

GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

Committee:	Planning
Date:	7 th May 2019
Address/Location:	Rudloe Drive Kingsway Quedgeley Gloucester
Application No:	17/01199/OUT
Ward:	Kingsway
Expiry Date:	31.03.2019
Applicant:	Robert Hitchins Limited
Proposal:	Outline application for residential development (up to 80 dwellings), associated infrastructure, ancillary facilities, open space and landscaping. Construction of vehicular and pedestrian accesses from Rudloe Drive. (All matters reserved) (Framework Plan 5 Area FP5)
Report by:	Nigel Gould
Appendices:	Site location plan

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is located to the south of Rudloe Drive and the rear boundary is adjacent to residential properties in Naas Lane, further to the south. The northern boundary runs along the highways edge to Rudloe Drive with open, undeveloped land opposite. Adjacent to the western boundary is the recently built medical centre.
- 1.2 The application site forms part of the wider overall former RAF Quedgeley site. The former RAF site comprises two areas of land located on the west and east side of the A38 to the south of the main urban centre of Gloucester.
- 1.3 Outline planning permission for the redevelopment of the site was granted by the Secretary of State on the 26th June 2003 following a public inquiry in September and October 2001. The permission was for a mixed-use development including residential (2650 dwellings), employment uses (B1 and B8) on 20 hectares of land, two primary schools, a local centre, roads, footpaths, cycleways and public open space.
- 1.4 A further outline planning permission was granted by the Secretary of State for additional residential development including a primary school, roads, footpaths and cycleways, and public open space (providing an additional 650 dwellings to the total approved under the earlier outline planning permission to make an overall total of 3,300 dwellings) in 2007. A further permission was the granted under reference 13/00585/OUT to renew the outline permission in relation to the employment land.
- 1.5 The land currently permitted for employment uses is located to the south western end of the wider RAF Quedgeley development site adjacent to the A38, to the rear of existing residential properties in Naas Lane, and includes the current application site.
- 1.6 The current application seeks outline planning permission with all matters reserved for 80 dwellings. The application is supported by the following documents: Location plan; planning statement, report on community engagements; design and access statement; archaeological assessment; transport assessment; residential travel plan; ecological assessment; waste minimisation and waste management plan and a planning statement update (dated January

2019).

2.0 RELEVANT PLANNING HISTORY

2.1 There is a large planning history to the wider RAF Quedgeley site following the original outline permission granted on appeal; the most relevant history to this application is as follows:

Application Number	Proposal	Decision	Decision Date
00/00749/OUT	Application for Outline Planning Permission: Proposed residential development (2650 dwellings), employment development (20 hectares) and associated infrastructure, open space and community facilities.	Allowed on appeal	26.07.2003
13/00585/OUT	Renewal of outline planning permission for the redevelopment of the former RAF Quedgeley site (00/00749/OUT) granted 26th June 2003 in relation to the employment area (20 hectares) on framework plan 5.	Permission granted	24.11.2014
15/00112/REM	Erection of 2 buildings for B1 (light industrial) & B8 (storage and distribution) use with associated access road, parking and landscaping.	Approval granted	29.01.2016

3.0 RELEVANT PLANNING POLICY

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

3.2 National guidance

National Planning Policy Framework (NPPF) and Planning Practice Guidance

3.3 Development Plan

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

SP1 - The need for new development
SP2 – Distribution of new development
SD3 – Sustainable design and construction
SD4 – Design requirements
SD6 – Landscape
SD9 – Biodiversity and geodiversity
SD10 – Residential development
SD11 – Housing mix and standards
SD12 – Affordable housing
SD14 – Health and environmental quality
INF1 –Transport network
INF3 – Green Infrastructure
INF4 – Social and community Infrastructure
INF6–Infrastructure delivery
INF7 – Developer contributions

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

The statutory Development Plan for Gloucester includes the partially saved 1983 City of

Gloucester Local Plan. Paragraph 213 of the NPPF states that '*...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.*' The majority of the policies in the 1983 Local Plan are out-of-date and superseded by later planning policy including the NPPF and the Joint Core Strategy. None of the saved policies are relevant to the consideration of this application.

3.5 **Emerging Development Plan Gloucester City Plan**

The Gloucester City Plan ("City Plan") will deliver the JCS at the local level and provide policies addressing local issues and opportunities in the City. The Draft Gloucester City Plan 2017 takes forward the results of previous consultations and was subject to consultation January and February 2017. As the Plan is at an early stage, it is considered that it carries limited weight in accordance with paragraph 48 of the NPPF.

3.6 **Other Planning Policy Documents Gloucester Local Plan, Second Stage Deposit 2002**

Regard is also had to the 2002 Revised Deposit Draft Local Plan. This has been subjected to two comprehensive periods of public and stakeholder consultation and adopted by the Council for development control purposes. 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:

E.4 – Protecting Employment Land

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

OS.7 – New areas of Public open space

3.7 All policies can be viewed at the relevant website address:- national policies:
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>
Gloucester City policies:
<http://www.gloucester.gov.uk/resident/planning-and-building-control/planning-policy/Pages/current-planning-policy.aspx>

4.0 **CONSULTATIONS**

4.1 **Quedgeley Town Council**

Support the observations previously submitted in relation to the landscape Officer & Natural England comments & S106 contributions. The s.106 contributions should meet, as a minimum, the requirements of policy OS.2 in the Gloucester City Open Space Strategy 2014-2019.

4.2 **Highway Authority**

No objection subject to the addition of conditions relating to: Access location; Access visibility; Junction completion; Access and layout; Electric charging facilities; Cycle storage; Estate roads; Estate road maintenance; Fire hydrants; Provision of bus shelter; Construction method statement; and Residential travel plan.

4.3 **Highways England**

No objection - As the development site already benefits from an extant employment planning consent, the development proposals generate only marginal changes in total trip generation, which after its distribution and assignment, would not have a severe impact on the SRN (M5 J12).

Landscape Adviser

4.4 Ongoing discussions regarding the contributions required in respect of Public Open Space

provision.

4.5 **Ecology Adviser**

A preliminary screening for Likely Significant Effects (LSE) has been completed and further information is required and natural England should be consulted

The site itself has low ecological significance and biodiversity interest should be secured through conditions.

4.6 **Natural England**

Concern that, the application could have potential significant effects on the Cotswold Beechwoods Special Area of Conservation (SAC). Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

4.7 **Contaminated Land Adviser**

The site is located within part of the former Quedgeley military site where significant contamination has been identified following various phases of site investigation across this area and the wider site. The report submitted in support of the application has been reviewed in relation to the application. This report has been undertaken in relation to a commercial end use. This current application is for a residential development and as such represents a more sensitive end use. Previous investigation of the site has identified significant areas of made ground and presence of contaminants including asbestos, hydrocarbons and metals.

Given the presence of contamination on site and the change to a more sensitive residential use further works will be required including additional risk assessment and site investigation to ensure the site is safe and suitable for the proposed use. This will inform the requirements of any mitigation necessary. As such it is recommended that the addition of condition if planning permission granted.

4.8 **Drainage Adviser**

No objection - the content of Section 7.4 of the FRA addresses our requirements. Pond 5 (the basin that will attenuate the flows from this development) was built some time ago, so there will be nothing to review in terms of basin design. We will need to review the on-site drainage detail as part of the reserved matters application.

4.9 **City Centre Improvement Officer (Environmental Protection)**

After reviewing the submitted Illustrative Masterplan and reviewing the wider design principles of Phase 5 I am concerned that the land north of Rudloe Road remains a designated mix of Class B1 – B8 employment uses. Should there be a future interest in developing the land north of Rudloe Drive into a mix of Class B1 – B8 employment uses and as a result of any consent granted for this proposal I would be cautious to recommend approval without equally restrictive conditions with the view to limit the hours of operation, delivery etc. Understandably these restrictions would be imposed with the view to protect the amenity of the future residential use of the land south of Rudloe Drive.

I agree with the methodology used to assess the impact of noise and also agree that the prevailing noise environment would be road traffic noise travelling along Rudloe Drive. Nevertheless, the data is nearing three years old and the development of the area of Kingsway is continuing at pace. Additionally, I would have concern that one measurement location at a point furthest from Rudloe Drive is considered representative for the whole proposed development.

As such, I would expect at the Reserved Matter stage a further noise survey to be undertaken on the boundary of the proposed site with Rudloe Drive which shall feed into the final design/mitigation measures required for the most affected dwellings adjacent to Rudloe Drive.

4.10 **Strategic Housing Officer**

The applicant has proposed the following affordable residential mix based on a 75 25% rent to affordable home ownership mix:

“It is proposed that 1 and 4 bedroom affordable homes for sale are avoided on this site alongside an increased emphasis on 2 and 3 bedroom Affordable Rented units. Given the scale of the site and in the context of the SHMA.....(provided as 2b4p, 3b5p, and 4b6p).....:

	1	2	3	4	Total
Affordable Rent	0	7	3	1	11
Shared Ownership	0	3	2	0	5

The latest Strategic Housing market Assessment (SHMA) set out the size of units required as to achieve a market balance over the plan period. An approach based upon the applicants Affordable Housing offer does not reflect the SHMA evidence, a small but meaningful difference in relation to tenure and significant differences in relation to dwelling sizes.

It would be expected to have clusters of no more that 6 to 8 Affordable Units in a cluster, subject to the quantum being delivered on the site and design requirements for example blocks of flats. A suitable clause within the S106 agreement will need to detail this requirement.

Heads of Terms. The applicant has set out proposed heads of terms. In relation to affordable housing the applicant has offered 20% affordable housing and this should be reflected with the heads of terms. In addition to this an agreed mix based on percentages of the total quantum delivered is required. The affordable housing should be constructed to be tenure blind as the applicant has stated but it is also fundamental that the affordable housing should be “fit for use” and the applicant is advised to consider the standard set out in the Joint Core Strategy Affordable Housing partnership standard set out above to ensure the is achieved.

The Council will expect a clause in place that requires the owner/developer not to cause or permit the Occupation of more than ninety per cent (90%) of the Open Market Units unless there has been delivery of 100% of the affordable housing. The council shall expect 100% nominations on first let and 75% on subsequent lets and prior to advert and marketing lettings and sales plans shall be approved by the Council.

4.11 **Urban Design Adviser**

Concerns were expressed about the layout and discussions progressed with the applicant to resolve these concerns. As the application is for outline permission for residential development and is now with all matters reserved it is considered that the issues relating to design and layout are to be considered at the reserved matters stage.

4.12 **Arboricultural Advisor**

All trees on site are proposed for retention however, I have concerns regarding the location and relationship of proposed housing in proximity to the retained trees. These are all good quality oak trees and a walnut. My concerns are can the trees be adequately protected during the development and post-development will the trees cast excessive shade on properties leading to demands for removal or extensive pruning? I suspect the argument will come back that as protected trees we retain control and any potential residents should be aware of the issues associated with living in close proximity to large protected trees. I still think it would be advantageous and reasonable to seek to have these trees as far away from properties as possible. The usual tree protection and landscaping conditions will be required.

4.13 **Environment Agency**

Based on the information submitted this appears to be a lower risk planning consultation which does not require direct consultation with us.

4.14 **Archaeology**

Much of the Framework Plan 5 area was subject to archaeological evaluation in 2016. Whilst archaeological remains were noted further north, nothing was noted within this area (parcels B and C). I'm therefore content that the proposed development is unlikely to adversely impact significant archaeological remains. I therefore have no comments to make with regard to this application.

4.15 **Lead Local Flood Authority**

No comments to make as the agreed surface water drainage strategy for this area pre-dates the LLFA's statutory role.

4.16 **Severn Trent Water**

No objections to the proposals subject standard drainage condition.

4.17 **Waste Officer**

The waste minimisation statement is considered acceptable and compliance with the report should be conditioned.

4.18 **Gloucestershire County Council S106 Officer**

Both Waterwells Pre-school and Primary and Severn Vale secondary are forecast to be over capacity. The scheme has been assessed for impact on various GCC infrastructure in accordance with the 'Local Developer Guide' adopted 2014. The Developer Guide is considered a material consideration in determination of the impact of development schemes on infrastructure. The assessment takes account of the CIL regulations 2010 (as amended).

The scheme will generate the need for 5.81 additional pre-school places therefore a contribution of £78,756 is required.

The scheme will generate the need for 21.87 additional primary school places therefore a contribution of £289,776 is required.

The scheme will generate the need for 11.18 additional secondary school places therefore a contribution of £231,1501 is required.

The scheme will generate the need for library resources therefore a contribution of £15,680 is required.

5.0 **PUBLICITY AND REPRESENTATIONS**

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

5.2 Two letters of objection raising the following issues:

- Loss of privacy, they can see directly into my living room, although they are kindly leaving the tree between us which would cover very well in the summer but as you see the rest of the year it doesn't serve that purpose.
- They could either make bungalows on that side of the site (Naas Lane) to avoid overlooking.
- I am concerned about the cluster of 5 buildings on the central southern side of the site which abut the proposed walkway. No elevations are shown so I can only hope they are not above 2 storey as they are closest to my property. I have observed that 3 storey apartment developments on Kingsway have a tendency to generate loud noise.
- Will the Developer be required to erect a fence alongside the proposed southern walkway to protect the Naas Lane properties?

5.3 One letter of support has been received from Stagecoach West that makes the following

comments:

- We are concerned that a relatively rare opportunity to provide additional much needed new homes, in a highly sustainable location continues to pose the Council some difficulty for reasons that are not clear to us.
- We see that residential redevelopment would represent an entirely appropriate use for the site given its context adjoined by existing residential uses to the east and south. Residents will have access within a short walking and cycling distance to substantial employment opportunities and primary and secondary education as well as a range of retail outlets.
- The amount of locally available destinations that are credibly reachable by walking and cycling is in our analysis, quite unusual, even for an urban area the size of Gloucester.
- The site is located on a major existing bus route operating every 15 minutes during weekdays, linking not only to Gloucester but Stonehouse and Stroud.

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
- Design, layout and landscaping
- Affordable housing
- Open, space recreation and education
- Traffic and transport
- Living conditions
- Drainage and flood risk
- Ecology
- Economic considerations

Principle of Development

6.5 In determining the principle there are two key considerations, the loss of employment land and the principle of residential development. These are considered in turn.

Residential Development

6.6 The NPPF requires local planning authorities to demonstrate a 5 Year Housing Land Supply, with an appropriate buffer, against the relevant housing requirement. Footnote 7 to paragraph 11

of the NPPF 2018 indicates that policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites or where the Housing Delivery Test indicates that the delivery of housing was substantially below the housing requirement over the previous three years.

- 6.7 The JCS addresses housing supply and demand under Policies SP1 (The Need for New Development) and SP2 (Distribution of New Development) as well as within Part 7 (Monitoring and Review).
- 6.8 In its planning statement, the applicant contends that the Council cannot demonstrate a five year supply of deliverable housing sites based on the deliverability of existing permissions. In such circumstances, policies for housing are considered to be out of date and, having regard to Paragraph 11 of the NPPF, planning permission should be granted unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 6.9 Officers do not agree with this position however and it is considered that Gloucester can demonstrate a five-year supply of deliverable housing sites with a 5% buffer (which is appropriate as the Council can demonstrate that it passes the housing delivery test as set out at paragraph 215 of the NPPF). This positive housing land supply position means that the housing policies in the Joint Core Strategy can be given full weight.
- 6.10 Notwithstanding the above, Policy SD10 of the JCS allows for infilling within the existing built up areas of the City Gloucester. In terms of the broad principles of development, the site is within the built-up area of the City, is in a sustainable location for residential use and would contribute to housing supply. On this basis, the broad principle of development is considered to be acceptable in accordance with JCS Policy SD10, subject to assessment against other planning considerations in the remaining sections of this report, including the loss of employment land.

Loss of Employment Land

- 6.11 As set out above, the application site has outline planning permission for employment purposes within classes B1 and B8, but which has not been implemented. The site is not however allocated for employment use in any adopted plan.
- 6.12 Policy E4 of the draft 2002 Local Plan states:
- 'Planning permission will not be granted for new development that involves the loss of employment land unless the following criteria are met:*
- 1. The land has limited potential for employment, and*
 - 2. The developer is able to demonstrate that an alternative use, mix of uses, offers greater potential benefit to the community'.*
- 6.13 The emerging City Plan also seeks to protect employment sites, including the site subject of the current application however given its stage of preparation, the City Plan can only be given very limited weight at this stage.

- 6.14 Paragraph 80 of the NPPF states: *“Planning policies, and decisions should help create the conditions in which business can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach should allow each area to build on its own strengths, counter any weakness and address the challenges of the future.”*
- 6.15 Paragraph 121 further sets out that *“...authorities should also take a positive approach to proposals for alternative uses of land that are currently developed but not allocated for a specific purpose in plans, where it would help to meet identified development needs. In particular, support proposals to use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework.”*
- 6.16 To support the case for development of the land for housing and the loss of land for employment use, the applicant has put forward the following comments:
- Despite historic permissions for 10,000m² of B1 office space on a different part of Framework 5 and a reserved matters approval for B1 and B8 on the application site no new development to accommodate B1, B2 and B8 has been delivered to date.
 - Since the outline permission was granted, there have been a few applications on the employment area including the erection of the new Asda store and for the balancing pond (Pond 5) located immediately to the south of Asda. A reserved matters application for erection of five buildings for B1 office use was granted in March 2011 but has not yet been implemented. The medical centre adjacent to the application site has been granted planning permission, built and now fully operational. The Rose Tree Public House on the opposite side of Rudloe Drive has been granted planning permission, built and now fully operational. Applications for a new Lidl, B & M store and Pure Gym on land south of Asda have been received but not determined. All of the applications listed here do not strictly speaking conform to the B1 and B8 uses prescribed at the outline stage but in most cases do provide an element of employment generation.
 - The application is supported by a market assessment which confirms the following: The site has been promoted for employment uses since 2005; initially the land was offered as a new opportunity for bespoke employment development but this was changed to a specific development scheme brand; the marketing over this period of time has been comprehensive; the first development brochure was completed in July 2007; updated brochures were done in November 2014, May 2016 and October 2016; extensive web based representation on the land owners website, the joint agents websites, the Estates Gazette Property Ltd, Rightmove and CoStar; targeted marketing; agency signage; and on-site functions.
 - The market assessment confirms that there has been no commercial interest in the site and considers this is down to the planning conditions imposed relating to noise and hours of operation due to the location of housing adjacent to the southern boundary. These issues will lead to constraints to business operations and limit the marketability of the commercial properties.
 - The whole of the application could come forward for B8 users. The number of jobs from such uses is low.
 - The NPPF encourages a more flexible approach to land allocation and the economic benefits of development.
 - Whilst the Policy E4 – protecting employment land – is a saved policy of the 2002 Revised Deposit Draft Local Plan due to the time elapsed the weight given to it is limited.
 - The construction work for 80 dwellings would bring jobs and inward investment to the area.

- 6.17 Overall, the applicant the applicant considers that the site is not attractive to the employment land market and that the delivery of new market and affordable housing will be of greater community benefit. The applicant argues that this is particularly the case given that the authority is unable to meet its adopted housing land requirement in full and cannot currently identify a five-year housing land supply (this is a position that officers do not agree with – see below).
- 6.18 The application site has enjoyed the benefit of outline planning permission for some years. The evidence submitted by the applicant in respect of the marketing of the site does indicate that, despite the existence of planning permission, it has not proven to have been attractive to investors/companies. Whilst the development would not provide on-going employment uses, there would be employment generated, albeit temporary, during the construction phase. It is also recognised that whilst planning permission does exist for employment use on the site, it could be argued that residential use would be more appropriate given the proximity of surrounding houses. Further it is understood, as explained above, that the restrictions placed on the previous permission on the site to protect the amenities of nearby residential development, is a barrier to interest in occupying the site for commercial use.
- 6.19 Overall it is considered that, on balance, given the lack of interest in the site despite long-term marketing, the principle of the loss of employment use is acceptable in this instance.

Conclusions on the Principle of Development

- 6.20 As set out above, the broad principle of housing development in this location is acceptable having regard to Policy SD10 of the JCS. Whilst the proposed development would result in the loss of permitted employment land, it is considered that the applicant has demonstrated, through evidence of long—term marketing, that the land has limited potential for employment use. Furthermore, taking on board the advice in paragraph 121 of the NPPF, a positive approach should be taken to proposals for alternative uses of land that are currently developed but not allocated for a specific purpose in plans, where it would help to meet identified development needs. It should also be recognised that the five year supply requirement is ongoing, and the Council should grant sufficient permissions to meet this ongoing requirement.
- 6.21 The proposal would result in both economic and social benefits arising from the provision of market and affordable housing which weigh in favour of the proposal, however these benefits are tempered by the loss of employment land and the associated economic benefits.
- 6.22 In light of the above, on balance, whilst the loss of employment land is regrettable it is considered that the principle of development can be supported subject to the consideration of all other material considerations which are set out below.

Design, Layout and Landscaping

- 6.23 The NPPF states that new residential developments should be of high-quality design, create attractive places to live, and respond to local character integrating into the local environment. Policy SD3 requires all developments to demonstrate how they contribute to the principles of sustainability, Policy SD4 sets out requirements for high quality design, Policy SD6 requires development to protect or enhance landscape character while Policy SD10 requires housing of an appropriate density, compatible with good design, the protection of heritage assets, local character and compatible with the road network.
- 6.24 The design, external appearance, scale, layout and landscaping of the proposed development are all matters for consideration at the reserved matters stage. The Urban Design adviser did have some significant concerns regarding the proposed layout originally submitted with the application. Nevertheless, as set out above, layout has now been reserved for future consideration and the Urban Design Advise has no objection to the principle of development on this site for 80 houses.

6.25 The Council's Arboriculturalist has been consulted and notes the trees are proposed for retention. He has some concerns over the long-term retention of the trees during and following development. In respect of the protection of trees during construction, the Arboriculturalist recommends an appropriate condition requiring tree protection measures to be put in place. The location of any new housing close to existing trees is a detailed layout issue which can be controlled at reserved matters stage.

6.26 In light of the above, it is not considered that there are any site constraints that would mean that a successful overall design for the proposed development could not be achieved and such it is entirely appropriate for these issues to be considered at reserved matters stage.

Affordable Housing

6.27 The NPPF states that where local authorities have identified the need for affordable housing, policies should be set for meeting this need on site, unless off site provision or a financial contribution can be robustly justified. Policy SD12 of the JCS provides that a minimum of 20% affordable housing will be sought on sites of 11 or more dwellings in the Gloucester City administrative area. The supporting text at paragraph 4.13.6 explains that the policy reflects the viability of differing value areas that exist across the JCS, hence the requirement for a 40% contribution within Cheltenham and Tewkesbury but only a 20% contribution within Gloucester. However, bullet 10 of the Policy provides that the viability of the site may enable additional levels of affordable housing to be provided.

6.28 The applicant has proposed 20% affordable housing in accordance with the JCS requirements. The Strategic Housing Officer has been consulted and his comments are set out in detail above. Subject to appropriate planning obligations securing an appropriate mix and tenure set out below, along with appropriate restrictions to ensure appropriate clustering and design, there is no objection to the proposals in this regard.

Bedrooms	Affordable Rent	Shared Ownership	Total
1 bed 2 person (45sqm)	3	0	3
2 bed 4 person (67sqm)	4	2	6
3 bed 5 person (82sqm)	4	2	6
4 bed 6 person (108 sqm)	1	0	1
Total			16

Open Space, Recreation and Education

6.29 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. Policies OS.2, OS.3, and OS.7 of the 2002 Plan set out the council's requirements for open space.

6.30 Following the implementation of CIL across the JCS authorities on 1st January 2019, the Councils' Regulation 123 lists set out the infrastructure projects or types of infrastructure that it is intended will be, or may be, wholly or partly funded by CIL. The intention is to ensure that there is no duplication in the use of both CIL and S106 from the same application for development for the same infrastructure project.

6.31 Regulation 122 of the CIL Regulations sets out that infrastructure contributions can only be made under Section 106 agreements where they are a) necessary to make the development acceptable, b). directly related to the development and c) fairly and reasonably related in scale and kind to the development.

6.32 On-site requirements (whether they are delivered on or off site), and specific infrastructure requirements that can be robustly justified as necessary to make the development acceptable in

planning terms (and otherwise the application would be refused without that infrastructure) will still be delivered via s106 obligations.

- 6.33 In respect of public open space, this is a policy requirement and thus can be secured via s106. Following consultation with the Landscape Advisor lengthy discussions have been had with the applicant regarding the provision of public open space within the immediate area and the requirement for this provision on the application site. It is noted that the layout of public open space within the wider area of the former RAF site has been very successful and it is agreed that there is good provision within the immediate area. Discussions are ongoing as to the specific requirements for open space and **an update will be provided at Committee.**
- 6.34 The County Council s106 officer has requested contributions towards pre-school, primary and secondary school places, as well as towards library provision. However it is not considered that the requested contributions are justified in respect of s106 obligations - the County Council would however be able to request/utilise CIL receipts arising from development for these purposes.

Traffic and transport

- 6.35 The NPPF requires that development proposals provide for safe and suitable access for all and that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Policy INF1 of the JCS requires safe and accessible connections to the transport network
- 6.36 The application is supported by a Transport Assessment (TA) which sets out that the site benefits from being in an excellent location within proximity to a number of local services and facilities, with the Local Centre within walking distance to the North. The TA states that the site is supported by a good level of sustainable transport provision, with six bus stops within 400m of the site providing regular services to the surrounding area, including the City Centre. Further, there is an excellent network of pedestrian/cycle facilities connecting the site from its access along Rudloe Drive.
- 6.37 The TA confirms that, following a review of accident data, there are no highway safety issues with the surrounding road network that need addressing. Whilst there is a capacity issue with one arm of the Waterwells Drive roundabout, this is an existing issue and the development is not regarded as significant.
- 6.38 Significantly, the TA demonstrates that the proposed development would be likely to demonstrate less traffic than the permitted use for B1/B8 units – the expected impact of the proposals on the road network would thus be lower than with the permitted employment development in place.
- 6.39 In conclusion therefore, the TA considers that there are no overriding traffic and transport matters that could preclude the grant of permission for the development proposed.
- 6.40 Given the proximity of the site to the Strategic Road Network (SRN), Highways England (HE) has been consulted. HE are particularly interested in Junction 12 of the M5 which is situated to the south of the application site. HE consider that, when comparing two set trip generation sets, the proposals are predicted to generate 6 additional two-way trips in the AM peak and 5 less trips during the PM peak. Notwithstanding this, HE accept this level of trips does not constitute a severe impact on the SRN. On that basis no objection is raised.
- 6.41 Similarly, the County Highways Officer (CHO) has been consulted and does not raise objection to the proposals subject to conditions.
- 6.42 As set out above, 'access' is a matter reserved for future consideration. Having regard to the suggested conditions from the (CHO), it is not considered that there are any site constraints that

would mean that a successful site access and internal road layout for the proposed development could not be achieved. There is therefore no objection to the proposed development on traffic and transport grounds.

Living conditions

- 6.43 Paragraph 17 of the NPPF provides that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 127 (f) of the NPPF seeks to achieve well designed places "...with a high standard of amenity for existing and future users". This is reflected in Policy SD14 of the JCS which requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants.
- 6.44 The site is separated from the undeveloped plot to the north by Rudloe Drive itself. The Environmental Protection Officer has been consulted and whilst there are some concerns relating to the location of the site close to land with outline permission for employment it is considered that acceptable relationships can be secured via the imposition of conditions and the design and layout of buildings at reserved matters stage..
- 6.45 Some concerns have been raised by residents of adjoining properties on Naas Lane. There are 13 existing residential properties on Naas Lane that back on to the southern boundary of the application site some of which are 2m and 6m from the boundary. The comments from the nearby residents of these properties are noted but it is for the applicants to successfully design an appropriate housing scheme that takes account of this and other site constraints, thereby avoiding any unacceptable overlooking/overbearing impacts. It is of course recognised that permission does exist for use of the site for employment uses.
- 6.46 Overall, there are no site constraints that would indicate that a scheme could not be designed so as to avoid unacceptable impacts on the living conditions of existing or future residents, and the application is considered acceptable in this regard.

Drainage and flood risk

- 6.47 The NPPF requires that development is directed to the areas at lowest risk of flooding, that new development should take the opportunities to reduce the causes or impacts of flooding, should not increase flood risk elsewhere and take account of climate change. Policy INF2 of the JCS reflects the NPPF, applying a risk based sequential approach, requiring new development to contribute to a reduction in flood risk and requiring the use of sustainable drainage systems.
- 6.48 The application is supported by a Flood Risk Assessment and Drainage Strategy (FRA) which states that the site is entirely in Flood Zone 1 (area at lowest risk of flooding) and concludes that the proposed development would not be at risk of flooding from all sources. The site would be served by the approved Drainage Strategy for the wider RAF Quedgeley/Kingsway site, which deals with surface water and foul drainage.
- 6.49 The Drainage advisor has been consulted and it is agreed that the approved drainage strategy addresses the drainage requirements for the proposed development and consequently it is considered that the proposal accords with the requirements of Policy INF2 of the JCS and the relevant sections of the NPPF and is acceptable in this regard.

Ecology

- 6.50 European designated sites, such as Special Areas of Conservations (SAC), are afforded strict protection under the Conservation of Habitats and Species Regulation 2017 (The Habitats Regulations). Local Planning authorities have a legal obligation to undertake a formal assessment of the implications of any new plans or projects that may be capable of affecting the designated interest features of European Sites before deciding whether to permit an application to ascertain any adverse effects on the integrity of the protected site. The process by which this

is assessed is known as a Habitats Regulations Assessment (HRA).

- 6.51 Paragraph 170 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by, inter alia, 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.
- 6.52 Policy SD9 of the JCS seeks to protect and, wherever possible enhance biodiversity, including wildlife and habitats.
- 6.53 The application is supported by an Ecological Assessment (EA) which includes the results of a site survey. The survey concludes that the proposals would not result in any impact on designated sites and, subject to appropriate mitigation would have an acceptable impact and achieve ecological enhancements for such protected/notable species wherever possible, e.g. inclusion of bat boxes.
- 6.54 Natural England and the Council's Ecology Adviser have been consulted and have raised concern about the potential impact from residents of the proposed development visiting the Cotswold Beechwoods SAC (Special Area of Conservation) approximately 5km to the east. As a designated conservation asset, the Council must pay regard to the Habitat Regulations Assessment 2017 (HRA). The HRA is in two parts. i) Screening for likely significant effects & ii) an Appropriate Assessment. The application was screened for Likely Significant Effects and further information requested in the form an Appropriate Assessment (HRA Stage 2).
- 6.55 The applicant has submitted further information to inform the Appropriate assessment and the views of NE and the Ecology Adviser sought. **An update will be provided at Committee.**
- 6.56 In respect of the site itself, the Ecology Adviser confirms that the site is of low ecological value and there are no objections in respect of on-site ecological matters subject to the imposition of appropriate conditions to secure the recommendations set out the Ecological Assessment.

Economic considerations

- 6.57 The construction phase would support employment opportunities and therefore the proposal would have some economic benefit. Economic benefits would also arise from future residents spending money in the local economy. Further, paragraph 3.1.9 of the JCS identifies that it is important to ensure that sufficient housing is made available to support the delivery of employment and job growth. In the context of the NPPF advice that 'significant weight should be placed on the need to support economic growth through the planning system', this adds some weight to the case for granting permission however this benefit is tempered by the loss of those benefits that would be associated with the loss of employment land.

Overall Balancing Exercise and Conclusion

- 6.58 This application has been considered in the context of the policies and guidance referred to above.

Benefits

- 6.59 The proposed development would result in social benefits arising from the provision of housing which is given some weight in the overall planning balance. The proposal would provide for a policy compliant number (16) of affordable units which is given significant weight given the affordable housing needs in the City.
- 6.60 The proposal would also result in economic benefits during and post construction although these benefits are tempered by the loss of employment land. The proposal could also result in some ecological benefits subject to securing the mitigation measures set out in the Ecological Assessment.

Harms

6.61 The proposal would result in the loss of employment land which, whilst not allocated, would affect the JCS authorities' ability to deliver the required level of employment land set out in the JCS. Nevertheless, it is accepted that the applicant has demonstrated that the site has been unsuccessfully marketed for a number of years which indicates that it is not attractive to potential investors.

Neutral Impacts

6.62 Subject to s106 obligations, conditions and consideration of the reserved matters, the proposals would have an acceptable impact on highways, flood risk and drainage, the character and appearance of the area, local infrastructure, living conditions of existing and future residents.

Conclusion

6.63 In light of the above, whilst the loss of employment land would be regrettable, on balance, it is considered that, subject to the resolution of the ecology and open space matters set out above, the principle of development proposed by this outline application is acceptable.

7.0 **RECOMMENDATION OF THE CITY GROWTH AND DELIVERY MANAGER**

7.1 That the grant of planning permission is **delegated to the Technical Planning Manager subject to resolution of ecology issues; open space provision; the amendment to and/or addition of conditions as necessary; and conclusion of planning obligations under Section 106 of the Town and Country Planning Act 1990 to secure the obligations listed below:**

- **20% of the total number of Dwellings with a tenure mix of 75% Affordable Rented Units and 25% Shared Ownership Units;**
- **Provision and maintenance of on-site/off-site Public Open Space;**
- **Any requirements from Natural England to mitigate for the impacts on the designated habitats.**

7.2 **CONDITIONS TO FOLLOW**

Person to Contact: Nigel Gould (01452 396967)

Planning Application: | 17/01199/OUT

Address: | Rudloe Drive Kingsway
Quedgeley Gloucester

Committee Date: | 7th May 2019

