objections in my opinion.

11.5.3 However the new PPG3 has placed a priority on brownfield development over greenfield sites and urges Local Planning Authorities to review their local plans accordingly. The site is not a classic greenfield site given that it is within the built up area and accords with broad sustainability principles. It is however not as sequentially preferred as a brownfield site but all such sites in Gloucester have, to a greater or lesser extent, time constraints in their progression. There is little doubt that the best way of developing a robust and sustainable approach to housing land releases is through the Local Plan process. There is clearly an argument of prematurity in the light of the emerging new Local Plan. However, my own view is that the release of this site would not greatly prejudice the Plan's sustainable approach to housing releases and given the current shortfall, the constraints on brownfield sites

and the limited scale of this proposal, there is a good case for releasing the site.

11.5.4 I think that the ultimate decision rests upon the attractiveness of the package now offered. It is undoubtedly a very good and comprehensive package that will deliver extensive laid out open space, the restoration of the clock tower, affordable housing, housing for disabled people, a contribution towards schools and a community building together with a sustainable transport package.

11.5.5 On balance I support these proposals and recommend that permissions be granted for the housing application and the Cock Tower changes of use. A complex S106 obligation would be required to secure the items set out in the report and there would also be a need to refer the application to GOSW for clearance prior to issuing the housing permission.

## **12.0 RECOMMENDATIONS OF THE HEAD OF PLANNING SERVICES**

12.1 That the Committee resolve to grant planning permission for application no. 99/00683 and to grant Outline planning permission for application no. 99/00682/OUT subject to:

- (i) The satisfactory resolution of the outstanding transportation issues outlined in the report.
- (ii) The application being referred to GOSW (App 99/00682/OUT).
- (iii) The applicant entering a S106 Obligation to secure the items outlined in the report (App 99/00682/OUT).
- (iv) Conditions to be determined by the Head of Planning Services (both applications).

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