



Gloucester City Council

Planning Committee

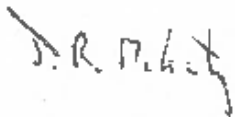
Meeting: Tuesday, 6th June 2023 at 6.00 pm in North Warehouse, The Docks, Gloucester, GL1 2EP

Membership:	Cllrs. Taylor (Chair), Morgan (Vice-Chair), Bhaimia, D. Brown, J. Brown, Campbell, Conder, Dee, Gravells MBE, Sawyer, Toleman and Tracey
Contact:	Democratic and Electoral Services 01452 396126 democratic.services@gloucester.gov.uk

AGENDA

1.	APOLOGIES To receive any apologies for absence.
2.	DECLARATIONS OF INTEREST To receive from Members, declarations of the existence of any disclosable pecuniary, or non-pecuniary, interests and the nature of those interests in relation to any agenda item. Please see Agenda Notes.
3.	MINUTES (Pages 7 - 16) To approve as a correct record the minutes of the meeting held on Tuesday, 2 nd May 2023.
4.	LATE MATERIAL Please note that any late material in respect of the applications detailed below will be published as a supplement on the Council's website in the late afternoon of the day before the meeting. Additional late material will be uploaded as a supplement on the Council's website on the day of the meeting, should further relevant representations be received thereafter.
5.	LAND AT BLACKBRIDGE, LABURNUM ROAD, GLOUCESTER GL1 5PQ - 23/00103/FUL (Pages 17 - 62) Application for determination: Proposed community and sports hub including a new building housing changing rooms, fitness studio and viewing areas, an all-weather pitch with flood lights, reprofiling of existing pitches, car parking, new vehicular access, play area, and landscaping.
6.	LAND AT SNOW CAPEL, WINNYCROFT LANE, GLOUCESTER - 22-00519-FUL (Pages 63 - 100)

	<p>Application for determination:</p> <p>Residential development of 180 no. dwellings (Class C3); vehicular, pedestrian and cycle access from Winnycroft Lane; public open space and landscaping; drainage attenuation, acoustic barrier and other associated works (Environmental Impact Assessment development).</p>
7.	<p>DELEGATED DECISIONS (Pages 101 - 102)</p> <p>To consider a schedule of applications determined under delegated powers during the month of April 2023.</p>
8.	<p>DATE OF NEXT MEETING</p> <p>Tuesday, 4th July 2023 at 6pm.</p>



Jon McGinty
Managing Director

Date of Publication: Monday, 29 May 2023

NOTES

Disclosable Pecuniary Interests

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Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows –

<u>Interest</u>	<u>Prescribed description</u>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made or provided within the previous 12 months (up to and including the date of notification of the interest) in respect of any expenses incurred by you carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between you, your spouse or civil partner or person with whom you are living as a spouse or civil partner (or a body in which you or they have a beneficial interest) and the Council (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged
Land	Any beneficial interest in land which is within the Council's area. For this purpose "land" includes an easement, servitude, interest or right in or over land which does not carry with it a right for you, your spouse, civil partner or person with whom you are living as a spouse or civil partner (alone or jointly with another) to occupy the land or to receive income.
Licences	Any licence (alone or jointly with others) to occupy land in the Council's area for a month or longer.
Corporate tenancies	Any tenancy where (to your knowledge) – (a) the landlord is the Council; and (b) the tenant is a body in which you, your spouse or civil partner or a person you are living with as a spouse or civil partner has a beneficial interest
Securities	Any beneficial interest in securities of a body where – (a) that body (to your knowledge) has a place of business or land in the Council's area and (b) either – i. The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or ii. If the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, your spouse or civil partner or person with

whom you are living as a spouse or civil partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For this purpose, "securities" means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

NOTE: the requirements in respect of the registration and disclosure of Disclosable Pecuniary Interests and withdrawing from participating in respect of any matter where you have a Disclosable Pecuniary Interest apply to your interests and those of your spouse or civil partner or person with whom you are living as a spouse or civil partner where you are aware of their interest.

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- Do not stop to collect personal belongings;
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HUMAN RIGHTS

In compiling the recommendations on the following reports we have given full consideration to all aspects of the Human Rights Act 1998 in relation to the applicant and/or the occupiers of any affected properties. In particular, regard has been had to Article 8 of the ECHR (Right to respect for private and family life, home and correspondence); Article 1 of the First Protocol (Right to the use and enjoyment of property) and the requirement to ensure that any interference with the right in this Article is both in accordance with the law and proportionate. A balance needs to be drawn between the right to develop land in accordance with planning permission and the rights under Article 8 and also Article 1 of the First Protocol of adjacent occupiers. On assessing the issues raised by the applications no particular matters, other than those referred to in the reports, warrant any different action to that recommended.

EQUALITY ACT 2010

In considering this matter, full consideration has been given to the need to comply with the Public Sector Equality Duty under the Equality Act 2010 and in particular to the obligation to not only take steps to stop discrimination, but also to the promotion of equality, including the promotion of equality of opportunity and the promotion of good relations. An equality impact assessment has been carried out and it is considered that the Council has fully complied with the legal requirements.

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PLANNING COMMITTEE

MEETING : Tuesday, 2nd May 2023

PRESENT : Cllrs. Taylor (Chair), Morgan (Vice-Chair), Bhaimia, D. Brown, Campbell, Conder, Dee, Finnegan, Sawyer, Toleman, Tracey and Wilson

Officers in Attendance

Planning Development Manager

Principal Planning Officer

Senior Planning Officer

Locum Planning Lawyer, One Legal

Highways Officer, Gloucestershire County Council

Democratic and Electoral Services Officer

APOLOGIES : Cllrs. J. Brown

60. DECLARATIONS OF INTEREST

Councillor Sawyer declared a prejudicial interest in agenda item 5 - (31 Westmead Road - 23/00082/FUL). This was because she had made a representation in opposition to the application. She withdrew herself for the entire duration of the item and took no part in voting or the discussion on it.

61. MINUTES

RESOLVED – that the minutes of the meeting held on Tuesday 4th April 2023 were confirmed and signed by the Chair as a correct record subject to an amendment to mark Councillor Campbell as present.

62. LATE MATERIAL

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Late and Amended Late Material had been circulated in relation to agenda item 6 – Old Hempsted Fuel Depot, Hempsted Lane, Gloucester (22/01041/FUL) and agenda item 7 – 7 Denmark Road, Gloucester (22/01103/FUL).

63. 31 WESTMEAD ROAD, GLOUCESTER - 23/00082/FUL

Councillor Sawyer withdrew herself from the room during the discussion and voting on the item, owing to having declared a prejudicial interest.

The Senior Planning Officer presented a report detailing an application for a change of use from C3 (dwelling house) to C2 (residential institution) for up to four children living together and receiving care and two permanent carers, all living together as a single household.

Councillor Castle addressed the Committee in opposition to the application.

She stated that the application should be rejected on the following grounds:

- Inappropriate location.
- The application was unsuitable for the intended occupiers. There was a small back garden which was overlooked by neighbouring properties. This was not suitable for vulnerable children.
- Contradicted policy SD14 of the Development Plan as the environmental quality was not suitable for the type of property proposed.
- Children from outside of Gloucester may be housed at the dwelling.
- The granting of the application would lead to excessive noise and disturbance to nearby residents.
- The language surrounding the issue of visitors was not robust enough. The report stated that visits would 'normally' be in the daytime. This meant that there could be night-time visits and additional noise disruption.
- The site visit that had been conducted was inadequate.
- Not enough information had been provided about the users of the home and the complexity of their needs, especially considering that the children housed would be at the property for 24 hours a day.
- Parking concerns.
- The Noise Assessment conducted was not adequate.
- The application was not a 'tick box' application. The granting of it would have a real detrimental impact on the lives of both the users of the site and neighbouring properties.

A local resident addressed the Committee in opposition to the application.

He stated that the application should be rejected on the following grounds:

- The requirement for properties such as the one proposed should not be at the expense of the wellbeing of neighbours.

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- The application was not for a family home as paragraph 6.16 suggested. There would be 4 children and 10 staff on rotation. This was 14 people in total, not including visitors.
- Carers would have to sleep in an office downstairs, evidencing that it was not a standard family home as stated.
- There would be a significant increase in noise, which would have a detrimental impact of the amenity of neighbouring properties.
- The size of the garden was too small for the number of people who would occupy the dwelling.
- The back garden had not been accessed during the site visit. Therefore, the application had not been fully assessed.
- The noise assessment by the Housing Strategy Team was inadequate.
- Inadequate amenity space.

The owner of Platform Childcare spoke in favour of the application.

He stated that the application should be granted for the following reasons:

- Platform Childcare was a well-established provider.
- There was a national shortage of Foster Family homes.
- Platform Childcare was a hands-on provider.
- He appreciated concerns raised members of the local community, but it would not be significantly different to other properties within the area.
- An additional parking bay would be added. Therefore, there would be three parking spaces.
- None of the properties Platform Childcare owned had ever had a noise restriction put on them.
- The vast majority of appointments would be in the daytime.
- Platform Childcare had worked closely with the local authorities.
- The property would be well regulated.
- Inspectors would visit the property twice a year.

Members' Questions

The Senior Planning Officer responded to members' questions concerning the nature of the consultation, whether there was a family room downstairs, how the conclusions in the noise assessment had been reached, what course of action residents could take if there was an increase in noise and anti-social behaviour, the age of the children who would occupy the dwelling, flooding, whether the children would have a separate room each, whether the staff would be trained, if there had been adaptations made for disabled persons, if there was a downstairs lavatory and the nature of appointments as follows:

- Properties that shared a boundary with the application site would have received a letter. The site notice on a lamppost allowed for properties further afield to be notified of the application.
- There would be a large family room downstairs. A smaller room would be converted and used as a staff office and as a staff sleeping area.

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- The back garden was accessed during the site visit. The Noise Assessment was based on the numbers of residents that would occupy the dwelling.
- If there was excessive noise caused after the occupants moved into the dwelling, neighbours could contact Environmental Health to investigate.
- The children would be aged between 5 and 17 years old.
- The application was for a change of use, so flood risk was not a material planning consideration.
- There would be a separate room for each child.
- All staff would have received safeguarding training.
- Children's and Families Commissioners had thoroughly checked the background of the care provider (Platform Childcare Ltd)
- No adaptations for disability access had been made.
- The property had a downstairs lavatory.
- All appointments would be available by booking only.

The Highways Officer responded to members' questions concerning parking spaces as follows:

- There were drop curbs on the site. From a trip generation point of view, the change of use would not change the number or nature of the trips taken significantly. There would be residential parking overnight by the two members of the staff and some short stay parking during shift changes.

The Locum Planning Lawyer responded to members' questions concerning what would happen if there was a covenant on the estate restricting the property to residential use and the recourse local residents had if there was excessive noise as follows:

- Only someone with the benefit of a covenant could take action. It was not a material planning consideration.
- Future noise complaints fell outside the remit of Planning. Every business should be aware that residents could make a complaint to Environmental Health if there was significant noise pollution.

Members' Debate

The Vice-Chair stated that it was a complex application. He noted that he had no issue with the Care Home Provider. However, he stated that he had concerns that it was not a normal family residence and had apprehensions regarding the dwelling's proximity to neighbouring and overlooking properties. He said that it was the wrong location for the application and raised concerns that granting it would set a precedent.

Councillor Wilson stated that he broadly agreed with the Vice-Chair's assessment. He stated that the estate where the house would be situated was designed specifically for family homes, not care homes. He stated that he believed the comments surrounding the noise assessment were also too subjective and that it

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was located too close to neighbouring properties. He said that he would vote against the officer recommendation.

Councillor Conder stated that she believed that the application proposed to house too many children and staff members for the size of the property. She said that she did not agree with the proposal for staff to sleep in an office. She stated that there had been a couple of similar builds in her ward and the noise levels were dependent on the children and the staff who occupied it.

Councillor Tracey said that she had concerns that the granting of the application would cause excessive noise pollution to residents.

The Chair stated that he had concerns about the application. He said that he understood the issues residents and local ward members had with the application and that there was a lot more potential for noise disruption. He said that he also understood that there was a lack of appropriate children's homes in Gloucestershire.

Councillor Finnegan highlighted her belief that the site was inappropriately located for vulnerable children and that they needed to be the priority.

Councillor Toleman said that he believed that members needed to be careful not to depart from Planning Policy.

Councillor Tracey stated that she believed that the users of the site would need to be in a family environment, and that the proposed application was not a regular family dwelling.

The Vice-Chair proposed, and Councillor Finnegan seconded a motion to refuse the application on the grounds that the change of use would contradict Policy A5 of The Gloucester City Plan as it would have a detrimental impact on the amenity of neighbouring properties owing to excessive noise and disturbance it would cause.

Before a vote was taken, the Planning Development Manager was invited to comment by the Chair as is set out in paragraph B23 of the Planning and Development Code of Practice in the Council's Constitution, as the vote was to go against the Officer recommendation. He clarified that the vote to go against the Officer recommendation based on the detrimental impact it would have on the amenity of neighbouring properties needed to be specific to a policy (i.e detrimental impact on neighbouring amenity owing to excessive noise, which contradicted policy A5 of the City Plan). Once the Planning Development Manager had commented, the motion was put to a vote.

RESOLVED that: - the application is refused as the proposed change of use is not considered to be acceptable in principle as the resulting accommodation would not provide the required accommodation in an appropriate location contrary to policy A5 of the Gloucester City Plan. The application site is located in a residential area with limited outside amenity space in close proximity to other neighbouring properties and it is considered that the proposed change of use would be detrimental to the amenity of the occupants of the neighbouring properties by way of noise and disturbance contrary to policy SD14 of the Gloucester, Cheltenham and

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Tewkesbury Joint Core Strategy (2017) and policy A5 of the Gloucester City Plan (2023).

64. OLD HEMPSTED FUEL DEPOT, HEMPSTED LANE GLOUCESTER - 22/01041/FUL

The Principal Planning Officer presented the report detailing an application for the demolition of all above and below ground structures on a site, remediation and associated earthworks to facilitate development for 70 residential dwellings with associated infrastructure and open space, vehicular access onto Hempsted Lane and pedestrian access onto Honeythorn Close, to include creation of development platforms, provision of flood compensation and structures for ecological mitigation (Revised Plans to application 21/00704/FUL).

She recommended that an additional condition be included to require the submission and approval of full details of the proposed new substation to ensure that it would be protected in a flood event.

A local resident addressed the Committee in opposition to the application in its current format.

He stated that the application should not be granted in its current format on the following grounds.

- The current application was a backtrack on what was previously agreed between the Developer and the former Ward Councillor and would become a rat run for anti-social behaviour and burglary.
- The latest plans would give permanent access to pedestrians. This was highly dangerous.
- The area was used as a turning circle for vehicles. If pedestrian access was granted, then cars would be turning into an area with pedestrians. There was an 8ft fence, so views would be obscured.
- Larger vehicles such as delivery vans needed to use the turning circle. Otherwise, they would be reversing out into the main road.
- The granting of the application would lead to an increase in anti-social behaviour and crime.
- The footpath would give criminals a licence to access homes and vehicles.
- Hempsted School was already oversubscribed. The granting of the application would further add to this.
- Parking concerns.
- Flood risk.

The applicant addressed the Committee in favour of the application.

She stated that the application should be approved for the following reasons:

- The applicant had worked closely with officers and had made amendments to the scheme when required.
- The scheme would create a large amount of green and open space

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- Remediation works had already got underway.
- They had looked closely at the issue of drainage.
- 70% of the green space would be public open space.
- Ecological enhancements would result in a biodiversity net gain of 22%. This greatly exceeded the required amount.
- There would be a mix of housing and 20% of it would be affordable (14 units).
- The dwellings would be sustainable and would be gas free.
- A significant s106 contribution would be provided.
- It would provide much needed housing and change what was currently a brownfield site.
- The dwellings were of a high-quality design.

Members' Questions

The Principal Planning Officer answered members' questions concerning why pedestrian access into Honeythorn Close was being proposed if the original plan was for it to be accessible by emergency vehicles only, clarification regarding the numbers, type and accessibility of bollards, whether they were proposing to create a blind alley, how frequently would the site be expected to flood and the height of the flood, concerns around sewage in Hempsted, whether the properties would be fitted with Solar Panels, who would maintain the public open space and landscaping and whether a condition to remove pedestrian access be proposed as follows:

- Pedestrian access into Honeythorn Close was being proposed for two reasons. Firstly, because it would promote good connectivity and encourage walking and cycling. Secondly, as it would ensure a safe route in the event of a flood.
- The Emergency Access bollard would still be locked. It would be likely that there would be a combination lock with the code provided to emergency services. Otherwise, it would be operated by a universal key. There would be a bollard to stop vehicles accessing the footpath.
- The access would be very well overlooked by the proposed new houses that would front it and there would not be a blind alley
- Significant flood assessment work had been undertaken. The 0.5 metre figure was the maximum flood water level at the site access. The flood event used was the 1 in a 100 year event (1% annual probability)..
- Paragraph 6.84 of the report detailed the information regarding sewage. The proposed wastewater drainage strategy comprises a conventional gravity sewer system discharging to the existing public foul sewer to the east of the site where Hempsted Lane meets Secunda Way. Furthermore, Severn Trent were satisfied with the revised details submitted.
- There would not be solar panels. However, as paragraph 6.129 – 6.133 highlighted, there would be a high level of insulation, dwellings would have the use of an air source heat pump, smart metres and controls to manage energy use. It was also proposed to incorporate water efficiency measures including a wastewater recovery system and limiting water usage through flow restrictors
- The public open space and footpath would be maintained by a Management Company.

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- Delegated powers could be given to officers to request and agree amended plans to remove the proposed bollard and replace them with a 1.8 metre high fence and locked gates for use by emergency vehicles only, if members wished.

The Highways Officer responded to members' questions concerning whether Gloucestershire Highways had taken the turning circle into account during their assessment of the site, whether vehicles would have space to turn with the updated application and whether traffic lights were being proposed as part of the application as follows:

- During investigation of the site, the turning circle was considered. Vehicles would be turning or reversing slowly which would protect the safety of pedestrians.
- There would still be space for vehicles to turn in the turning circle.
- The turning circle was used to stop larger vehicles (delivery vehicles etc.) from reversing straight out on the main road.
- The application was assessed, and traffic lights were not deemed to be required at the site.

Members' Debate

The Vice-Chair stated that he supported the vast majority of the application but that he had issues with the proposed pedestrian access onto Honeythorn Close. He stated that understood the need for Emergency vehicles to access Honeythorn Close. However, he did not agree with the proposed pedestrian access into it. He said that he believed that it could significantly increase anti-social behaviour and that the case for access was not strong enough.

Councillor Wilson stated that he believed that the vast majority of the application was excellent. However, he stated that he had issues with the concept of large delivery lorries reversing in a pedestrian area.

The Chair moved and the Vice-Chair seconded a motion to delegate the granting of the application to the Planning Development Manager subject to the conditions in the amended late material, the inclusion of an additional condition requiring the submission and approval of details of the proposed substation, with delegation to officers to secure amended plans to remove the pedestrian access from the site to Honeythorn Close with the installation of a 1.8 metre high fence with locked gates for use by emergency vehicles in a flood event.

RESOLVED that: - the granting of planning permission is delegated to the Planning Development Manager subject to:

1. The submission of amended plans that remove the proposed pedestrian access to Honeythorn Close, with the bollards replaced by a 1.8m high fence and locked gates to allow access to emergency vehicles only.

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2. The conditions outlined in the amended late material with an additional condition requiring the submission and approval of details of the proposed substation.
3. The completion of a Section 106 agreement to secure the following:

- 20% on site affordable housing units (20%)
- A contribution of £322,807 towards off-site formal sport provision
- On site POS provision to include a LEAP, details of a Management Company and open spaces works specification.
- A contribution of £8,997.25 towards the provision of allotments
- A contribution of £13,720 to library provision, specifically towards additional library resources at Gloucester Library.
- A contribution of £246,546.55 is proposed for secondary school provision in the Gloucester Secondary Planning Area.
- The provision of 3 self-build units
- A Monitoring Fee and Default Payment in association with the Travel Plan

65. 7 DENMARK ROAD, GLOUCESTER - 22/01103/FUL

The Planning Development Manager presented the report detailing an application for a Garage conversion to an office.

Members' Questions

The Planning Development Manager responded to members' questions concerning a wall on the site that was in poor condition and whether it was a care home or a private property as follows:

- Any rebuilding of a wall would be outside the scope of the application.
- It was a care home, not a private residence.

The Chair moved and the Vice-Chair seconded the Officer's recommendation.

RESVOLED that: - planning permission is **GRANTED** subject to the conditions in the report.

66. DELEGATED DECISIONS

The schedule of applications determined under delegated powers during the month of March 2023 was noted.

RESOLVED that: - the schedule be noted.

67. DATE OF NEXT MEETING

Tuesday 6th June 2023 at 6.00pm in Civic Suite, North Warehouse.

**PLANNING COMMITTEE
02.05.23**

**Time of commencement: 6.00 pm
Time of conclusion: 8.12 pm**

Chair

GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

Committee:	Planning
Date:	6 th June 2023
Address/Location:	Land At Blackbridge, Laburnum Road, Gloucester GL1 5PQ
Application No:	23/00103/FUL
Ward:	Podsmead
Expiry Date:	09.05.2023
Applicant:	The Blackbridge Charitable Community Benefit Society
Proposal:	Proposed community and sports hub including a new building housing changing rooms, fitness studio and viewing areas, an all-weather pitch with flood lights, reprofiling of existing pitches, car parking, new vehicular access, play area, and landscaping.
Report by:	Caroline Townley
Appendices:	Site Location Plan Site Layout Plan Petition Covering Letter

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is an existing playing field located to the north of The Crypt School and to the east and south of residential properties in Poplar Close, Sycamore Close, Redwood Close and Laburnum Road. There are currently no buildings on the site other than a pavilion associated with the adjacent Athletic Club. The existing field has two marked pitches that have predominantly been used for rugby training, and more recently for football. The current field does not benefit from an appropriate drainage scheme.
- 1.2 The boundaries to the site are well defined along the entire southern boundary and much of the northern boundaries by dense hedgerows and tree planting. The tree buffer to the southern boundary follows the curve of the former railway line and delineates the site from The Crypt School and Gloucester Athletics Club.
- 1.3 There is an existing entrance from the Gloucester Athletic Club site into the application site along the south boundary through the tree buffer. To the northeast corner are the houses in New Dawn View, which is accessed from Stroud Road and ends in the community allotment garden adjacent to the site. There are a number of footpath routes from New Dawn View and along the east/south-east boundary of the site.
- 1.4 To the north the site bounds further fields comprising Tuffley Park including sports pitches and a children's play area. Old Cryptians Rugby Football Club is located to the north of the application site together with an existing bowling green and associated bowls club. To the east of the site is the Bristol-Gloucester railway line.
- 1.5 The application boundary excludes a parcel of land to the east of the existing playing field. A separate outline planning application had been submitted for 30 houses (ref. 23/00280/OUT). This application is currently pending consideration.

- 1.6 The application seeks full planning permission for the following:
- Two-storey community and sports hub building to provide a range of accessible facilities for health/fitness, changing rooms, flexible use/events spaces, associated service an amenity spaces and first floor spectator viewing terrace.
 - New floodlit 3G full-size football pitch.
 - Demarcation of existing grass field for new sports pitches, including 2 football pitches and cricket field.
 - New site entrance, access road and residential car parking spaces off Laburnum Road.
 - Associated highway and hard landscaping works, including new car parking area and retained secure entrance from Poplar Close.
 - New landscaping planting, enhanced biodiversity and sustainable urban drainage system (SUDS) works, including new balancing ponds.

1.7 The application proposes two phases of development with the hub building, parking and artificial pitch, landscaping and the full SuDs drainage scheme including the balancing ponds and associated infrastructure forming phase one. Phase two would include the potential reprofiling of two natural grass pitches for football, rugby and cricket to include a suitable irrigation (appropriate soil) and levelling of the pitches. Whilst it is hoped that phase two can be undertaken concurrently with phase one this depends on the cost of the associated earthworks. If further funding is required for the implementation of phase two it is anticipated that this would be completed within 2-3 years of the opening of the sports hub.

1.8 Since the submission of the application amended plans have been submitted to address comments from Sport England in terms of the internal layout of the sports hub building. The western most grass pitch has also been moved to the west to generate additional space for the cricket square, together with small amendments to the re-profiling of the pitches to allow for a suitable surface for the grass pitches and the cricket pitch.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
P/248/73	Erection of 106 detached and 32 semi-detached dwellings and garages. Construction of estate roads and vehicle access.	Granted	13.06.1973
P/248/73/74	Erection of 45 terraced houses, 32 semi-detached houses and 17 detached houses with garages (plots 31-106,139-156).	Granted	10.04.1974
23/00413/FUL	Proposed installation of modular building, to provide disabled changing facilities at the Athletics Club.	Pending	

3.0 RELEVANT PLANNING HISTORY

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

3.2 National guidance

National Planning Policy Framework (NPPF) and Planning Practice Guidance

3.3 **Development Plan**

The Development Plan consists of the Adopted Joint Core Strategy (2017) and the Adopted Gloucester City Plan (2023).

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

Relevant policies include:

- SD3 – Sustainable design and construction
- SD4 – Design requirements
- SD6 – Landscape
- SD8 – Historic Environment
- SD9 – Biodiversity and geodiversity
- SD14 – Health and environmental quality
- INF1 – Transport network
- INF2 – Flood risk management
- INF3 – Green Infrastructure
- INF4 – Social and community Infrastructure

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 219 of the NPPF states that '*...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.*' The majority of the policies in the 1983 Local Plan are out-of-date and superseded by later planning policy including the NPPF and the Joint Core Strategy. None of the saved policies are relevant to the consideration of this application.

3.5 **Gloucester City Plan (Adopted January 2023)**

Relevant policies from the City Plan include:

- A1 – Effective and efficient use of land and buildings
- C1 – Active design and accessibility
- C5 – Air quality
- D1 – Historic environment
- D2 – Non designated heritage assets
- D3 – Recording and advancing understanding of heritage assets
- E2 – Biodiversity and geodiversity
- E4 – Trees, woodlands and hedgerows
- E5 – Green infrastructure: Building with nature
- E6 – Flooding, sustainable drainage, and wastewater
- F1 – Materials and finishes
- F2 – Landscape and planting
- F3 – Community safety
- F4 – Gulls
- G1 – Sustainable transport
- G2 – Charging infrastructure for electric vehicles
- G3 – Cycling
- G4 – Walking

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. None of the development management policies are relevant to the consideration of this application.

3.7 **Supplementary Planning Guidance/Documents**

The Gloucester Playing Pitch Strategy 2015-2025 (PPS)
Artificial Grass Pitch Strategy 2015

4.0 **CONSULTATIONS**

4.1 **Highway Authority**

Based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact on highway safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained.

Gloucestershire County Council, the Highway Authority acting in its role as Statutory Consultee has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the Highways Development Management Manager on behalf of the County Council, under Article 18 of the Town and Country Planning (Development Management Procedure) (England) Order, 2015 has no objection subject to conditions.

4.2 **Archaeology**

The site has previously been subject to a geophysical survey and a partial archaeological evaluation (partial because of certain site constraints). There are some potential archaeological features noted by the survey but without further evaluation it is not possible to either confirm they are significant or to discount them. It has been previously agreed to address this by condition. The proposed scheme does involve a number of groundworks that will damage archaeological remains if they are present. It is therefore recommended that conditions requiring the submission, approval and implementation of an archaeological written scheme of investigation, to allow an appropriate level of mitigation prior to, or during, groundworks on site.

4.3 **Sport England**

It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years. The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (in particular Para. 99), and against its own playing fields policy, which states:

'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- *All or any part of a playing field, or*
- *and which has been used as a playing field and remains undeveloped, or*
- *land allocated for use as a playing field*

unless, in the judgement of Sport England, the development as a whole meet with one or more of five specific exceptions.'

The proposal would result in a loss of an approximately 2.5 hectares of playing field.

Assessment against Sport England Policy

The application has three key parts: the reprofiling of the existing pitches, the pavilion and parking and the 3G artificial grass pitch.

The pavilion and parking would fall into exception 2 of the playing fields policy, in that:

'The proposed development is for ancillary facilities supporting the principal use of the site as a playing field and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.'

The reprofiling of the existing pitches doesn't easily fit into exception 4:

'The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:

- *of equivalent or better quality, and*
- *of equivalent or greater quantity, and*
- *in a suitable location, and*
- *subject to equivalent or better accessibility and management arrangements.'*

The artificial grass pitch is considered as provision of a new indoor/outdoor sports facility or facilities on the existing playing field at the above site. It therefore needs to be considered against exception 5 of the above policy, which states:

'The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.'

Sport England has therefore assessed the existing and proposed playing fields against the above policy to determine whether the proposals meet exceptions 2, 4 and 5.

The Gloucester City Playing Pitch Strategy (PPS) identified this site as a potential sports hub complete with a 3G artificial grass pitch (AGP). The City has carried out regular Stage E meetings in line with Sport England's playing pitch methodology as endorsed by central government. The delivery of the sports hub and 3G AGP has been maintained within the PPS action plan as a priority.

The Local Football Facilities Plan (LFFP) has also identified Blackbridge as a priority site for the delivery of the 3G AGP.

Both documents highlight the need for the AGP to be constructed to both the FIFA Quality and World Rugby Regulation 22.

As part of the assessment Sport England consulted the England Cricket Board (ECB), The Rugby Football Union (RFU) and the County Football Association/Football Foundation (FA/FF). The comments where appropriate are summarised below:

English Cricket Board

The ECB is generally supportive of the application together with the Gloucestershire Cricket Foundation (GCF). Welcome a new cricket pitch on the site and in support of other grass pitch sports. Recommends that the applicants commission a full Fine Turf Feasibility study to support Phase 2 of the project.

The current Playing Pitch Strategy indicates that cricket is likely to increase alongside population growth. With strong growth in women & girl's participation, youth and junior cricket (including national programmes such as All Stars & Dynamos) and evident overplay on the cricket facilities at the Crypt School, this is an opportunity to support demand and provide an excellent multi-sport site to cater for a number of cricket offerings in the area.

The Rugby Football Union (RFU)

The RFU support the proposed development. There are two RFU member clubs located adjacent to the site (Widden Old Boys and Old Cryptians RRFC). Both clubs have playing membership that covers mini/junior and adult games.

The Clubs currently have access to 2 x non turf pitches, but only one of the pitches is floodlit. There is a need to access a high-quality playing surface with high quality sports light to supplement the training schedules. There is a need to ensure that the pitch meets the relevant technical guidance and recommend a condition requiring a Community Use Agreement.

Football Association / Football Federation

Support the project. Comments on the internal layout of the pavilion have been addressed by the submission of amended plans.

Further detail in terms of the reprofiling of the pitches is required and can be adequately covered by condition.

Sport England's Conclusion

There is a clear need for these facilities, and they meet Sport England's relevant planning policy exceptions (E2, E4 and E5) and Sport England is therefore very supportive of the proposal. Technical issues raised by the RFU, and FA/FF should be conditioned to ensure that they are built and maintained to the correct specifications.

The amended layout and design of the grass pitches is not in line with the adopted playing pitch strategy or in line with the construction of a cricket square and minor adjustments will be required. These can be secured by condition.

No objection subject to the inclusion of conditions

Ecology Adviser

4.4 No objection subject to the inclusion of conditions.

Natural England

4.5 No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Contaminated Land Adviser (WRS)

4.6 WRS has reviewed the submitted documents and historical records for the site and it is not anticipated that there are any ground contamination issues

Drainage Adviser

4.7 No objection subject to the inclusion of a condition.

Lead Local Flood Authority (LLFA)

No objection.

Environmental Protection Adviser

4.9 External Floodlighting – The submitted information indicates that light spill and glare is compliant with the ILP (Institution of Lighting Professionals) Guidance and is therefore acceptable.

Noise – The submitted noise assessment appears satisfactory and predicts minor impact at the nearest sensitive receptor location (Laburnum Road) before 21:00hrs and a moderate impact after 21:00 from activities on the artificial pitch and car park. The applicant has submitted a noise management plan in order to minimise noise from pitch activities which should be adhered to and should also include a ‘no whistle’ policy for non-competitive games as recommended within the noise assessment.

The noise assessment sets cumulative noise limits for external fixed plant/equipment. There is no current proposal to install such items, but a condition is recommended for future reference.

In terms of potential noise from the community hub, the noise assessment has recommended construction specifications for the walls, roof and windows which should be complied with. If the community hub is to be operated beyond 23:00hrs then a revised noise assessment should be submitted for further consideration.

4.9 **Tree Officer**

There is no requirement for pruning or the removal of trees to allow the construction of the proposed development. There are significant trees along the boundary that need to be considered. No objection subject to the inclusion of conditions.

4.10 **Planning Policy Officer**

The Blackbridge Sports and Community Hub is identified as a site allocation in Policy SA of the Gloucester City Plan 2023. It is identified for multi-use sport, physical activity and community hub. It is supported by a Site Allocation Statement, which provides guidance to be used in the determination of planning applications.

The Gloucester Playing Pitch Strategy 2015 – 2025 (PPS) sets out the Council’s approach to playing fields and sports development more generally. The PPS identifies a shortfall in capacity for most of the sports considered both at the time of the study and at the end of the strategy period.

A shortfall of three 3G pitches is identified based on the FA model for training, with further potential shortfalls based on the FA model for accommodating competitive play.

An action plan identifies actions for the Blackbridge Playing Field to *‘Improve pitch quality and maximise use. Determine potential for the creation of a hub venue to serve the south of the City including options for 3G pitch provision and additional grass pitches. Potential site for FA Pitch Improvement Programme.’*

To support the delivery of the PPS, the Council subsequently prepared an Artificial Grass Pitch Strategy in 2015 which also identified the potential at Blackbridge.

Having regard to the above no planning policy objection is raised.

4.11 **Open Space and Playing Pitch Adviser**

The development is a key part of the City’s Playing Pitch Strategy and Built Sports Facility Strategy and is supported as a high-quality upgrade to the existing underused playing field. The improved facilities would enable a much greater level and range of activity to be undertaken, year-round. The site is allocated in the City Plan (SA06) and the proposals are in line with this policy.

Satisfied with the repositioned pitch layout which now gives sufficient space for the cricket square to be accommodated (and suitably fenced off out of season), as well as the levelled pitch area being extended to the cricket outfield.

No objection subject to the inclusion of conditions.

4.12 **Gloucestershire County Council Minerals and Waste**

No objection

4.13 **Landscape Adviser**

The proposed planting in the car park and around the proposed community and sports hub building will provide seasonal interest and colour and be easy to maintain.

The landscape proposals have been carefully considered and will help to soften and enhance the proposed building, car park and fencing. The view of Robinswood Hill will be retained.

The final planting specification needs to be amended and clarification is required in relation to the balancing ponds. No objection subject to the inclusion of conditions.

4.14 **Ward Councillor**

Support the application and convinced that this is a beneficial project for the whole Podsmead community. It will provide much-needed facilities for local people. The Hub will add to local employment and skills with the extra jobs it creates.

Satisfied that on issues of parking provision, access, ecological and environmental concerns and the risk of noise and light pollution, the Trust have listened to local residents and have solid plans in place to address these concerns.

My remit is to represent the whole ward and it is important to stress that there is support across the area for this project, as well as, inevitably, some objections. There is also strong support from local sports teams, community groups and athletics clubs, as well as the local councils, politicians from all parties and none, and national bodies. Activities currently carried out on the field such as dog-walking will still be more than possible if this development is approved, but with the added benefit of facilities that the whole community can use. The field, although lovely, is not used well in the sense of getting the utilitarian highest benefit for the most people out of the space.

I remain of the view that this will be of benefit to Podsmead as a whole and I am pleased to support it.

5.0 **PUBLICITY AND REPRESENTATIONS**

5.1 138 Neighbouring properties were notified and press, and site notices were published. All neighbours and contributors were also re-notified following the submission of an amended plan moving the western most grass pitch to the west to generate additional space for the cricket square, and small amendments to the re-profiling of the pitches.

5.2 48 letters of objection raising the following concerns:

- Increase in traffic.
- Use of Laburnum Road to be used as access point.
- Cul de sac is not suitable for construction/delivery vehicles, coaches and level of cars
- Laburnum Road needs major repair works, manholes are starting to sink and fall away, pavements are also damaged.

- Concerned emergency vehicles will not be able to gain access to Oaklands Park Estate due to traffic and parking.
- Road safety concerns. Children currently play in areas of the road.
- Loss of on-street car parking.
- Congestion when trying to access homes/garages.
- Provision of 10 residents parking spaces is insufficient, will be further away, no control over use, less secure and not allow for charging of electric vehicles.
- A local facility should not need car parking as residents could walk/use public transport. Car use should not be encouraged.
- Location and access arrangements have not been fully thought through. The submitted Transport survey is flawed and used inaccurate data.
- Access from Poplar Close, Crypt School or Southern Avenue would be preferable.
- Existing 3G pitches in Gloucester not used to capacity.
- Micro plastics (rubber crumb with hazardous PAHs) from 3G pitch are health hazard, increase injury and bad for environment. Rubber crumb easily transfers to players clothes.
- If a new playing pitch is required a 4G or Hybrid pitch should be considered as these have less environmental impact.
- No information on any feasibility study and financial viability. It is not cost cutting and sustainable to replace natural turf with 3G pitches.
- Maintenance of pitches.
- Temperature of pitches. They cannot be used in all weathers; Synthetic pitches can reach temperatures up to 40% hotter than a natural field during the summer. During winter artificial grass pitch will retain large moisture content that will remain frozen after grass has thawed.
- Environmental impact of using microplastics, the methane emitted contributing to global warming and end of life risks with recycling.
- Pitch and fencing will be an eyesore.
- Athletics club should be knocked down and rebuilt.
- Were advised by solicitors that the fields could not be built on.
- Will block children walking across the fields to Crypt School.
- Drainage impact and concerns about flooding of adjacent properties.
- Loss of green open space used for free informal recreation. Goes against NPPF and Council policy of enhancing and protecting green spaces.
- Proposed development on adjacent site for housing will further reduce the green space available.
- Area is currently used for dog walking.
- Currently used for football/rugby.
- Location of children's play area proposed next to main thoroughfare in car park.
- Loss of wildlife, habitat and biodiversity network.
- Light nuisance.
- Increase in noise and air pollution.
- Will have detrimental impact on residents' mental health especially shift workers.
- Pollution.
- What uses will there be for older people.
- Increases in Anti-social behaviour.
- Rubbish.
- Question need for hub.
- Not for use by local community but for those outside the area.
- If it is for the local community all sports facilities should be free to use for local residents.
- High financial costs.

- Devaluation of neighbouring houses
- Already a surplus of sporting facilities in the immediate area.
- Consultations with local residents insufficient, undertaken during working hours and the evening presentation was away from the proposed location.
- Despite feedback and objections there have been no appreciable amendments to original plans.
- Need fencing/gate to stop vehicles driving over grass from Sycamore and Poplar Close.
- Loss of public views of Robinswood Hill, Forest of Dean Hills and May Hill.
- Light pollution affecting view of the night/dark sky.
- Loss of privacy.
- Overbearing effects.
- Area within Local Plan SA11 does not match area proposed.
- Balancing ponds should not be located near play areas unless fenced. Will lead to loss of area to the public or be a risk to children's safety.
- Includes drainage for the proposed residential area.
- SA11 refers to access to blackberries/apples but primary producing hedgerow would be lost.
- Not just for local community and not needed with new pitch at Wingate Field.
- Athletics Club should be extended and modernised together with widening and updating car park. Original entrance to the Athletics Club could be opened up. This would be more environmentally friendly by having grass pitches, open air gyms.

5.3 Petition

A petition has also been received with 665 signatories stating that the local population are not in favour of the development and raise concerns in relation to:

- Public Consultation
- Traffic
- Noise pollution
- Light pollution
- 3G pitch
- Existing plan
- Wildlife
- Balancing ponds and safety
- Anti-social behaviour

It is stated that the signatories would like the field to remain a natural open green space so that it can be used as they are currently using it. It is stated that there are many more environmentally beneficial, lower cost ways it could be enhanced including more tree planting and wildlife meadows, which would be of benefit to all. The development would take away an irreplaceable asset from the local community and imposing an unwanted and unsuitable alternative.

A copy of the covering letter to the petition has been appended in full.

5.4 Support

17 letters of support have been received including letters from Podsmead Big Build, The Crypt School, Hartpury University and College, Active Gloucestershire, Rugby for Heroes, GL Communities, England Athletics, Gloucester Athletic Track, Quedgeley Wanderers Football Club, Cooperative Futures and Goals Beyond Grass. The letters of support welcome the improved and accessible sports and community facilities, associated health and economic benefits.

- Will open opportunities for accessibility across the open space.

- Will provide safer walking routes and security.
- Meets hopes for overall regeneration of Podsmead linked to health and wellbeing, better use of green space, improved housing and improved business, shops, social and community facilities and organised sport.
- Significant provision for young people including facilities of youth activities and clubs.
- Big step in development and future regeneration of Podsmead community.
- Will add value to the area.
- Facilities will create more opportunities to be physically active for diverse range of users across all age groups.
- Accessible space with changing places facility
- Greener community with improved use of open spaces and linkages
- Healthy, active and confident residents with an improved quality of life.
- Access to the facilities would significantly enhance the PE and games curriculum allowing a significant increase in participation and engagement with physical activity and extracurricular activities for The Crypt School.
- Project would help generate further access to additional sport facilities to address the shortfall at both the local level in Podsmead and within the Gloucester area and enhance the playing participation opportunities.
- By drawing new users to the site, the safety of and access to Blackbridge Playing Fields will be improved, links to Gloucester Athletic Club, Widden RFC and Old Cryptians RFC will be strengthened and enhancements to local biodiversity and landscaping will be enabled.
- Will create a flagship providing new services of support, raising levels of sport and exercise locally. Will be linking to young people as a priority. Will enable focus around health and wellbeing, supporting mental health and raising levels of exercise and activities in the local area.
- Will support new opportunities around education, training and employment through a new programme of work supported by Podsmead Big Local.
- Enables enhancements to local biodiversity and landscaping through investment in the local area.
- Overall offers a very high-quality proposal which will be to the benefit of the local community, but with a city-wide reach. Will also be instrumental in building our Podsmead Partnership.
- If the proposal does not proceed it will impact on the Athletics Clubs ability to continue developing an inclusive sporting venue and the viability of the track as a standalone facility.
- The athletics track is of huge strategic importance to the region and provides high quality experiences for people of all abilities to participate in Gloucester.
- The proposal would improve access to the athletics track and available parking. The improved facilities would benefit the athletics and running community with an indoor space to provide indoor athletics to primary aged children together with opportunities for disabled athletes. An indoor studio would also help physical preparation to help prevent injury, provide a venue to hold workshops and courses. Improved lighting would make venue safer particularly during winter months. The proposal would provide an opportunity to create a sporting hub and for multiple sports to work together to provide opportunities for local people.
- We run weekly inclusive cycling sessions at the Athletics Track. The proposed new facilities would improve access, parking, provide an up to date and accessible space to be able to offer refreshments and a social/educational space alongside these sessions. It would provide a much-needed space for groups and local people to meet.

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

6.5 **Principle**

The NPPF sets out that there will be a presumption in favour of Sustainable Development. For decision-taking this means: approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- I. the application of policies in this framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- II. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole

6.6 The site is allocated in the Gloucester City Plan 2023 (SA06) for a multi-use sports, physical activity and community hub, to include a full-sized 3G artificial surface, grass playing fields and a multi-use health and wellbeing facility.

6.7 The Gloucester Playing Pitch Strategy 2015 – 2025 (PPS) sets out the Council's approach to playing fields and sports development more generally. It includes a vision, which is '*To provide an accessible, high quality and sustainable network of outdoor sports facilities, which provide opportunities for all residents to access good sport, physical activity and recreation facilities*', along with aims and strategic recommendations, which seek to (1) Protect sports facilities for meeting current and future needs (2) Enhance outdoor sports facilities through improving quality and management of sites, and (3) Provide new outdoor sports facilities where there is current and future demand to do so.

- 6.8 The PPS identifies a shortfall in capacity (known as match sessions) for most of the sports considered, both at the time the study was undertaken and at the end of the strategy period. A shortfall of three 3G pitches is identified based on the FA model for training, with further potential shortfalls based on the FA model for accommodating competitive play.
- 6.9 An action plan identifies recommended actions for each playing field site on the city. For the Blackbridge Playing Field, it states the following *'Improve pitch quality and maximise use. Determine potential for the creation of a hub venue to serve the south of the City including options for 3G pitch provision and additional grass pitches. Potential site for FA Pitch Improvement Programme.*
- 6.10 To support the delivery of the PPS, the City Council prepared an Artificial Grass Pitch Strategy in 2015. The preferred approach in the strategy recommended a new 3G/FTP to be provided at the proposed Blackbridge Sports Hub.
- 6.11 The principle of development is therefore considered to be acceptable, subject to assessment against other planning considerations as set out in the remaining sections of the report.

Design, Layout and Landscaping

- 6.12 The NPPF states that new residential developments should be of high-quality design, create attractive places to live, and respond to local character integrating into the local environment. Policy SD3 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.
- 6.13 The proposal includes a two-storey community and sport hub building. The building would be of contemporary design and appearance with grey and brickwork, smooth white rendered walls and aluminium framed double-glazed windows/curtain walls. A mono-pitch / flat roof has been incorporated to reduce the overall height of the building.
- 6.14 The building would provide a mix of spaces and facilities including 4 sports team changing rooms; 2 officials changing rooms; a fitness suite with associated changing rooms and storage; server with external hatch for refreshments/food to serve spectators; 2 unisex accessible changing rooms (with showers and Wcs), including one to 'changing places' standards; externally accessed Wcs (including accessible WC) for spectators; storage and associated plant on the ground floor. The first floor would incorporate a flexible/divisible social space with adjoining kitchen, bar/server and quiet room; large flexible use/divisible studio space; Wcs (including accessible WC); External balcony/terrace facing over the proposed 3G pitch and associated storage, circulation and ancillary space.
- 6.15 The proposed 3G pitch would be located adjacent to the hub building and would provide a sports pitch that would be usable throughout the year. The pitch would be fenced and include floodlights. The proposed floodlights have been designed to ensure that any light overspill is minimised and to ensure that the tree buffers along the site boundaries will still suitably function as ecological 'dark corridors'.
- 6.16 The proposed car parking area includes accessible spaces. A 'future' children's play area is also indicated on the submitted plans. It is also proposed to provide an additional 10 new car parking spaces for residents adjacent to the proposed site access from Laburnum Road.
- 6.17 It is also proposed to mark out two grass pitches with a central cricket square.

- 6.18 The proposed new building and car parking is set back into the narrower part of the field which will leave the remainder of the field open and with views of Robinswood Hill retained. None of the trees or shrubs in the existing boundary planting will be affected by the proposals and 106 new trees are proposed to be planted. Three balancing ponds are proposed. These having been designed with naturalistic shapes and would be planted with wetland plants, areas of wild-flower grass, informal grass paths, bulb and tree planting are proposed around the balancing ponds. Fencing is generally avoided around attenuation basins as they are designed to have safe gentle slopes.
- 6.19 Two open areas would be retained for informal recreation in the northwestern and southeastern areas of the site. A surfaced path is proposed across the site linking with the shared footpath/cycle way.
- 6.20 The floodlights have been designed to avoid significant illumination of the boundary woodland. The Biodiversity Net Gain Preliminary Design Stage Report assesses that there will be biodiversity net gain
- 6.21 The proposed planting in the car park and around the proposed community and sports hub building will provide seasonal interest and colour and be easy to maintain.
- 6.22 Overall, the proposal is considered acceptable in terms of its design, landscaping and materiality.
- 6.23 **Traffic and transport**
The NPPF requires that development proposals provide for safe and suitable access for all, and that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Policy INF1 of the JCS requires safe and accessible connections to the transport network
- 6.24 The application site comprises an existing playing field that is currently accessed off Poplar Close by way of a private single width access road to the west of the existing pavilion building. The access is gated with a barrier and leads to a small car park. This access is also used for maintenance of the Blackbridge Playing Fields. A second gate and bollards restrict vehicular access to the playing fields.
- 6.25 It is proposed to provide a new vehicular access to the site off Laburnum Road with pedestrian access provided via a 2-metre-wide footway on the southern side of this new access.
- 6.26 It is proposed to provide a new vehicular access to the site off Laburnum Road with pedestrian access provided via a 2-metre-wide footway on the southern side of this new access.
- 6.27 The shared surface link to Poplar Close would be retained as a footpath/cycleway with the introduction of a barrier to restrict vehicular access at this point.
- 6.28 It is proposed to provide 86 car parking spaces inclusive of 6 accessible parking bays and nine electric vehicle charging bays. An additional 10 unallocated parking bays would be provided at the rear of the footpath on Laburnum Road for use by residents and the general public
- 6.29 Parking would also be provided to accommodate 10 motorcycles and 24 cycles.

- 6.30 .Walking
The site is well served by footway and footpath access with a shared surface linking to 2m wide footway on Poplar Close, a 3m wide footpath / cyclepath link associated with Gloucester Footpath (GF) 73 linking to the B4072 Stroud Road to the northeast and the A38 Cole Avenue and GF78 to the southwest is accessible on the southern boundary of the application site. In addition, there is a footpath link to Laburnum Road on the northwest boundary of the application site.
- 6.31 Paragraph 4.4.1 of Manual for Streets (MfS) states that walkable neighbourhood are typically characterised as having a range of facilities within 10 minutes walking distance (around 800m). However, it states that this is not an upper limit, and that walking offers the greatest potential to replace short car trips, particularly those under 2km. The IHT guidance document 'Providing for Journeys on Foot' (published 2000) suggests an acceptable walking distance of 1km for commuting purposes and a preferred maximum walking distance of 2km. In the vicinity of the site benefits from illuminated footways.
- 6.32 Cycling
In the vicinity of the site a 2m – 3.5m wide footway / cycleway to the southwest linking to the local area of Tuffley where further amenities exist. A review has been undertaken using the Propensity to Cycle Tool (PCT, www.pct.bike), as recommended by Manual for Gloucestershire Streets (MfGS). It demonstrates that the average percentage of people cycling to work in Gloucestershire is 4.2%. The application site is located in the Middle Super Output Area (MSOA) of Gloucester 009, which has an average percentage of people cycling to work of 7%. The location of the application site is therefore above the average for people cycling to work in Gloucestershire.
- 6.33 According to the Department for Transport's Cycle Infrastructure Design Local Transport Note (1/20), eight kilometres (i.e., five miles) is considered to be a suitable distance to cycle for local journeys.
- 6.34 Bus
The nearest bus stops are the 'Tuffley Crescent' bus stops located along Podsmead Road approximately 500m northwest of the proposed sports and leisure building. The southbound stop comprises a flag and a cage whilst the northbound stop comprises a shelter with bench seating, timetable information, real time passenger information and a cage. The bus stops provide access to the No.10 bus service, in addition, the No.11 bus service serves the southbound stop three times (10.17am, 12.17pm and 2.17pm) Monday – Saturday to Gloucester Hempsted and Transport Hub. A summary of the number 10 bus service is provided in Table 3.2 of the submitted Transport Statement with full timetable information provided in Appendix F.
- 6.35 These bus services are within 500 metres of the site and therefore align with the recommended maximum walking distance to a bus stop in an urban area, as suggested by the CIHT's 'Buses in Urban Development' report (2018) Table 4. Overall, it is considered that the public transport infrastructure in the vicinity of the development site is good and offers an alternative transport option to the private vehicle.

6.36 Collision Analysis

As contained within the submitted Transport Statement under sub-heading Local Highway Safety, a detailed and robust assessment has been provided detailing all personal injury collisions within the vicinity of the development site. Personal Injury Collision (PIC) data has been obtained from Crashmap in the vicinity of the application site for the most recent five-year period available, until June 2021. There have been a total of three slight collisions in the vicinity of the site on Laburnum Road and Podsmead Road.

6.37

Having reviewed the nature of the recorded PICs, it can be concluded that the collisions identified can be attributed to driver/pedestrian error, rather than an inherent highway safety concern or geometric feature in the road layout. Therefore, there is not an existing highway safety issue on the highway network or within the area, that could be exacerbated as a result of the proposed development.

6.38 Site Access Arrangements

A seven-day Automatic Traffic Counts (ATC) was undertaken by 360 TSL Ltd, an independent traffic surveyor, between Tuesday 25th June 2019 and Monday 1st July 2019, in the vicinity of the proposed site access. In addition, a Manual Classified Count (MCC) was undertaken at the Podsmead Road / Laburnum Road junction on Tuesday 13th September 2022 between 7am – 10am and 4pm – 7pm. Based on the ATC survey, Laburnum Road had an average weekday speed of 16.8mph northbound and 18.6mph southbound, with 85th percentile speeds of 22.8mph northbound and 23.5mph southbound. The resultant necessary junction visibility splays to enable a vehicle to safely see and be seen by other road users is 2.4m x 29.4m to the south, in accordance with an 85th percentile speed of 22.8mph northbound; and 2.4m x 30.8m to the north, in accordance with an 85th percentile speed of 23.5mph southbound.

6.39 The proposed site access arrangements are to be formed by a vehicle crossover to maintain pedestrian priority at the access with Laburnum Road. A drawing demonstrating the visibility splays in accordance with the 85th percentile speeds are shown on drawing numbers SK02 rev B and SK04 rev A. This is considered acceptable.

6.40 Pedestrian access to the site will be achieved via a 2m wide footway on the southern side of the proposed vehicular access off Laburnum Road. In addition, the shared surface link to Poplar Close shall be retained as a footpath / cycleway, with vehicle access removed. It is proposed that a 'K' barrier is provided to restrict vehicle access as shown on the drawing number SK03 rev D.

6.41 A swept-path analysis has been undertaken for the proposed site access arrangement to ensure that all vehicles, that are likely to require access to the site, can access and egress the site in a safe and convenient manner. A drawing demonstrating that a 11.3m refuse vehicle with suitable inter-visibility can safely and conveniently access the site without conflict as shown on drawing numbers SP05 rev B, SP06 rev B and SP07 rev B. This is considered acceptable.

6.42 Internal Site Arrangements

The site layout will comprise a 6m internal access road with a 2m wide pedestrian footway along the southern side of the carriageway. The proposed layout demonstrates that two cars can pass each other throughout as well as passing of a refuse vehicle with suitable inter-visibility.

- 6.43 It is proposed that the application site shall provide a total of 86 car parking spaces inclusive of six accessible parking bays and nine electric vehicle charging bays. In addition, it is proposed that 10 unallocated parking bays shall be provided to the rear of the footway on Laburnum Road open for use by residents and general public. At pre-application discussions GCC required that a car parking accumulation assessment would need to be undertaken for the proposed use of the site supplemented by a car parking survey of the existing Gloucester Athletics Club. It was agreed that a car parking accumulation assessment would be undertaken using the 5-a-side football category within the TRICS database to determine the car parking provision. This is considered acceptable and GCC are satisfied that the level of parking provision proposed is suitable.
- 6.44 Furthermore, 10 motorcycle parking spaces shall be provided along with 24 cycle spaces also being provided, this is also considered acceptable and accords to local guidance.
- 6.45 Overall, the access to the application site is considered to be safe and suitable for all users, in accordance with paragraph 110 of the NPPF, whilst the internal layout complies with paragraph 112 of the NPPF, and local design guidance contained MfGS.
- 6.46 Highway Impact
Having reviewed the Technical Statement dated January 2023 produced by Rappor for the proposed development, Gloucestershire County Council is generally content with information provided in terms of trip generation, distribution/assignment and impact.
- 6.47 In summary, the Podsmead Road / Laburnum Road junction is suitable to accommodate the proposed development across all scenarios, with no queuing predicted and without significant delay.
- 6.48 Paragraph 111 of the NPPF states that “development should only be prevented or refused on highway grounds where there will be an unacceptable impact on highway safety or a severe residual cumulative impact on the road network would be severe”. It has been demonstrated that the residual cumulative impact of the development, i.e., the addition of the development traffic after background growth and committed development, compared to the without development scenarios, would not be severe.
- 6.49 The proposed mitigation package includes provision of new car parking bays and the introduction of highway/offsite works. It is considered that the measures shall improve traffic flow on Laburnum Road and the safety of vehicles egressing junctions this will provide an overall benefit for existing residents and users of the proposed development.
- 6.50 Travel Plan
Whilst a full travel plan would have limited benefit in this instance, I would still welcome a series of measures of how sustainable access opportunities can be conveyed to site users.
- 6.51 It is acknowledged that travel planning measures and initiatives shall be undertaken at the site, to encourage travel by sustainable modes, and assist introducing travel by single occupancy vehicles.
- 6.52 Based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact on highway safety or a severe impact on congestion and has raised no objection to the application.
- 6.53 The Local Highway Authority has raised no objection to the application subject to the inclusion of conditions.

6.53 The Local Highway Authority has raised no objection to the application subject to the inclusion of conditions.

Residential amenity

6.54 Paragraph 130 (f) of the NPPF sets out that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users. This is reflected in Policy SD14 of the JCS which requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants.

6.55 The application site is bounded by existing houses in Laburnum Road, Redwood Close, Sycamore Close and Poplar Close to the north west. There are also houses to the north of the site beyond the playing fields and in New Dawn View to the north east of the site.

6.56 There is a current outline planning application (ref. 23/00280/OUT) for the erection of up to 30 new dwellings immediately to the east of the site.

6.57 It is recognised that the relationship between the proposed development and existing residential properties is particularly sensitive and careful consideration is required of the impact on residents and any mitigation measures required to minimise such impact.

6.58 The location, design and orientation of the proposed building is such that it will not create any direct overlooking or overbearing impact to residents of the neighbouring houses.

6.59 A number of mitigation measures have been proposed to minimise potential disturbance to neighbouring residents including noise mitigation measures and lighting design.

6.60 Noise

A Noise Report has been submitted in support of the application to assess the impact of the proposed development. Two attended noise surveys were undertaken on the 16th March 2021 to determine the existing noise climate at locations represented of both the existing and proposed residential properties during the proposed hours of operation. Background levels comprised primarily of rail noise from the railway line and light road traffic.

6.61 Noise measurements from artificial grass pitches (AGP) were recorded at existing sites in Bristol. Noise levels were measured at nine sports sessions at four separate AGPs. The measurements included football, hockey and rugby, with men, women and children participating in different sessions. The purpose of these measurements was to determine a 'typical' noise level for an APG sports session. The noise from an AGP is primarily from voices, whistles and ball impact hitting the fence panel.

6.62 The noise impact from the artificial grass pitch, car park, events in the sports and community hub and external plant have all been assessed.

6.63 The assessment concludes that the proposals would result in a negligible to moderate increase in the existing noise climate. Whilst predicted levels could result in a moderate impact on the existing noise climate, this would be at a level which is considered to be below the onset of community annoyance. The report suggests that whilst it is likely to be audible outside neighbouring residential properties it is not expected to have an adverse impact.

6.64 The submitted report concludes that the predicted maximum noise level from voice, whistle and ball impact is within the WHO guidelines and considered acceptable.

- 6.65 The Noise Report recommends that a no whistling management policy is introduced so that the use of whistles is restricted to competitive games and less sensitive daytime periods.
- 6.66 Details of a Noise Management Policy have been provided which include the provision of a nominated Noise Monitoring Officer to monitor activities on the AGP.
- 6.67 The positioning of the proposed pitches have also been sited to minimise potential disturbance to the local residents. It is recommended that a condition be included requiring the submission, approval and implementation of a detailed Noise Management Plan to include all the recommendations in the submitted Noise Assessment Report.
- 6.68 On balance, subject to the inclusion of conditions and the implementation of a suitable Noise Management Plan, it is not considered that the proposal would result in an unacceptable impact on residential amenity and the Environmental Protection Adviser has raised no objection.
- 6.69 **Lighting**
A full Lighting Strategy has been submitted with the application to assess and minimise any impact on residents and ecology. The Artificial Grass Pitch has been sited to accommodate a dark corridor and the lighting scheme designed to ensure that light spillage is minimised.
- Air Quality**
- 6.70 The submitted Air Quality Assessment assessed the potential of the development to cause air quality impacts as a result of fugitive dust emissions during the construction and road traffic exhaust emissions associated with vehicles travelling to and from the site during its operation.
- 6.71 The report concludes that any potential impacts during the construction phase as a result of earthworks, construction and associated activities could be adequately mitigated to an acceptable level by the use of good practice control measures.
- 6.72 Due to the relatively low number of vehicles trips predicted once the proposal is operational, any road traffic impact is not predicted to be significant.
- 6.73 Overall, there are no air quality issues that are considered a constraint to the proposed development and as such the proposals are in accordance with JCS Policy SD3 and Policy C5 of the City Plan.
- 6.74 **Drainage and flood risk**
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. 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.
- 6.75 A Flood Risk Assessment has been submitted in support of the application.

Flood Risk

The application is for a greenfield site which is shown as being located in Flood Zone 1 on the Environment Agency flood mapping.

The site is Flood Zone 1 and as such there is no loss in floodplain storage volume and the development will not increase flood risk elsewhere.

The proposed drainage strategy introduces a number of measures to deal with surface water discharge and the protection of water quality, including attenuation basins, water tanks, SuDs and permeable paving.

The SuDS/drainage strategy proposed is broadly acceptable and the City Council's Drainage Adviser and the LLFA have raised no objection subject to the inclusion of a condition.

Land contamination

6.76 Policy SD14 of the JCS requires that development proposals incorporate the investigation and remediation of any land contamination.

6.77 The City Council's Contaminated Land Adviser has assessed the submitted documents and historic records for the site and raised no objection to the application.

Ecology

6.78 The NPPF requires development to minimise impacts on and provide net gains for biodiversity. Policy SD9 of the JCS similarly requires the protection and enhancement of biodiversity in the area. The emerging City Plan requires the conservation of biodiversity and providing net gains.

6.79 The allocation in the City Plan states that the adjacent railway cutting "*forms* a potential Local Wildlife Site and is identified as having considerable potential for enhancing local conservation value and protection/enhancement of a key ecological corridor within in an urban environment".

6.80 An Ecological Impact Assessment Report, Biodiversity Net Gain Preliminary Design Stage Report, a Bat Dusk Emergence Survey have been prepared for the site and submitted in support of the application.

6.81 The ecological survey confirms that the ecological features of interest, together with the existing hedgerows along the site boundaries and the woodland along the southern boundary will all be retained. There will also be a number of on-site enhancements including the provision of attenuation basins, significant tree planting (106 new trees) and the proposed wildflower meadow.

6.82 Bats

A dusk emergence survey for bats was undertaken at the Athletics Club pavilion. No bats were recorded from the building during the surveys. During surveys on site low levels of Common Pipistrelle foraging activity was recorded along the hedges to the north and southwest of the building.

6.83 Biodiversity Net Gain

The proposed development and associated landscaping would result in a habitat net percentage change of +51.72% and +43.86% for hedgerows.

6.84 A full specification of habitats including relevant management will be produced within a Landscape and Ecological Management Plan (LEMP) which can be secured through condition.

- 6.85 No objections have been received from Natural England or the Ecological Adviser subject to the inclusion of conditions.
- 6.86 **Sustainability**
The flat roof provides the opportunity to install solar Photovoltaic Panels (PV) combined with battery storage. The battery storage would provide electric supply during the evenings and supplement the proposed heating system. The PV panels would be located on the first-floor higher roof element and would not be visible from the ground level. External mechanical plant installations required as part of the ventilation system would be located on the lower single storey roof element and would be screened with louvers to minimise noise and visual impact.
- 6.87 A mechanical ventilation system is proposed to serve all spaces and include a heat recovery element to re-use energy in the building.
- 6.88 The conclusion of the submitted Energy Statement is that the development would aim to reduce the buildings CO2 emissions when compared to the baseline target, through a combination of passive measures, building fabric design improvements and the installation of high efficiency heating and water services and the addition of photovoltaic panels.
- Safety Issues surrounding 3G pitches**
- 6.89 The applicant has taken advice from those providing funding for the scheme including Sport England and the Football Foundation.
- 6.90 Sport England has issued a joint position statement with the Department for Culture, Media and Sport (DCMS), Sports Scotland, Sports Wales, the Grounds Management Association, Football Foundation, The Football Association, Rugby Football League, Sports and Play Construction and England Rugby on 3G pitches.
- 6.91 The Statement recognises that Artificial grass pitches (AGPs) are a durable, safe, year-round playing surfaces, able to withstand intensive use and all kinds of weather. The pitches are used for playing multiple sports including football, hockey and rugby and they are an important community resource that mean more people can benefit from the social and health benefits of physical activity.
- 6.92 However, concerns have been raised about the environmental impact of these pitches and the European Commission's Statement released in September 2022. Most commonly this relates to the fibre loss of microplastics and in the case of third generation or 3G pitches, the presence of rubber infill, which is also a microplastic. These concerns are acknowledged and are being taken very seriously. The Department for Environment, Food and Rural Affairs (DEFRA) have commissioned an evidence project to review emissions intentionally added to microplastics.
- 6.93 The Sports Councils – Sport England, Sport Wales, Sports Scotland, Sport NI – and leading sport bodies are working together and with respective governments to understand what any EU ban will mean for the stock of 3G AGPs in the UK and the timings for any legislative decisions.
- 6.94 While the Sports Councils have committed to explore alternative artificial pitch systems and more sustainable infill products, the Position Statement also highlights that at the current time there are no widely available alternative infill products that are effective, suitable for all weather conditions and that deliver the required performance standards. As such artificial grass pitches can only be planned with what is available to meet the standards required by the sports to be played.

6.95 There is also a management issue in relation to the transfer of material outside the 3G area. The proposed pitch has been designed to allow effective run-off areas to help better contain the surface material. Containment is also part of the management plan and condition 11, recommended by Sport England, requires details to be submitted to show the containment strategy for the rubber infill and how this will be monitored.

6.96 ***Economic considerations***

The construction and operational phases would support employment opportunities 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 through the planning system', this adds some weight to the case for granting permission.

6.97 An Employment and Skills Plan (ESP) has been submitted in support of the application setting out a commitment to be guided by the Podsmead Economic and Social Plan (2023) which has as one of its five key objectives the promotion of enterprise, employment and skills development. During construction and once facilities are open the primary contractor and partners will be encouraged and supported to develop, promote or contribute to employment, skills or training opportunities for local residents and residents from across the City.

6.98 **Conclusion**

The application is in accordance with allocation SA6 in the Gloucester City Plan and will deliver a number of significant benefits in the provision of additional community, sport and health facilities in Podsmead.

This application has been considered in the context of the policies and guidance referred to above. The proposal is consistent with those policies and guidance in terms of design, materials, highway safety implications, impact upon the amenity of any neighbours and the local area; the proposal is acceptable and accordingly it is recommended that planning permission be granted.

7.0 **RECOMMENDATION OF THE HEAD OF PLACE**

7.1 That planning permission is GRANTED subject to the following conditions;

Condition 1

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

Condition 2

The development hereby permitted shall be carried out in accordance with the application form, and drawing numbers:

- 703-FWP-APP-01 P1 – Site Location plan
- 703-FWP-APP-03 P3 – Proposed Site Layout
- 703-FWP-APP-04 P3 – Proposed Phasing Plan
- 703-FWP-APP-05 P2 – Ground Floor Plan

- 703-FWP-APP-06 P2 - First Floor Plan
- 703-FWP-APP-07 P2 – Roof Plan
- 703-FWP-APP-08 P2 – North Elevation
- 703-FWP-APP-09 P2 – South Elevation
- 703-FWP-APP-10 P1 – East and West Elevation
- 703-FWP-APP-16 P1 – Proposed Bicycle Storage

Reason

To ensure that the development is carried out in accordance with the approved plans

Condition 3

Notwithstanding the details submitted, use of the development shall not commence until a detailed Noise Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Noise Management Plan shall apply to the use of the Community Hub, car parking, natural grass pitches and artificial grass pitch. It shall include but not be restricted to the recommendations set out in the submitted by Noise Impact Assessment prepared by Acoustic Consultants Ltd, (Rev C, dated 26/01/2023) and details of:

- a) The construction of the Sports and Community Hub building.
- b) Management of the facilities.
- c) Hours of use.
- d) The use, implementation, and management of a ‘No Whistle Policy’. With the use of whistles restricted to competitive games and less sensitive daytime periods.
- e) The inclusion of noise restricting neoprene isolators to the support posts of all perimeter fencing.
- f) Maintenance.
- g) Mechanism whereby noise complaints can be made and logged.
- h) Management responsibilities and a mechanism for review.

The development shall not be used otherwise than in strict compliance with the approved Plan.

Reason

To protect the noise climate and amenity of local residents

Condition 4

No demolition or development shall start within the application site until a written scheme of investigation of archaeological remains, including a timetable for the investigation, has been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions; and:

- a) The programme and methodology of site investigation and recording.
- b) The programme for post investigation assessment.
- c) Provision to be made for analysis of the site investigation and recording.
- d) Provision to be made for publication and dissemination of the analysis and records of the site investigation
- e) Provision to be made for archive deposition of the analysis and records of the site investigation
- f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason

To make provision for a programme of archaeological mitigation, so as to record and advance understanding of any heritage assets which will be lost.

Condition 5

All demolition and development shall take place in accordance with the Written Scheme of Investigation of archaeological remains. This condition shall not be discharged until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 4, provision has been made for the analysis, publication and dissemination of results and archive deposition has been secured.

Reason

To make provision for a programme of archaeological mitigation, so as to record and advance understanding of any heritage assets which will be lost.

Condition 6

No development shall start until a detailed design, maintenance and management strategy and timetable of implementation for the surface water drainage strategy presented in the Flood Risk Assessment/Drainage Strategy [Blackbridge Community Sports Hub, Gloucester – Flood Risk Assessment - Rev 07] has been submitted to and approved in writing by the Local Planning Authority.

The submitted strategy must demonstrate the technical feasibility and viability of the proposed drainage system through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the lifetime of the development. The scheme for the surface water drainage shall be implemented in accordance with the approved details and timetable and shall be fully operational before the development is first put in to use/occupied. In particular, the scheme should have:

- a solution to achieve CIRIA C753 water quality standards for the access road and car park
- attenuation basins with side slopes that do not exceed a 1 in 4 gradient.
- natural stone mitred headwalls with no railings for the outlets / inlets which are less than 350 mm in diameter, in line with the latest, 'sewers for adoption' publication
- natural stone clad headwalls, with black estate railings for the outlets / inlets which are 350 mm, or greater, in diameter

Should the adjacent residential development, which will feed surface water flow into the Sports Hub site, go ahead, then the flow controls at the Sports Hub site shall be re-designed, re-approved by the Local Planning Authority, and re-installed, to suit the new flow rates.

Reason

To ensure the development is provided with a satisfactory means of drainage and thereby reducing the risk of flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage, flood risk and water quality in the locality.

Condition 7

No development shall commence until details of the design and layout of the artificial grass pitch, 100 x 60m (c/w run-offs), has been submitted to and approved in writing by the Local Planning Authority (after consultation with Sport England). The artificial grass pitch and pavilion shall not be constructed other than in accordance with the approved details.

Reason

To ensure the development is fit for purpose and sustainable.

Informative. The applicant is advised that the pitch should be built in accordance with RFU guidance note 7: Artificial Rugby Turf and tested bi-annually by an accredited testing laboratory in order to achieve and maintain World Rugby Regulation 22.

Informative: The applicant is advised that the pitch should be tested in accordance with The FA standard code of rules and be registered on the FA Register for 3G Football Turf Pitches.

Informative (artificial grass pitches for Steps 1 to 6 of the FA's National League System) – The applicant is advised that pitches to be used for Step 1 and Step 2 level football matches should be built in accordance with FIFA Quality Concept for Football Turf - FIFA Quality Pro and Steps 3 to 6 should be built in accordance with FIFA Quality as a minimum and tested annually as per league rules.

Condition 8

No work shall commence on the grass pitches details of the design and layout of the grass pitches for football, rugby and cricket, have been submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England]. The grass pitches shall not be constructed other than in accordance with the approved details.

Reason

To ensure the development is fit for purpose and sustainable and to accord with Development Plan Policy.

Informative: The applicant is advised that the design and layout of the grass pitches, is not in line with the adopted playing pitch strategy or in line with the construction of a cricket square.

Condition 9

No development on the grass pitches shall commence until the following documents have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England:

- (i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could adversely affect playing field quality; and
- (ii) Where the results of the assessment to be carried out pursuant to (i) above identify constraints which could adversely affect playing field quality, a detailed scheme to address any such constraints. The scheme shall include a written specification of the proposed soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

The approved scheme shall be carried out in full and in accordance with the approved programme of implementation. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

Reason

To ensure that the playing field is prepared to an adequate standard and is fit for purpose.

Informative: The applicant is advised that the scheme should comply with the relevant industry Technical Guidance, including guidance published by Sport England. Particular attention is drawn to 'Natural Turf for Sport', (Sport England, 2011).

Condition 10

Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to pavilion, car parking, natural grass pitches and artificial grass pitch and include details of pricing policy, hours of use, access by non-members, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

Reason

To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport.

Condition 11

Before the artificial grass pitch is brought into use, a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. This should include measures to ensure the replacement of the Artificial Grass Pitch within the manufacturers' specified period. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the artificial grass pitch. This should also include measures to show the containment strategy for the rubber infill, and how this shall be monitored.

Reason

To ensure that a new facility is capable of being managed and maintained to deliver a facility which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport.

Condition 12

Prior to first occupation, details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall clearly demonstrate that floodlighting/lighting will not cause excessive light pollution or disturb or prevent bat species using key corridors, forage habitat features or accessing roost sites. The details shall include, but not be limited to, the following:

- i. A drawing showing sensitive areas and/or dark corridor safeguarding areas.
- ii. Description, design or specification of external lighting to be installed including shields, cowls or blinds where appropriate.
- iii. A description of the luminosity of lights and their light colour including a lux contour map.
- iv. A drawing(s) showing the location and where appropriate the elevation of the light fixings.
- v. Methods to control lighting control (e.g., timer operation, passive infrared sensor (PIR)).

All external lighting shall be installed in accordance with the specifications and locations set

out in the approved details. These shall be maintained thereafter in accordance with these details. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason

To ensure proper provision is made to safeguard protected species and their habitats.

Condition 13

The sport pitch floodlights will not be turned on and used between local calculated times for sunset and sunrise throughout the period May to September (inclusive), unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure proper provision is made to safeguard protected species and their habitats.

Condition 14

No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include, but not be limited to the following:

1. Risk assessment of potentially damaging construction activities including provision for protected species,
2. Identification of 'biodiversity protection zones' including (but not exclusively) hedgerows and mature trees,
3. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) including appropriate protection measures for Broad-leaved Woodland (and Crypt School U), bats (foraging/commuting bats and prior to/during demolition of the Pavilion), Badgers and other mammals, breeding birds and invertebrates,
4. The locations and timing of sensitive works to avoid harm to biodiversity features (e.g., daylight working hours only starting one hour after sunrise and ceasing one hour after sunset),
5. The times during construction when specialist ecologists need to be present on site to oversee works,
6. Responsible persons and lines of communication,
7. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person,
8. Use of protective fences, exclusion barriers and warning signs; and
9. Ongoing monitoring including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

A report by an appropriately qualified and experienced ecologist confirming that the required mitigation and/or compensation measures detailed in the CEMP have been satisfactorily completed and detailing the results of site supervision and any necessary remedial works, shall be submitted to the Local Planning Authority for approval within 3 months of the date of

substantial completion of the development or at the end of the next available planting season, whichever is the sooner. Any approved remedial works shall subsequently be carried out under the strict supervision of an appropriately qualified and experienced ecologist following approval.

Reason

To ensure proper provision is made to safeguard protected species and their habitats.

Condition 15

A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior commencement of the development. The content of the LEMP shall include the following:

1. Full specification of habitats to be created using native species of local provenance including aquatic habitat, Grassland, Hedgerows, Shrub and Tree planting;
2. Full specification for bird and bat boxes together with dead wood piles and invertebrate homes;
3. Description and evaluation of features to be managed;
4. Ecological trends and constraints on site that might influence management;
5. Aims and objectives of management;
6. Appropriate management options for achieving aims and objectives;
7. Prescriptions for management actions;
8. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
9. Details of the body or organization responsible for implementation of the plan; and
10. Ongoing monitoring and remedial measures

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The LEMP shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason

To ensure the development contributes to the conservation and enhancement of biodiversity within the site and the wider area.

Condition 16

If the development hereby approved does not commence within 12 months from the date of the planning consent (or, having commenced, is suspended for more than 12 months) update dusk emergence/dawn re-entry surveys of the Pavilion will be undertaken to establish if there have been any changes in the presence/absence of roosting bats and identify any likely new potential ecological impacts that may arise from any changes.

Where the update survey results indicate that changes have occurred that will result in

ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement (or re-commencement) of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable

Reason

To ensure proper provision is made to safeguard protected species and their habitats.

Condition 17

No development above floorplate level shall be carried out until details of the proposed development boundary fences/walls have been submitted approved in writing by the Local Planning Authority. The details shall include a plan indicating the positions, design, materials and type of boundary treatment to be erected and a timescale for implementation. The development shall be carried out in accordance with the approved details.

Reason

In the interests of visual amenity.

Condition 18

No development shall take place until there has been submitted to and approved by the Local Planning Authority in writing, a comprehensive scheme of landscaping, which shall include indications of all existing trees (including spread and species) and hedgerows on the land and details of any to be retained together with measures for their protection during the course of development, together with the design and location of proposed seating and bins.

Reason

In the interests of visual amenity.

Condition 19

All planting, seeding, or turfing and provision of the seating and bins in the approved details of landscaping for the development shall be carried out in the first planting and seeding season following the occupation of the respective building(s) or completion of the respective developments, whichever is the sooner. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason

In the interests of visual amenity.

Condition 20

No development including demolition, site clearance, materials delivery or erection of site buildings, shall start on the site until measures to protect trees/hedgerows on and adjacent to the site have been installed in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.

These measures shall include:

1. Temporary fencing for the protection of all retained trees/hedgerows on and adjacent to the site whose Root Protection Areas (RPA) fall within the site to be erected in accordance with BS 5837(2012) or subsequent revisions (Trees in Relation to Design, Demolition and Construction). Any alternative fencing type or position not strictly in accordance with BS 5837 (2012) shall be agreed in writing by the Local Planning Authority prior to the start of development. The RPA is defined in BS5837(2012).
2. Construction Exclusion Zone (CEZ): The area around trees and hedgerows enclosed on site by protective fencing shall be deemed the CEZ. Excavations of any kind, alterations in soil levels, storage of any materials, soil, equipment, fuel, machinery or plant, site compounds, cabins or other temporary buildings, vehicle parking and delivery areas, fires and any other activities liable to be harmful to trees and hedgerows are prohibited within the CEZ, unless agreed in writing with the Local Planning Authority.

The approved tree protection measures shall remain in place until the completion of development or unless otherwise agreed in writing with the Local Planning Authority.

Reason

To ensure adequate protection measures for existing trees/hedgerows to be retained, in the interests of visual amenity and the character and appearance of the area.

Condition 21

Where excavations or surface treatments are proposed within the root protection areas (RPA) of retained trees and hedgerows, full details shall be submitted to and approved in writing by the local planning authority before any development starts. The RPA is defined in BS5837:2012. Details shall include the proposed locations of excavations and/or surface treatments, proposed methods & specifications of excavations and/or surface treatments and any post excavation remedial works. All excavations or surface treatments shall be carried out in accordance with the approved details.

Reason

To prevent damage to or loss of trees.

Condition 22

No removal of trees/scrub/hedgerows shall be carried out on site between 1st March and 31st August inclusive in any year, unless otherwise approved in writing by the Local Planning Authority.

Reason

To ensure that the nature conservation interest of the site is protected.

Condition 23

The development hereby permitted shall not be brought into use until the highway improvements/offsite works have been provided broadly in accordance with the details as shown on the approved plan drawing number SK03 rev D and have been completed in their entirety.

Reason

To ensure the safe and free flow of traffic onto the highway.

Condition 24

Prior to commencement of the development hereby permitted details of a Construction

Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period. The plan/statement shall include but not be restricted to:

- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Advisory routes for construction traffic;
- Any temporary access to the site;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud and dust being carried onto the highway;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Highway Condition survey;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.
- Dust mitigation.
- Noise and vibration mitigation.
- Mitigation of the impacts of lighting proposed for the construction phase.
- Measures for controlling leaks and spillages, managing silt and pollutants.
- Plans for the disposal and recycling of waste

Development shall take place only in accordance with the approved CEMP.

Reason

In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development and to protect existing and proposed properties from the impacts of short-term exposure to noise, vibration, light and dust nuisance.

Condition 25

The development, shall only take place whilst running concurrently in accordance with the submitted travel planning measures and initiatives to assist in promoting travel to and from the site by sustainable transport by staff and visitors, mitigating travel to the site by single occupancy cars in accordance with the submitted Travel Plan Statement contained within the submitted Transport Statement.

Reason

To reduce vehicle movements and promote sustainable travel.

Condition 26

The development hereby permitted shall not be occupied until the cycle storage facilities/motorcycle facilities have been made available for use in accordance with the submitted plan drawing no. 7034-FWP-APP-16 P1 and SK04 rev A and those facilities shall be maintained for the duration of the development.

Reason

To give priority to cycle movements by ensuring that adequate cycle parking is provided, to promote cycle use and to ensure that the appropriate opportunities for sustainable transport modes have been taken up.

Condition 27

The development hereby permitted shall not be occupied until the vehicular parking and turning facilities including EV charging facilities have been provided in accordance with the submitted plans drawing no(s) SK04 rev A and SK02 rev B, and those facilities shall be maintained available for those purposes thereafter.

Reason

To ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided and to promote sustainable travel and healthy communities.

Condition 28

The development hereby approved shall not be brought into use until the means of access for vehicles, pedestrians and cyclists have been constructed and completed as shown on drawing 703-FWP-APP-03 P3.

Reason

In the interest of highway safety.

Condition 29

The development hereby approved shall not be brought into use until visibility splays are provided as shown on the approved submitted plan drawing number SK02 rev B. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above carriageway level.

Reason

In the interests of highway safety.

Condition 30

Before the first use/occupation of the development hereby permitted, details of any external plant, including ventilations facilities, air conditioning equipment and their noise generation levels, and any noise attenuation measures shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall demonstrate that the cumulative assessment level (excess of rating level over background level (LA90) level of sound emitted from any fixed plant or machinery associated with the development shall not exceed 0dBA. All measurements shall be made in accordance with the methodology of BS 4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound. Only external plant in accordance with the approved details shall be provided on the site.

Reason

To ensure there is no detrimental noise effects upon the amenities of the area or nearby properties

Condition 31

Before the first use/occupation of the development hereby permitted, details of the arrangements for internal air extraction, odour control, fume control, noise control and discharge to atmosphere from cooking operations, including a maintenance schedule for all equipment, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed in their entirety before the use hereby permitted is commenced, shall thereafter be maintained in accordance with the maintenance schedule(s) and shall be operated at all times when cooking is being carried out.

Reason

To prevent unacceptable odour or noise pollution

Condition 32

No work above floor plate level shall be carried out until samples of the external materials proposed to be used including full details of the proposed photovoltaic panels and associated equipment have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason

To ensure that materials are in keeping with the surrounding area and to provide for high quality design.

Condition 33

Prior to the commencement of the use hereby permitted, the measures to reduce the buildings CO2 emissions recommended in the Energy and Sustainability Statement dated February 2023 shall be implemented and thereafter maintained for the duration of the use.

Reason

In the interest of sustainability.

Condition 34

No development shall take place until details of the proposed timescale for commencement and completion of Phase two of the development has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved timescale.

Reason

To ensure that the scheme is completed and provides sufficient benefit to the development of sport.

Condition 35

The development hereby permitted shall not be open to customers outside the hours of 08.00 to 22.00 with the site vacated and closed between the hours of 23.00 to 08.00 on any day.

Reason

To protect the noise climate and amenity of local residents.

Condition 36

The external floodlighting hereby permitted shall not be operated on the premises outside the hours of 08.00 to 22.00 on any day.

Reason

To ensure the proposed development does not have an adverse effect on the character and appearance of the area or the amenities of nearby properties.

Condition 37

During the construction phase (including demolition and preparatory groundworks), no machinery shall be operated, no process shall be carried out and no deliveries shall be taken at or dispatched from the site outside the following times: Monday-Friday 8.00 am-6.00pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.

Reason

To protect the noise climate and amenity of local residents.

Condition 38

The construction phase for the development hereby approved shall comply with the measures set out in the submitted Employment and Skills Plan.

Reason

In the interests of delivering local employment and skills training opportunities.

Notes**Note 1**

The details of the arrangements for internal air extraction, odour control, noise control and discharge to atmosphere from cooking operations required by condition 31 shall include an assessment using the principles of EMAQ's Guidance on the 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems' (EMAQ, 2018)

Note 2

It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to "respecting the community" this says:

Constructors should give utmost consideration to their impact on neighbours and the public

- Informing, respecting and showing courtesy to those affected by the work;
- Minimising the impact of deliveries, parking and work on the public highway;
- Contributing to and supporting the local community and economy; and
- Working to create a positive and enduring impression and promoting the Code.

The CEMP should clearly identify how the principal contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service

Level Agreement for responding to said issues.

Contractors should ensure that courtesy boards are provided, and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties. This does not offer any relief to obligations under existing Legislation.

Note 3

The development hereby approved, and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authorities Network Management Team at Network&TrafficManagement@gloucestershire.gov.uk before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.

Note 4

You are advised that a Traffic Regulation Order (TRO) is required. You must submit a plan to scale of an indicative scheme for a TRO, along with timescales for commencement and completion of the development. Please be aware that the statutory TRO process is not straightforward; involving advertisement and consultation of the proposal(s).

You should expect a minimum of six months to elapse between the Highway Authority's TRO Team confirming that it has all the information necessary to enable it to proceed and the TRO being advertised. You will not be permitted to implement the TRO measures until the TRO has been sealed, and we cannot always guarantee the outcome of the process.

We cannot begin the TRO process until the appropriate fee has been received. To arrange for a TRO to be processed contact the Highway Authority's Legal Agreements Development Management Team at highwaylegalagreements@gloucestershire.gov.

The cost of implementing any lining, signing or resurfacing required by the TRO is separate to the TRO fees, which solely cover the administration required to prepare, consult, amend and seal the TRO.

Note 5

The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out.

Contact the Highway Authority's Legal Agreements Development Management Team at highwaylegalagreements@gloucestershire.gov.uk allowing sufficient time for the preparation and signing of the Agreement. You will be required

to pay fees to cover the Councils costs in undertaking the following actions:

Drafting the Agreement

A Monitoring Fee

Approving the highway details

Inspecting the highway works

Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured, and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.

Note 6

If there are trees in neighbouring properties that could be affected by the proposed development. In the interest of good neighbour relationships, it would be helpful to consult with your neighbour on the proposed works if you have not already done so. Care will be required to minimise damage to the trees through the development activities such as ground compaction and root severance. You have a legal duty to exercise reasonable care in carrying out any works that may impact adjacent trees. The future impact of the trees in neighbouring properties upon the proposed properties should also be considered particularly in terms of shading impacts and the potential for tree root related subsidence damage. Further information is available on [Guide-to-Trees-and-the-Law](#)

Person to Contact: Caroline Townley (396780)

IMPORTANT

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- All dimensions to be checked on site
- Positions of existing services to be confirmed prior to proceeding



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REVISION	DATE	DESCRIPTION
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CLIENT
**BLACKBRIDGE CHARITABLE COMMUNITY
BENEFIT SOCIETY**

PROJECT
BLACKBRIDGE COMMUNITY & SPORTS HUB

DRAWING TITLE
SITE LOCATION PLAN

SCALE	DATE	DRAWN	CHECKED
1:2500 @ A3	JAN '23	CS	BG

DRG NO.	REVISION
7034-FWP-APP_01	P1

fwp

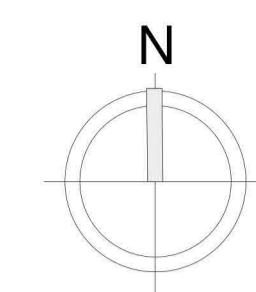
FWP
BASIL CHAMBERS (Suite 1D)
MANCHESTER M14 4FS

www.fwpgroup.co.uk

Frank Whittle Partnership Limited

SITE LOCATION PLAN
[Scale = 1:2500 @ A3]

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- All dimensions to be checked on site
- Positions of existing services to be confirmed prior to proceeding

REVISION STATUS

S Information issued for feasibility or scheme design
 T Information issued for tender purposes only
 C Information issued for Construction
 NB: Only those drawings containing a C revision to be used for construction

NOTES

— Planning Permission Application Boundary

Link route from Poplar Close for pedestrians, cycles & emergency access only, controlled by barrier / gate

10No. Residents' parking bays

Rugby Football Ground (Old Cryptians RFC)

Path from track - outside car park leading to building / store

Sports Ground

Allotment Gardens

Artificial Turf Pitch

Natural Turf Pitch

Natural Turf Pitch

Residential development subject to separate Planning Application

Playing Fields

Link to shared footway / cycleway

MAIN CAR PARKING:-

- Standard spaces = 71 No.
- Electric Vehicle charging point spaces = 9 No.
- Accessible spaces = 6 No.
- Total = 86 No. spaces**

RESIDENTS' PARKING:-

- 10 No. spaces

MOTORCYCLE PARKING:-

- 10 No. spaces

BICYCLE STORAGE:-

- 24 No. spaces

REVISION	DATE	DESCRIPTION

CLIENT
BLACKBRIDGE CHARITABLE COMMUNITY BENEFIT SOCIETY

PROJECT
BLACKBRIDGE COMMUNITY & SPORTS HUB

DRAWING TITLE
PROPOSED SITE LAYOUT

SCALE	DATE	DRAWN	CHECKED
1:1000 @ A1	JAN '22	CS	BG

DRG NO.	REVISION
7034-FWP-APP_03	P3

PROPOSED SITE LAYOUT
[Scale = 1:1000 @ A1]

fwp

FWP
 BASIL CHAMBERS (Suite 1D)
 65 HIGH STREET
 MANCHESTER, M14 1FS

www.fwpgroup.co.uk
 Frank Whittle Partnership Group

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Blackbridge Committee



Planning Ref: 23/00103/FUL

To Whom it May Concern

As a committee representing the local community who live near or who regularly use the Blackbridge field (665 people have signed a petition which has been given to the Planning Department by a member of the Committee 15.3.23), we are writing with our objections as follows:

- **Consultation**

Re: Statement of Community Involvement.

Most of the local population did not know of the proposals to develop the site until the summer of 2022 and after the second consultation had closed. 60 feedback forms were returned. The majority of people were against the development. The majority of people not expressing a view one way or the other should not be concluded that they are in favour of the development. No further surveys have been carried out despite it being clear that most people are not in favour of the development. The proposal is within a corner of Podsmead, other areas that surround Blackbridge were not consulted at all despite being closer than much of Podsmead.

- **Cover Letter accompanying the application**

The cover letter accompanying the planning application requests that the development is broken down into 2 phases and states that the second phase will only occur if adequate funds are available. Phase 2 of the development is the only part of this development which preserves and enhances the current uses of Blackbridge field. The 3G pitch proposed is on the site of a natural football pitch currently in use. Whilst we oppose the 3G pitch entirely, if it is to go ahead then we believe that 'Phase 2 should be completed first, and only then should phase 1 be allowed to commence.

Reason: to ensure that current community sports use of the site is preserved.

- **Traffic**

It is stated in the application form that the hours of opening are unknown, we therefore fail to see how the Transport Statement can accurately assess the impacts of the development.

There are 86 parking places, which means all these vehicles need to drive down Laburnum Road twice per visit so two traffic movements per person. Some vehicles will be dropping off and picking up which equates to 4 traffic movements per person.

This will not occur by some formula as used in the Transport Statement, but instead be concentrated around the start and end of matches held on the pitches and also around events and closing times of the hub. None of this is dealt with sufficiently within the Transport Statement.

The road is not wide enough for the amount of extra traffic, especially at a time when one match is ending and another beginning.

Podsmead Road is already busy especially at the start and end of the Crypt School day.

The junction from Laburnum Road onto Podsmead Road will be dangerous with extra traffic.

There is no pedestrian crossing for Tuffley Park, which will be especially dangerous for children using the play area.

The extra traffic will lead to an increase in vehicle emissions, particularly down by the play area whilst vehicles wait to join Podsmead Rd.

- **Noise Pollution**

It is stated in the application form that the hours of opening are unknown, we therefore fail to see how the Noise Assessment can accurately represent the impacts of the development.

The current noise survey is sub-standard and fails to recognise the cumulative noise impact that the development will have upon the local residents. The background readings taken near these residences have been checked and we agree that they are around 40 to 42dB on an evening, however, it is non-intrusive white noise of distant traffic creating this.

The 3G pitch has been assessed on its own as though it operates in a separate time and space to the hub, the car park and the road traffic. Wherever the numbers have been too high mitigation has been suggested such as not using whistles or using fences that will cushion ball impacts. It is unclear how a game of football can take place when the rules are written around the blowing of a whistle. We have attempted to find out how this would work and have not found any references to football games being played without a whistle. It is also unclear if any of these mitigating measures will be acted upon or will be written into the planning permission.

A 3G pitch was built in Welwyn Garden City by the local council, the noise complaints that it generated due to shouting, swearing and whistles etc. led the Councils own Environmental department to prohibit its use. The same is likely to happen here resulting in a white elephant of a sports facility built on currently cherished land.

The assessment of parking at the hub is far from reality, it appears to be based on one car at a place of work rather than dozens of excitable young people having just played

a game departing en masse. Councillors need to go to St Peters School between 21:30 and 22:00 on Tuesday to get a true picture of potential levels. We purchased a calibrated decibel metre and took readings whilst players arrived at St Peters, at a distance representative of the hub carpark to the nearest residences. Background levels were similar to Blackbridge, however we had many peak readings over 70dB a couple over 80dB, one of 85.5dB in half an hour. The players at these matches are generally young men who like to announce their arrival in their cars and vocalise everything at maximum volume. Whilst we are not saying ours is a thorough assessment, it demonstrates the shortcomings of the noise assessment within the application.

We could find no supplementary planning guidance for Gloucester for noise and carparks. Ealing's SPG 10 does provide guidance on the subject and states:

Breakout of impulsive noise from patrons and associated vehicles and delivery vehicles (other than those vehicles falling within the remit of BS4142) – Criteria for sleeping and resting. LAmax,1hr (fast response) noise level for [car engine starting] [manoeuvring] [door slams] [[other], shall not to exceed the following criteria:-

55 dBA at 3.5 m from the nearest façade of the nearest affected dwelling during the period 1900 to 0700 hrs, where greater than 15 noise events are predicted during the period and/or low background noise levels prevail, a combination of noise and vibration is produced and sources with significant low frequency content are present.

We believe that given the proximity of the car park and Hub to housing, in combination with the noise from the pitch, that there is no way the noise will be kept lower than 60dBA at 3.5m from the nearest dwelling.

We believe that the full noise impact of this development will have a **Significant Observed Adverse Effect Level** during the hours of operation, given the current quiet nature of the area. The houses nearest to the Hub, Road and pitch will have prolonged intense periods of noise from all 3 sources at once that will extend late into the evening/night until all people have changed and departed.

• **Light Pollution**

We were assured that lighting for the pitch would be low level. In the plans the floodlights are 15 metres tall.

The development will lead to the loss of one of the only dark skies in the city area which goes against the agenda for the All Party Parliamentary Group For Dark Skies.

Loss of public view: Floodlighting will ruin the sunset views and the views of Robinswood Hill. In the summer there are often many people sat on the area now proposed for housing waiting for the sun to set. This vantage point must be one of the best accessible spaces for this view in the city and should not be spoilt with lighting masts.

The 15 metre pitch flood lighting and lights from the building and car park, will adversely affect the bat population which feed on the insects that are in the natural

grass in the summertime. This will further compound the loss of insects for the bats as no insect lives on plastic and rubber crumb.

- **3G Pitch (see attached report)** *already emailed*

As a committee we have done extensive research on 3G pitches from scientific papers rather than pressure group objections. We have not spoken to anyone in the local community who is in favour of the 3G pitch and indeed it goes against Gloucester City Council's Policy of Sustainability.

- **Existing Plan**

This is misleading as it does not show the existing the football pitches that are already there and in use. The new plans propose to take these away. These are currently used by local football clubs and the Rugby club, benefitting local children.

- **Wildlife**

On the planning application, the applicant has stated there are no protected species, either on or surrounding the site. This is contrary to the Ecological Appraisal Document with the application.

- **Balancing Ponds and Safety**

The proposed balancing ponds and drainage assessment does not take account of the proposal for residential housing despite the proposal for residential housing using the same balancing ponds for the required SuDs. Should both proposals go ahead then much larger balancing ponds (Hydrological brakes) would be required. It would have been less deceptive to have included the two proposals in a single planning application so that the true impact of the combined scheme was apparent to the public and planners.

Balancing ponds according to RoSPA should not be located near play areas unless they are fenced or have other mitigating measures. This will lead to the effective loss of the area to the public or be a risk to children who have previously played safely in this area.

We have been informed verbally by a Councillor that the balancing ponds will not be fenced in.

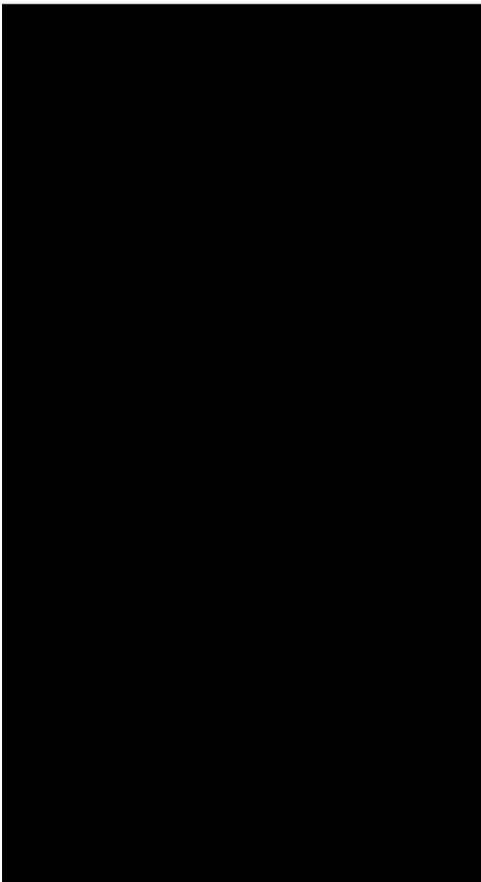
- **Anti-social behaviour**

Litter is always a problem at sports venues and this will get worse. Currently the small amount of litter is not picked up. Locals are worried about out of hour drug taking, noisy behaviour and car/moped movements.

To conclude, the local population are not in favour of this development for the above reasons.

They would like the field to remain a natural open green space so it can be used as they are currently using it. There are many more environmentally beneficial, lower cost ways it could be enhanced with more tree planting and wildlife meadows for example, which would be of benefit to ALL. This development will be taking away an irreplaceable asset from the local Community and imposing it with an unwanted and unsustainable alternative.

Committee Member Signatories:



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GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

Address/Location:	Land at Snow Capel, Winnycroft Lane, Gloucester
Application No:	22/00519/FUL
Ward:	Matson, Robinswood & White City
Expiry Date:	
Proposal:	Residential development of 180 no. dwellings (Class C3); vehicular, pedestrian and cycle access from Winnycroft Lane; public open space and landscaping; drainage attenuation, acoustic barrier and other associated works (Environmental Impact Assessment development).
Report by:	David Millinship

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 Site description

The application site is located at the eastern fringe of the city within the Matson, Robinswood and White City ward. It is located approximately 200m to the south of the built up area of Matson. It comprises approximately 8ha of greenfield land currently in use as grazing pasture. The site is wholly located within Flood Zone 1, the area at lowest risk of river flooding. The site is not within a Conservation Area and there are no Tree Protection Orders (TPOs) in place within or adjacent to the site.

1.2 To the immediate northeast of the site is a residential development (Winnycroft Farm), allocated under the Joint Core Strategy (JCS) for the provision of at least 620 new homes along with new roads, landscaped areas and public open space. At the time of writing, the scheme is under construction by Barratt Homes. To the southeast, the motorway (M5) comprises the site boundary (also forming the city council's administrative boundary). To the west the site is bounded by the public highway at Winnycroft Lane. A small cluster of residential dwellings and farm buildings are located directly south.

1.3 Vehicular access to the site is currently via two gated field accesses from Winnycroft Lane, both crossing a watercourse. Public Footpaths cross the site (County numbered EUL23 and EUL24) linking into the Winnycroft Farm residential development and further to the north-east to the Cotswolds via a motorway footbridge. Footpath no. EUL23 comprises part of the Glevum Way, a long-distance walking route.

1.4 The Scheduled Ancient Monument (SAM - UID 1019399 '*Moated site at Sneedham's Green, 220m northeast of Green Farm*') lies entirely within the boundary of the application site. The SAM consists of a sub-rectangular moat enclosing an island which measures approximately 66m by 42m, orientated north-south. Approximately 500m to the northeast of the site are three Grade II listed buildings associated with Winnycroft Farmhouse. The built form of the Winnycroft residential development will occupy the land between the application site and the listed buildings.

1.5 Ground level across the site raises from west to east, towards the south-eastern boundary (M5). At the western boundary the site is lower, level with the public highway at Winnycroft Lane. The existing vehicular accesses into the site cross a watercourse and common land

highway verge before meeting the vehicular carriageway. To the west of Winnycroft Lane is Sneedhams Green, an area of common land likely dating back to the medieval period. The Cotswold escarpment (land partly within the Cotswolds AONB) rises to the east of the M5 with Robinswood Hill rising to the east.

- 1.6 Whilst there are no previous planning application, the site has history as a promoted land allocation, put forward to be included as a housing land allocation for both the JCS and GCP. Most recently put forward for allocation through the GCP drafting process (ref: 06NEW17) and was considered within the Strategic Assessment Land Availability (SALA – Sept 2019). In terms of the sustainability of the location there was some concern over the site lacking ‘good access’ to local services, a range of which are able to be accessed within 1-2km of the site. There was also some highways concern that development of the site may struggle to ensure that sustainable modes of transport are taken up, due to the relative remoteness of the site from the existing urban form and public transport routes. The major concern was the expected impact on the SAM and the LPA held to the view that the site is not suitable on Heritage grounds.

1.7 **Development Proposal**

The proposal seeks the construction of 180 dwellings providing a mixture of 76% affordable housing with the remaining 24% provided as open market units. The built form of the development would wrap around the SAM to the north, east and south with the area to the west of the SAM (between the SAM and Winnycroft Lane) kept open as an area of managed environmental space. The scheme would also deliver SuDS features (to manage surface water), new highways and footpaths (notably upgraded pedestrian and cycling links into the Winnycroft Farm site and creation of a protected footpath running along the western boundary of the site) and creation of an acoustic bund between the new dwellings and M5.

2.0 **SITE HISTORY**

Reference Number	Description	Decision
17/00533/EIA	EIA Screening Opinion for Residential Development of 200 Dwellings	EIA Development (Screening Opinion Issued)

3.0 **RELEVANT PLANNING POLICY**

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

3.2 **National guidance**

National Planning Policy Framework (NPPF), Planning Practice Guidance (NPPG) and National Design Guide (NDG)

3.3 **Development Plan**

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

Relevant policies from the JCS include:

- SP1 – The need for new development;
- SP2 – Distribution of new development;
- SD3 – Sustainable design and construction;

SD4 – Design requirements;
SD6 – Landscape;
SD7 – The Cotswolds Area of Outstanding Natural Beauty (AONB);
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 **Gloucester City Plan (Adopted January 2023) (GCP)**

Relevant policies from the GCP are:

A1 – Effective and efficient use of housing, land and buildings;
A3 – Estate Regeneration;
A6 – Accessible and Adaptable Homes;
B1 – Employment and Skills Plans;
C1 – Active Design and Accessibility;
C3 – Public open space, playing fields and sports facilities;
C5 – Air Quality;
D1 – Historic environment;
D3 – Recording and advancing understanding of heritage assets;
E1 – Biodiversity and geodiversity;
E3 – Green/blue infrastructure;
E4 – Flooding, sustainable drainage, and wastewater;
E6 – Development affecting Cotswold Beechwoods Special Area of Conservation;
F1 – Materials and finishes;
F2 – Landscape and planting;
F3 – Community Safety;
F6 – Nationally Described Space Standards;
G1 – Sustainable transport and parking;
G2 – Cycling;
G3 – Walking;
G4 – Broadband connectivity;
G6 – Water efficiency.

3.5 **City of Gloucester Local Plan (Adopted 14 September 1983)**

The statutory Development Plan for Gloucester includes the partially saved 1983 City of Gloucester Local Plan. Paragraph 215 of the NPPF states that '*...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.*' The majority of the policies in the 1983 Local Plan are out-of-date and superseded by later planning policy including the NPPF and the Joint Core Strategy. None of the saved policies are considered relevant to the consideration of this application.

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

3.7 **Supplementary Planning Guidance/Third-party Guidance**

- GCC, CBC and TBC – *Joint Core Strategy Landscape Characterisation Assessment and Sensitivity Analysis*;
- Gloucester City Council – *Open Space Strategy 2021-2026*;
- Gloucester City Council – *New Housing and Open Space*;
- Historic England – *GPA2: Managing Significance in Decision-Taking in the Historic Environment*;
- Historic England – *GPA3: The Setting of Heritage Assets (2nd Ed.)*.

3.8 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**

Responses received to the application consultations have been summarised by the case officer as follows (the full responses are available by request from the case officer).

4.1 **Archaeologist (Gloucester City Council) Objection.**

The proposals outlined in this application are contrary to the requirements of the NPPF, the JCS and the GCP. The applicant has submitted a scheme without convincing consideration of its impact on the nationally important heritage asset situated within the middle of the site.

If granted consent, the scheme will fundamentally damage the significance of the monument and entirely remove it's setting. Furthermore, the scheme will take a monument which is currently in good and sustainable condition and leave it requiring ongoing management and protection for as long as the residential development exists.

There are no aspects of this scheme which can be considered positive from a heritage point of view nor does the scheme include elements intended to protect or enhance the heritage of the city.

It is not considered there are public benefits to heritage from these proposals.

4.2 **Historic England Objection.**

The proposed development on this site will impact on the significance of the highly designated heritage asset through a change in its setting. That impact causes harm to the significance of the highly designated heritage asset. That harm is at the higher end of less than substantial. Any harm to the highly designated heritage asset requires clear and

convincing justification and public benefits to outweigh that harm. In this case, Historic England do not think there is clear and convincing justification or any public benefits to outweigh the harm.

The harm is less than substantial in the language of the NPPF, but this is a heritage asset of the highest significance, and as such great weight should be given to its conservation.

**4.3 Air Quality Consultant (Worcester Regulatory Services)
No objection.**

The proposed location is in a rural area, however, there are large residential developments proposed adjacent to the site, therefore an air quality assessment is recommended to assess the cumulative impacts on air quality. This can be secured by a pre-commencement planning condition.

**4.4 Cotswolds Conservation Board
Objection.**

The CCB consider that the proposal would have at least 'moderate' (adverse) impacts on views towards the Cotswolds escarpment. These adverse effects on the setting of the National Landscape would potentially be significant in EIA terms. There is also concern that the development could impact on the tranquillity and dark skies of the AONB as the applicant's assessment has failed to take these matters into account. The proposal is contrary to paragraph 176 of the NPPF, policy SD7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy and policies CE1, CE4, CE5 and CE10 of the AONB Management Plan.

**4.5 Developer Contributions Investment Team (Gloucestershire County Council)
No objection.**

Subject to a s.106 agreement to secure financial contributions towards primary and secondary (aged 11-16) education and libraries.

**4.6 Drainage Engineer (Gloucester City Council)
Objection.**

The principle of the revised surface water strategy is considered to be acceptable. However, the level of detail is currently substandard and further information is required.

**4.7 Ecology Consultant (Wildspace)
No objection.**

Subject to conditions to ensure the development is completed and maintained in accordance with the approved landscaping and ecological management details and to ensure that appropriate mitigation measures are secured against potential harm to Great Crested Newts.

**4.8 Gloucester Ramblers
No objection.**

No objection subject to the Public Rights of Way being legally diverted as indicated on the plans. It is hoped that links with adjacent Public Rights of Way can be maintained during the construction period.

4.9 Housing Strategy (Gloucester City Council)

No objection.

The development would provide much needed social rent homes and larger Family Housing both for the city and the adjacent estate of Matson, delivering considerable social value. The development for 180 homes could also sustain and help improve the local neighbourhood centre. The range of homes offered complies with JCS policy SD11 and will create a mixed and balanced community.

The application exceeds the requirements of A6 of the City Plan by achieving 100% M4(2) standard on site and over delivers on the number of M4(3) homes standard, which adds substantial value and meets the need for accessible and adaptable homes.

The application achieves 60% compliance with NDSS, this under performance has occurred as result of the applicant redesigning layouts; doing so to achieve a higher proportion of double bedroom standard for the socially rented homes. The double occupancy homes reach between 91% and 94% performance against NDSS.

HPST are aware that these significant social value benefits of much needed Affordable Housing and larger family homes does need to be set against the impact on the heritage of the site, and how far the reduction in quantum goes to addressing heritage impact.

4.10 **Lead Local Planning Authority (Gloucestershire County Council)**
No objection.

Subject to conditions.

4.11 **Local Highway Authority (Gloucestershire County Council)**
No objection.

Subject to conditions and a S.106 agreement to secure off-site improvement works to public footpath and cycling links into the built-up area to the north.

4.12 **Natural England**
No objection.

No comments made on the specifics of the application. The LPA is advised to engage with NE's standing advice (and internal consultees) with regards to the best and most versatile agricultural land, landscape and ecology matters.

4.13 **Public Open Space Consultant (Forest and Vale)**
No response.

Initial queries relating to the potential for the proposed POS to be adopted (and if so what uses it may be able to accommodate) were received.

At the time of writing no formal response has been received.

4.14 **Public Rights of Way (Gloucestershire County Council)**
No objection.

No objection in principle to the proposed redirection of the public rights of way (PROWs) crossing the site providing. Advice given to ensure the PROWs are maintained and protected during the construction phase and that the correct consents are sought from the county council.

4.15 **Waste Team (Gloucester City Council)**

No objection.

Design advice provided, but no objection to the scheme was made.

4.16 Worcestershire Regulatory Services (Contaminated Land) No objection.

Some initial queries over the need for certain plots to require mitigation against ground gases. Following some clarification no further objections/queries were received. Conditions required to secure implementation of the applicant's recommendations.

4.17 Worcestershire Regulatory Services (Noise) No objection.

Subject to conditions to secure additional technical details (glazing, ventilation and acoustic barrier) and the implementation of the applicant's recommendations.

5.0 PUBLICITY AND REPRESENTATIONS

5.1 Neighbouring properties were notified and press and site notices were published.

5.2 Eight letters of objection were received (including a response from the Open Space Society) in response to the public consultation. Objections have been summarised as follows:

- The site has a scheduled ancient monument that should be protected;
- The development will cause harm to wildlife that use the site;
- The development will cause harm to neighbouring residential amenities due to noise, anti-social behaviour, disruption during construction and increased vehicle numbers in the area;
- Winnycroft Lane is already an unsafe, national speed limit highway and does not have the capacity to accept more vehicle usage, this housing estate (combined with Winnycroft Farm development) will cause congestion and will adversely impact on highway safety along Winnycroft Lane through to Painswick Road;
- The proposal to create a footway along Winnycroft Lane is unrealistic as the applicant would require consent from the Secretary of State to make changes to the common and as well as securing easements from the city council;
- The development would have significant negative impact on the adjacent commons land by the creation of a new vehicular access to serve the estate and changes to the two footpath accesses from the common. As such these works are harmful to the common and will interfere with the exercise of commoners rights on the common and the current development proposals do not include the provision of replacement common land for that lost by way of the new accesses.
- Local public services (GP surgery and schools) are already overstretched. This will be made worse by this proposal particularly in combination with the Winnycroft Farm;
- The site has never been considered to be suitable for development and nothing has changed.

Other non-planning matters were also detailed.

One letter of support was received from the Together in Matson community group, summarised as follows:

- There is a lack of adequate housing in the community that exacerbates problems with residents physical and mental health;

- The provision of 75% affordable housing development within a 5 min walk of the Redwell Centre will be an asset and Together in Matson would be able to offer support and activities for the residents;
- The provision of a large area of public open space around the historic moat provides the community group with an opportunity to work in partnership with the developer to engage young people and families in a Heritage Community Engagement Group.

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

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

6.0 OFFICER OPINION

6.1 Legislative background

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

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

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

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

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

- Principle;
- Historic environment;
- Housing need and location;
- Traffic and transport;
- Residential amenity;
- Drainage and flood risk;
- Open Space, Recreation, Education and Community Facilities;
- Economic considerations;
- Planning obligations.

7.0 **Principle of development**

The NPPF requires local planning authorities to demonstrate a 5 Year Housing Land Supply, with an appropriate buffer, against the relevant housing requirement. 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)

The NPPF sets out that there will be a presumption in favour of Sustainable Development. For decision-taking this means: approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. *the application of policies in this Framework that protect areas or assets of particular*

importance provides a clear reason for refusing the development proposed; or
ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The NPPF clarifies that: ‘out-of-date policies include, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer..).’ At the time of writing, the Council is not able to demonstrate a 5 year housing land supply.

Footnote 7 of the NPPF clarifies that section d(i) of paragraph 11 of the NPPF is not applied where policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. In this instance the site contains irreplaceable habitats and a designated heritage assets.

As the development would have an impact upon a designated heritage asset and potentially a habitat site for Great Crested Newts, the proposal has been assessed against the policies within Chapters 15 and 16 of the NPPF and for the reasons set out in this report it is considered that the tilted balance is not engaged and the planning balance is carried out having regard to the statutory test in section 38(6) of the 2004 Act.

The spatial strategy set out in the JCS seeks to direct new development to the most sustainable locations within the plan area. The need for approximately 14,400 new homes to serve Gloucester is expected to be delivered through existing commitments, new development within the existing urban area, district plan allocations and urban extensions on allocated sites.

Policy SP2 states that:

To meet the needs of Gloucester City the JCS will make provision for at least 14,359 new homes. At least 13,287 dwellings will be provided within the Gloucester City administrative boundary, including the Winnycroft Strategic Allocation, and urban extensions at Innsworth and Twigworth, South Churchdown and North Brockworth within Tewkesbury Borough defined in Policy SA1, and sites covered by any Memoranda of Agreement.

In addition to the overall JCS strategy, policy SD10 establishes that, on sites that are not allocated, housing development will be permitted on previously developed land in the existing built-up areas of Gloucester City, or by meeting one of the following exceptions:

- i. It is for affordable housing on a rural exception site in accordance with Policy SD12, or*
- ii. It is infilling within the existing built up areas of the City of Gloucester, the Principal Urban Area of Cheltenham or Tewkesbury Borough’s towns and villages except where otherwise restricted by policies within district plans, or*
- iii. It is brought forward through Community Right to Build Orders, or*
- iv. There are other specific exceptions/circumstances defined in district or neighbourhood plans*

In this case, the site is not allocated through either the JCS or GCP. The site was considered through the site allocations processes of both plans. Due to heritage concerns, the presence of the SAM within the site, and the location of the site (located outside of the urban boundary with poor access to local services) the site was not included as an allocated site. It would provide 75% of the units as affordable housing but, is too large in scale and is proposed as an extension to the urban area of Gloucester City so is not considered to meet the rural exceptions set out within NPPF para 80 or JCS policy SD12.

GCP policy A1 is also partly relevant to the broad principle of the development, supporting new residential development where it would not prejudice the potential for the comprehensive development of adjacent Land. In this case, the application site is a relatively enclosed space with no obvious through access to any other land/sites with potential to undergo any future development. As such, there is no evidence to consider that the proposal would prejudice the development of any adjacent land.

8.0 **Heritage considerations**

8.1 At a national policy level, para. 199 of the NPPF states that:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

8.2 The Scheduled Ancient Monument (SAM - UID 1019399 'Moated site at Sneedham's Green, 220m northeast of Green Farm') lies entirely within the boundary of the application site. First designated in 1951, the SAM consists of a sub-rectangular moat enclosing an island which measures approximately 66m by 42m, orientated north-south. The moat is 14m wide at its widest point, 8m at its narrowest and up to 1.5m deep. Cropmarks on aerial photographs indicate that the east arm of the moat formerly extended a further 42m south and incorporated a causeway in the centre of the arm. As a Scheduled Ancient Monument (SAM) the moated site is recognised as being of national importance by the Secretary of State¹.

8.3 The proposed development would wrap around three sides of the SAM so there would clearly be impacts (visible and potentially unseen) on this nationally important heritage asset. However, to first understand how the development could impact upon the conservation of the moated site and the level of any expected impacts (and potential to mitigate against them), it is first pertinent to consider what characteristics of the asset and its setting may (or may not) contribute to its significance.

8.4 Historic England advises that the significance of a heritage asset is derived from a number of factors and, understanding the nature of the significance is important to understanding the need for and best means of conservation. For example, a modern building of high architectural interest will have quite different sensitivities from an archaeological site where the interest arises from the possibility of gaining new understanding of the past.²

8.5 The NPPF states that:

In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

Consideration of this application has been informed by a number of investigations (undertaken by the applicant) which the city council's Archaeologist (CCA) considers, in addition to the information available within the Historic Environment Record (HER), provides a sufficient level of information to enable determination of the application. The submitted reports include:

¹ Under the provisions of Section 1(3) of the Ancient Monuments and Archaeological Areas Act 1979 (as amended).

² Historic Environment Good Practice Advice in Planning: 2 - *Managing Significance in Decision-Taking in the Historic Environment* (Historic England July 2015).

- An archaeological and heritage desk-based assessment (EDP 2022);
- A geophysical survey (GSB Prospection 2017);
- An archaeological trial trench evaluation (Headland Archaeology 2021);
- A geoarchaeological borehole survey (ARCA 2022); and
- Heritage Management Plan – Rev.B (April 2023).

Significance of the moated site

- 8.6 A medieval moated site is a distinct form of medieval rural settlement of which about 6000 examples are known in England. They can be found in isolation or in association with an adjacent settlement. They are often the sites of manor houses, high status farms or similar. The moats themselves are generally not defensive structures, although they were likely to have been intended to provide both privacy and security, but they tended to be expressions of status and were often integral to local water management. An example to the north of Gloucester, at Over, was an Abbot's hunting lodge and retreat.
- 8.7 The city council's Archaeologist has advised that the moat at Sneedham's Green would originally have been built around a complex of buildings – these would normally have formed a courtyard and the site would have been accessed via a bridge. The purpose of these buildings cannot be categorically confirmed but, historic sources refer to the Manors of Matson and Sneedham (both were granted to Gloucester Abbey in 1470). Matson has its own moated site about 1.5km to the north and it seems likely that the Sneedham's Green moated site was the seat for the Manor of Sneedham. Abbey records mention the 'De Snedham' family and at least one historian has claimed the moated site as their residence.
- 8.8 A historic map dating from 1624 depicts both Matson and 'Sneadham' and it may be that the manor house itself is depicted. The first really accurate map dates from the late 19th century and in this the monument is shown as an earthwork – the southern part of which forms part of a field boundary. Aerial photographic evidence from Historic England's national mapping project (which used aerial photos from as early as the 1940s) shows that the monument on its northern side was respected by, and integrated into, a medieval 'ridge and furrow' field system – which is very common with medieval moated sites.
- 8.9 Obviously, no buildings survive today, but evidence of stone structures may have been identified during the geo-archaeological borehole survey. So, walls, foundations or footings may survive below ground within the monument. What is visible above ground is the moat itself, which survives as an earthwork, retaining water in places. In the 1950s, during construction of the M5 motorway, spoil from the construction works appears to have been dumped on the application site, particularly areas to the south and east of the moat where ground levels were raised notably. The works also caused the destruction of the medieval ridge and furrow system with the moat itself at least partly infilled with spoil deposits. This is evidenced by the desk-based assessment and also by the evaluation and borehole survey.
- 8.10 The borehole survey was undertaken following initial concerns from the CCA and Historic England (HE) that historic organic matter surviving within the moat could be damaged or destroyed as a result of the adjacent development. The results of the survey confirmed that no organic matter of any particular note remained within the moat, so it was accepted there was very little potential for any indirect impact on the physical features or archaeological deposits within the SAM to occur.
- 8.11 The evidence in the borehole survey only identified a date of the late C17th (at the earliest) for the deposits present in the moat which has led the applicant to question whether the moat is medieval in origin. There is no dispute with the results of the borehole survey, in terms of the material able to be dated. However, the evidence presented is unlikely to be unreliable in terms of accurately dating the moated site. The CCA has discussed the results of the borehole survey with HE and has commented as follows:

Water management systems (such as the moat) are often regularly maintained and cleaned out. It is therefore quite possible that the earliest available datable material will date from the start of the monument's disuse rather than its active use.

We know that the moat was infilled as part of the extensive groundworks undertaken in the 1950s as part of the M5 construction – there is therefore a high risk of contamination.

It is also of note that the eastern side of the moat, which was very different in character from the north and west, did not provide any datable material...

Whilst there is some uncertainty, in terms of the exact date of origin and historic use of the SAM, it is considered that the evidence available to the LPA reasonably suggests the moated site is medieval and the evidence submitted by the applicant does not present a compelling case to the contrary. The designated heritage asset therefore has a high level of historic interest, despite the impact of later works (notably the works associated with the motorway) that appears to have diminished the archaeological interest of the asset. The applicant has concluded that the historic interest of the site contributes considerably to its significance, with archaeological interest contributing to a lesser (moderate) degree. The LPA agrees with this conclusion.

- 8.12 The proposal does not include any works within the SAM boundary with development encroaching to within 30m of the SAM at the closest point. The land between the SAM and physical development (new houses, roads and footpaths) would be maintained as open grassland, partly given over to meadow planting with some natural SuDS features also included. Overall, I am satisfied that no harm to the remaining physical features of the SAM would occur and its historic and archaeological interest would be maintained.

Setting of the moated site

- 8.13 The setting of a heritage asset is defined within the glossary of the NPPF as:

The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

In this case, the moated site is experienced within a setting that is distinctively rural in character, particularly when viewed from within the application site, from Sneedhams Green and Winnycroft Lane to the west. It is acknowledged that the works undertaken during the latter half of the C20th have altered the landform of the wider site and the M5 in particular has had a detrimental impact upon the tranquillity of the open countryside (that would have persisted prior to its construction). However, the SAM remains set within a wide open area of grassland (the application site), framed by a mixture of open fields and woodland comprising the Cotswolds escarpment (that rises to the east) and Robinswood Hill (to the west). Whilst it is an aural detractor within the landscape, the M5 has not severed the visual link between the site and rural land to the east.

- 8.14 Similarly, the encroachment of modern urban development from the north has not substantially broken the visual link between the site, Sneedham's Green and Robinswood Hill to the west. The Winnycroft Farm development continues to encroach from the north but, the development site is broadly set across a lower land level with POS forming the southern area of the residential development (closest to the northern intervening boundary shared with the application site) and with an open field with tree and hedge-lined boundaries located

between the Winnycroft Farm POS area and Winnycroft Lane. As such, when the Winnycroft Farm development is completed, it is unexpected to be visible as a prominent feature within the immediate setting of the SAM, as the main area of built form will be set away from the application site and substantially screened by the existing tree and hedge-lined boundaries.

- 8.15 The applicant has noted that the expected change to the setting of the SAM arising from the adjacent residential development was acknowledged in GCC's evidence base for the JCS Examination, which related how the moat's setting would no longer be 'rural' and would be better described as 'urban edge'. This may be the case, within mid-to-long range views (discussed in greater detail within the landscape section of the report below) but, in terms of the setting of the SAM and how it contributes to the significance of the heritage asset, I am unable to accept this would provide any compelling justification for development within the open field surrounding the site. The applicant has further stated that the surrounding field in which the remains of the monument are experienced is neutral in terms of its heritage value, particularly due to the loss of the ridge and furrow system and alteration of site levels as a result of the M5 construction works. However, I find the land retains a distinctively rural character that frames the SAM within a setting that is experienced as open countryside. The presence of two public rights of way (PROWs) crossing the site allows some public access (although I note that the presence of public access to a heritage asset does not contribute substantially to its significance³).
- 8.16 The CCA has advised that (although modern development would encroach from the north) the moated site currently remains well-linked to existing medieval landscape features at Sneedham's Green that span the land to the north west, west and south west of the site. Again, whilst the exact date of origin of Sneedham's Green is unknown, evidence within the HER suggests it was a landscape established during the medieval period. The oval enclosure within the north of the green is without parallel and is a unique part of the landscape that, combined with the stream (skirting the western intervening boundary of the application site), Winnycroft Lane (also of medieval origin) and field boundaries to the north of the site creates a coherent historic landscape that can be understood and appreciated today and into the future. The applicant has challenged the view that these features may not all be of medieval origin, but has been unable to provide compelling evidence to the contrary.
- 8.17 In summary, it is considered the open land surrounding the SAM (within the application site) and the relationship to retained medieval landscape features at Sneedham's Green contributes positively to the significance of the SAM. The applicant describes the contribution of the surrounding field in which the remains of the monument are experienced as neutral in terms of its heritage value, neither harming it (as the monument remains can still be appreciated) nor enhancing it. However, taking into account the views of the CCA, HE and the evidence available it is considered that the retention of a distinctively rural setting within the immediate surrounding of the SAM has a positive impact upon its significance. Combined with the backdrop of irregular fields and woodland that extend to the east and west the SAM is framed by a panorama of open countryside that has not been substantially eroded by modern development and would require very little intervention to be able to persist into the future.
- 8.18 The development would wrap around three sides of the SAM, infilling the open field with a relatively high-density, distinctively suburban development. The POS buffer that would be retained around the SAM boundary would not sufficiently mitigate the impact of the development on the distinctive character of the site and the urban development would be a very prominent addition to the immediate surroundings of the nationally important heritage asset. The development would also sever the visual relationship between the open land surrounding the SAM and the wider rural landscape to the east. It is acknowledged that the

³ Page 4 - *The Setting of Heritage Assets* - Historic Environment Good Practice Advice in Planning Note 3 (Second Edition) – Historic England (December 2015).

M5 has adversely impacted upon the relationship between the application and the Cotswolds escarpment but, this impact is not considered to be severe. The proposed development would entirely remove the visual link between the SAM and rural backdrop, replacing it with a distinctly suburban backdrop. The area of POS that would be retained as open land between the western boundary of the SAM and Winnycroft Lane would not provide sufficient mitigation.

- 8.19 During the application process, there has been some discussion between the LPA and applicant over possible amendments to the site layout to attempt to reduce impact upon the setting of the SAM. The discussion primarily centred around the removal of built-form within the north-western area of the site (roughly a removal of 30-40 dwellings), to better retain the link between the SAM, openness of its setting and medieval landscape features at Sneedham's Green. The applicant has revised the site layout to provide a green buffer of approximately 11m width (increasing to approx. 24m towards the south) removing approx. 10 dwellings from the scheme.
- 8.20 It is not considered the amended site layout provides sufficient open space around the SAM to allow the CCA or HE to consider the level of harm to the significance of the moated site would be reduced. Both heritage consultees remain of the view that a 'less than substantial harm' weighed at the higher end of the scale, would arise due to the development. As a result there would be a considerable loss of significance that would occur to the nationally important heritage asset due to an almost total loss of its rural setting.

Future management of the heritage asset

- 8.21 There has been some concern over long-term impacts of the development on the SAM. It has been concluded that no direct impact would occur on the physical characteristics of the SAM as a result of the construction of the development within the setting. However, the moated site is currently stable, it is not considered to be at risk and does not require any active management in order to preserve its significance. The development will place the SAM into a situation where active management would be required as public access to the SAM would greatly increase giving rise to potential for direct and indirect impacts to occur. Such impacts would also be long-term. Presently, although the field in which the monument lies is crossed by a PRow, beyond this route the field is private farmland. Following development, the monument will be located within POS, situated within a relatively dense housing development. This arrangement will result in the monument being exposed to a far greater number of visitors than at present and the open spaces around the monument are likely to be used for informal recreational activity.
- 8.22 The applicant has considered this through their design process, including meadow/wildflower planting around the grassland areas abutting the boundary of the SAM and replacement of an historic hedge-lined field boundary to the south of the SAM. The enhanced planting would serve a twofold purpose, to enhance biodiversity and to ensure that direct public access to the moat by future occupiers of the development is somewhat restricted. Paths would be mowed in to allow some access to the SAM but, without the areas directly adjacent to it being able to be used as recreational space. The more open and accessible POS areas within the site (the local area of play – LAP, and areas where street furniture would be provided) are proposed to be located further away from the SAM. Larger above ground SuDS features would also be located sufficiently away from the SAM boundary. The SAM boundary would remain fenced in and a replacement post and rail fence would be implemented.
- 8.23 However, as the land surrounding the moat would form part of the POS provision of the scheme, there is a high likelihood that increased activity surrounding (and potentially within the SAM) will occur. The applicant has acknowledged this, stating that the POS and the SAM would remain in their ownership with groundskeeping managed by them (comprising repairs to infrastructure, vegetation management and clearance of litter). The site would be

monitored and litter picking/removal of tipped material would take place on a regular basis (or as required). The grass across the SAM will not need to be mown, but self-seeded trees and other invasive scrub vegetation will be monitored and removed as part of the general approach to groundskeeping. The existing trees and shrubs within the moat will be subject to a standard regime of grounds maintenance to ensure that they are kept healthy, with any dead material removed. This work would avoid any damage to the ground surface and whole plants or trees shall not be removed without the applicant first applying for Scheduled Monument Consent. The applicant confirms that any work to be undertaken within the SAM, with potential to require Scheduled Monument Consent will be planned and undertaken with input from a suitably qualified heritage consultant.

8.24 The applicant has also set out that an aim of their HMP is to allow the significance of the monument to be understood by a wider audience. Heritage Interpretation boards would be displayed along the mown paths and it is proposed to engage with local community groups to work with families and young people on a Heritage Community Engagement Project. Whilst these measures are welcome (in terms of the management proposals) there is little guarantee that such projects would be long-term and what the outcomes of such partnerships would be (i.e. a positive outcome would be the local community experiencing a sense of ownership of the asset and surrounding land – however this is not a guaranteed outcome).

8.25 To attempt to satisfy the LPA that long-term management can be achieved the has agreed to pay a bond of £50,000 to the LPA (to be secured by a s.106 agreement) so that the LPA is able to fund works to maintain and/or repair the SAM should the applicant fail to do so. However, whilst this gives the LPA some comfort that a short-term failsafe would exist should the applicant be unable to manage the various elements of the heritage asset preservation it does not provide a long-term solution. It is not proposed (at this stage) for the POS or the SAM to be adopted by either the LPA or by some form of heritage partnership organisation. Given that (once constructed) the proposed development would affectively be a permanent urban extension to Gloucester the LPA considers that any management plan must be able to be secured for the foreseeable future. There is sufficient doubt over the current management proposals.

Assessment of heritage impacts against public benefits

8.26 The consideration of the significance of the SAM has revealed that it is not expected that a loss of significance would occur due to the development directly impacting upon the historic or archaeological interest of the SAM. There is concern over long term impacts and the ability for the LPA to successfully secure long term management of the SAM to avoid cumulative loss of historic and archaeological interest as a result of the occupation of the development. A considerable amount of significance would be lost due to the removal of the distinctively rural setting.

8.27 *Para. 202 of 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 its optimum viable use.

It is not considered the SAM is able to be converted into any alternative, more viable, use without harm to the heritage asset being severe. The use of the moated site as POS would not be appropriate (the applicant recognises this excluding the SAM area from POS provision) and there is even concern over the use of the land abutting the SAM as POS. The potential for economic gains/securing an optimum viable use is considered to be very low given the nature of the moated site and its rural setting.

- 8.28 The applicant has set out that increasing public appreciation and local community engagement with the SAM would be a positive heritage benefit. This could be the case and may help to contribute towards supporting a more sustainable community in and around the site. Better public engagement could help to secure the management of the asset through a sense of community ownership. However, long term conservation goals would be placed in a sufficient amount of doubt (should the development take place) and whether long-term community engagement is sustainable is questionable. Wider community engagement could also be explored by the landowner without the development going ahead. Similarly, it is considered the SAM could remain in its current state without any need for active management to secure its preservation.
- 8.29 As such, I consider there is a reasonable argument that any heritage benefits generated by increased public understanding of (and more regular engagement with) the SAM are outweighed by the uncertainty that would arise from the development itself placing an ongoing need on the SAM to be actively managed into the future. It is of note that the NPPG advises that the contribution that setting makes to the significance of the heritage asset does not depend on there being public rights of way or an ability to otherwise access or experience that setting. In this case, there are PROWs running across the site so some level of public appreciation is existing. Increasing public access to the SAM (at the expense of the setting) is not considered to be beneficial. Overall, the harm that would be caused to the SAM is considerable and the heritage benefits the applicant considers would arise are neutral or potentially negative impacts in themselves.
- 8.30 There are wider public benefits to consider. The NPPF defines public benefits as anything that delivers economic, social or environmental objectives that would arise from the development. In terms of social objectives, the scheme would contribute 180 new homes towards the city's housing land supply with 75% of the units provided as affordable units. Of the affordable housing units, several would be of a type that is in very short supply within the city. The provision of the affordable units in this location also has some potential to facilitate works to regenerate parts of the Matson estate, a wider policy goal of the GCP (this is discussed in greater detail within the affordable housing section below). The above are given significant weight as social benefits at local ward level, with less weight given to benefits to the wider city population.
- 8.31 There would also be environmental benefits arising from a net gain in biodiversity and water quality through the implementation of both enhanced planting and SuDS features across the site. Both benefits that I am satisfied can be secured through planning conditions. There would be improvements to pedestrian and cycling routes connecting into Matson and along Winnycroft Lane. These are given limited weight as they are local requirements of the development rather than aspects of the development that would be in the wider public interest.
- 8.32 The totality of the public benefits identified above are given moderate weight in the balance against the harm to the heritage asset. However, having regard to the NPPF (Chapter 16 as a whole), it is not considered the public benefits outweigh the 'less than substantial harm' to the heritage asset and the development cannot overcome the 'great weight' that must be given to the conservation of the nationally important SAM.

Impact upon habitat

- 9.0 Para. 180 (within Chapter 15) of the NPPF states that:

...opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate...if significant harm to biodiversity resulting from a

development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused...

GCP policy E1 states that:

Development proposals must demonstrate the conservation of biodiversity, in, addition to providing net gains appropriate to the ecological network. Potential adverse impacts on natural environment assets including the connectivity of the ecological network, must be avoided or satisfactorily mitigated.

- 9.1 The site consists of a single field of grazed, improved grassland bordered by hedgerows, hedgerow trees and scrub. One of the hedgerows is mature and species-rich, and is classified as 'important' according to the Hedgerows Regulations. The others are species poor or recently planted. The information submitted by the applicant confirms that the hedgerows, hedgerow trees and scrub within the site are likely to support foraging and nesting birds, and the moated site may support nesting waterfowl. The site is used by up to nine species of bats for foraging and commuting. A number of the trees have potential for roosting bats. The site and surrounding land support a medium sized metapopulation of great crested newts (GCN). The moat and several ponds within 500m of the site boundary are GCN breeding sites. Reptiles, hedgehogs, brown hares and polecats may be present on site. The habitats are likely to support a common assemblage of invertebrates.
- 9.2 Only small sections of hedgerows would be lost to provide access; the majority would be retained and strengthened by supplementary planting of native and locally sourced tree and shrub planting. This includes a wide landscape buffer along the south east boundary to buffer the development from the adjacent M5. Mitigation measures would be implemented to protect the boundary hedgerows and trees during the construction phase. All trees that were classified as medium or high potential for roosting bats would be retained. In the event the LPA were supporting the development, full details and implementation of the mitigation measures and proposed planting could be reasonably secured by suitable planning conditions.
- 9.3 Most of the improved field would be lost to the proposed housing but, approximately 0.6ha around the moat would be retained as public open space, approximately half of which would be enhanced as a wildflower meadow. The moat would be retained with measures implemented to protect it, and other waterbodies and watercourses off site, from pollution or sedimentation. The applicant states that a GCN District Licence would be obtained prior to development. The LPA generally requires receipt of the District Licence certificate prior to determination but, hasn't pursued this with the applicant due to the recommendation being to refuse planning permission.
- 9.4 Other ecological enhancements proposed include the provision of bird and bat boxes on trees and new buildings, and the creation of hibernacula near the moat for amphibians and reptiles. Precautionary mitigation would be carried out to avoid harm/disturbance to badgers, bats, GCN and reptiles. Vegetation clearance would avoid the nesting bird season or else nesting bird checks would be undertaken. There is potential to impact on foraging/commuting bats due to the construction and operational phase lighting schemes. The proposals for sensitive lighting schemes that minimise light spill are important and should be implemented in accordance with full details to be agreed in advance of the development commencing.
- 9.5 The city council's Ecological consultant has reviewed the submitted information (and revised details) and is satisfied the applicant's surveys and assessments sufficiently set out

the habitat value of the site and required mitigation. In addition to the mitigation proposed, the Ecological consultant recommends that gaps are included at the base of any new fencing to allow passage for hedgehogs. Hedgehog houses, log piles and insect hotels should also be considered in areas of open space and boundary habitats. These are details that I consider can be secured by suitably worded conditions.

- 9.6 Overall, it is considered the measures proposed are appropriate and note that the total mitigation and enhancements would result in a net gain in biodiversity of approximately 17% for habitats and 30% for hedgerows. No objection has been made subject to the use of suitable planning conditions to secure full details of mitigation measures and proof of the applicant securing a GCN District License (the latter being required prior to determination). As the applicant has not yet secured a GCN District License there is a technical reason for refusal due to the lack of mitigation that would be secured against harm to GCNs using the site. The applicant has confirmed they have been committed to securing a GCN District License in the event the LPA were supporting a positive recommendation (this would be a relatively straightforward and quick process) and there is no evidence to suggest a GCN District License could not be secured.
- 9.7 Whilst there is a technical reason for refusal at this stage, it is considered that would be relatively straightforward for the applicant to overcome. In broader terms, subject to the use of suitable planning conditions, the proposal would not cause significant harm to biodiversity and can deliver a significant net gain to the biodiversity value of the site, over and above the existing situation.

Conclusion on principle and NPPF para. 11(d)

- 9.8 The proposal fails to comply with the policy advice within Chapters 15 and 16 of the NPPF (although, as detailed above the conflict with Chapter 15 is a technical matter). Therefore, the 'tilted balance' set out within para. 11(d) is not engaged. It is concluded that a clear reason for refusing the development is present, in line with the aims of para. 11(d)(i).

Notwithstanding the above, the report below will proceed to assess the various other aspects of the proposal against the NPPF policy advice, with regard to the relevant policies of the development plan where appropriate.

Housing need and site location

- 10.1 The NPPF sets out that:

To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

Whilst the JCS sets out that development to meet Gloucester's housing need should be delivered within the urban area or through allocated sites (neither of which apply to the application site) the inability for the LPA to demonstrate a 5yrHLS (only being able to demonstrate approximately means that the spatial strategy set out within JCS policies SP2 and SD10 are out-of-date and are only given limited weight against the policies of the NPPF. As such, there is some potential for Gloucester's housing needs to be met outside of the JCS spatial strategy if a need exists and the development would deliver public benefits in line with the NPPF.

- 10.2 In terms of meeting housing needs, the city council's Housing Projects and Strategy Team (HPST) has offered broad support for the development as it would provide a range of affordable housing types, several of which are in very short supply within the city. The

provision of 75% Affordable Homes will deliver 136 homes, which considerably exceeds the requirements of JCS policy SD11 by 100 homes (a scheme with 180 homes would need to provide a minimum of 36 Affordable Homes in strict policy terms). Socially Rented homes make up 43% of the total development, with Shared Ownership properties accounting for 33%. The combination of market sale homes alongside grant-led affordable housing that can be bought by tenants (via several schemes) means that the community would be mixed and balanced but, that this mix and balance is likely to shift over the years to more open-market housing.

- 10.3 The supply of 77 socially rented homes would include provision of a range of units including dedicated accessible units to meet the aims of GCP policy A6. The proposal would deliver 11 4-bedroom socially rented units and 1 5-bedroom unit. Housing Strategy There is an acute need for affordable larger family homes with current waiting lists for 4 bedroom accommodation being approximately 10 years and nearer to 50 years for a 5 bedroom property. The provision of 75% of the scheme as affordable units (in the mix proposed) is a clear public benefit that can be given moderate positive weight when considering city-wide need.
- 10.4 The revised application retains the 5 x M4(3) homes which the applicant has confirmed will be to M4(3)2b standard, and that plot 177 will include the through-floor lift to the largest size, meaning that the property is more likely to be suitable for a range of users over its lifetime. The inclusion of 100% M4 (2) homes across the rest of the development offers a significant opportunity for properties to be adapted on first let. HPST have been advised that the applicant intend to build the homes via their own construction arm, this should make the adaptation of homes via Disabled Facilities Grant funding much easier. The s.106 agreement will need to include the requirement for a Local Lettings Plan (LLP) to be approved by the Council. The LLP should facilitate collaborative working between the applicant/developer and Gloucester City Council in order to identify the individuals (living within the local area) with most need for an adaptable home from the housing register.
- 10.5 In terms of other factors contributing to the need for the development in this particular location, the applicant has set out that a number of the units would be reasonably expected to be occupied by families/individuals already living within the Matson area to the north of the site. The Matson estate, mostly constructed during the early post-war years, includes relatively high amount socially rented properties owned by Gloucester City Homes (GCH), many of the units within three-storey blocks of flats (particularly to the north-west of the estate). The applicant considers the proposal would aid the delivery of wider social benefits through the provision of new homes to help facilitate aspects of the Matson Regeneration, which is supported by policy A3 of the GCP and forms part of the wider Gloucester City Council Plan 2022-2024. Policy A3 does not strictly relate to development to enable estate regeneration but, clearly highlights there would be social, economic and environmental benefits linked to regeneration within Matson. The supporting text notes that the city council has formerly produced Supplementary Planning Documents (SPDs) highlighting the need and opportunities for the regeneration of areas within Matson and Podsmead estates.
- 10.6 The Matson Estate Regeneration SPD confirms a number of opportunities to upgrade housing stock and strengthen links between the estate to wider areas of the city and local services. The SPD recognises some constraints (mainly urban design matters), but does not explicitly set out that a key constraint is the need for existing residents to be decanted into alternative accommodation to enable regeneration works to occur. This would mainly be a matter to be organised by GCH (potentially in partnership with the city council and HPST, but there would clearly need to be alternative accommodation available. The SPD does not specifically make recommendations with regards to the provision of new housing outside of the Matson Regeneration Area or development that could enable regeneration to occur. With regards to the land to the south of Matson, the SPD only states that opportunities to improve

linkages between the Winnycroft Farm site allocation should be secured to help to support the existing local centre, schools and services in Matson.

- 10.7 I have considered the applicant's arguments in terms of providing a form of enabling development to assist with the Matson Regeneration. It is accepted that a direct link between the proposal and Matson Regeneration would be a material planning consideration that would add some positive weight to the overall considerations. Providing current residents of Matson with alternative accommodation (whilst construction occurred) would be a requirement of any proposed regeneration schemes. However, the applicant has no direct ownership of any of the sites within the Matson Estate, so there would not be a direct legal mechanism able to secure the required linkage between the proposal and Matson Regeneration (as supported by the GCP). The applicant has stated that one of the Heads of Terms for a Section 106 agreement would relate to the occupation of the socially rented units, seeking occupiers on a local lettings first (ward-first) basis. Whilst this could benefit the wider Matson Regeneration, there is sufficient doubt that it would enable any works (sought under policy A3 of the GCP) to occur. To my knowledge no planning permission currently exists for regeneration schemes within Matson so any schemes remain aspirational at the time of writing and partnership working between the city council and GCH will continue to work towards identifying future opportunities. As such, I am unable to give this aspect of the proposal any more than limited weight in addition to the city wide public benefits already identified.
- 10.8 In conclusion, the proposal would clearly contribute positively towards the city council's housing needs, particularly with regards to the larger affordable family units of which there is an acute need. The site location supports an additional argument in favour of the development but, as there is a high level of doubt that the proposal would directly enable the regeneration of the Matson Estate this can only be given limited additional weight. However, the public benefits that would arise would not outweigh the considerable harm that would occur to the setting of the nationally important SAM.

Landscape

- 11.1 Para. 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services...*

The site itself has no statutory status but, is identified within the JCS Landscape Characterisation Assessment and Sensitivity Analysis Landscape (LCA) as a valued landscape of medium sensitivity (ref: G27). The land is described as:

This is a small compartment physically contained by landform to the east, west and south and by housing in the north. Furthermore the M5, which is visually prominent in its immediate vicinity, creates a loud boundary to the south-east. The area is visually associated with the AONB landscape and a pedestrian farm bridge provides amenity access across the M5, linking the two areas. Public footpaths also link with Robinswood Hill, although housing does, in part, interrupt the visual continuity between the landscape compartments. Land-use is entirely pastoral and landscape features such as well-established dense hedgerows, mature trees and stream (supporting willows) are present, giving the area a well vegetated appearance, remnant

orchard and small field pattern add to the attractiveness.

- 11.2 As noted in the LCA, the site has visual links to the national landscape of the AONB and high sensitivity landscape of Robinswood Hill (LCA ref: G28). The NPPF attaches great weight to the conservation and enhancement of the landscape and scenic beauty AONBs. This is supported by the development plan through the aims of JCS policies SD6 (landscape) and SD7 (Cotswolds AONB) and GCP policies E3 (green/blue infrastructure) and E7 (trees, woodlands and hedgerow). SD7 specifically states that proposals will be required to be consistent with the policies set out in the Cotswolds AONB Management Plan. Policy CE1 of the AONB Management Plan seeks to ensure that development should have regard to the scenic quality of the location and its setting and ensure that views (including those into and out of the National landscape) are conserved and enhanced.
- 11.3 The heritage section of the report (above) has established that the site has retained a distinctly rural character, despite the modern development encroaching from the north and the construction of the M5. Due to the construction of the Winnycroft Farm site allocation the application site has been described within the JCS as being 'urban fringe', which is not disputed in spatial planning terms. The Winnycroft Farm residential development has resulted in a change of use of the land to the north of the application site from rural pasture to a sub-urban housing development. However, due to the site topography and layout (incorporating POS within the southern areas of that site) the distinctively rural character of the application site would be retained, now forming the boundary between the built-up area of the city and open countryside.
- 11.4 The Winnycroft Farm site extends to the east of the existing built-up area of Matson and from the AONB is seen within the backdrop of the Matson estate (itself a very prominent urban feature due to the scale of buildings – many being 3-4 storey - and frequent use of white render exterior finishes). However, the built form of the Winnycroft Farm site will not extend substantially to the south of the existing urban boundary (which is not the case for the application site). As a result it maintains a much greater visual link to the existing urban area and will not encroach into the rural landscape that exists to the south, that with much stronger visual links to the wider open countryside across Sneedhams Green and the application site. Whilst the applicant considers the change from 'open countryside' to 'urban fringe' justifies the further urban intrusion into the open countryside my broad view is the opposite and greater protection of this rural buffer should be given to the site.
- 11.5 It is noted that the site has been considered for development at a strategic level for a number of years. The *Landscape Analysis of Potential Development Sites* of 15/11/2013 (by WSP) analysed the area of the site and concluded that it was unsuitable for development. Though the Winnycroft Farm allocation to the northeast of the application site (also designated unsuitable within that document) is now being developed, the elements of the WSP analysis that lead to the conclusion that the application site was unsuitable are still largely present and relevant. In the Opportunity for Development section of the site analysis the document states that:

There is opportunity for development to the north east of the site where the link with the AONB and common land are not as direct. If this development was to progress the rest of the landscape would need protection to ensure that development encroached no further into this landscape.

The development of the site at Snow Capel appears to ignore this statement: the landscape would not be protected, it would be built upon, and development would encroach further into the open countryside.

- 11.6 In terms of other site allocations in the vicinity of the site the Landscape consultant has noted

that a smaller parcel of land has been allocated through the GCP. The *Land South West of Winnycroft Allocation (c.70m north of the Snow Capel site)*(SALA ref: 07NEW17) is described in Site Allocation Statement (SAS) 12 as follows:

This site provides an opportunity to link with the wider JCS strategic allocation at Winnycroft and deliver a small number of new homes. Site specific requirements and opportunities Design and layout.

- The site lies in a medium Landscape Sensitivity Area. The layout, form, scale and architectural appearance should complement the setting of the site and not impact on the views into or from the Cotswold AONB and Robinswood Hill.*
- The site should be designed to create a suitable transition between any built up area to the north and the rural fringe of the city.*

Though the application site is not included in this area, the statement is relevant to it, as it is within 70m. The landscape and design notes highlight the importance of protecting the rural boundary that forms the northern intervening boundary of the application site. Despite the smaller 07NEW17 site being sandwiched in between existing built-up area of Matson and the Winnycroft Farm site allocation, concerns with how it would integrate into the wider landscape clearly remain. The development of the site at Snow Capel appears to ignore SAS12 proposing the construction of a relatively densely populated housing estate extending well beyond the rural fringe of the city described in the statement with clear impacts on the character of the landscape and the views into Robinswood Hill and the AONB.

11.7 The council's Landscape advisor has reviewed the submission and has maintained an objection to the proposal (through several site layout revisions). In broad terms, the development is considered to have a marked, negative effect on the key visual link and green corridor between the AONB and Robinswood Hill, permanently and adversely affecting the setting of the AONB (a view also shared within an objection made by the Cotswold Conservation Board). It was also noted the proposal would also have a detrimental effect on a landscape feature, the moat, which makes a significant contribution to the landscape character of the site and thus the area. Furthermore, it was considered that proposals for appropriate mitigation did not appear to have been submitted. The applicant has stated that a contemporary 'village green' design approach has been adopted to incorporate the moat into the wider development whilst attempting to reinterpret a rural type of housing design. The individual building designs and proposed materials are considered to be of a good quality and there would be some features (new hedgerows, low stone walls) that would echo a more rural style. However, I find the impact of the development as a whole would not be akin to a small rural village set around a village green. The irregular layout with buildings around the moat, set out in a relatively dense formation, featuring private cul-de-sacs accessed from a single main street, is much more akin to modern suburban development. The houses that front the POS around the SAM would be seen within the backdrop of a number of other domestic buildings with very little in the way of green space or green corridors maintained to the AONB beyond. In terms of the overall character of the development, I conclude it would be distinctively suburban and would be experienced as an incongruous addition to the landscape. It is accepted that the applicant requires the development to be of a certain density in order to be able to deliver the social benefits they have highlighted. However, such a development is better placed within the built envelope of the city where the built form is expected to be higher density.

11.8 In number of issues relating to the applicant's landscape and visual assessment (LVIA) were noted by the Landscape consultant, including failures to properly identify the visual context of the site and how visible the development will be from both Robinswood Hill and the AONB. There was also a lack of consideration of winter views, that would be much more prominent when trees are not in leaf, and lighting (specifically relevant to the AONB). Following some

discussion over the flaws of the LVIA, the applicant submitted some additional LVIA information and an addendum to their environmental statement. The potential for the design of the buildings, public spaces and landscaping to be revised/enhanced has been taken into account and, whilst some elements of the urban design could be improved, it is not considered the scheme would be able to provide sufficient mitigation against the unacceptable harm that would arise and fundamental issues were considered to remain. Whilst the applicant could also revise their approach within the LVIA, the Landscape consultant finds that justifying the overly urban form of development in this location would be fundamentally very difficult and unlikely to be able to be mitigated to an acceptable degree. The recommendation of the council's Landscape consultant is that the development should be resisted.

11.9 In conclusion, whilst the applicant has attempted to demonstrate that the proposal would not be unacceptably harmful to the wider landscape (they accept some harm within short range views around the site) it is not considered the evidence submitted sufficiently demonstrates that the level of harm to the landscape character of the site and wider area would be sufficiently mitigated or outweighed by any other material planning considerations. The proposed urban extension to the city in this location is considered to be fundamentally inappropriate in terms of the unacceptable and wide-ranging harm that would be caused to the character and appearance of the rural landscape, taking in the site, Sneedhams Green, the high sensitivity landscape of Robinswood Hill and the setting of the nationally important landscape of the AONB.

11.10 The proposal therefore fails to comply with the aims of para. 174 of the NPPF and policies SD6 and SD7 of the JCS.

Transport and Highways

12.1 Para. 111 of the NPPF states that:

Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The applicant has submitted a Transport Assessment that has been reviewed by the local highway authority (LHA) and appears to set out the expected impacts of the proposal to detailed level. The TA has considered the development is expected to generate 107 two-way vehicle trips in the morning peak hour and 117 in the evening peak hour, equating to one vehicle every 34 seconds in the AM and a vehicle every 31 seconds during the PM peak. This is considered to be minimal and it has been noted that (in all probabilities) vehicle movements would not be as high as predicted due to the provision of 75% affordable housing units. Further to this, modelling of the surrounding highway network has also included neighbouring committed developments and factored up by TEMPRO growth levels. Junctions within

an immediate proximity to the site are shown to have capacity with the proposed development, committed development and upscaled flow rate all factored in. As such, there is no in principle objection to the proposal.

12.2 The NPPF seeks to ensure that applications for development should:

a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;

c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and

e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

The LHA has reviewed the proposal and is satisfied that, subject to the use of suitable conditions, no conflict with points b-e would occur as the design is considered to be suitable, with reasonable carriageway widths and footway widths at junctions with good visibility for pedestrians and vehicle users. Cross sections have shown a mixture of segregated footways and carriageways and level surfaces. The change in street typography through the development is welcomed as this will ensure that drivers are aware of the change in surroundings and ensure that vehicle speeds are kept lower traveling through the site.

- 12.3 With regards to point a of NPPF Para. 111 and aims of policies C1 and G1 of the GCP, it is thought that cycle usage will be a key form of sustainable transport used by this development as it is within comfortable cycle distances from central employment areas and key amenities. However, the LHA note that cycle storage provision is lower than that sought by LCN-1/20 standards. However, a suitable condition can ensure that full details of cycle storage/parking can be agreed prior to the occupation of each unit. Such a condition can make a reasonable reference to the guidance within LTN-1/20. Car parking would be provided to the minimum standards and a condition can ensure implementation takes place prior to the occupation of each unit along with the installation of a EV charging point.
- 12.4 In terms of the layout, the main pedestrian and cycle route (linking into the wider urban area) would be via a new footbridge located within the northern boundary accessing first into the Winnycroft Farm site. This would require upgrading works to the footpath and cycle path within the adjacent development site to provide safe cycling and walking routes into Matson and the wider urban area. A financial contribution would be required to secure the off-site works (including the replacement bridge) but, I consider this would be reasonable to secure by legal agreement. The LHA considers the upgrades to the pedestrian environment would be welcome and would generate a genuine shift toward sustainable modes of transport as well as being used by the surrounding community. Once the upgraded links through the Winnycroft Farm site were delivered future occupiers would have a relatively well protected pedestrian and cycle route access to the services within Matson. Matson local centre would be within 1km with the Redwell Community Centre located within 800m. Schools are located beyond 1km with the Moat Primary School approx. 1.6km and Robinswood Academy approx. slightly closer at 1.3km. The applicant has confirmed that early discussions with the local bus service provider have taken place with the possibility of securing an extension to the local services to include this site as well as the Winnycroft Farm site. Currently, the nearest bus stops are located within Matson between 650 and 750m to the north. Whilst these distances could present difficulties for younger children or residents of the development with accessibility issues, I do not consider they are so excessive as to render the site location unsustainable in terms of access to services.
- 12.5 Further pedestrian links would be provided along the eastern boundary with a footpath installed, running north-to-south through the site, parallel to Winnycroft Lane to both provide

access to Winnycroft Lane and act as a protected footpath that Winnycroft Lane currently lacks. The applicant has also proposed to pay a financial contribution to allow the LHA to construct a new pedestrian crossing (at the main vehicular access into the site) linking to a new pavement/footway that would link the site to the built-up area of Matson approximately 140m to the north. However, the LHA notes that pedestrians and/or cyclists using Winnycroft Lane would be likely to add additional time to their journeys so may not choose to regularly use this route. The LHA has also confirmed there are no plans within their highway network improvement plan, to undertake any works to construct footways along Winnycroft Lane. As such, there is both doubt over the need for the proposed footway to be reasonably related to the proposed development (as another more convenient walking and cycling route would be able to be made available) and whether the LHA would even be in a position to deliver the implementation of the new footway in the foreseeable future (as their resources are likely to be placed elsewhere).

- 12.6 The applicant has promoted the new footway along Winnycroft Lane as a broad public benefit of the scheme. Winnycroft Lane currently, has no dedicated footways so would be made safer and the link into the protected footpath within the site providing (at least in part) a much safer walking route between Matson and the motorway service station to the south (a source of local employment). I do not disagree there would be some benefit, but give only very limited positive weight to this benefit as it appears to be somewhat unnecessary to make the proposed development acceptable and future occupiers of the site would appear more likely to use the northern link into the Winnycroft Farm development.
- 12.7 Given the urban fringe location and distance to local services, it would seem that reliance on private cars would generally prevail but, the development would provide an acceptable level of sustainable transport infrastructure and a Travel Plan would also be sought by condition (with implementation via Section 106 agreement) to ensure that future occupiers of the site are made aware of the sustainable transport links and are encouraged to use alternative modes of transport (other than private car). Given the location, it would seem that reliance on private cars would prevail, but in any case the development would provide an acceptable level of sustainable transport infrastructure.
- 12.8 Given the location, it would seem that reliance on private cars would be likely to prevail but, in any case the development would provide an acceptable level of sustainable transport infrastructure as well as delivering a safe and accessible site.

Residential Amenity

- 13.1 Para. 130 of the NPPF encourages LPAs to secure the creation of new places that provide a high standard of amenity for existing and future users. Policy A1 of the GCP provides several design requirements including that new development should:

2. Be of a suitable scale for the site and not have a significant adverse impact on the character of the locality, the appearance of the street scene and the living conditions of neighbouring occupiers or future residents...

5. Provide outdoor amenity space and garden space at a level that reflects the character of the area and the scale of the development...

7. Be well-designed to create and support healthy living conditions...

JCS policies SD4 and SD14 together seek to support high-quality, accessible development (both within private spaces and public realm) that does not put either neighbours or future occupiers at risk from various types of pollution or poor quality of residential amenity.

- 13.2 **Public realm**

The public realm areas are considered to be of a broadly good quality of design. Streets would feature trees with a number of the building frontages softened by hedge planting.

Areas away from the main street throughfare would feature level surfaces with many linked to the main footpaths that permeate the site, providing access to the POS around the SAM and links to the main transport routes into the city to the north and east. The site layout features pockets of open green spaces (some provided with street furniture and natural play equipment) that I consider would be accessible to the majority of future occupiers of the dwellings. Overall, I am satisfied that the public realm areas have been well designed and no conflict with the aims of the NPPF, GCP or JCS would occur in terms of amenity.

13.3 Building layout, internal and external spaces

In broad terms, the majority of the housing units would benefit from good levels of internal daylight and outdoor amenity space (internal space sizes are considered below). There are some areas of the site where garden areas are somewhat constrained against site boundaries and where they may abut parking areas. However, where depths are less, the proposed gardens tend to be wider, to maintained overall areas. For example, Plot 7 (2-bedroom) has a garden depth ranging between 6.5m to 7.55m to the rear of the dwelling but, has an overall area of approximately 54 sq.m. Plot 6 (2-bedroom) has a slightly longer garden space with an area of 40sq.m. Plot 171 (3-bedroom) has a depth of approx. 7.6m with an area of 45 sq.m. The prior examples represent the smaller of the private garden areas within the layout and I consider they are sufficiently sized with the majority of other plots having access to larger garden areas. The apartment blocks would have access to shared outdoor areas that are sufficiently sized for use as shared clothes drying/sitting out areas.

13.4 The majority of the site is laid out to avoid direct overlooking with rear elevations facing side elevations not featuring windows serving habitable rooms. However, density of the built-form and requirement to set out the buildings in a horseshoe around the SAM has resulted in some areas where there may be some mutual overlooking caused resulting in areas where future occupiers may experience poor residential amenities. Examples of the shortest separation distances include building-to-building distances of around 13m. However, where these shorter distances would be present window-to-window views would not be direct (garden areas would be overlooked) so there is some justification for reduced distances. There are also areas where building-to-building distances would be less than 21m (rear-to-rear) with direct window-to-window views across distances of around 18m (between Plots 153-154 and Plots 164-166) and shorter distance views taking in private amenity areas. There is a concern that future occupiers of these plots would not experience a level of residential amenity that the development plan seeks to achieve.

13.5 No tree planting is currently proposed within private garden areas. Provision of trees within private gardens is encouraged by the National Design Guide (NDG) stating that deciduous trees are very useful features to provide shading and additional privacy screening in summer months (when external amenity areas are likely to be in more frequent use). Judicious tree planting within private garden areas (using slow growing, native species) would be likely to provide some mitigation against the shorter separation distances providing an overall better quality of amenity (as well as an overall improvement to wider landscape impact, biodiversity enhancements and resilience to climate change). Notwithstanding the tree planting already proposed I consider that additional tree planting could be secured by a suitably worded condition, concentrating on the plots where shorter separation distances would occur. Taking into account the additional planting that I consider can reasonably be secured I find there would be no substantial conflict with the aims of the NPPF, GCP and JCS and residential amenities expected to be enjoyed by future occupiers of the site would be acceptable.

13.6 Nationally Described Spaces Standards

With regards to securing the aims of para. 130, the NPPF states that the make use of the nationally described space standard (NDSS), where the need for an internal space standard can be justified. GCP policy F6 seeks to ensure that new residential development must meet Nationally Described Space Standards (or any future successor).

The application achieves 60% compliance with NDSS (all privately owned and shared ownership properties would meet minimum NDSS requirements). The underperformance has occurred as result of the applicant redesigning certain house types at the request of the council's Housing Projects and Strategy Team (HPST). The HPST wishes to see socially rented homes provided to a double standard i.e, 1-bed 2-person, 2-bed 4-persons etc. Following some discussion between the applicant and HPST the applicant has amended house types 1014, 1019, 1253 and 1216, the 3-bedroom and 4-bedroom social rented properties in order to provide double occupancy standard.

13.7 This was achieved by the adjustment of an internal wall so not altering overall floor space provision. As these homes have increased from to 3-bed 6-person, and 4-bed 8-person respectively, they no longer achieve NDSS compliance on these homes. The 5-bedroom social rented home has been amended and will now allow for a 9-person occupancy, with the fifth bedroom being unable to reach double occupancy standard. These house types represent 31 homes, all around 8sqm below NDSS. The council's HPST have commented that, whilst not achieving NDSS is a negative, it is a positive to a development to provide double standard rooms for social rented homes. The double occupancy homes reach between 91% and 94% performance against NDSS.

13.8 Whilst this is a technical failure to comply with the policy I consider that the extra capacity that would be provided within these particular house types has greater benefits than securing the minimum. They would provide more future flexibility within the affordable housing stock provided by the development. These larger social rented house types would also have access to sufficiently sized private garden areas. I accept there are other material considerations that justify the underperformance against the NDSS in this case.

13.9 Public Open Space

Policy C3 of the GCP states that new open space, playing fields and built sports facilities within new development will be provided to meet the needs of the local area. The supporting text of policy C3 states that 'local need' has been detailed within the city council's adopted Open Space Strategy 2021-2026 (OSS). The NPPF para. 130 encourages LPAs to optimise the potential of a development site to accommodate and sustain an appropriate amount and mix of development (including green and other public space). Para. 80 goes on to states that new places should be:

...safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas...

13.10 The applicant has submitted a *Public Open Space Strategy* detailing the policy requirements and provision to be delivered by the proposed development. The POS Strategy has taken into account the city council's formerly adopted *New Housing and Open Space SPD* (2001), the more recent *Fields in Trust Guidance Planning and Design for Outdoor Sport and Play: Beyond the Six Acre Standard* (2020) and the council's adopted *Open Space Strategy 2021-2026 (OSS)*. The city council's OSS sets out that Matson and Robinswood Ward has 137.84ha of green open space, which, divided by the population figure as stated within the report stands at 9,541 (2017), establishes that 144sq.m is available per person in this Ward. With the council's own minimum standard at 28sq.m per person, this equates to an over-provision of 116sq.m per person (likely due to the inclusion of Robinswood Hill Country Park within the ward boundary). However, within the subdivided typologies the OSS Children's Play Space, stands at 0.86sq.m per person within the Ward, equating to a significant local deficit.

- 13.11 The proposal only includes a Local Area of Play (LAP) located to the south-west of the reinstated hedge-boundary skirting the south of the SAM. It would be equipped with natural play equipment. The LAP would only contribute approximately 510 sq.m of equipped play space to the development which would only be intended to provide play space for younger children (pre-school and early primary school age). There has been some discussion over the provision of a locally equipped area of play (LEAP) to meet the requirements of the SPD but, the applicant has not included any LEAP proposal within the most recent amendments, due to the heritage issues and desire to reduce adverse impact on the setting of the SAM. However, the most recent site layout revision has opened up an area of green space to the north-west of the site that could be utilised to provide a LEAP should the need arise. The lack of an equipped play area for older children is considered to be a negative element of the proposal. The applicant has identified that a financial contribution could be made towards the provision/or upgrading of existing equipped play areas within the ward. The play area at the Redwell Community Centre (approx. 10 min walk to the north) has been identified as a possible recipient of any contributions (assessed in greater in the contributions section detail below). This would temper the need to provide an on site LEAP but, not entirely remove the need as guidance suggest that LEAPs should be within 5 mins of new dwellings (approx. 400m) and all housing development of over 150 dwellings should provide both a LEAP and a NEAP.
- 13.12 There would be no formal sport provision within the development but, there would be clear links to more formal sports pitches and a multi-use games area (MUGA) a short distance to the north within the Winnycroft Farm site allocation. Given the heritage concerns with the application site I find it would not be possible to layout formal sports pitch provision within the application site. The applicant's POS Strategy states that lack of formal sports provision within the site would likely be offset through s.106 contributions towards offsite provision. However, given that improved walking and cycling access to the Winnycroft Farm site would be secured (and the site would overprovide natural green space possible to be accessed and used by occupiers of the Winnycroft Farm site) I find this would be unreasonable.
- 13.13 At face value, the development would provide a relatively high level of access to natural green space located entirely within the application site boundary. The applicant's POS Strategy calculates approx. 30,000sq.m. However, the applicant's calculations include areas that would not be accessible, of note being the moated site (the area within the SAM boundary) and the entirety of the bund to be constructed along the eastern site boundary, adjacent to the M5. There would be footpath links surrounding the SAM but, due to the need to manage the heritage asset areas would be planted with wildflower meadow to discourage informal recreational activities in close proximity to the SAM. Excluding the SAM, SuDS pond and M5 bund, green space provided would be around 23,000sq.m, still a significant overprovision of natural green space Given the heritage interest of the SAM and the applicant's proposed management plan (involving community engagement groups) I consider there could be some increased community value to the green spaces surrounding it, despite the fact that it would not all be entirely useable recreational space. Increasing the community value of open space is a goal of the OSS so there is some merit to the use of the SAM as a feature within the space. However, as with the heritage assessment above, there is some doubt over the ability for the LPA to be able to ensure the space around the SAM is managed long-term in accordance with the community engagement goals set by the applicant.
- 13.14 The properties surrounding the SAM (and POS buffer) would overlook the footpaths and meadow planted areas giving a good level of natural surveillance. Occupiers of the majority of areas within the site would be able to access this central area of green space via a relatively level footpath network that would permeate the site. Despite the possible discrepancy with the area of green space that would be made available, I do accept that the

POS would generally be of a good quality and if sufficiently managed should positively impact upon the health and sense of community of the development. So a limited extent, I consider this reduces the need for more formally equipped play areas and strengthens the argument for a financial contribution to be secured.

13.15 On balance, I do not consider the proposal significantly conflicts with the aims of the NPPF or GCP policy C3 in terms of the need to secure good quality public open space. Should the LPA have been minded to support a positive recommendation, some further discussion over the need to secure a financial contribution towards off-site equipped play provision may be needed in order to secure appropriate mitigation.

13.16 Noise

The M5 presents the predominant source of noise affecting the site. There is an existing bund that skirts the eastern intervening boundary of the site. The applicant has proposed to construct an additional bund within the site, topped with an acoustic fence. Initial comments from the city council's Noise Consultant confirmed the original site layout would have failed to achieve acceptable external noise levels for the properties along the eastern edge of the development. A revised site layout (received in December 2022) proposed a 3.5m bund topped with an acoustic fence. This was reviewed and after some further clarification the Noise Consultant confirmed that all external amenity areas would be sufficiently protected from road traffic noise (subject to the use of a condition to secure full details of the acoustic fence and implementation of the proposed mitigation). There was no objection to the internal noise levels expected to be achieved providing a condition is used to ensure the developer confirms final technical details of windows and alternative ventilation to be used.

13.17 Air Quality

Para. 174 of the NPPF sets out that new development should not be put at risk of air pollution and, where possible should help to improve the local environment through improvements to water and air quality (for example). In this case, as well as a source of noise, the M5 presents a potential source of poor air quality that could to affect future occupiers of the site. The applicant had originally not included any Air Quality Assessment (AQA) within the original application submission. The site is not within proximity of any Air Quality Management Areas so submission of an AQA was not a validation requirement. Early advice from the council's Air quality consultant confirmed that the M5 is unlikely to give rise to poor air quality across the site. Further informal discussion highlighted that polluted air from the M5 would be likely to dissipate to acceptable levels within a relatively short distance of the main carriageway (depending on adjacent topography and planting). The new planted bund also reasonably would help to protect the nearest dwellings (to the motorway). However, it was noted that an AQA should be completed to provide some assessment of the cumulative impacts of the proposed development, factoring in the large residential development to the north. A pre-commencement condition requiring submission of an AQA (and implementation of any recommendations) is acceptable in this case.

13.18 Overall conclusions on residential amenity

Overall, whilst there are some concerns over the provision of POS and the level of residential amenities that would be made available to the occupiers of certain plots across the development I conclude that, as a whole, the development would be broadly well-designed with opportunities to provide some additional mitigation in areas where privacy may fall short (many through tree planting in private gardens). Future occupiers of the site would have good access to natural green space with more formal public open space located a short distance into the Winnycroft Farm site. I consider the overall design and connectivity to wider sites provides sufficient opportunities for a healthy community to be able to occupy the site.

Drainage & Flood Risk

14.1 The site is within Flood Zone 1 (the area at lowest risk of river flooding) and records available

to the LPA confirm the site is also at low risk of surface water flooding. The both the city council's Water & Environmental Consultant (WEC) and the Lead Local Flood Authority (LLFA) had initially raised objections to the scheme due to insufficient use of above ground sustainable urban drainage features. There was particular concern over the water quality of rainwater run-off that was proposed to be directed into the watercourse that skirts the eastern site boundary.

- 14.2 A revised site layout and change to the surface water drainage strategy has involved the introduction of a number of above ground SuDS features (swales, filter drains feeding into an attenuation pond to the north-west of the SAM). The LLFA are now broadly satisfied with the proposals and have removed their objection. The WEC now supports the principle of the surface water drainage strategy but has asked for a greater level of detail to be submitted to ensure the system can be implemented. At the time of writing there is a technical objection from the city's WEC due to lack of detail. However, as the principle of the revised surface water drainage scheme is now supported, it would be feasible for the required details to be submitted to remove the WEC's objection with full technical details and implementation secured by suitable conditions (should the LPA be recommending approval).
- 14.3 It is of note that discussions surrounding the use of above ground SuDS had involved the city's Archaeologist who has no objection to the earthworks required to implement the revised drainage scheme in the locations proposed outside of the SAM boundary.
- 14.4 Severn Trent Water (STW) had offered no objection to the proposed foul drainage connection to the public sewer but did query surface water drainage. As the surface water system would discharge into the adjacent watercourse there would be no increased pressure on the public sewer system.
- 14.5 In summary, there is a technical objection relating to the lack of surface water drainage details but, this would be possible to overcome with details able to be submitted in the event the LPA was making a positive recommendation.
- 14.6 Due to lack of information the proposal is considered to conflict with the aims of Chapter 14 of the NPPF, policy E4 of the GCP and SD14 of the JCS.

Planning contributions (S.106, Community Infrastructure Levy and Viability)

- 15.1 Planning legislation and the NPPF provide that planning obligations should only be sought where they meet all of the following tests⁴:

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

The NPPF provides that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Policies INF3, INF4 and INF6 of the JCS require new residential developments to provide for any additional infrastructure and community facilities required to serve the proposed development or mitigate against its wider impact. Policy INF6 of the JCS states that where the need for additional infrastructure and services is expected, the LPA 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 of the JCS sets out the approach to securing developer contributions, including that if there is a concern regarding development viability, a viability assessment will be required. The requests for s.106 contributions arising from the proposal are set out below.

⁴ Reg.122 - The Community Infrastructure Levy Regulations 2010 (as amended). Page 92

15.2 **Community Infrastructure Levy**

The Community Infrastructure Levy (CIL) Regulations set out that a planning obligation may not constitute a reason for granting permission if it provides for or funds infrastructure to be funded by CIL. The JCS partnership adopted their CIL in 2018. For 2022 the CIL rate for 11-449 dwellings is £46.40 per sq.m. From this scheme, the open-market units would be liable to pay CIL to an amount of approximately £720,000 (based on the applicant's submission – likely to be reduced due to the higher provision of affordable housing). CIL does not secure affordable housing or site-specific measures necessary to make a development acceptable (such as the off-site highway works and heritage management).

15.3 Requests for contributions listed below are made for, public open space, education, libraries, and highways (in relation to off-site works, travel plan monitoring). The yearly Infrastructure Funding Statements include those schemes or infrastructure that the council intends may be wholly or partly funded by CIL. These schemes currently only include highways projects (and not the specific highways-related measures above). As such, none of the contributions requested in this case would provide for or fund infrastructure to be funded by CIL.

15.4 **Education and Libraries**

Policy INF6 of the JCS refers to seeking appropriate infrastructure including community facilities, and early years and education. The NPPF acknowledges education as potential infrastructure required alongside development. The County Council has amended the calculation basis for their education requests recently following an earlier appeal decision. It appears that the calculations remain disputed by the development industry and there are complex arguments around the appropriate means by which to calculate how many children there would be from a given number of homes in a development and the capacity of local schools.

15.5 However, in a recent appeal decision in a neighbouring authority (October 2022) the Inspector concluded that while of interim status the County Council's current position statement was "*sufficiently robust for the purposes of this appeal ... it seems to me the best and most up to date information available at the present time*", and furthermore in relation to school capacity that the County Council's approach "*I see no reason to depart from that approach*". The County Council figures are therefore used in this report to state the education contribution requirement for this development.

15.6 The below contributions were requested by the county council for the original (190 dwelling) scheme. At the time of writing revised amounts have not yet been received.

Education

Primary Education: £1,172,842.44;

Secondary education (11-16): £679,014.00;

Secondary education (16-18): No request.

Libraries

£37,240 (190 x £196).

15.7 The applicant was originally not offering any contributions in these regards citing viability grounds. As an affordable housing led-scheme (grant-funded by the SOS for Housing and not an entirely profit driven development) I accept there is likely to be a possible viability argument for a reduced contribution to be secured. It is also noted that government guidance on securing developer contributions for education notes that alternative (basic needs) funding is available for school places if viability means that the full amount can't be achieved through the planning application. However, no financial information or any form of viability assessment has been submitted so the LPA has no firm evidence to suggest that a reduced contribution should be secured. The applicant has subsequently agreed within revised draft

Heads of Terms (HoTs) to pay the below contributions:

- *Primary Education* – based on a scheme of 151 no. qualifying dwellings (2 bed + dwellings) the expected pupil yield from the proposal would be 58.135, therefore a financial contribution of £1,054,161.96 will be secured towards primary education infrastructure;
- *Secondary Education (11-16)* – based on a scheme of 151 no. qualifying dwellings (2 bed + dwellings) the expected pupil yield from the proposal is expected to be 25.67, therefore a financial contribution of £610,304.25 will be secured towards secondary education infrastructure;
- *Libraries* – based on the County’s established per dwelling charge of £196.00, a financial contribution of £35,280 will be secured towards library infrastructure.

The contributions agreed by the applicant above would appear to be accurate and would provide sufficient mitigation against the impacts of the development that would occur to local education and community facilities.

15.8 **Affordable Housing**

The scheme would deliver 75% affordable housing provision on site so there would be no requirement for any financial contributions. However, JCS policy SD12 seeks to ensure that provision should be made to ensure that housing will remain at an affordable price for future eligible households, or that subsidy will be recycled for alternative affordable housing provision. In practice, this generally requires legal mechanisms to be secured under s.106 agreement, such mechanisms that would be reasonably relevant to the type of affordable unit. The applicant has set out HoTs for the affordable housing provision as follows:

...provision is to be made for 36 no. Affordable Dwellings within the proposal (20% of overall provision¹) to be made affordable in perpetuity. These are to be comprised of 27 no. Social Rent Dwellings and 9 no. Shared Ownership Dwellings. These Affordable Dwellings will be delivered without recourse to public subsidy.

Bromford is a Strategic Partner of Homes England and Homes England Strategic Partnerships grant funding is available for the project, therefore Bromford will apportion grant funding to deliver an additional 100 no. dwellings as affordable housing (56% of overall provision, taking total affordable housing to 76% of overall provision). This represents additionality for affordable housing delivery and thereby is compliant with the conditionality of the funding programme. These additional dwellings are comprised of 50 no. Social Rent Dwellings and 50 no. Shared Ownership Dwellings. The Applicant would welcome discussions with Gloucester City Council on potential Local Lettings Agreement options to help prioritise the local community. 30 no. of these homes will be made available to existing residents within the Matson Renewal Area, to be prioritised for decanting pending redevelopment of the area on a phased basis. To be secured by way of a Local Lettings Agreement.

The city council has not progressed with detailed discussions relating to the above (due to the heritage and landscape concerns) but, in broad terms it is considered that a number of the affordable units to be provided could be secured as such in perpetuity and a local lettings agreement could be included as a clause of a s.106 agreement. As discussed in the housing need section above, it is not considered there would be a mechanism to allow the LPA to directly tie the proposal into any works linked to Matson Regeneration projects (no specific projects have been identified by the LPA or applicant). However, it is reasonable to expect that a local lettings agreement could be secured that may facilitate regeneration projects coming forward.

15.9 **Heritage Management Plan and Maintenance Bond**

The application includes a Heritage Management Plan (HMP) which details how the SAM located in the public open space in the centre of the site would be protected and properly maintained. To provide further security to ensure the ongoing management of the Moat in accordance with the HMP, the applicant has proposed to pay a maintenance bond of £50,000, to be drawn upon by the LPA in the unlikely event that HMP obligations are not performed by the applicant/developer.

15.10 Should the LPA have been minded to support a positive recommendation, there would be a need further explore the details of the HMP and rationale behind the £50,000 bond. In principle, securing a bond does provide the LPA with some comfort that the SAM can be managed, but there is some lack of detail with regards to monitoring, scenarios where the LPA may need to use the bond and whether the bond amount would be sufficient to enable management of the SAM for the lifetime of the development. Financial bonds are commonly used within highways adoption agreements, where there are clear technical specifications that new highways must meet before adoption. The management of a heritage asset is far more difficult to define as there will be individual site needs that will incur running costs into the future. As such, there is some doubt over the ability for the LPA to both enforcement the HMP and to be able to manage the SAM in the event the HMP obligations are not met.

15.11 **Public open space**

A financial contribution of £20,000 has been put forward towards the off-site provision of play equipment at Redwell Road Play Area. This has not been formally reviewed by the council's Public Open Space consultant but, would appear substantially under the contribution required by the SPD. As assessed above, it is not considered that a full contribution towards formal sport provision would be justified since the site would have clear links to the sport provision within the Winnycroft Farm site (and residents of the Winnycroft Farm site would have mutual access to the natural green space within the application site). In a similar situation to the education contribution, there could be a viability argument to enable the LPA to accept a reduced contribution but, at this no such viability evidence has been submitted to the LPA.

Other matters

16.1 **Loss of Agricultural Land**

Para. 174 of the NPPF seeks to ensure that the economic and other benefits of the best and most versatile agricultural (BVAL) land are considered and where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. Evidence available to the LPA confirms the land most likely to be is classed as 3b, so not within the NPPF definition of BVAL. There is no objection to its loss in this regard.

16.2 **Contaminated Land**

The city council's Contaminated Land consultant has reviewed various reports submitted with the application. The reports identify that some of the new properties would require gas protection, predominantly those within the southern area of the site. However, the consultant initially requested further explanation of how the properties requiring gas protection had been identified (Gas risk zones) as, on the eastern boundary there are houses on the same row where one is identified as requiring gas protection and the neighbouring plot has not.

The applicant has responded explaining that, the land along the eastern boundary is not considered to be high risk as it had not been historically infilled (where the land within the southern area has been). Monitoring of unexpected contamination is proposed during construction phase and a suitable condition can ensure the scheme is implemented in

accordance with the contamination report recommendations with any unexpected contamination reported to the LPA with details of mitigation.

16.3 Employment and skills plan

Within their documentation the applicant has set out how the development would be expected to positively engage with local communities in a number of ways. Whilst not strictly an Employment and Skills Plan, the applicant's *Social Value Commitments* document confirms the intention to:

- *employ 10% of the labour requirements locally;*
- *to source at least 10% of all materials locally (estimated to be around £1.5m);*
- *commit to fund and support a minimum of 4 apprenticeships;*
provide work experience opportunities in partnership with local schools and colleges;
Fund 50 local people to obtain their Construction Skills Certificate Scheme (CSCS) card.

Full details cannot be confirmed until planning permission is granted (and formal contracts agreed). However, I am satisfied the commitments highlighted above demonstrate that a number of opportunities to improve the employment and training opportunities for the local community can be created and can be delivered by the development. I am satisfied that full details of an Employment and Skills Plan, along with details of its implementation and monitoring could be secured by a suitably worded pre-commencement condition should the LPA be supporting the scheme.

16.4 Common land & highway works

It is noted that several public objections have raised concerns over the impact of the development on the common land at Sneedhams Green as well as the need for the developer to secure consent from the Secretary of State for any alterations to the common land. In general terms, the need for a developer to secure access easements or any other form of required consent are not material planning considerations. It is the responsibility of a developer to ensure they comply with all relevant legislation and legal requirements. It is noted that part of the proposal would require construction of a new footway along the western edge of Winnycroft Lane to create a pedestrian link between Matson and the development site. There are planning reasons (set out within the highways section above) that cast some doubt over the need for this new footway and ability for the LPA to be able to secure its delivery. However, it is not considered that the need for easements over the land of consent from the SOS would be a material planning reason for the LPA to resist the development and, if the LPA was minded to support the scheme, it is considered there would be the ability for these works to be secured by s.106 legal agreement (potentially involving a clause to ensure the developer can prove that consent from the SOS has been awarded prior to any works taking place).

Conclusion

17.1 There is considered to be a clear reason to refuse the planning permission due to the unacceptable harm to the significance of the nationally important scheduled ancient monument via the almost total loss of its rural setting. There are clear public benefits of the scheme (highlighted within the heritage assessment of the report as required by the NPPF) that would provide moderate social and limited economic benefits to the wider city in the form of a significant number of affordable housing units, delivered to accessible design standards and including various types of unit that are in very short supply within the city. However, the social and economic benefits expected to arise from the scheme have not been considered sufficient enough to outweigh the considerable harm that would arise to the nationally important heritage asset. In line with the requirements of para. 11(d) of the NPPF it is considered this reason alone provides the LPA with sufficient reason to refuse to grant planning permission.

- 17.2 However, the above report has also identified that a fundamentally unacceptable harm would occur to the landscape character of the site and wider area, severing long-established visual links that existing between the highly sensitive landscape of Robinswood Hill, the medium sensitivity rural landscape taking in Sneedhams Green and the application site and the nationally important landscape of the Cotswolds AONB.
- 17.3 The report has highlighted other technical reasons for refusal in the form of inappropriate ecological mitigation (i.e the applicant not securing a GCN District License), lack of information relating to surface water drainage and matters relating to the requirements of the s.106 legal agreement (and viability issues relating to contributions put forward by the applicant). Although, it is of note that, should officers have been minded to support a positive recommendation, it is feasible that these matters would be able to be sufficiently addressed by the applicant through submission of revised/additional information.
- 17.4 No other material planning considerations have been identified that would offer a compelling reason for the LPA to consider the development would be acceptable as a departure to the NPPF or adopted development plan.
- 17.5 The proposal is not considered to be a sustainable form of development and it is recommended that planning permission is refused.

RECOMMENDATION OF THE PLANNING DEVELOPMENT MANAGER

- 18.1 That planning permission is REFUSED for the following reasons.
- 18.2 The development, by reasons of the location, scale, layout and design would result in harm to the significance of the scheduled ancient monument named *Moated site at Sneedham's Green, 220m north east of Green Farm* (Historic England List Entry Number: 1019399) due to the almost total loss of its distinctively rural setting and failure of the applicant to sufficiently demonstrate that adverse impacts expected to arise from the occupation of the development can be sufficiently managed for the lifetime of the development. The public benefits expected to arise from the proposed development do not outweigh the identified harm that would be caused to this nationally important designated heritage asset and the proposal is contrary to the aims of paragraphs 199 and 202 of the National Planning Policy Framework, policy D1 of the Gloucester City Plan and policy SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy.
- 18.3 The development, by reasons of the location, scale, layout and design would result in an unjustified urban extension into the open countryside, causing unacceptable harm to the distinctively rural character and appearance of the application site and wider landscape character of the area, including the settings of the highly sensitive landscape of Robinswood Hill, the medium sensitivity landscape comprising Sneedhams Green and the application site and views into and out of the nationally important landscape of the Cotswolds Area of Outstanding Natural Beauty, contrary to the aims of paragraphs 174 and 176 of the National Planning Policy Framework and policies SD6 and SD7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy.
- 18.4 The applicant has failed to demonstrate that sufficient mitigation would be secured against harm to Great Crested Newts (a European Protected Species) and their habitat that has been identified as being at risk from the development contrary to the aims of paragraph 180 of the National Planning Policy Framework, policy E1 of the Gloucester City Plan and policy SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy.
- 18.5 Insufficient details have been submitted to demonstrate that a surface water drainage system can be implemented using the principles of Sustainable Drainage Systems (SuDS) to

adequately manage flood risk (on and off-site flood risk) and water quality contrary to the aims of paragraphs 167 and 169 of the National Planning Policy Framework, policy E4 of the Gloucester City Plan and policy INF2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy.

- 18.6 The development would fail to deliver an appropriate amount of equipped play space to meet the needs of future residents and the draft Heads of Terms proposed by the applicant would fail to secure adequate financial contributions to mitigate the impact of the development on existing equipped play space in the locality contrary to the aims of policies OS.2 and OS.3 of the Gloucester Local Plan, Second Stage Deposit 2002, policy C3 of the Gloucester City Plan and the Gloucester City Council *New Housing and Open Space* Supplementary Planning Guidance.

Person to Contact: David Millinship



Planning Application: | 22/00519/FUL

Address: | Land at Snow Capel,
Winnycroft Lane,
GLOUCESTER

Committee Date: | 6th June 2023

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Agenda Item 7

Reference	Status	Site address	Proposal	Decision date
22/00393/FUL	Grant	329 Stroud Road	Erection of front compound garden wall (resubmission)	25/04/23
22/00790/FUL	Grant	Field of Dreams, Elmore Lane West	Provision of a static home for a temporary period of 3 years.	13/04/23
22/00883/FUL	Withdrawn	11 Brunswick Square	Minor internal alterations including the reinstatement of existing openings, erection of new partition elements, removal of several modern additions, alterations/ improvements of later development window openings and the creation of new doorways within existing openings.	17/04/23

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