



# Gloucester City Council

## Planning Committee

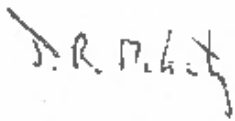
**Meeting: Tuesday, 4th July 2023 at 6.00 pm in North Warehouse, The Docks, Gloucester, GL1 2EP**

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

## AGENDA

<b>1.</b>	<b>APOLOGIES</b>  To receive any apologies for absence.
<b>2.</b>	<b>DECLARATIONS OF INTEREST</b>  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.
<b>3.</b>	<b>MINUTES</b> (Pages 7 - 16)  To approve as a correct record the minutes of the meeting held on Tuesday 6 <sup>th</sup> June 2023.
<b>4.</b>	<b>LATE MATERIAL</b>  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.
<b>5.</b>	<b>NEW DAWN VIEW, GLOUCESTER - 23/00280/OUT</b> (Pages 17 - 56)  <b>Application for determination:</b>  Erection of up to 30No. dwellings with all matters reserved (apart from access).
<b>6.</b>	<b>LAND AT SNOW CAPEL, WINNYCROFT LANE, GLOUCESTER - 22/00519/FUL</b> (Pages 57 - 96)  <b>Application for determination:</b>  Residential development of 180 no. dwellings (Class C3); vehicular, pedestrian and cycle

	<p>access from Winnycroft Lane; public open space and landscaping; drainage attenuation, acoustic barrier and other associated works (Environmental Impact Assessment development).</p> <p>This application was deferred at the previous Planning Committee meeting.</p>
<b>7.</b>	<p><b>DELEGATED DECISIONS</b> (Pages 97 - 98)</p> <p>To consider a schedule of applications determined under delegated powers during the month of April 2023.</p>
<b>8.</b>	<p><b>DATE OF NEXT MEETING</b></p> <p>Tuesday 1st August 2023 at 6.00pm in Civic Suite, North Warehouse</p>



**Jon McGinty**  
**Managing Director**

**Date of Publication: Monday, 26 June 2023**

## NOTES

### Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

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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### **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, 6th June 2023

**PRESENT** : Cllrs. Taylor (Chair), Morgan (Vice-Chair), Ackroyd, Bhaimia, D. Brown, J. Brown, Conder, Evans, Gravells MBE, Sawyer, Toleman and Tracey

**Officers in Attendance**

Planning Development Manager

Senior Planner

Highways Officer, Gloucestershire County Council

Chief Planning Lawyer, One Legal

Democratic and Electoral Services Officer

**APOLOGIES** : Cllrs. Campbell and Dee

### 1. DECLARATIONS OF INTEREST

The Chair declared an interest in agenda item 5 (Land at Blackbridge - 23/00103/FUL) owing to being employed by the local school. He took no part in any aspect of the item.

Councillors D.Brown, Tracey and Gravells declared a non-prejudicial interest in agenda item 5 (Land at Blackbridge - 23/00103/FUL) owing to being elected members of Gloucestershire County Council.

### 2. MINUTES

**RESOLVED** – that the minutes of the meeting held on Tuesday 2nd May 2023 were confirmed and signed by the Chair as a correct record.

### 3. LATE MATERIAL

Late Material had been circulated in relation to Agenda Item 5 – (Land at Blackbridge, 23/00103/FUL) and Item 6 – (Land at Snow Capel – 22/00519/FUL).

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Additional late material had also been circulated in relation to agenda Item 6 (Land at Snow Capel – 22/00519/FUL).

**4. LAND AT BLACKBRIDGE, LABURNUM ROAD, GLOUCESTER GL1 5PQ - 23/00103/FUL**

*A site visit took place prior to the meeting on Tuesday 30 May, to allow for a full consideration of the application.*

*Owing to having declared a prejudicial interest in the item, the Chair withdrew himself from the Chamber at the start of the item. The Vice-Chair chaired the item.*

The Planning Development Manager presented the report detailing an application for a 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.

**A member of the Blackbridge Committee spoke in opposition to the application.**

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

- His speech represented the views of much of the local community.
- The applicant had failed to provide enough information to demonstrate that the proposal would comply with the adopted Joint Core Strategy (JCS).
- The application contradicted policy SD14 of the JCS that stated that development must cause no unacceptable harm to amenity, including the amenity of neighbouring occupants.
- The application did not originally propose including an artificial pitch and access was going to be provided through the Crypt School. The updated plans were far worse than what was originally proposed.
- The 3G pitch would cause noise pollution, traffic routed up Laburnum Road and light pollution.
- Incorrect placement for an artificial pitch.
- The two rugby pitches on the site would no longer fit, should planning consent be granted. This contradicted paragraph 99 of the National Planning Policy Framework guidelines on development of sports fields as benefits must clearly outweigh the loss of the current or former use.
- In 2012, an athletics club adjacent to the application site gained planning approval for 19 car parking spaces and access off Podsmead Rd. A reason why planning approval was given was to 'limit vehicle movements' through the residential estate (Oaklands Park) to the benefit of those residents' amenity. It therefore followed that to increase traffic through Laburnum Road for a car park 5 times the size, and with more frequent use, would cause an unacceptable harm to the amenity of the Oaklands residents.
- There were 38 conditions placed on the application. Paragraph 55 of the national planning policy framework stipulated that planning conditions should be kept to a minimum.



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- There were conditions covering fundamental information such as the design of the 3G and grass pitches, the grass pitch locations, the drainage, noise mitigation and management, lighting, phasing of the development and fencing design.
- The application should be refused or at least deferred until fundamental details were provided about the application.

**A representative of Blackbridge Charitable Community Benefit Society spoke in favour of the application.**

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

- The Blackbridge Charitable Community Benefit Society was an organisation led by residents, which had entirely charitable objectives and wanted to benefit the local community.
- The project was set up alongside Podsmead Big Local, another charitable group, helping to regenerate Podsmead.
- It was supported by local charities and groups, such as GL Communities, because of its long-term potential to improve the health and wellbeing of residents.
- It had cross party support, including from the local ward member and the Member of Parliament for Gloucester (Richard Graham MP).
- The project was over five years in the making.
- The applicant welcomed feedback from residents and had delayed putting in the application to address some of their concerns.
- An additional 10 car parking spaces would be created for local residents.
- The pitch would be moved further away from the tree lines.
- The site would be professionally managed and would improve biodiversity.
- The ground floor would be a multi-purpose site. It would provide opportunities for people to rest and relax.
- There would be a fitness gym upstairs and a studio space.
- Blackbridge would host community-based services to tackle health inequalities. Many residents would benefit from this.
- The scheme had already started to create jobs.

**Members' Questions**

The Planning Development Manager responded to Members' questions concerning what impact the granting of the application would have on other sports facility providers, whether there was also an application for housing development in the area and if it would be using the same access, whether the application contradicted policies within the Joint Core Strategy, about the loss of green space, the appropriateness of the number of conditions, whether the conditions for the principle of development were enforceable, about how noise would be managed, whether a cycle lane was being proposed as part of the application, how access

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would be controlled, whether coaches would access the site and whether the main building would overlook nearby properties as follows:

- It would not negatively affect other sports facility providers, such as Aspire. Regarding the wider effect of the application, The Gloucester Playing Pitch Strategy (PPS) identified a shortfall in capacity of the sports considered both at the time of the study and at the end of the strategy period.
- There was an application for 30 houses in the locality. However, this had not been assessed yet, would be at a later Planning Committee and use a different access.
- Any application had to be assessed on balance. In the Committee report, officers had carried out that assessment. The assessment raised policy SD14 of the Joint Core Strategy. The view of the case officer was that the application could go ahead without unacceptable harm to local amenity. The application was supported by a noise assessment scheme. There would be a slight increase in noise. However, this would not be by an unacceptable amount. Further, there were conditions attached to the report that would ensure that measures would be put in place so that the site would be appropriately managed. This was similar in the case of floodlighting. One pitch would be floodlit but there were conditions regarding the allowed time of operation. Floodlighting had also progressed in the past few years, and it would not cause light pollution to nearby dwellings. There were also conditions in respect of operational time. The site would be open between 08:00 and 22:00 each day.
- Regarding paragraph 99 of the National Planning Policy Framework, an assessment had been carried out with Sports England (statutory consultee) and the proposal accorded with policy. Despite the loss of some green open space, what would replace it, would be of a better quality. The current pitches had inadequate drainage, the proposed ones would not. The pitches would also be able to be used throughout the year, except in cases where there were extreme weather conditions. There would be accessible toilets, accessible changing rooms, and parking provisions. Overall, whilst there would be some loss of green and open space, the quality of the replacement would be of a significantly better quality. Therefore, it was policy compliant.
- 38 conditions were not particularly excessive for an application the size of the one before the committee. The application would primarily establish the principle of development. It was appropriate to condition some technical aspects of the application, particularly when it was community funded. The cost to provide all the technical detail at front, without planning consent for the principle of development would be excessive. The drainage officer had looked at the application and was satisfied that the application could be adequately drained. Details would have been required upfront if that had been thought otherwise. The authority had no objection in principle regarding the fencing around the proposed 3G pitch and that the exact design could be conditioned. In respect of how enforceable the conditions were, a number of the conditions required a submission of further details and if the applicant did not provide the information, they would not have planning permission.
- The site would be allowed to be used for events. However, there would be a noise management plan. The building itself would also be constructed to

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modern standards. If an event would cause excessive noise, it would not be allowed.

- There was not a cycle lane being proposed as part of the application in front of the Committee.
- The Community building would not overlook neighbouring properties. It was considered that it would be extremely rare that coaches visited the site .
- There would be a lockable gate that controlled access. The site would be open until 10pm, so it would be unlikely that dog walkers would want to access the site after it closed. The site could be accessed by walking or cycling.
- The gate would be at the main site entrance.

The Highways Officer responded to Members' questions concerning how illegal parking would be dealt with, whether the public had been consulted on Traffic Regulation Orders (TRO's), how much parking would be lost for residents in the estate, whether the granting of the application would require there to be a resurfacing of Laburnum Road, about coaches accessing the site, and whether a car and a coach could pass each other if the application received consent as follows:

- Enforcement for people parking illegally on Laburnum Road would happen in the same way any other double yellow lines were monitored. Officers would use cameras or tickets.
- Regarding Traffic Regulation Order, that would be required under a separate process, which would include public consultation, as a statutory consultee on the planning application, the County Council was bound by a tight timeframe, and therefore, they did not consult on Traffic Regulation Order prior to their consultee response.
- Around 7-8 parking spaces would be lost, should the application receive consent. Therefore, the 10 additional parking spaces proposed for residents was enough.
- The number of additional movements caused if the application was granted would not warrant a requirement for resurfacing the road.
- There would be some coaches that would go up and down the site.
- There was a condition requiring a submission of a landscaping plan.
- There was enough space for a car and a coach to pass, though one would need to stop to allow the other through.

**Members' Debate**

Councillor J.Brown thanked officers for organising a site visit prior to the meeting. She stated that she understood that there was a lot of opposition by members of the local community, which was predominantly based on access and parking. She stated that it was a vast field and that she believed that application would benefit the community.

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Councillor Conder stated that if there were evening events at the Community Centre, though they had to be finished by 10pm the gate would be open longer than that, there would be clearing up do and so still noise and disturbance after 10pm and that this should not be discounted as a consideration.

Councillor Sawyer noted that in her ward (Longlevens) there were two community buildings that caused issues for the local community, owing to events being held in the evening. She said that noise came when events ended at 10pm as people would be making noise, whilst waiting for taxis and smoking outside. She questioned whether outdoor smoking areas could be considered, and she added that she had concerns about coaches going into and out of the access road.

Councillor Tracey stated that residents were not used to noise, footfall, and vehicle movements after a certain time of night and that she believed that there needed to be tweaks made to the application.

Councillor Gravells stated that he agreed with the points raised by Councillor J.Brown. He stated that he believed that Gloucester needed more facilities, like the one proposed. He said that the key to the application was the conditions and the enforceability of them.

Councillor Conder highlighted that Members had spoken about similar builds in their own wards. She said that she understood that local people wanted to preserve green open space but that she believed that the application would provide better green open space and that it would protect it more than a housing development on the land.

The Vice-Chair stated that he understood that it was a difficult and contentious application and that the Committee had to judge the positives and potential negatives of it. He stated that overall, he believed that the balance was in favour of the application and whilst he understood the concerns of residents, if there were issues with traffic or noise caused after the completion of the project, residents could contact Environmental Health and Gloucestershire Highways.

The Vice-Chair proposed, and Councillor J. Brown seconded the officer's recommendation.

**RESOLVED** that: - planning permission is **GRANTED** subject to the conditions outlined in the officer report.

**5. LAND AT SNOW CAPEL, WINNYCROFT LANE, GLOUCESTER - 22-00519-FUL**

*A site visit was conducted prior to the meeting (Tuesday 30 May) to allow for full consideration of the application.*

The Senior Planner presented the report detailing an application for a 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).

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**Councillor O'Donnell spoke in favour of the application.**

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

- Matson did not have enough community stock but had a lot of green space.
- The monument was not very accessible to the public. The granting of the application would allow for it to be visited by schools and members of the local community.
- For families living in overcrowded accommodation, the granting of the application could have a large beneficial impact on their life and wellbeing.
- The granting of the application could get 77 social housing applicants off the waiting list, which was in the region of 6,000 applicants.
- The application was supported by local communities and residents.
- People need good quality homes to live in.
- The granting of the application would help to combat the issue of overcrowding in homes and make a positive impact on people's lives.

**An operations director at Bromford spoke in favour of the application.**

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

- Gloucester had nearly 6,000 people on the social housing waiting list. Bromford wanted to work with the Council to help solve the problem.
- The Matson Site would provide 75% affordable houses. Most of the properties would have gardens. The neighbouring site built by another developer provided zero affordable homes.
- The application was supported by various community groups including Gloucestershire College, Gloucestershire Gateway Trust, Together in Matson, GL Communities. Richard Graham MP supported it.
- The properties would be energy efficient.
- Together in Matson had highlighted that inadequate social housing was one of the biggest problems in the area. The granting of the application would help to combat this.
- The scheme would include public open space.
- New footpaths would be provided.
- Despite noting the significant benefits of the scheme in the officer's report, the recommendation was for refusal. It contradicted the Secretary of State's position which was that affordable housing should be given substantial weight when deciding on an application.
- Regarding the landscape issue, the nationally important scheduled ancient monument sat between the M5 and a main road and was hardly known to people in the area and was hidden.
- The questions surrounding newts could be dealt with via conditions.
- The application boiled down to whether the benefit outweighed the negatives. The nationally important scheduled ancient monument to the untrained eye was an 'overgrown hole.' If the application received consent, they would propose to reveal, protect, and educate people on it. Alongside Together in Matson, they would also fund a history project.

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The Senior Planner responded to Members' questions concerning why other applications that had an impact on important monuments had been granted in the past, whether the fact that the applicant's proposal to open up the monument to the public changed the view about its effect on the monument, whether it was common for applications to propose such a high proportion of social housing, whether granting the application would allow the monument to come out of obscurity, how many nationally recognised monuments of a similar nature there were, whether Glevum Way would be impacted, whether the impact on Doctors surgeries had been considered, whether Historic England had placed any boards in the area that advertised the monument and how much harm to the monument the granting of the application would cause as follows:

- There had been a lot of discussion with Historic England. The view of the Council's archaeologist and Historic England was that it would cause significant harm to the surrounding area. Each application had to be judged on a case-by-case basis. Currently, the monument did not require any management. Granting the application would mean that it would have to be dealt and the application included a heritage management plan. The applicant had also proposed to pay a bond secured by a S106 agreement in the region of £50,000 to protect the monument. However, even with this the impact on the setting and the monument, in the officer's view was not outweighed by the public benefit. This was because the monument was a nationally important asset, though it was a delicately balanced application.
- The guided walks and educational talks were positive aspects of the heritage management scheme proposed by the applicant. However, there was doubt as to how it would be secured. Even with the heritage management scheme, there was still a concern around the loss of the rural setting.
- The amount of social housing proposed by the applicant was rare. There were clear benefits for provision of such housing and officers had taken that into consideration when weighing it against the Heritage Impact.
- The comment that the monument was obscure, was perhaps an erroneous one. It was on a map on the Historic England website. The monument was protected by virtue of where it was located. The fact that the granting of the application may increase visitors to the site, was, by guidance of Historic England, not necessarily a positive one as increasing footfall was not the same as increasing understanding.
- There were around 3-4 moats in Gloucester, and only two of them were scheduled national monuments. It was a balancing exercise when judging the application. If a housing estate was built around the site, the setting would change.
- There was a proposal to redirect the public right of way crossing the site, but there would still be access throughout the site, though it would obviously be a different experience for that part.
- A lack of contributions in respect of GP surgeries had not been one of the recommended refusal reasons. It was thought that this might be covered by the Community Infrastructure Levy (CIL), but in cases where it was not it could be covered by a S106 agreement if required.

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- Historic England had not put up any boards regarding the Moat and the Moat was currently in private ownership.
- The scheme would provide a less than substantial harm to the monument but at the upper end of the scale of that level of harm.

**Members' Debate**

The Vice-Chair stated that Members had received a thorough report. He stated that he believed the question of the impact on the national monument and the surrounding area was a valid one. However, he said that he believed on balance, that the provision of social housing outweighed the potential detrimental impact on the national monument and the landscape.

Councillor Tracey stated that she believed that it was an excellent site for social housing and that she would support the application.

Councillor Sawyer stated that she believed that it was an excellent application and that she would be minded to support it.

Councillor Conder stated that that granting the application would lead to a change of character in the area. and was concerned that the development went right up to the motorway and the houses there would hear the hum of traffic, but overall, in principle was in favour of the application.

Councillor Gravells said that he would support the application. He further noted that the site was currently difficult to access, as it required climbing over a stile fence.

Councillor Bhaimia noted that assessing the application was a difficult balancing act, however, he would support the application as community housing was important.

The Chair suggested that it might be that the application should be deferred, if members were in principle minded to permit the application, for outstanding matters to be addressed, including mitigation for harm to Great Crested Newts, adequate drainage, amount of play space so that these could be discussed between the officers and the applicant before the application came back at a later date. Unless it was thought that there could be a delegation to officers on these matters.

The Planning Development Manager noted that there were, in addition to the judgement on the damage to the monument against the benefit of social housing in the area, technical reasons for refusal, highlighted in the officer report and that his suggestion would be for deferral so that officers and the applicant could liaise and discuss these and heads of terms in respect of s106 agreement requests. Thereafter, when the report came back to committee, it was likely that the recommendation of officers would still be to refuse, but the report could set out if the technical reasons have been addressed, s106 requests agreed and suggested conditions if contrary to the recommendation there was a motion to permit the application.

The Chair moved and the Vice-Chair seconded a proposal to defer the application for the outstanding matters in the officer report to be addressed and an updated

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report including a heads of terms in respect of s106 requests and setting out suggested conditions should the application be permitted.

**RESOLVED** that: the application is deferred.

**6. DELEGATED DECISIONS**

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

**RESOLVED** that: - the schedule be noted

**7. DATE OF NEXT MEETING**

Tuesday, 4<sup>th</sup> July 2023 at 6pm.

**Time of commencement: 6.00 pm**

**Time of conclusion: 8.30 pm**

**Chair**



## GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

Committee:	Planning
Date:	4 <sup>th</sup> July 2023
Address/Location:	New Dawn View, Gloucester
Application No:	23/00280/OUT
Ward:	Podsmead
Expiry Date:	28 <sup>th</sup> June 2023
Applicant:	Gloucestershire County Council Asset Management and Property Team
Proposal:	Erection of up to 30No. dwellings with all matters reserved (apart from access).
Report by:	F. Ristic
Appendices:	Site location plan and floor plans

### 1.0 **SITE DESCRIPTION AND PROPOSAL**

The application site is located in the eastern portion of the Podsmead estate to the south of Gloucester City. The site is a parcel of land in the south-east corner of Blackbridge sports field. The field has planning permission subject to a S106 to become a new sports hub with sports pitches, facilities, landscaping and drainage. The application site is at the end of an existing residential development called New Dawn View and there is an existing public right of way along the eastern and southern boundary of the site. The site would be accessed through the existing residential development of New Dawn View. To the south-west is Crypt Grammar School and to the east is a former railway cutting. The Blackbridge allotments are to the north-east of the site. The site is in flood zone 1 and is not in a conservation area. The site is allocated in the Gloucester City Plan for approximately 30 houses under policy SA.11.

### 1.1 **Proposal**

The proposal is outline for a residential scheme (for a maximum of 30 dwellings) with all matters reserved except access. Access to the site will be from the existing highway to the north-east of the site. The applicants have confirmed that the existing public footpath would be incorporated into the new layout. At reserved matters stage the scheme will comply with the National Design Guide and Building with nature. The design includes a section of the site to the west which includes a number of new trees, retained trees and an attenuation basin. This section has been designed in accordance with the neighbouring sports hub landscaping plans. The vehicle speeds will be controlled by traffic speed humps on the access road.

The applicant has stated that there would be no more than 30 dwellings and an indicative mix of units on the site would be:

Affordable homes

1No. 1 bed – (16.7%) [Cat 3]

3No. 2 bed – (50%)

2No. 3 bed – (33.3%)

TOTAL – 6 affordable dwellings. 2 Shared ownership, and 4 rented (mix between affordable and social rent to be agreed)

Open market based on the indicative plans:

2No. 1 bed – (8.3%)

8No. 2 bed – (33.3%)

10No. 3 bed – (41.6%)

4No. 4 bed – (16.5%)

The applicant is proposing 20% affordable housing on the site and 1 self-build unit (5% of the total units).

## 2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
11/00724/OUT	Outline application for 14 new dwellings, new allotments and associated works (means of access not reserved).	Granted	16.01.2014
14/01317/OUT	Revised outline application for 14 new dwellings, new allotments and associated works (following grant of outline permission under application no.11/00724/OUT) to allow for amended access arrangements from Stroud Road. (Appearance, Landscaping, Layout and Scale reserved for future consideration).	Granted	11.02.2015
16/00885/REM	Reserved Matters application for approval of the Appearance, Landscaping, Layout and Scale of the development for 14 new dwellings, new allotments and associated works pursuant to outline planning permission no.14/01317/OUT.	Granted	16.12.2016
16/01128/CON DIT	Discharge of conditions 5 (acoustic specifications), 6 (F/1 road-safety audit and non-motorised-user context report), 7 (vehicular parking and turning facilities), 8 (external materials and details), 9 (boundary treatments), 10 (drainage), 11 (management an maintenance of streets), 12 (dust suppression), 13 (Construction Method Statement), 14 (remediation of contaminated land), 16 (reptile mitigation strategy), 17 (archaeology) and 20 (cycle storage) of outline planning permission 14/01317/OUT (revised outline application for 14 dwellings - Blackbridge Allotments, Stroud Road)	All discharged	07.07.2017

### RELEVANT PLANNING POLICY

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

**National guidance**

National Planning Policy Framework (NPPF) and Planning Practice Guidance.

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

Relevant policies from the JCS include:

SP1 - The need for new development  
SP2 – Distribution of new development  
SD4 – Design requirements  
SD.8 – Historic Environment  
SD.9 – Biodiversity and Geodiversity  
SD.10 – Residential development  
SD.11 – Housing Mix and standards  
SD.12 – Affordable housing  
SD14 – Health and environmental quality  
INF1 –Transport network  
INF.3 – Green Infrastructure  
INF4 – Social and community Infrastructure  
INF.7 -Developer Contributions

**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 (existing policies) 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.

**Development Plan****Gloucester City Plan**

Gloucester City Plan ("City Plan") will deliver the JCS at the local level and provide policies addressing local issues and opportunities in the City. The plan has now been adopted so significant weight may be given to individual policies.

Relevant policies from the Gloucester City Plan (2023) include

A1 – Effective and efficient use of land and buildings  
A6 – Accessible and adaptable homes  
C1 – Active design and accessibility  
C3 – Public open space, playing fields and sports facilities  
E6 – Flooding, sustainable drainage, and wastewater  
F1 – Materials and finishes  
F2 – Landscape and planting  
F6 – Nationally described space standards

G1 – Sustainable transport

G2 – Charging infrastructure for electric vehicles

SA11 – Land off New Dawn View

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>

## **CONSULTATIONS**

### **Ecology**

Reviewed the updated BNG figures and note that positive net gain can be achieved through hedgerow retention and enhancement as well as positive net gain for the other habitats on site through retention of the woodland and planting trees within the development area. The proposals in the BNG report should be expanded upon in the LEMP (to include provision for protection of retained habitats - woodland and hedgerows) to ensure that positive biodiversity net gain for hedgerows and other habitats can be achieved in reality. The LEMP can be conditioned and submitted for review prior to commencement.

### **Trees**

No objection to the outline plan as proposed. However, we would need to add some conditions for information that we would need to see in the reserved matters;

-A revised and updated tree report, arboricultural method statement, and impact statement, relevant to the building plan.

I would also like to see the foundation type and foundation depths of the buildings within potential influencing distance of buildings according to the building plan. Need to make sure the building plan gives room to grow for the existing trees and there will be no conflict with trees as the site matures.

### **Highways**

No objection subject to conditions.

Location The site forms part of the wider regeneration of the area of Podsmead. The site is allocated for approximately 30 dwellings in the Gloucester City Plan (GCP) 2011-2031 (Site Allocation ref: SA11: Land off New Dawn View). The proposed development site is accessible by non-car modes of travel and is located within a convenient walking and cycling distance of a number of key local services and facilities. A commuting bus service to Gloucester is available (service numbers 62, 64 and 63 gold). Development of the proposed site will therefore provide future residents with a viable choice of travel modes which in turn will help to reduce the use of the private car. In the opinion of GCC as the local highway authority the development site is considered to be located within a fairly sustainable location.

Vehicular Access - Vehicular access to the site will be via a priority T-junction from Stroud Road, which follows the same vehicular access arrangement for an approved planning

application reference 14/01317/OUT (Residential development). It can be demonstrated that the existing access as shown on drawing number SK01 rev B, can provide suitable levels of emerging visibility and it is concluded that the existing junction of New Dawn View and Stroud Road can safely accommodate the relatively low increase in vehicle movements proposed by the development.

Highway Impact I have reviewed the TRIC's data from the submitted Transport Statement dated November 2021 and for robustness I have carried out my own TRIC's (v7.10.1) analysis for comparison. A residential development consisting of 30 dwellings in a sub-urban environment will generate 132 two-way vehicle movements on a weekday with 15 vehicle movements in the AM peak (8am-9am) and 15 vehicle movements in the PM peak (5pm-6pm). The largest number of arrival trips would be in the PM peak (5pm-6pm) consisting of 15 vehicles. The cumulative impact of approximately 44 dwellings (this is the existing 14 dwellings approximately which are built and currently occupied and accessed from New Dawn View plus the proposed 30 dwellings for this application) is 194 two way daily vehicle movements in a day with 22 vehicle movements in the AM peak (8am-9am) and 21 vehicle movements in the PM peak (5pm-6pm). The largest number of arrival trips would be in the PM peak (5pm-6pm) consisting of 21 vehicles. I have reviewed GCC's Personal Injury Collision data (PIC), and there are no personal injury collisions that have been recorded on the local highway network in the immediate vicinity of the site within the past 5 full years and there are no clusters with common causation nearby that might indicate any inherent safety issues or suggest that this section of highway is not operating in a safe manner. I am more than satisfied that the proposed development, continuation of cul-de-sac would not compromise the safety or performance of New Dawn View/Stroud Road or the wider highway network. Based on the level of vehicle movements generated by the proposed development and taking into consideration the cumulative impact I do not consider that this will have a serve impact on to the highway network.

Travel Plan GCC would not seek a travel plan for this scale of development. However, GCC would welcome the prospect of a welcome pack being submitted at the next application stage.

Site Layout - This is reserved, however should be subject to the County's Technical Specification for New Streets guidance February 2020 and Manual For Gloucestershire Streets July 2020, providing suitable continuous two-way tracked passing roads, footways to all dwellings of typically 2m. Parking provided for dwellings to allow for disabled users of sufficient numbers based on local parking survey evidence with visitor parking at 1 space per 5 units and incorporated into the layout with footways and tapers to allow for ease of ingress/egress. Bin collection points which should be adjacent to refuse vehicle routing. All parking should be designed to enable electric vehicle charging according with NPPF paragraph 112.

In light of the revised NPPF July 2021 paragraph 131 states "Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users." This will need to be addressed. Please refer to national design standards Ciria SUDs Manual C753 and Homes England Streets for a Healthy Life issue 1.

Summary The Highway Authority has undertaken a robust assessment of the planning application. 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.

Based on all of the submitted information presented at this application stage, I recommend that no highway objection be raised subject to the following conditions being attached to any permission granted:

Condition 1. No development shall take place, including any demolition works, until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority.

2. Details of the layout, (hereinafter called "the reserved matters") (including surface water drainage/disposal, street trees, vehicular parking including visitor parking, turning head(s), street lighting, EV charging facilities and secure and covered cycle parking facilities all within the site) shall be submitted to and approved in writing by the local planning authority

3. The development hereby approved shall not be occupied until the applicant has submitted to and had approval in writing from the Local Planning Authority a residential welcome pack

Informatives 1. For avoidance of doubt the submitted highway layout plan has been treated as being for illustrative purposes only.

2. 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

3. The development hereby approved includes the construction of new highway

4. All new streets must be tree lined as required in the National Planning Policy Framework..

5. 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](mailto:Network&TrafficManagement@gloucestershire.gov.uk) before undertaking any work

6. It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full

### **Drainage - Council's drainage officer**

As the LLFA has pointed out, the proposed point of discharge for the surface water is different on this application, compared with the sports hub application.

I understand that part of the land that the outfall pipe (shown below) crosses, is owned by the City Council. The City Council may not want a pipe bisecting their land in this manner (if the Sports Hub does not go ahead) as it could interfere with future development plans. It would be better for the pipe to discharge into the ditch on the west side of the open space

(at a location where it is deemed to have a good onward flow route). This issue may be resolved by condition if preferred – suggested wording in section 4.0, below.

## **1.0 Flood Risk At The Site**

EA flood mapping shows the site as being located in flood zones 1, and so I do not have any concerns over fluvial flood risk at the site. Similarly, the surface water flood mapping does not show any significant risk.

### **1.1 Design Flood Level (Estimated Flood Level)**

Flood zone 1 so n/a

#### **1.1 Sequential Test**

Flood zone 1 so not required

#### **1.2 Exception Test**

Flood zone 1 so not required

##### **1.2.1 Finished Floor Levels**

Flood zone 1 so n/a

##### **1.2.2 Safe Access / Egress**

Flood zone 1 so n/a

## **2.0 Impact of The Development On Flood Risk Elsewhere**

### **2.1 Loss In Floodplain Storage Volume**

Flood zone 1 so n/a

### **2.2 Surface Water Management**

The proposed discharge rate of 1.5 l/s is deemed acceptable.

The applicant should note that for the final detailed design which will be submitted to discharge the drainage SuDS condition, the Cv values should be set to 1.0.

As has been commented on application 23/00103/FUL, we require that the basin side slopes are no steeper than in 1 in 4. This can be secured by condition, as per section 4.0.

Applicable notes on the attenuation basin are as per those from those submitted against application 22/00103/FUL. Contrary to application 00/00103/FUL, this application shows no inlets / outlets over 350 mm in diameter, and so all headwalls can be of the type shown in Fig C1):

Large pre-cast concrete headwalls and galvanised key-klamp railings should be avoided wherever possible as they detract from the naturalistic look that we are trying to achieve in these open spaces.

All the inlets and outlets are below 350 mm in diameter, and so all these can have the natural stone, mitred, headwalls (with no edge restraints) shown in the document, '*Design and Construction Guidance for foul and surface water sewers offered for adoption under the Code for adoption agreements for water and sewerage companies operating wholly or mainly in England ("the Code")*', which has been signed up to by all water companies, including STW. A screenshot of the design is shown below.

Approval of acceptable headwall design to be secured via condition (Section 4.0).

Further, depending on the final detailed design of the other attenuation basins at the site, we may request that the basin associated with this development has an area of permanent (or semi-permanent) water, to provide better habitat (managed via condition).

### **3.0 SuDS (Water Quality)**

The basin and permeable paving ensures that the CIRIA C753 water quality standards are met.

### **4.0 Conditions**

I would recommend inclusion of the condition set out below:

#### **Detailed Design for Surface Water Drainage**

### **County Council**

This application has been assessed for impact on various GCC community infrastructure in accordance with the "Local Development Guide" (LDG). The assessment also takes account of CIL Regulations 2010 (as amended). This assessment is valid for 1 year, except in cases where a contribution was not previously sought because there were surplus school places and where subsequent additional development has affected schools in the same area, GCC will reassess the education requirement. Any contributions agreed in a S106 Agreement will be subject to the appropriate indices

#### **Number of places requested**

**Primary** - Gloucester Primary Schools <= 2 miles travel distance -The proposal is for 30 dwellings of which 27 are qualifying dwellings for education. This number of qualifying dwellings would be expected to generate an additional demand for 10.40 primary school places. The current County Council forecasts show there will be adequate surplus capacity available to accommodate numbers arising from this development. Therefore, Gloucestershire County Council is not requesting a contribution towards the provision of primary places at this time. There are 20 primary schools <=2miles, across a number of Gloucester primary planning areas. Data for all 20 schools has been provided. Therefore 0 places required.

**Secondary** – age 11-16 The Gloucester Secondary Planning Area is forecast to be full. Gloucestershire County Council is therefore requesting a secondary (age 11-16) contribution of £109,127.25 towards the provision of these places. The closest non-selective schools to this development are Gloucester Academy (1.4 miles) and Holmleigh Park High School (1.5 miles), there is not a catchment school. 4.59 places - **£109,127.25**

**Post 16 Places Impact** - Secondary – age 16-18 Gloucester Secondary. The Gloucester Secondary Planning Area is forecast to be full 1.62 spaces - **£38,515.50**.

**Library Impact** - The nearest library to the application site, and the library most likely to be used by residents of the new development, is Tuffley Library and/or Matson. The new development will generate a need for additional resources at this library, and this is costed on the basis of £196.00 per dwelling. A financial contribution of **£5,880.00** is therefore required to make this application acceptable in planning terms. The financial contribution will be to improve customer access to services through refurbishment and upgrades to the existing library building, improvements to stock, IT and digital technology, and increased services.

**CIL/S106 Funding Position** There are currently no mechanisms or mutually agreed financial arrangements in place between the LPA as CIL Charging Authority and GCC to fund GCC



strategic infrastructure from the CIL regime to mitigate the impact of development as it occurs. The level of CIL charged on a development does not cover the amount of developer contributions that would be required to contribute towards the strategic infrastructure necessary to mitigate the impact of that development

The proposed site has previously been subject to a geophysical survey. There are some potential archaeological features noted by the survey but without archaeological evaluation it is not possible to either confirm they are significant nor to discount them. Given the issues on site it has previously been agreed to address this by condition. The proposed scheme does involve a number of groundworks that will damage archaeological remains if they are present. I therefore advise that the following conditions be attached should you be minded to grant consent:

### **Archaeology**

The proposed site has previously been subject to a geophysical survey. There are some potential archaeological features noted by the survey but without archaeological evaluation it is not possible to either confirm they are significant nor to discount them. Given the issues on site it has previously been agreed to address this by condition. The proposed scheme does involve a number of groundworks that will damage archaeological remains if they are present. I therefore advise that the following conditions be attached should you be minded to grant consent:

***SC45 Archaeological Written Scheme of Investigation- Submission of Details***

***SC46 Archaeological Written Scheme of Investigation- Implementation of Approved Scheme***

### **Environmental Health - Noise**

I do not consider that there would be any practical measures that could minimise noise from the grass pitches given the proposed layout. Therefore I have no objection to the application in terms of noise. The recommendation of the noise assessment, in terms of alternative ventilation, should be implemented.

### **Lead Local Flood Authority**

The proposal demonstrates adequate space to accommodate attenuation storage to allow discharges from the site to be controlled to greenfield equivalence. The proposal needs to be considered in conjunction with information included in the proposal 23/00103/FUL. Confused by the discharge from the balancing pond shown in drawing 19589-RAP-XX-XX-DR-C-3101 Rev B being through a pipe to the head of the Black Ditch on the opposite side of the site while in drawing 18527-RAP-XX-XX-DR-C-3100 Rev A, included with the FRA for 23/00103/FUL, this discharge is discharged via a swale to an adjacent pond. Clarity over which is to be used would be appreciated. The proposal in 23/00103/FUL looks more sensible. I don't see this as reason for objection as it can be resolved at the detailed design stage that can be the subject of a condition.

The LLFA has no objection to this proposal and would recommend the following condition be applied to any consent granted against this application:

Condition: No building works hereby permitted shall be commenced until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority and corresponding notes.

### **Contaminated land**

We have looked over the documents submitted and historical records for the site. The site itself has been open fields, bounded by railway and in more recent times sports pitches. We note there were some ground remediation works in relation to the New Dawn View application 16/01128/CONDIT, we do not have access to the details of these works. As the development is for a more sensitive land use, it would be prudent for the applicant to carry out a desk study in the first instance, we recommend a tiered condition

### **Sport England**

It is understood that the proposal will prejudice the use, or lead 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, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). 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*
- *land 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 meets with one or more of five specific exceptions.'*

Sport England's Playing Fields Policy and Guidance document can be viewed via the below link:

[https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#playing\\_fields\\_policy](https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#playing_fields_policy)

### **Proposal and Impact on Playing Field**

The proposal is for the erection of up to 30No. dwellings with all matters reserved (apart from access). There is a loss of approximately 1.18 hectares of playing field.

### **Assessment against Sport England Policy**

This application proposed the loss of existing playing field land and is not considered to meet exceptions 2 - 5 (inclusive). It therefore needs to be considered against exception 1 of the above policy, which states:

*E1- A robust and up to date assessment has demonstrated, to the satisfaction of Sport England, that there is an excess of playing field provision in the catchment, which will remain the case should the development be permitted, and the site has no special significance to the interests of sport.*

I have therefore assessed the existing and proposed playing fields against the above policy to determine whether the proposals meet exception 1.

Sport England has worked closely with officers of City Council along with a number of the national governing sports in the preparation of the adopted playing pitch strategy, (PPS) and have fed into the adopted Local Plan.

The site, subject of this planning application, has the reference SA11 in the adopted Local Plan. It was agreed several years prior to Local Plan adoption that there was a need to

create a sports hub at Blackbridge Sports Ground to meet the needs of cricket, football and rugby. The PPS, which has been kept up to date, since its adoption, highlighted the need for need for a full size (100 x 64m c/w run-offs) 3G artificial grass pitch on the sports hub. The figures supported the loss of the area SA11 to ensure there was not a deficit of playing field in this area.

Part of Policy SA11 description states:

*The proposal to allow the loss of limited playing field land to support the delivery of the Blackbridge Sports and Community Hub (Policy SA06) is supported by the PPS Delivery Group. The use of a small part of the site for residential development releases the wider site to deliver significant net gains including a full-sized 3G pitch, grass pitches, a health and wellbeing building and opportunities for informal physical activity. On this basis, it is considered the proposal meets in whole or in part the Sport England exception tests relating to the loss of playing field land.*

The application for the new sports hub, 23/00103/FUL, which was support by the Football Association/Football Foundation, England and Wales Cricket Board, the Rugby Football Union and Sport England is currently under assessment by the City Council and I believe is due to planning committee in June this year.

The applicants have shown that the location of the housing will not impact on the proposed cricket pitch, thus addressing the East Meon V East Hampshire DC & South Downs NPA ball strike issue.

Regarding the *heads of terms*, Sport England was not expecting any contributions towards playing fields but we would *encourage* the City Council to consider collecting contributions towards built facilities because the occupiers of new development, especially residential, will generate demand for sporting provision. The existing provision within an area may not be able to accommodate this increased demand without exacerbating existing and/or predicted future deficiencies. Therefore, Sport England considers that new developments should contribute towards meeting the demand that they generate through the provision of providing additional capacity off-site in this instance. The level and nature of any provision should be informed by a robust evidence base such the Gloucester City Built Facilities Strategy.

### **Conclusions and Recommendation**

Given the above assessment, Sport England does not wish to raise an objection to this application as it is considered to meet exception 1 of our Playing Fields Policy.

### **Housing Strategy**

#### *Summary*

For the application to be acceptable the Applicant must set out the detail of the Affordable Housing provision, including bedroom, sizes persons, SQM and compliance with M4(2) and M4(3). This would then be set out in the related S106 agreement. The current heads of terms do not have the requisite detail. This information is required in order to show compliance with JCS policy SD11, SD4 and Gloucester City Plan Policy A6. The application needs to address the effective use of land alongside delivery of a progressive approach to active transport. The reduction in car parking spaces will assist to ensure the mix of dwellings meets the city's Housing need. For the application to be acceptable HPST (Housing Projects and Strategy Team) will also expect the Heads of terms to reflect: • compliance with Nationally Described Space Standards (NDSS) • that the rented homes to be provided as Social Rent • That all Social Rent will be to double occupancy standard The M4(2) homes must be split almost

equally across the Open Market homes and the Affordable Housing homes, so providing Open Market and Affordable Housing homes for each tenure type. The proposal is to include a 1 x 1-bed 2 person M4(3) home, which if confirmed is required to be a socially rented home. 2 Functional outdoor private amenity space is being provided, in particular balconies for apartments, in line with policy A1 (4.1.13) The application should focus on walking, wheeling (e.g., scooters, wheelchairs), cycling and public transport being natural the first choice for all who wish. HPST will support a scheme that minimises car parking and encourages active transport in line with the G1 and G2 of the City Plan. Stroud Road junction will need to be looked at by County Highways Department. The outline application does not comply with Policy SD11 Housing Mix and Standards in the Joint Core Strategy (JCS) due to the lack of detail on the provision of the affordable housing and the proposed size. Details of a suitable and agreed affordable housing mix must be included in the Heads of Terms prior to approval to make the proposal acceptable.

### Conclusions

The lack of detail regarding the provision of Affordable Housing and the proposed size of homes means that the application does not comply with Policy SD11 and needs to be resolved through detailed Heads of Terms to make the application acceptable and policy compliant.. The City Council has numerous precedents of developers agreeing such detail at Outline stage. Without this detail there is no guarantee the development will meet the priorities housing needs of the City. If the applicant provides the range of open market dwellings in line with our recommendation, this will help to create will provide a mixed and balanced community, complying with JCS policy SD11. HPST will expect:

- A condition to ensure all homes comply with Nationally Described Space Standards (NDSS)
- that all Social Rent will be to double occupancy standard apart from 5 bedroom which can be 9 person.
- inclusion of a 5 bedroom home
- The M4(2) homes split almost equally across the Open Market homes and the Affordable Housing homes (see table 4) and for this to be reflected in planning condition and the S106 agreement

The application for a 30 home development has potential to be a good opportunity to address the City's housing need as set out in the main body of this response.

### **Severn Trent**

Having viewed the submitted Flood Risk Assessment (dated Feb 2023 Job number: 19-589) and Development Enquiry (SAP refs: 8381132 & 8381217) I can advise I have no objections to the drainage proposals subject to them not changing.

The FRA states foul sewage is proposed to discharge to the public combined 300mm sewer, and surface water is proposed is to discharge to a nearby watercourse; we would recommend discussing the surface water proposals with the LLFA.

Please note for the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website ([www.stwater.co.uk](http://www.stwater.co.uk)) or by contact our Development Services Team (Tel: 0800 7076600).

### **County Minerals**

The applicant needs to consider the use of secondary aggregate/recycled aggregate in the developments construction and recommends the below conditions

1. CONDITION –

No below or above ground development shall commence until a detailed site waste management plan or equivalent has been submitted to and approved in writing by the local planning authority.

**CONDITION –**

No above-ground development shall commence until full details of the provision made for facilitating the management and recycling of waste generated during occupation have been submitted to and approved in writing by the local planning authority.

**County Council Public Right of Way Team**

We would have concerns about public safety on this footpath and how that can be managed with the potential for a significant number of increased vehicles using the footpath. It seems to be a well-used route for children getting to the local secondary school and to use the sports fields.

The new housing will also impact on an existing green space, presumably used by the public for exercise. This is a holding objection but more comments will be provided in advance of committee.

**Landscape**

In terms of landscape matters, the proposed, draft site layout is acceptable and any reserved matters scheme should be accompanied by a full planting plan and schedule. I would expect to see more trees along the western boundary, where space allows. I would also want to see some local traditional variety orchard tree species planted in the wider green space areas to the SW, to help mitigate for the lost vegetation around the site perimeter. Good street tree provision will also be required, as per NPPF Para 131.

If there is to be retained water within the attenuation basin (wet pond), then marginal and emergent planting should be incorporated. If the basin is dry, then some tree and shrub/scrub planting should be included in the basin area. I fully support the drainage officer's comments regarding the provision of minimally intrusive headwall design, as well as ensuring the route of any outfall pipes are located appropriately (this can be secured via planning conditions).

There may be some requirement for ballstop netting between the proposed new dwellings and the playing pitch to the west, to prevent footballs (and potentially cricket balls) striking the new houses. This would need to be carefully considered at REM stage. It may be appropriate to include a planning condition to ensure that this aspect is fully assessed, and suitable provision made, in advance of constructing the new homes.

Regarding loss of POS/formal playing field – this has already been accepted, the site is allocated for housing in the City Plan (SA11), and it is considered that the loss of part of the area of formal playing field land is sufficiently offset by the proposed Blackbridge Sports Hub development on the field to the west of the site. The improved formal sporting provision, including an all-weather 3G pitch, will mitigate for the loss of playing field land. However, there is no provision being made for formal play on the application site. I have attached the S.106 (off-site financial contributions) calculation and would request that the Formal Play contribution of £50k is provided by the applicant in respect of the provision of 30no. new housing units. The Blackbridge Hub site layout has a space allocated for 'future play area' and the requested £50k contribution would be able to provide play facilities in the immediate vicinity of the application site, which would be reasonable and appropriate provision for the residents of the new development.

*Note – The applicant has offered to pay £50K for the Blackbridge Play facilities*

## **Police**

### Development Layout

The proposed layout utilises the perimeter blocking, a technique which when used correctly can enhance the security of all the properties. The introduction of parking spaces accessed under a Flat over Garage (FOG) removes any of the intended security, this open access to the rear gardens would provide opportunity to illegally enter each property. These parking areas and each FOG are prone to anti-social behaviour (ASB), offering secluded spaces for groups to gather, shelter from the weather or suitable place for children to play ball games.

### Policies

Neither the Design and Access Statement or the Planning Statement contain any reference to the implementation of any measures to prevent crime or ASB. Any future designs for this development should demonstrate how crime prevention has been implemented throughout the design to address the following Supplementary Planning Documents, Adopted Policies and Legislations require measures to prevent crime, the perceived fear of crime and ASB.

Gloucester City Council's Supplementary Planning Document "Designing Safer Places" which provides guidance and offers **"Good design is fundamental in creating usable, sustainable, attractive places and communities that are pleasant to be in. Taking into account community safety and how the users of the environment will behave and feel in a particular place is a key element of good design. This includes doing the utmost to ensure the safety of the community by using good design to reduce the opportunities for crime and to create positive places where people are safe and feel safe."**

**The Joint Core Strategy** for Cheltenham, Gloucester and Tewkesbury describes Policy SD4: Design Requirements

v. Safety and security; New development should be designed to contribute to safe communities including reducing the risk of fire, conflicts between traffic and cyclists or pedestrians, and the likelihood and fear of crime.

Paragraph 130 of the National Planning Policy Framework (NPPF) explains **Planning policies and decisions should ensure that developments:**  
**(f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience**

Paragraph 134 of the National Planning Policy Framework (NPPF) explains **Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.**

Paragraph 12 of the Healthy and Safe Communities section of the Practical Planning Guidance (PPG) explains **Good design that considers security as an intrinsic part of a masterplan or individual development can help achieve places that are safe as well as attractive, which function well, and which do not need subsequent work to achieve or improve resilience. However good security is not only about physical**

**measures and design; it requires risks and mitigation to be considered in a holistic way.**

Section 17, Crime and Disorder Act 1998 asks for the **Duty to consider crime and disorder implications**

**(1) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.**

### Policy

Policy	Officer Comments
SP1: The Need for New Development	Policy applies - no conflict.
SP2: Distribution of New Development	Policy applies – no conflict.
SD1: Employment – except retail development	Policy applies – no conflict.
SD3: Sustainable Design and Construction	Policy applies. Application needs to demonstrate sustainability. See policy for full requirement. In addition please note an Energy Statement as well as a Waste Minimisation Statement is required for all major development.
SD4: Design Requirements	Policy applies.
SD8: Historic Environment	The City Archaeologist will provide comments and will confirm if applicable.
SD9: Biodiversity and Geodiversity	Policy applies - 2iii still to be addressed: <i>“Encouraging new development to contribute positively to biodiversity and geodiversity whilst linking with wider networks of green infrastructure. For example, by incorporating habitat features into the design to assist in the creation and enhancement of wildlife corridors and ecological stepping stones between sites.”</i>
SD10: Residential Development	Policy applies.
SD11: Housing Mix and Standards	Policy applies.
SD12: Affordable Housing	Policy applies.
SD14: Health and Environmental Quality	Policy applies. Council’s specialists to comment.
INF1: Transport Network	Policy applies. Highway Authority to comment.
INF2: Flood Risk Management	Policy applies. Flooding and drainage specialist officer to comment.
INF3: Green Infrastructure	Case officer to advise.
INF6: Infrastructure Delivery	Case officer to advise.
INF7: Developer Contributions	Case officer to advise.

### Gloucester City Plan 2023-2031 (GCP)

This is a fully adopted plan whose policies carry significant weight in the decision-taking process.

Policy	Officer Comments
A1: Effective and efficient use of land and buildings	Policy applies – applicant to address in full application through design and access

	statement. Note – cycle parking required and enhancements to built and natural environment
A6: Accessible and adaptable homes	Policy applies and comments from the Housing Strategy team should be considered.
A7: Self build and custom homes	This is a 30 house scheme, and the policy applies. The applicant will have to demonstrate that they can fulfil the requirements. (agreed 1 plot on site)
C1: Active design and accessibility	Policy applies – ensure statement regarding accessibility is submitted with application and options for active travel i.e. cycle storage.
C2: Allotments	Not applicable in that allotments are not being lost to development, but the scheme could consider new provision if appropriate.
C3: Public open space, playing fields and sport facilities	<p>The policy applies, but the site is allocated and the loss of an area of playing field has been addressed through the allocation process.</p> <p>The land currently forms playing field land as part of the wider Blackbridge site. The proposal allow the loss of limited playing field land to support the delivery of the Blackbridge Sports and Community Hub (Policy SA06) is supported by the PPS Delivery Group. The use of a small part of the site for residential development releases the wider site deliver significant net gains including a full-sized 3G pitch, grass pitches, a health and wellbeing building and opportunities for informal physical activity. On this basis, it is considered the proposal meets in whole or in part the Sport England exception tests relating loss of playing field land.</p>
C5: Air Quality	Policy applies.
D1: Historic environment	Heritage colleagues to provide comments.
D2: Non designated heritage assets	Heritage colleagues to provide comments.
D3: Recording and advancing understanding of heritage assets	Heritage colleagues to provide comments.
E1: Biodiversity and geodiversity	Policy applies. Information required on biodiversity net gain to be supplied and reviewed by the Council's ecology/biodiversity consultants. Mitigation measures may also be required to be built into the urban fabric – e.g. bee bricks, bat/bird boxes etc.
E2: Nature Recovery Area	May apply depending on evidence submitted to E1 above and recommendations from biodiversity specialist.
E3: Green/Blue Infrastructure	Policy applies. See comments on INF3 above.
E4: Flooding, sustainable drainage, and wastewater	Policy applies. Specialist officer to comment.
E6: Development affecting Cotswold Beechwoods Special Area of Conservation	Policy applies and the applicant should undertake their own HRA (to the satisfaction of Natural England) or make per dwellings payments as per the Cotswold Beechwoods



	Mitigation Strategy.
E7: Trees, woodlands, and hedgerows	The policy applies and in this location we would expect significant tree planting on site. If there is a new street proposed it should be tree lined as per para 131 of the NPPF.
F1: Materials and finishes	Policy applies.
F2: Landscape and planting	Policy applies.
F3: Community safety	Policy applies.
F4: Gulls	Policy applies but gulls may not be in great numbers in this location.
F6: Nationally Described Space Standards	Policy applies.
G1: Sustainable transport and parking	Policy applies.
G2: Cycling	Policy applies - requires safe and secure access by cycle.
G3: Walking	Policy applies.
G4: Broadband connectivity	Policy applies.
G6: Water efficiency	Policy applies.

## **PUBLICITY AND REPRESENTATIONS**

Neighbouring properties were notified and a site notice was published.  
Letters of objection were received with the following points –

### National policy

Michael Gove has abandoned councils building a set number of houses

As of December 2022 there are 202 brownfield sites in Gloucester that could be used

### Allotments

Pollution from road next to the vegetable plots

### Highways

The entrance to the site is already narrow and unsafe without the addition of 60 new cars. The railway bridge near New Dawn View is already dangerous. The pavements either side are narrow. The addition of 3000 houses at Whaddon will add to the problem. Pupils of Crypt School use the route near New Dawn View and when the original houses were being constructed the route had to be closed. At the moment New Dawn View is quiet and children can play on it. Traffic very busy with parents dropping off children at Crypt school. Have to wait to get out onto Stroud Road. St Barnabus roundabout regularly has traffic queued in all directions. Not adequate pedestrian crossings for people to access amenities from the proposed development. There is very little public transport in the area, people will need to use their own cars. Access through New dawn View would increase the number of people picking up and dropping off students for Crypt school.

Loss of green open space - currently lots of wildlife on the field. Also used by residents for free recreation (walking, dog walking, picnics, teenagers playing). Houses being built devastating for wildlife and affect clean air. There will be no peaceful space left. County Council is custodian of the field for the benefit of the local community. Proposal is contrary to the Gloucester Open Space Strategy. Will remove 1/3 of the current field from public use. Against trying to be carbon neutral. Consultation of site being allocated in the City plan was not wide enough to capture all users of the space.

Statement of community involvement – At the time when discussing the sports hub, the residents were told by the developers not to comment on the housing as that would be at the planning application stage. Why is

Construction traffic and contractors parking - Unsafe lots of students walk along road to go to Crypt and dog walkers. Also noise, mess and disruption from the construction phase.

Layout of road – is it designed to allow for further development in the future?

Views – fantastic views across the fields to the hill will be lost

Blackbridge Allotments – the small parking area is often taken up with people dog walking or taking their children to school causing problems for allotment holders with mobility problems.

Drainage – Residents increasingly affected by water running off the hill. The water cannot soak away if the area is increasingly covered in tarmac. Tuffley rose garden is increasingly waterlogged. Blackbridge Field is a known spot for flash flooding. Should the housing and the proposed sports development not have their own balancing ponds. Will the ponds be fenced off, when it is dark could people fall in the ponds?

Affordable housing- Concerned that it would become like Kingsway with massive gang problems and knife culture

Eco friendly houses – what does this actually mean

Noise – will developers be aware of the noise from the new pitches and make buyers aware and the issue of the floodlights for neighbours.

Burglaries- worried about potential burglaries as there is an unhindered run from Stroud Road to Cole Avenue

Transfer of land ownership – With the transfer of the land for the sport centre and housing, what assurances are there that the rest of the field would be available to the public at no extra cost. What assurances are there that the rest of the field will not be developed into a housing estate once the 3G pitches are built.

County Councillor – Andrew Miller – objection

Object to proposed plans . Understand houses have been on the plan for some time and that the residents of New Dawn View should have known at the time of purchasing that the housing was proposed, however the proposals not in the interests of residents.

1. Loss of green space – used for dog walking etc in an area which is densely populated
2. Flood zone – Whilst there are proposed solutions for drainage, the current site acts as a soakaway during heavy rain.
3. Transport statement – consider that it is incomplete. The 2 bus routes quoted are rural bus routes. Statement gives the impression that road safety is not an issue, but the site is close to the Tuffley Avenue accidents hot spot where the County Council is about to issue a road safety scheme. Transport statement does not refer to the Gloucester- Stroud cycle route, suggest that it is premature to go ahead with this proposal until that decision has been made. The local grammar schools attract children that are not local which leads to busy roads at school times, do not want to add to the traffic. Application cannot be considered to be sustainable development.

If granted suggest the following conditions –

1. Appropriate level of subsidy for a clean high frequency bus service along the lines of the robin model. Service should take in the area from Gloucester to Stroud Road and include Robinswood Country Park
2. The area from Tuffley Avenue to St Barnabus roundabout be turned into a 20mph area, funding from the development should fund such a scheme
3. Further studies should take place to understand the loss of wildlife from the area and to effect any mitigations require as a result of the studies.

The application can be viewed on: [View your planning applications - Gloucester City Council](#) within the Podsmead ward.

## **OFFICER OPINION**

### ***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.

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.

The development plan consists of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) and the partially saved 1983 City of Gloucester Local Plan and the Gloucester City Council Local Plan (2023). However, as outlined earlier, the 1983 Local Plan is considered to be out-of-date.

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

- Principle
- Design, layout and landscaping
- Affordable housing
- Effect on living condition of neighbouring properties and the amenity of the new dwellings
- Waste minimisation
- Air Quality
- Drainage
- Trees
- Education and Libraries
- Traffic and transport
- Ecology
- Archaeology
- Contaminated land
- Formal play space
- Economic considerations

### **Principle**

The application site is currently playing field and open space. It is acknowledged that the NPPF aims to protect open space however, the application site forms a housing allocation in the local plan under policy SA11 for maximum of 30 houses. As Sport England have clarified above, the proposal is part of the land transfer for the Blackbridge Sports hub development. One development cannot happen without the other one as the land transfer for the Blackbridge Sports hub happens on the grant of planning permission for the dwellings. This will see upgraded sports provision for the area. There is a loss of approximately 1.18 hectares of playing field. However using Sport England exception 1 which states that -

*E1- A robust and up to date assessment has demonstrated, to the satisfaction of Sport England, that there is an excess of playing field provision in the catchment, which will remain the case should the development be permitted, and the site has no special significance to the interests of sport.*

There are identified needs for improved sports facilities in the area as set out in the Council's Planning Pitch Strategy (PPS). The Blackbridge sports hub has been identified as a suitable location for the creation of a sports hub at Blackbridge Sports Ground to meet the needs of cricket, football and rugby. The PPS, which has been kept up to date, since its adoption, highlighted the need for a full size (100 x 64m c/w run-offs) 3G artificial grass pitch on the sports hub. The figures supported the loss of the area SA11 to ensure there was not a deficit of playing field in this area.

Part of Policy SA11 description states:

*The proposal to allow the loss of limited playing field land to support the delivery of the Blackbridge Sports and Community Hub (Policy SA06) is supported by the PPS Delivery Group. The use of a small part of the site for residential development releases the wider site to deliver significant net gains including a full-sized 3G pitch, grass pitches, a health and wellbeing building and opportunities for informal physical activity. On this basis, it is considered the proposal meets in whole or in part the Sport England exception tests relating to the loss of playing field land.*

Sport England considers that new developments should contribute towards meeting the demand that they generate through the provision of providing additional capacity off-site in this instance. Given the above assessment, Sport England does not wish to raise an objection to this application as it is considered to meet exception 1 of their Playing Fields Policy. It is therefore not considered that the principle of the use for residential in a residential area would be unacceptable given the allocation which was already assessed through the City Plan, subject to the assessment of the proposal against the other policies.

### **Design, layout and landscaping**

The NPPF requires developments to be of high quality design and respond to local character integrating into the local environment. The NPPF states that good design is a key aspect of sustainable development, and sets out criteria for decision making including ensuring that developments will function well and add to the overall quality of the area, are visually attractive, sympathetic to local character and history while not preventing or discouraging appropriate innovation or change, establish/maintain a strong sense of place, optimise the potential of the site to accommodate an appropriate amount and mix of development, and create safe, inclusive accessible places.

JCS Policy SD4 sets out requirements for high quality design, including responding positively to and respecting the character of the site and surroundings, and being of a scale and materials appropriate to the site and setting.

The proposal would continue the residential development along the south of the site adjoining the existing New Dawn View (albeit with the allotments forming a break between the two developments). The proposal is at outline stage with all matters reserved except access, but the applicant has submitted an indicative layout which would follow the pattern of development on the area. There would be space in the site to design in an adaptable unit and the site would be 20% affordable housing. The proposal seeks to maintain the majority of the existing planting and vegetation at the site.

Regarding policy A1 of the Gloucester City Plan, the applicant explains that the dwellings could be designed to overlook the open space and that the development would link in to the existing pedestrian network giving residents access to local facilities. The applicant has demonstrated that there would be space on the site to provide secure cycle storage for each dwelling and 2 off street parking spaces per property and bin storage. The indicative design would also not prejudice development of adjoining land as required by policy A1 criterion 4. With regards to criterion 5, the indicative plan demonstrates that a scheme can be designed to provide adequate external amenity space for the dwellings. With regard to criterion 7 the site would be able to easily access the adjoining Blackbridge field and the sport facilities at the new Blackbridge Sports hub.

It is considered that based on the information submitted the applicant has demonstrated that a design can be brought forward at the reserved matters stage which would provide a well designed high quality residential development in accordance with Policy SD4 of the JCS and the NPPF.

### **Affordable Housing**

The application will provide 20% affordable housing in accordance with the requirement in the Gloucester City Plan (2023). The proposal would also provide 4% part M4 (3) compliant units. The proposed housing mix would be agreed at reserved matters stage. The indicative layout also demonstrates that it would be possible to include a mix of unit types and sizes to ensure a balanced community.

The applicant has also agreed to 1 self-build plot which is 5% of the total units as per policy A7 of the Gloucester City Plan (2023).

### **Effect on the living conditions of neighbouring properties and amenity of new dwellings**

Paragraph 127 (f) of the NPPF provides that planning 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.

The site is in close proximity to the new proposed sports pitches and the railway line. The applicant provided a noise assessment to consider these issues. Existing landscaping would be retained as screening and new planting is proposed to ensure that the development is separated from the noise sources. The indicative layout shows that the properties could be designed to have good surveillance of each other and the adjoining open space. The indicative layout shows that the new properties could be designed to meet Nationally Designed Space Standards (2015) and would all have private amenity space, bin storage and waste bin storage. It is therefore considered that the proposed dwellings would be acceptable in terms of amenity for the new residents.

In term of impact on existing residents, the site would be well separated from existing properties to the north by the proposed sports hub and Blackbridge Fields. It would be separated from the existing properties at New Dawn View by the Blackbridge Allotments. It is acknowledged that there are some neighbour objections regarding highways as the new housing would use the same access as the properties on New Dawn View, but there is no objection from County Highways regarding the access. It is therefore not considered that the proposal would significantly affect the amenity of neighbouring residential properties.

### **Waste Minimisation**

The applicant submitted a waste minimisation statement and measures would be put in place to minimise packaging waste during construction and returning excess products to suppliers. It is recommended that a condition on the permission ensures that the applicant adheres to the waste minimisation strategy and recycling plan.

### **Air Quality**

The air quality report concludes that air quality is not a constraint and this is agreed by the Council's Environmental Health officer.

### **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.

The application site is located in flood zone 1 where there is a low probability of flooding. The applicant has submitted a Flood Risk Assessment and drainage strategy. The strategy is based on Sustainable drainage principles and includes permeable paving and the use of water butts. The Councils drainage engineer and LLFA have been consulted and are not satisfied with the existing drainage proposals between the sports hub and the housing scheme having different drainage outfalls. The Councils drainage Officer and LLFA have therefore recommended conditions regarding the detailed drainage design. The proposal therefore would be in accordance with policy INF.2 of the JCS (2017)

### **Trees**

The applicant has aimed to retain as many trees on the site as possible and there will also be replacement trees planting, 4 trees would need to be removed totaling 70.5m<sup>2</sup> of canopy spread but the applicant has confirmed that the proposed trees canopy with replacement plating would be 470m<sup>2</sup>. The council's tree officer has no objection to this outline stage but would like a condition on the permission asking for additional information at reserved matters stage.

### **Education and Libraries**

This application has been assessed for impact on various GCC community infrastructure in accordance with the "Local Development Guide" (LDG). The assessment also takes account of CIL Regulations 2010 (as amended). The County Council have assessed the site against current provision and the below is a summary

Number of places requested

Primary - The current County Council forecasts show there will be adequate surplus capacity available to accommodate numbers arising from this development. Therefore, Gloucestershire County Council is not requesting a contribution towards the provision of

primary places at this time.

Secondary – age 11-16 The Gloucester Secondary Planning Area is forecast to be full. Gloucestershire County Council is therefore requesting a secondary (age 11-16) contribution of **£109,127.25** towards the provision of these places.

Post 16 Places Impact - Secondary – age 16-18 Gloucester Secondary. The Gloucester Secondary Planning Area is forecast to be full and 1.62 spaces are required - **£38,515.50**.

Library Impact - The nearest library to the application site, and the library most likely to be used by residents of the new development, is Tuffley Library and/or Matson. The new development will generate a need for additional resources at this library, and this is costed on the basis of £196.00 per dwelling. A financial contribution of **£5,880.00** is therefore required to make this application acceptable

The applicant has agreed to make the above requested contributions through the S106.

### **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 and sets out that permission will be granted only where the impact of development is not considered to be severe. Policy G3 supports development that protects and enhances convenient, safe and pleasant walking environments, and improvement of walking routes to sustainable transport hubs. It reinforces pedestrians being at the top of the road user hierarchy. Policy A1 requires adequate off-street parking, access, and covered and secure cycle storage.

The application proposal is currently outline with only access reserved. The applicant has included an indicative layout for 30 dwellings which shows two off street parking spaces per property and the applicant explains that there would be policy compliant cycle storage for each dwelling. There are also bus routes within walking distance of the site Connections to existing and proposed walking and cycling routes will also be incorporated within the scheme. In response to neighbours concerns about the proposal in terms of highways, vehicular access to the site will be via a priority T-junction from Stroud Road, which follows the same vehicular access arrangement for an approved planning application reference 14/01317/OUT (Residential development). It can be demonstrated that the existing access as shown on drawing number SK01 rev B, can provide suitable levels of emerging visibility and it is concluded that the existing junction of New Dawn View and Stroud Road can safely accommodate the relatively low increase in vehicle movements proposed by the development. The County Highways officer also looked at the TRICS data and the accident records for the site. It was concluded that based on the level of vehicle movements generated by the proposed development and taking into consideration the cumulative impact he did not consider that this will have a severe impact on to the highway network. The highways officer has requested some highway conditions for the proposal, The proposal therefore complies with policy INF.1 of the JCS (2017).

### **Ecology**

The applicant provided an Ecological Appraisal, Shadow Habitats Regulation Assessment and Biodiversity Net Gain Preliminary Design Stage Report and explains in the Planning Statement that they will improve the incorporate and improve the dismantled railway crossing. This can be improved to provide a local wildlife site.

The Council's Ecologist has reviewed the ecology report and the BNG information and note that positive net gain can be achieved through hedgerow retention and enhancement as well as positive net gain for the other habitats on site through retention of the woodland and planting trees within the development area. The proposals in the BNG report should be expanded upon in the LEMP (to include provision for protection of retained habitats - woodland and hedgerows) to ensure that positive biodiversity net gain for hedgerows and other habitats can be achieved in reality. The LEMP can be conditioned and submitted for review prior to commencement.

The application will need to provide payment for the Cotswold Beechwoods using the agreed formula. This has been agreed by the applicant and will also be in the S106.

#### **Archaeology**

The site has previously been the subject of a survey. There are some potential archaeological features noted by the survey but without archaeological evaluation it is not possible to either confirm they are significant nor to discount them. Given the issues on site it has previously been 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 the suggested conditions are attached should consent be granted.

#### **Contaminated land**

The Council's Environmental Health have looked at the records for the site and have recommended a tiered contaminated land condition.

#### **Formal Play Space**

There is no on-site provision being made for formal play. Using the formula there should be a formal Play contribution of £50k provided by the applicant in respect of the provision of 30 no. new housing units. The Blackbridge Hub site layout has a space allocated for 'future play area' and the requested £50k contribution would be able to provide play facilities in the immediate vicinity of the application site, which would be reasonable and appropriate provision for the residents of the new development. The applicant has agreed to provide £50k for offsite formal play provision.

#### **Economic considerations**

There would be building works as part of this application so there would be economic opportunities with the construction phase and this 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 limited weight to the case for granting permission.

#### **Conclusion**

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 allocation, drainage, ecology, impact upon the amenity of any neighbours and the local area, impact on the character of the area and impact on the highway network. The proposal is acceptable and accordingly permission should be granted subject to conditions.

#### **RECOMMENDATION OF THE PLANNING DEVELOPMENT MANAGER**

That delegated authority is sought for officers to **GRANT** planning permission subject to no new substantive planning issues being received by 06/07/2023 and subject to a S106 with



the following Heads of terms and the following conditions –

-Secondary school contribution of **£109,127.25**

-Ages 16-18 contribution of - **£38,515.50.**

-Library Impact contribution of **£5,880.00**

-Cotswold Beechwoods

-20% Affordable housing

-1 self build plot

-**£50K** formal play space - Blackbridge Hub site

### **Condition 1**

Details of the appearance, landscaping, layout and scale (hereinafter called “the Reserved Matters”) shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced and the development shall be carried out in accordance with the approved details.

### **Reason**

The application is in outline only and the reserved matters referred to in the foregoing condition will require further consideration.

### **Condition 2**

Application for the approval of the Reserved Matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

### **Reason**

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

### **Condition 3**

The development hereby permitted shall be begun either before:

- (i) the expiration of five years from the date of this permission, or
- (ii) before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

### **Reason**

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

### **Condition 4**

The development hereby permitted shall provide no more than 30 dwellings.

### **Reason**

To define the scope of the permission.

### **Condition 5**

The development hereby permitted shall be carried out in accordance with the drawings on the following plans except where otherwise required by conditions of this permission:

Air Quality Assessment by Redmore Environmental.

Archeology Evaluation by Cotswold Archaeology

Archeology DBA and Geophysical Survey by Oxford Archaeology

FRA and Drainage Assessment by Rappor

Ecological Appraisal by All Ecology

Energy Statement by Daren Evans  
Noise Report by Acoustic Consultants  
sHRA by All Ecology  
Transport Assessment by Rappor  
Tree Report by Barton Hyett  
Planning Statement by SF Planning Limited

Received by the Local Planning Authority 29th March 2023 and Updated BNG Assessment received by the Local Planning Authority 15 May 2023:

**Reason**

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

**Condition 6**

No building works hereby permitted shall be commenced until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. The information submitted shall be in accordance with the principles set out in the approved drainage strategy. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in The SuDS Manual, CIRIA C753 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and iii. Provide a full risk assessment for flooding during the groundworks and building phases with mitigation measures specified for identified flood risks; and iv. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

**Reason**

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

**Condition 7**

Unless otherwise agreed by the Local Planning Authority development, other than that required to be carried out as part of an approved scheme of remediation, must not commence until conditions 1 to 6 have been complied with:

1. A preliminary risk assessment must be carried out. This study shall take the form of a Phase I desk study and site walkover and shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. The preliminary risk assessment report shall contain a diagrammatical representation (conceptual model) based on the information above and shall include all potential contaminants, sources and receptors to determine whether a site investigation is required and this should be detailed in a report supplied to the Local Gloucester City Council Planning Authority. The risk assessment must be approved in writing before any development takes place.
2. Where an unacceptable risk is identified a scheme for detailed site investigation must be submitted to and approved in writing by the Local Planning Authority prior to being undertaken. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme

must be compiled by competent persons and must be designed in accordance with the Environment Agency's "Land Contamination: Risk Management" guidance.

3. Detailed site investigation and risk assessment must be undertaken and a written report of the findings produced. This report must be approved by the Local Planning Authority prior to any development taking place. The investigation and risk assessment must be undertaken by competent persons and must be conducted in accordance with the Environment Agency's "Land Contamination: Risk Management" guidance.

4. Where identified as necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

5. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.

6. Following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings.

7. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, these will be subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.

#### **Reason**

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

#### **Condition 8**

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 [Rappor: 19-589 Rev 06 20/02/23] (subject to the bullet point modifications set out below), 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. In particular:

- In the event that the adjacent sports hub development does not go ahead (application 23/00103/FUL), a revised route for the surface water outfall pipe and outfall location shall be agreed with Gloucester City Council
- The gradients of the attenuation basin side slopes shall not exceed 1 in 4
- All SuDS inlets / outlet structures shall be of the mitred, natural stone design shown in Figure C1 in the publication, 'Design and Construction Guidance for foul and surface water sewers offered for adoption under the Code for adoption agreements for water and sewerage companies operating wholly or mainly in England ("the Code")', with no handrails required
- An area of permanent or (semi-permanent) water may be required (depending on the final basin design under application 23/00103/FUL) – applicant to discuss detailed design with LPA

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.

**Reason**

To ensure the development is provided with a satisfactory, safe, habitat-rich and aesthetically appropriate, 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 9**

No development shall commence until a LEMP has been submitted to and approved in writing by the local Planning Authority. The LEMP shall then be implemented in accordance with the agreed timeframe

**Reason**

To accord with the Council's policy on Biodiversity Net gain

**Condition 10**

The submitted Waste minimisation plan and recycling strategy shall be adhered to

**Condition 11**

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 12**

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 [specify condition number requiring approval of details for the WSI], 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 13**

No development shall take place, including any demolition works, until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall provide for:

- 24-hour emergency contact number;
- Hours of operation;
- 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);
- Routes for construction traffic;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud being carried onto the highway;
- Measures to protect vulnerable road users (cyclists and pedestrians)
- Any necessary temporary traffic management measures;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

**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.

**Condition 14**

Details of the layout, (hereinafter called "the reserved matters") (including surface water drainage/disposal, street trees, vehicular parking including visitor parking, turning head(s), street lighting, EV charging facilities and secure and covered cycle parking facilities all within the site) shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in accordance with the approved plans.

**Reason**

To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians in accordance with paragraphs 110 and 112 of the National Planning Policy Framework.

**Condition 15**

The development hereby approved shall not be occupied until the applicant has submitted to and had approval in writing from the Local Planning Authority a residential welcome pack promoting sustainable forms of access to the development. The pack shall be provided to each resident at the point of the first occupation of the dwelling.

**Reason**

To reduce vehicle movements and promote sustainable access.

**Condition 16**

At reserved matter stage the following information shall be submitted –

-A revised and updated tree report, arboricultural method statement, and impact statement, relevant to the building plan. This shall include the foundation type and foundation depths of the buildings within potential influencing distance of trees according to the building plan.

**Reason**

To preserve the ecology and landscaping of the site and we need to make sure the building plan gives room to grow for the existing trees and there will be no conflict with trees as the site matures.

**Condition 17**

The development shall comply with the submitted noise report and details of the methods of ventilation shall be submitted to and agreed in writing by the Local Planning Authority before the development is commenced

**Condition18**

No below or above ground development shall commence until a detailed site waste management plan or equivalent has been submitted to and approved in writing by the local planning authority. The detailed site waste management plan must identify: - the specific types and amount of waste materials forecast to be generated from the development during site preparation & demolition and construction phases; and the specific measures will be employed for dealing with this material so as to: - minimise its creation, maximise the amount of re-use and recycling on-site; maximise the amount of off-site recycling of any wastes that are unusable on-site; and reduce the overall amount of waste sent to landfill. In addition, the detailed site waste management plan must also set out the proposed proportions of recycled content that will be used in construction materials. The detailed site waste management plan shall be fully implemented as approved unless the local planning authority gives prior written permission for any variation.

**Reason**

To ensure the effective implementation of waste minimisation and resource efficiency measures in accordance with adopted Gloucestershire Waste Core Strategy: Core Policy WCS2 – Waste Reduction and adopted Minerals Local Plan for Gloucestershire Policy SR01.

**Condition 20**

No above-ground development shall commence until full details of the provision made for facilitating the management and recycling of waste generated during occupation have been submitted to and approved in writing by the local planning authority. This must include details of the appropriate and adequate space and infrastructure to allow for the separate storage of recyclable waste materials. The management of waste during occupation must be aligned with the principles of the waste hierarchy and not prejudice the local collection authority's ability to meet its waste management targets. All details shall be fully implemented as approved unless the local planning authority gives prior written permission for any variation.

**Reason**

To ensure the effective implementation of waste minimisation and resource efficiency measures in accordance with adopted Gloucestershire Waste Core Strategy: Core Policy WCS2 – Waste Reduction

**Condition 21**

The reserved matters submission(s) shall be accompanied by details of the proposed materials, boundary treatments and the surfacing materials for approval by the Local Planning Authority

**Reason**

To ensure a good design for the development in accordance with policy SD.4 of the JCS (2017)

**Condition 22**

The reserved matters submission shall comply with National Space Standards (2015) as supported by Policy F.6 of Gloucester City Plan (2023)

**Condition 23**

The estimated consumption of wholesome water per dwelling per day in the development hereby permitted must not exceed 110 litres of water per person per day.

**Reason**

In order to satisfy Policy G6 of the Gloucester City Plan.

**Informatives:****Note 1**

Your attention is drawn to the requirements of the Building Regulations, which must be obtained as a separate consent to this planning decision. You are advised to contact the Gloucestershire Building Control Partnership on 01453 754871 for further information.

**Note 2**

The Lead Local Flood Authority (LLFA) will consider how the proposed sustainable drainage system can incorporate measures to help protect water quality, however pollution control is the responsibility of the Environment Agency

**Note 3**

Future management of Sustainable Drainage Systems is a matter that will be dealt with by the Local Planning Authority and has not, therefore, been considered by the LLFA.

**Note 4**

Any revised documentation will only be considered by the LLFA when resubmitted through [suds@gloucestershire.gov.uk](mailto:suds@gloucestershire.gov.uk) e-mail address. Please quote the planning application number in the subject field.

**Note 5**

For avoidance of doubt the submitted highway layout plan has been treated as being for illustrative purposes only.

**Note 6**

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](mailto: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 Council's costs in undertaking the following actions: i. Drafting the Agreement ii. A Monitoring Fee iii. Approving the highway details iv. 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 7**

The development hereby approved includes the construction of new highway. To be considered for adoption and ongoing maintenance at the public expense it must be constructed to the Highway Authority's standards and terms for the phasing of the development. You are advised that you must enter into a highway agreement under Section 38 of the Highways Act 1980. You will be required to pay fees to cover the Council's costs in undertaking the following actions: I. Drafting the Agreement II. Set up costs III. Approving the highway details IV. Inspecting the highway works You should enter into discussions with statutory undertakers as soon as possible to co-ordinate the laying of services under any new highways to be adopted by the Highway Authority. The Highway Authority's technical approval inspection fees must be paid before any drawings will be considered and approved. Once technical approval has been granted a Highway Agreement under Section 38 of the Highways Act 1980 must be completed and the bond secured.

**Note 8**

All new streets must be tree lined as required in the National Planning Policy Framework. All proposed street trees must be suitable for transport corridors as defined by Trees and Design Action Group (TDAG). Details should be provided of what management systems are to be included, this includes root protections, watering and ongoing management. Street trees are likely to be subject to a commuted sum.

**Note 9**

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](mailto: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 10**

It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particular 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 principle 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. CEMP can include but is not limited to:

- A construction programme including phasing of works;
- 24 hour emergency contact number;
- Hours of operation;
- Expected number and type of vehicles accessing the site; o Deliveries, waste, cranes, equipment, plant, works, visitors; o Size of construction vehicles; o The use of a consolidation



operation or scheme for the delivery of materials and goods; o Phasing of works;

- Means by which a reduction in the number of movements and parking on nearby streets can be achieved (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction): o Programming; o Waste management; o Construction methodology; o Shared deliveries; o Car sharing; o Travel planning; o Local workforce; o Parking facilities for staff and visitors; o On-site facilities; o A scheme to encourage the use of public transport and cycling;
- Routes for construction traffic, avoiding weight and size restrictions to reduce unsuitable traffic on residual roads;
- Locations for loading/unloading, waiting/holding areas and means of communication for delivery vehicles if space is unavailable within or near the site;
- Location for storage of plant/waste/construction materials;
- Arrangements for the turning of vehicles, to be within the site unless completely unavoidable;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Swept paths showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available;
- Any necessary temporary traffic management measures;
- Measures to protect vulnerable road users (cyclists and pedestrians);
- Arrangements for temporary facilities for any bus stops or routes;
- Highway Condition survey;
- Method of preventing mud being carried onto the highway; and
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

**Note 11**

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

**Person to Contact:** Fiona Ristic



Planning Application: | 23/00082/FUL

Address: | 31 Westmead Road,  
| Gloucester

Committee Date: | 2<sup>nd</sup> May 2023

### **Appendix 1 – Site location plan**

### **Appendix 2 – Proposed layout plan**

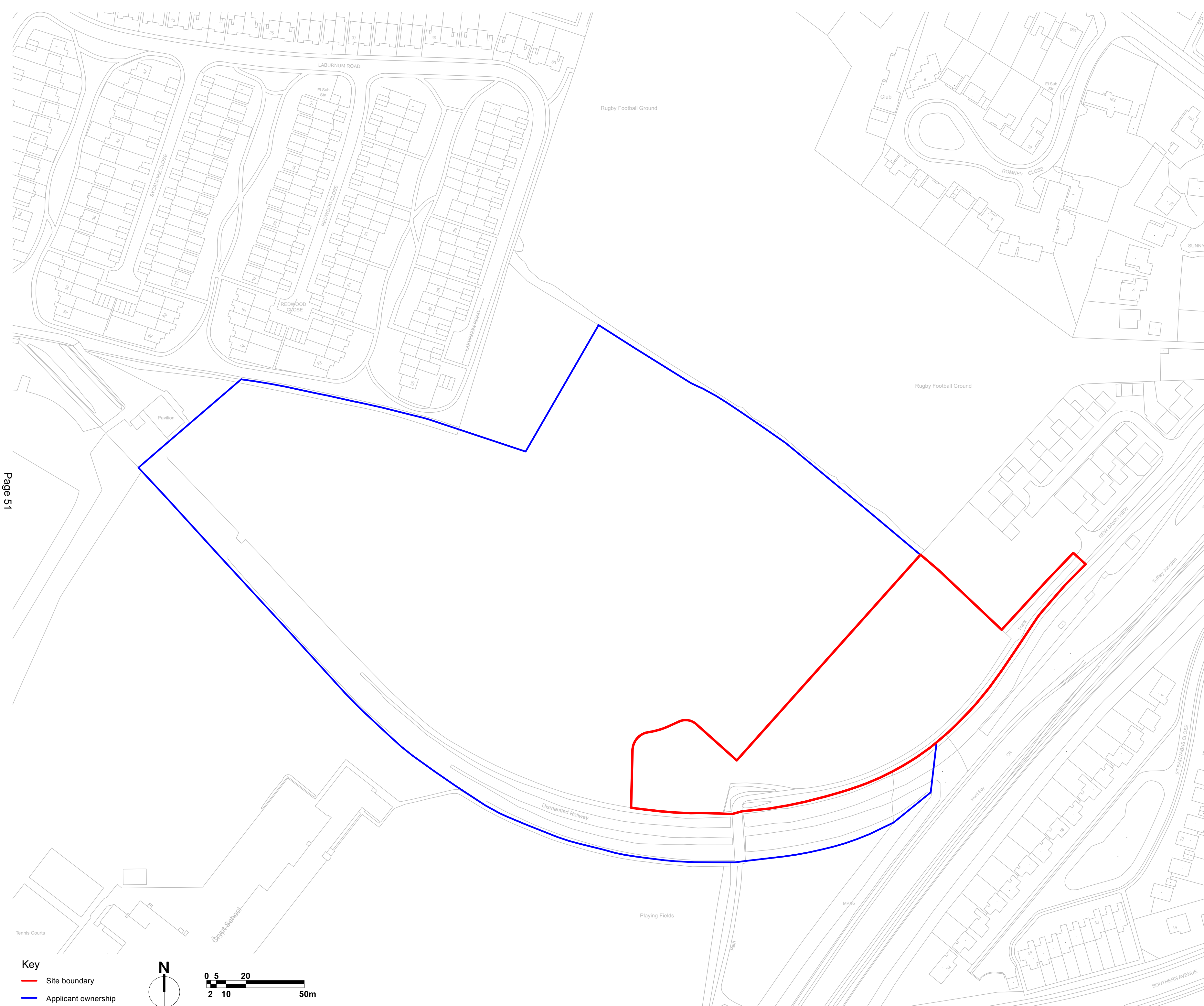
NOTES

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REVISIONS

REV: DATE - DRAWN - CHECKED: NOTES

-: 24.01.23 - DC:  
Drawing created.  
A: 01.02.23 - DC:  
Blue line boundary amended.



DRAWING TITLE

Site Location Plan

PROJECT

Blackbridge Housing

CLIENT

Gloucestershire  
County Council

SCALE

1:1250@A2

DATE

Jan 2023



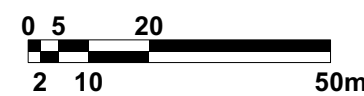
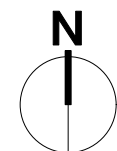
DRAWING NO.

6183-P-02

REV

A

Key  
- Site boundary  
- Applicant ownership












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Accommodation Schedule	Total
1B2PB Cat 3	1
1B2PF	2
2B4PH	11
3B5PH	12
4B6PH	4
<b>Total</b>	<b>30</b>

**Key**

-  Road
-  Footpath / Paving / Shared surface
-  Parking space
-  Active street elevation
-  Planted areas
-  Private gardens
-  Retained trees / hedge
-  Proposed trees / hedge
-  Removed trees / hedge



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**REVISIONS**

REV.	DATE	DRAWN	CHECKED	NOTES
-	12.01.23	DC	CC	Drawing created.
A	17.01.23	DC		Layout revised following highways engineers comments. Redline amended to include associated SuDS and landscaping.
B	24.01.23	DC		Revised pond size and location. Parking plot numbers added.
C	30.01.23	DC		Turning head sizes revised following highways engineers comments.

**DRAWING TITLE**

Proposed Site Layout

**PROJECT**

Blackbridge Housing

**CLIENT**

Gloucestershire  
County Council

**SCALE**

1:500@A2

**DATE**

Jan 2023



**DRAWING NO.**

**6183-P-110**

**REV**

**C**

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






**REVISIONS**

REV: DATE - DRAWN - CHECKED: NOTES

- 07.02.23 - DC -  
Drawing created.

Accommodation Schedule	Total
1B2PB Cat 3	1
1B2PF	2
2B4PH	11
3B5PH	12
4B6PH	4
<b>Total</b>	<b>30</b>

**Key**

-  Road
-  Footpath / Paving / Shared surface
-  Parking space
-  Active street elevation
-  Planted areas
-  Private gardens
-  Retained trees / hedge
-  Proposed trees / hedge
-  Removed trees / hedge



**DRAWING TITLE**

Proposed Site Layout  
w/ Sports Hub

**PROJECT**

Blackbridge Housing

**CLIENT**

Gloucestershire  
County Council

**SCALE**

1:500@A2

**DATE**

Feb 2023



**DRAWING NO.**

**6183-P-111**

**REV**

-

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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 (2<sup>nd</sup> 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)  
Objection.**

The scheme will overprovide on-site in terms of accessible green space (also in surplus within Matson ward) but, will not provide equipped play space or formal sports provision. A financial contribution towards provision of offsite public open space (to mitigate against the expected impacts of the 180 dwelling scheme) was requested. The consultant has advised that:

*With regard to the POS/sport/play aspect of the proposed development, should it be considered by members that consent may be granted, I have attached the POS calculation for off-site contributions, based on the applicant's breakdown of 29 x 1 bed, 52 x 2 bed, 71 x 3 bed, 27 x 4bed and 1 x 5 bed houses.*

*As you will see, if the contributions were 100% off-site the breakdown would be:*

*Formal Sport: £866,451  
Formal Play: £288,762  
General POS: £128,757  
(Overall total: £1,283,970)*

*However, as some informal POS is being provided on site, and there are new facilities being developed at the adjacent Winneycroft site there would potentially be a reduced requirement for all types of off-site contributions. This would still need to be a more substantial offer than the applicant's offer of £20k for inclusive play equipment at Redwell Rd.*

*The on-site POS provision includes the moated monument, with an informal landscape setting. This would therefore remove the need for any funding towards an off-site contribution for 'general' POS provision nearby.*

A further response has identified a number of areas within Matson that could benefit from contributions secured towards equipped play and sports provision. These are listed as follows:

#### *Formal Play*

*Improvements/expansion to existing play facilities at:*

- Matson Park, Redwell Road (2 locations, both in MR5)*
- Baneberry Road (MR15)*
- Evans Walk (MR1)*
- Robinswood Hill (MR16)*
- The Venture/Northfield Rd (MR21/MR14)*

*Each of the above sites would benefit from additional equipment/improved capacity. The Venture are looking for funding to provide a new adventure playground as part of the site redevelopment and new community centre – the only adventure playground in Gloucester. The Open Space Strategy identifies Baneberry Rd and Evan's Walk in the top five sites for upgrading (out of approx. 50 play areas in the city)...*

#### *Formal Sport*

*Improvements to existing, or addition of new active sports facilities at:*

- Matson Park (MR5) - potential for one additional full size grass pitch, and/or skate facilities, and/or outdoor fitness space or other formal sports provision. Also, potential for further investment into Matson RFC, although they have benefited from other S.106 funding recently.*
- Saintbridge Recreation Ground (MR8) – recently put back into use as a formal grass football pitch space. May benefit from investment to improve this provision/capacity.*
- Baneberry Road (MR15) - potential for a junior grass pitch, and/or MUGA and/or outdoor fitness space.*
- Rectory Rd garden (MR6) and/or possibly Matson Park (MR5),*
- Sneedham's Green (MR10) or Northfield Rd (MR14) – potential for an outdoor fitness space – see image examples below (this would need to be a fully designed fitness space, with equipment that is adjustable to suit all abilities, not just a few items of basic outdoor gym equipment). Any potential location should be well overlooked.*
- Bibury Rd POS (MR17) is also in the ward and this open space would benefit from a new, fully surfaced MUGA or fitness space.*

*(all of the above locations are within the Matson and Robinswood ward and all sites would be within a 3km walking/cycling distance of the Snow Capel site, most would be much closer.)*

Provision of some of play equipment within the in-site LAP is also requested.

**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 State<sup>1</sup>.
- 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.<sup>2</sup>

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

<sup>2</sup> Historic Environment Good Practice Advice in Planning: 2 **Page 67** *Significance in Decision-Taking in the*

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:

- 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 significance<sup>3</sup>).
- 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

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<sup>3</sup> Page 4 - *The Setting of Heritage Assets* - Historic Environment Good Practice Advice in Planning Note 3 (Second Edition) – Historic England (December 2015). Page 70.

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 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. Following deferral of the original application decision (by Planning Committee on 6<sup>th</sup> June 2023) the applicant has agreed to revise the heritage management plan and possibly to enter into a Heritage Partnership Agreement (HPA - with the city council and Historic England). A varied heritage management plan, possibly taking the form of a HPA, could be secured by planning condition with ongoing monitoring and maintenance factored into a s.106 agreement. However, at the time of writing no firm details have been submitted so the doubt over the ability for the long-term management of the SAM to be secured remains.



### **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 a high 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.
- 9.8 **Conclusion on principle and NPPF para. 11(d)**  
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 76% 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 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).
- 10.8 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 letting first (ward-first) basis. Whilst this could benefit the wider Matson Regeneration, there is sufficient doubt that it would actually 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. Since deferral of the committee decision (from the 6<sup>th</sup> June 2023 meeting) there has been further discussion between the council's Housing Strategy Team and the applicant and a more comprehensive set of draft Heads of Terms is in the process of being agreed. The draft Heads of Terms would allow greater flexibility for the council and housing commissioners to be able to agree a local letting plan, giving potentially greater flexibility to decant higher or lower numbers of families from Matson at the time the dwellings become available. This is positive in terms of the greater control over the local benefits of the scheme, but still has no direct links to Matson regen projects so officers consider the position remains the same.
- 10.9 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 by the applicant 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. The council's consultant has advised that a number of sites within walking distance of the application site have potential to support a number of schemes funded through s.106.

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 lay out 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, confirmed by the consultant. 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 in terms of securing the full amount of contributions sought.

- 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, to 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 towards the provision of new facilities and/or the improvements of existing facilities within Matson ward.
- 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. Since the deferral of the planning decision (from the 6<sup>th</sup> June 2023 committee meeting) further details have been submitted. However, due to time constraints the WEC has been unable to review the details so, at the time of writing there remains 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 additional 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 remains 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 tests<sup>4</sup>:
- 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 applicant has proposed to pay a total of approximately £1.9m in s.106 contributions to ensure offsite mitigation for certain impacts can be secured. This equates to approx. £10,000 per dwelling.

The requests for s.106 contributions arising from the proposal and applicant's arguments are set out below.

#### **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

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<sup>4</sup> Reg.122 - The Community Infrastructure Levy Regulations 2010 (as amended).



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 had no firm evidence to suggest that a reduced contribution should be secured. The applicant has subsequently proposed to pay a reduced amount within revised draft Heads of Terms (HoTs) to pay the below contributions:

*Primary Education - a financial contribution of £670,195.68 will be secured towards primary education infrastructure;*

*Secondary Education (11-16) –a financial contribution of £388, 008 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 proposed by the applicant above reflect their argument that the county council have 'double-counted' impacts of the development by failing to consider contributions

that will be secured from the Winnycroft allocated sites. The applicant has argued that the full contributions sought by the county council have a flawed evidence base as they have not considered spare capacity in the local area and exclusion of the pupil yields relating to the Winnycroft Strategic Allocation, which meet their own needs through capital investment not yet committed to local schemes to increase capacity. The applicant considers that, if the Winnycroft SA has been included in error, it follows that an education is not necessary. Officers have been unable to review this with the county council to confirm whether the argument may be robust (or not). In addition to the above argument the applicant recognised that, as an affordable-led housing scheme, with a local lettings agreement to be put in place for approx. 50% of the units, there is an argument that population increases (potentially affecting future demand for pupil places) would not be as great in scale as an entirely open-market scheme. This is not an unreasonable argument, as the scheme is likely to provide new housing for families already living within Matson (with children already within the local education establishments). That a local lettings agreement would be secured, provides some comfort that the scheme may result in the re-housing of families registered as homeless or those living in overcrowded, multi-generational households within the ward. However, there would still be an expectation that the local population would still increase into the future. However, evidence to support any arbitrary reduction in contributions (for example 20% as a result of movement of the population) required to mitigate against the development has not been submitted and has been difficult for the LPA to quantify from the housing waiting lists.

#### 15.8 **Affordable Housing**

The scheme would deliver 76% 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. After some further discussion with the council's housing strategy team, the applicant has set out revised HoTs for the affordable housing provision as follows:

*Provision is to be made for 36 no. Affordable Dwellings within the proposal (20% of overall provision<sub>1</sub>) 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 Section 106 agreement will be structured in relation to the grant funded units to ensure that the units will be eligible for CIL Social Housing relief and the terms of the Section 106 agreement are compatible with the requirements of Homes England in relation to grant funded units.*

#### **Social Rent**

*All Social Rent properties (including both s106 and 'additionality') will be subject to a Local Lettings Plan. The Local Lettings Plan is to be submitted and agreed by the council before advertisement of any Social Rent*

*properties. Occupation of those homes is to be by eligible persons in line with the Homeseeker policy.*

*100% nominations on first let. Bromford will work with the council to provide adaptations to properties prior to first let or as soon as practicable after to meet the needs of applicants, using disabled facilities grant or other funding mechanisms.*

*90% nominations on subsequent lets which reflects the extent of adaptable homes in the scheme and need for such homes on the housing register.*

*Shared Ownership*

*The S106 Shared Ownership properties will be sold to approved persons with a local connection.*

*The 'additionality' grant funded Shared Ownership properties will comply with capital funding guide and help to buy requirements.*

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 would be agreed as a clause of a s.106 agreement. Detailed wording can be agreed through the s.106 process. 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 help to 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. As stated above, the applicant is open to agreeing a revised HMP or possibly entering into a more comprehensive Heritage Partnership Agreement (HMP), the latter having greater benefits to all parties if it would be able to be agreed.

**15.11 Public open space**

A financial contribution of £20,000 had originally been put forward towards the off-site provision of play equipment at Redwell Road Play Area. Following formal review by the council's Public Open Space consultant it was confirmed this was 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.

- 15.12 Following the recent Planning Committee deferral, the applicant has reviewed their position and is now offering a total of financial contribution of £283,028.01 (indexed) to be secured towards the offsite provision of Formal Sports Provision (£216,612.75) and Formal Play (£66,415.26) in the local area. A number of sites within walking/cycling distance have been identified as being able to support projects funded through s.106, including two sites (at Baneberry Rd and Evan's Walk) being in the top five sites for upgrading (out of approx. 50 play areas in the city) as identified through the OSS. The contribution proposed by the applicant remains under that requested by the POS consultant, but is a significantly increased offer (offset by the argument that reduced education contributions should be accepted).

### **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 onsite 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 public open space and education establishments (primary and secondary education) in the locality contrary to the aims of policies OS.2 and OS.3 of the Gloucester Local Plan, Second Stage Deposit 2002, policy INF3 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy, 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: | 6<sup>th</sup> June 2023



# Agenda Item 7

Reference	Status	Site address	Proposal	Decision date
22/00339/FUL	Refused	17 Amberley Road	Proposed 2 bedroom detached dwelling	17/05/23
22/00692/FUL	Grant	234 Stroud Road	Proposed dwelling to rear garden with new vehicle access	10/05/23
22/00739/FUL	Grant	12 Woods Orchard Road	Erection of a new single storey dwelling in the gardens of 10 & 12 Woods Orchard Road	31/05/23
22/00837/ADV	Grant	22 Southgate Street	New Fascia Shop Signage NON Illuminated - Flat fascia board fitted into the existing sign frame with raised stainless steel lettering fitted	23/05/23

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