

GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

Committee:	Planning
Date:	6 th July 2021
Address/Location:	Land north Of Rudloe Drive, Rudloe Drive Kingsway Quedgeley Gloucester
Application No:	20/00368/OUT
Ward:	Kingsway
Expiry Date:	23.07.2020
Applicant:	Robert Hitchens Limited
Proposal:	Residential development (up to 150 dwellings), associated infrastructure, ancillary facilities, open space and landscaping. Outline application with all matters reserved. (Non determination appeal)
Report by:	Jon Bishop
Appendices:	Site location plan Illustrative Masterplan

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site comprises of land on the north side of Rudloe Drive of 5.78ha. It forms part of the wider former RAF Quedgeley site that has now been substantially redeveloped. There are new residential properties to the east/north east of the site beyond the drainage channel. There is an area of public open space beyond to the north. To the north west the immediately adjacent land off Newhaven Road is also vacant land. To the west is Newhaven Road. On the far side of Newhaven Road are several buildings – at the southern part there is a recently constructed Lidl supermarket; to the north of this Avionics House, which appears to be in office use; north of this 2 recently completed commercial units. Further north there is a drainage pond and an Asda supermarket. To the immediate south west of the site fronting the roundabout is a public house. To the south beyond Rudloe Drive is a site that has outline permission for residential. There is a medical centre and pharmacy to the south also, and a dance studio close to the junction of Naas Lane and Rudloe Drive. Beyond the southern development site are residential properties on Naas Lane.
- 1.2 The site itself is vacant with an existing network of roads associated with the previous uses, several areas of hardstanding and at the west side an area of grassed open space understood to be a former parade ground. There are several trees scattered across the site, several of which are subject to Tree Protection Orders. Outline planning permission for the redevelopment of the wider site was granted by the Secretary of State on the 26th June 2003 following a public inquiry in 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. 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. The land for employment uses is located to the south western part of the wider RAF Quedgeley development site adjacent to the A38, and includes the current application site, although the period for submitting reserved matters

applications under this permission has now expired.

- 1.3 The application is submitted in outline form with all matters reserved for future consideration. The proposals are for up to 150 residential units and associated infrastructure and facilities. Open space and landscaping are also proposed although the detail of landscaping is reserved. An Illustrative masterplan is provided and this shows an area of open space on the western edge of the site at the old parade ground area, with the road network through it removed, to provide a comprehensive open space. The applicant has confirmed that the minimum and maximum scale of development would be 1.5 to 3 storeys. The immediately adjacent area of land to the north west of the site off Newhaven Road that is excluded from the application site is shown on the illustrative masterplan as being 'future employment/commercial generating uses'.

This application is the subject of a non determination appeal to be determined by the Planning Inspectorate by way of public inquiry. This report sets out what the recommendation would have been had the application been brought to committee before the applicant submitted an appeal against non determination.

The application is referred to the planning Committee because it is over 50 residential units and because the City Council has a land ownership interest and a representation has been received. The Council owns the land adjacent to the north of the site including the corridor containing the drainage ditch – the application site overlaps into this adjacent corridor in two locations where the site extends to link up to the footpath alongside the ditch.

2.0 RELEVANT PLANNING HISTORY

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
06/01242/OUT	Proposed Residential development including a Primary School. roads, footpaths and cycleways, public open space, (Frame work Plan 4 Kingsway) To provide an additional 650 dwellings to the total approved under outline planning permission 00/00749/OUT (Overall Total 3,300 dwellings). (Outline Application - All matters reserved) (Amended Scheme)	Allowed on appeal	4.9.2007
07/01081/REM	Link road between Naas Lane roundabout and the local centre, landscape buffer and drainage.	Reserved matters approved	21.04.2008
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
19/00881/CON DIT	Discharge of condition 15 (programme of archaeological work) and condition 16		

	(archaeological recording and publication) of application 13/00585/OUT		
21/00490/OUT	Residential development (up to 150 dwellings), associated infrastructure, ancillary facilities, open space and landscaping. Outline application with all matters reserved. (Duplicate application)	Pending consideration	

3.0 RELEVANT PLANNING HISTORY

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

3.2 National guidance

National Planning Policy Framework (NPPF) and Planning Practice Guidance

3.3 Development Plan

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
 SD3 – Sustainable design and construction
 SD4 – Design requirements
 SD6 – Landscape
 SD8 – Historic Environment
 SD9 – Biodiversity and geodiversity
 SD10 – Residential development
 SD11 – Housing mix and standards
 SD12 – Affordable housing
 SD14 – Health and environmental quality
 INF1 –Transport network
 INF2 – Flood risk management
 INF3 – Green Infrastructure
 INF4 – Social and community Infrastructure
 INF6–Infrastructure delivery
 INF7 – Developer contributions

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

The statutory Development Plan for Gloucester includes the partially saved 1983 City of Gloucester Local Plan. Paragraph 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 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 Pre-Submission version of the Gloucester City Plan (City Plan) was approved for publication and submission at the Council meeting held on 26 September 2019. On the basis of the stage of preparation that

the plan has reached, and the consistency of its policies with the NPPF, the emerging policies of the plan can be afforded limited to moderate weight in accordance with paragraph 48 of the NPPF, subject to the extent to which there are unresolved objections to each individual policy (the less significant the unresolved objections, the greater the weight that may be given).

Relevant policies from the emerging Gloucester City Plan include:

- A1 – Effective and efficient use of land and buildings
- A2 – Affordable housing
- A6 – Accessible and adaptable homes
- B2 – Safeguarding employment sites and buildings
- C1 – Active design and accessibility
- C3 – Public open space, playing fields and sports facilities
- D1 – Historic environment
- D2 – Non designated heritage assets
- D3 – Recording and advancing understanding of heritage assets
- E2 – Biodiversity and geodiversity
- E4 – Trees, woodlands and hedgerows
- E5 – Green infrastructure: Building with nature
- E6 – Flooding, sustainable drainage, and wastewater
- E8 – Development affecting Cotswold Beechwoods Special Area of Conservation
- F1 – Materials and finishes
- F2 – Landscape and planting
- F3 – Community safety
- F4 – Gulls
- F6 – Nationally described space standards
- G1 – Sustainable transport
- G2 – Charging infrastructure for electric vehicles
- G4 - Walking

3.6 **Other Planning Policy Documents**

Gloucester Local Plan, Second Stage Deposit 2002

Regard is also had to the 2002 Revised Deposit Draft Local Plan. This has been subjected to two comprehensive periods of public and stakeholder consultation and adopted by the Council for development control purposes. 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.3 – New housing and open space
- OS.7 – New areas of Public open space

3.7 **Supplementary Planning Guidance/Documents**

SPG1 – Sustainable urban drainage systems

SPG6 – New housing and open space

Development affecting sites of the historic (archaeological) environment

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/>

4.0 CONSULTATIONS

- 4.1 **Highway Authority** – Raised concerns about updating the accidents data obtained, trip rates calculated and related junction modelling, measures to address the severing of the cycleway, improving the Travel Plan, and noted that the applicant would need to comply with prevailing policy on parking at that time and not benchmark adjoining Authorities and liaise with the Highway Authority in advance of any reserved matters submission to ensure the internal street layout complies with the required standards.
- 4.2 **Highways England** originally requested a condition that would prevent the use of the development commencing until a specified scheme of works to Junction 12 of the M5 are done. Given progression to completing these works this request has been withdrawn and they raise no objection.
- 4.3 The **City Archaeologist** advises that some work has already been undertaken to mitigate archaeological impact and a condition would be required to secure the mitigation for the remainder of the site.
- 4.4 The **Landscape Adviser** – raised no objection in principle to the proposals other than noting a desire to see the retention of a group of small trees and shrubs in the north western corner of the site (note – this appears to be on the land outside the site noted to be for ‘future commercial/employment generating uses’), and retention of two groups of trees at the southern half of the site to soften the appearance of the development. They note that the existing open space at the west has an attractive appearance with mature trees, and its amenity value could be enhanced such as with children’s play features and seating. They also raised issues about natural surveillance to parking courtyards, having units facing onto the green corridor to the north, making sure drainage ponds are not engineered in appearance with sufficient planting around them.
- 4.5 The **Tree Officer** has raised comments:
- Trees T1 (Cherry) and T2 (Pear) are protected trees adjacent to one of the site entrances, were proposed to be removed but are now to be retained after the Officer’s initial comments, which is welcomed.
- Concerns about the siting of units adjacent to trees T16-T18 and T33 & T34 (horse chestnut trees and young cherry trees) leading to demands for excessive pruning and/or removal once they are occupied, and accepts that this would need to be looked at carefully at reserved matters stage.
- The tree group T7-T14 (mostly protected as a group on the TPO) should ideally be retained but accepts that their felling was agreed in the original permission for the site.
- Desire to see the level of proposed trees maintained through to reserved matters stage including a commitment to planting avenue style trees along the Rudloe Way frontage, and will need details of proposed species and planting specifications.
- The tree protection plans have been updated to suit the additional retained trees, and the Tree Officer raises no objection.
- 4.6 The **Ecology Adviser** requested an updated survey was done of the pond, the updated survey was provided and the Ecologist has confirmed that this is acceptable. The Ecologist also endorsed the shadow Habitats Regulations Assessment, that the proposals would not

be likely to affect the integrity of the European sites in the vicinity, subject to securing mitigation in the form of Homeowner Information Packs. Conditions are recommended to secure a lighting strategy, and details of ecological enhancements.

- 4.7 **Natural England** commented in relation to the potential impact on European protected sites and raises no objection subject to securing appropriate mitigation.
- 4.8 The **Contaminated Land Adviser** notes that the submitted report is too old to be reliable as to current site conditions and assessed a different end use, and recommends the standard contaminated land condition is imposed.
- 4.9 The **Drainage Officer** raises no objection subject to securing full details of the sustainable drainage proposals.
- 4.10 The **Lead Local Flood Authority** raises no objection subject to a condition to secure detailed plans, and management and maintenance provisions, for the surface water drainage.
- 4.11 **Severn Trent Water** raises no objection subject to conditions requiring approval of surface and foul water systems and their implementation.
- 4.12 **The Environmental Health Consultants** raise no objection in principle in terms of noise impacts subject to conditions to secure the details and implementation of noise mitigation measures. However in relation to the impact from the public house while they note that suitable noise levels could in theory be achieved, the potential for uncontrolled noise from the public house and its car park is a potential problem and recommend that the detailed layout avoids siting units next to the public house car park.

The Consultants raise no objection in terms of air quality but suggest conditions to secure cycle parking, electric vehicle charging points, and low emission boilers.

- 4.13 **The Housing Strategy and Enabling Officer** has noted the City Plan evidence identifying that 25% affordable housing is achievable across the plan period and that nearby sites secured this amount and more. He also notes that the lack of detail means that we cannot assess whether the application meets the requirements of Policy SD11 as to mix and tenure and meeting local needs.
- 4.14 The **County Council** requests financial contributions for libraries and have withdraw an earlier request for education contributions.
- 4.15 The **Urban Design Adviser** recommends refusal raising several issues:

Illustrative plans and design information is required at outline planning stage in order to demonstrate that the proposed number of units can be accommodated on the site while achieving good design as required by National and local planning policy.

The illustrative masterplan submitted fails to demonstrate that 150 units can be accommodated on this site and achieve the characteristics of good design as set out in the National Design Guide. The layout fails to address and relate well to the site and is context, it does not create a positive frontage to Rudloe Drive or the open space to the north.

The site is laid out as two cul-de-sacs, with further smaller cul-de-sacs off those cul-de-sacs. This road structure does not create an integrated movement route that encourages walking and cycling. It fails to create a clear structure of connected streets.

There is a significant amount of frontage parking shown, creating a car dominated street scene. This layout fails to demonstrate that car parking can be sensitively integrated. The scaling of the illustrative masterplan is dubious. Some of the units appear very small, the back to back distances are unclear.

The proposed drainage ponds are over engineered and further open space would be required along the northern boundary to accommodate more naturalistic SUDs and to create a better interface with the footpath and open space in this area. Very shallow SUDs would be encouraged so that they can seamlessly integrate into open space and be utilised for recreation.

The open space on the site is located close to a very busy road and an area allocated for employment use. This location is poor and does not represent an attractive or well-located public space that would encourage a variety of activities and social interaction.

A condition is recommended requiring that any future reserved matters is in line with the latest SHMA to ensure that an appropriate mix of housing tenures, types and sizes is accommodated.

Overall this proposals fails to demonstrate that a well-designed development can be accommodated on this site.

A further amended masterplan was submitted but the Urban Design Officer has confirmed that the original comments still stand based on the revised plan (Rev. E).

4.16 **The Open Space and Playing Pitch Adviser** calculates a required POS contribution of 1.68ha including a LEAP, a NEAP, a full sized winter sports pitch and changing rooms, a MUGA, and tennis court or equivalent, and the financial contribution equivalent.

4.17 **Quedgeley Parish Council** made comments:
Agrees with the comments of the Ecology Officer and Highways England.

Seeks a contribution of in excess of £75,000 for formal sports facilities at the adjacent Kingsway Sports Pavilion or new astro surface at Waterwells Sports Centre.

Seeks provision to upgrade the local park run route and informal play equipment.

Requests a construction hours condition of 8.00-6.00pm Monday – Friday, 8.00-1.00pm Saturday and none on Sunday, Bank or Public holidays.

Notes that there is a large area of open space within the boundary of the proposed development, this should be safeguarded in accordance with the NPPF part 8 para 91 and 92 and policies SD4 and INF4 of the Gloucester, Cheltenham and Tewksbury JCS.

Seeks discussion for future management and ownership of this community facility.

5.0 **PUBLICITY AND REPRESENTATIONS**

5.1 73 neighbouring properties were notified and press and site notices were published.

5.2 1 representation was received raising the following issues;

Seek explanation of how the road will cope (150 homes on side, 80 on the other) with the possibility of an extra 200 plus cars leaving for work every morning.

Notes the queues to get out of Kingsway referring to the Taylor Wimpy show office in the

mornings.

Notes the Hardwicke/Quedgeley traffic comes over Naas lane bridge and then turn right to Waterwells which adds to the problem.

Comparison to the impacts of a change of use of a dwellinghouse, on which highways issues were raised.

- 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
 - Traffic and transport
 - Residential amenity
 - Drainage and flood risk
 - Heritage
 - Ecology
 - Contaminated land
 - Sustainability
 - Waste minimisation
 - Economic considerations
 - Housing
 - Planning obligations
- 6.5 The Council has adopted an EIA Screening opinion confirming that the proposals for 145 units as part of a mixed use devt (18/01322/EIA), and also of 121 dwellings as part of mixed use devt. (18/01321/EIA) are not EIA development. The previous screening opinions covered larger areas and similar development. It is agreed that the proposed development is not EIA development.
- 6.6 ***Principle***

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 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 (2019) 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. For the purpose of this application and in the context of paragraph 11 of the NPPF (2019), including footnote 7, the 'tilted balance' is engaged. For decision making this means approving development proposals unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The assessment of this and the wider balancing exercise is set out in the conclusion of the report.

6.9 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. The principle of development is considered to be acceptable in accordance with JCS Policy SD10, subject to assessment against other planning considerations in the remaining sections of this report.

6.10 Employment land

The site has historically benefitted from an earlier permission for employment development. As set out above, outline planning permission for employment purposes within classes B1 and B8 was granted, but has not been implemented. The site is not allocated for employment use in an adopted plan.

6.11 Policy E4 of the second deposit 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’.

Policy B2 of the Pre-Submission City Plan sets out that employment sites will be safeguarded for B class employment uses and changes of use will generally be resisted. Proposals will only be supported where the following criteria are met:

- a. The site or premise is redundant or no longer fit for purpose or capable of meeting employment needs; and
- b. The proposal would not adversely impact on the continued use of adjacent employment uses; or
- c. The proposal would bring significant benefits to the local economy and/or community that would demonstrably outweigh the loss of employment land.

The supporting text notes that the policy covers extant consents.

6.12 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.” 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.”

6.13 The applicant has submitted a note on the subject of not delivering employment development on the application site, which sets out;

- The NPPF guidance noted above;
- That the time limit for submitting reserved matters applications for employment development on the site under the outline permission has expired and employment development could no longer be implemented.
- That the application site is not allocated for employment.
- The Employment Land Review September 2019 did not consider Kingsway Framework 5 aa an existing employment site as part of its review of the City’s employment land.
- That the proposal would not result in the loss of committed employment land.
- The area has been marketed by the applicant over a period of years and has failed to attract B type employment uses.
- The office market in Gloucester is difficult especially in the city centre where a number of premises have been vacant for a considerable period of time. There remains limited demand for offices in Gloucester and the costs and risks of speculative development are too great. The applicant has been unable to attract occupier support for development.
- The out of town office market has been predominantly based around Gloucester Business Park.
- The industrial market has seen an improvement in recent years, however despite significant marketing efforts few requirements have focussed on Kingsway, preferring other established locations. The access road also creates difficulties for the major B1/B8 occupiers often with articulated lorries mixing with residential traffic.
- There is an urgent need to meet the City Council’s housing shortfall.

6.14 The site is in the Strategic Assessment of Land Availability (SALA) and is indicated as broadly suitable for mixed uses/residential development subject to an assessment of the loss

of employment land.

6.15 The application site has benefitted from outline planning permission for employment development for several years although could not now be implemented without a new permission. The applicant's submission indicates that despite this, it has not proven attractive to investors/occupants such as to move forward with a detailed scheme. Whilst the development would not provide on-going employment uses, it would have a small temporary employment benefit during the construction phase. It is accepted that some employment uses may not be wholly compatible with the nearby residential development but this is not considered to be the case for all employment development and could be overcome in many instances, indeed an employment scheme on the land to the south has been approved with mitigation measures due to the close proximity of residential units.

6.16 Nevertheless, overall it is considered that, on balance, given the lack of interest in the site and the benefits of contributing to meeting housing demand, particularly in light of the absence of a 5 year supply of housing, while the loss of the potential employment development opportunity is unfortunate, it is considered that not using the site for employment use is acceptable in this instance. As such, overall, the principle of residential development of this site is acceptable, subject to further detailed considerations below.

6.17 ***Design, layout and landscaping***

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. These design aspirations are also reflected in the emerging City Plan.

6.18 The design, external appearance, scale, layout and landscaping of the scheme are all reserved for future consideration. An illustrative masterplan has been submitted seeking to demonstrate that the site can accommodate the proposed quantum of development. In terms of density, the full 150 dwellings would be 36 dwellings per hectare.

6.19 In the context of the maximum parameters referred to above, the application says that proposed heights would be predominantly two storey, with occasional 2.5 - 3 storey dwellings in key locations. This scale would be appropriate in the local context.

6.20 There is already a path network on the application site side of the drainage ditch to the north. It would be desirable to secure connections onto this path in the interests of good quality sustainable links to the wider site and facilities. The DAS commits to provision of pedestrian and cycle links through the site

6.21 At reserved matters stage the Authority would seek to secure a well laid out scheme including good active frontage on to the main roads, secure perimeter blocks, etc. The application sets out that the proposal is based on these principles, however the submitted indicative masterplan however fails to provide the level of quality that would be sought.

6.22 The DAS commits to particular attention being paid to the massing and architectural style of building on key frontages such as those along main routes through the development. The DAS also refers to 'landmark buildings' are identified that should be designed to be distinctive from the adjacent built form with variations in materials, colour, frontage treatment and architectural styles but are not shown on a plan and the applicant proposes that the

location of these would be finalised at reserved matters stage. This will be expected to be followed through at reserved matters stage.

- 6.23 In addition to the quality of the layout itself, there are several other factors influencing the ability of the site to accommodate 150 units in an acceptable layout. These include infrastructure in terms of attenuation ponds, and on site public open space provision.
- 6.24 The concerns raised by the Urban Design Officer have not been addressed in the revised illustrative masterplan. The layout indicated on the illustrative masterplan is poor and would be unlikely to receive approval at the reserved matters stage. As such the application does not greatly assist the Council by demonstrating that a good quality layout could be achieved at the proposed quantum of development. The precise layout is nevertheless a matter that will need to be assessed in full at the reserved matters stage.
- 6.25 *Trees and landscaping*
The site contains a range of protected trees. An arboricultural survey been submitted noting that the majority of trees are of moderate quality with a life expectancy of 20+ years. The surveyor considers the impact from developing the site to be broadly acceptable in the context of the site as a whole. It proposes tree protection measures to address construction phase impacts. New tree planting is proposed to provide enhancement over time.
- 6.26 In terms of tree retention the revised masterplan now shows the retention of three further trees previous agreed for felling, including the cherry and pear raised in the Tree Officer comments which is welcomed and would provide some mature landscaping that would be to the benefit of the scheme. This should be secured by condition. As referred to above, the Tree Officer has accepted that the removal of the tree group T7-T14 was previously agreed in the outline permission. Additional tree planting is proposed to be accommodated within the layout as well.
- 6.27 In terms of the potential development of units close to trees T16-T18 and trees T33 & T34 and the pressure for excessive pruning once occupied, the applicant's arboriculturalist considers this arrangement would be appropriate and would not prevent light to properties from the south. While the Tree Officer remains unconvinced, the submitted masterplan is indicative and a layout may be produced at reserved matters stage that avoids the shading issue. It is not considered to be fundamental to the grant of planning permission but as the Tree Officer notes, will need careful consideration at reserved matters stage.
- 6.28 In terms of securing sufficient good quality new planting, the applicant agreed to the suggestion of planting avenue style trees along the Rudloe Way frontage, where within their ownership, which is welcomed. Precise planning locations, species, specifications, etc can be provided at the reserved matters stage.
- 6.29 The tree protection plans have been updated to suit the additional retained trees, and the Tree Officer raises no objection.
- 6.30 In terms of the issues raised by the landscape advisor, securing the more natural form of drainage ponds, and getting units to front green infrastructure can be dealt with in considering the detailed layout at reserved matters stage. The shrubs and trees to the north west are outside the application site. It is agreed that if as expected the parade ground area is retained and used for open space that it could be enhanced with a play area, seating, etc. This is in part covered by the s106 terms (see below), while the detail can be further negotiated at reserved matters stage
- 6.31 The retention of existing trees appears to be the main beneficial design characteristic that is offered in the DAS and there are several local examples elsewhere in the Kingsway site

where mature trees have been retained within new development and has worked well as an attractive feature. As this is a key design feature and the basis on which the application is assessed, it is proposed that the retention of the trees on the masterplan is imposed as a condition. Otherwise, it is considered that the proposals should be able to deliver landscaping that complies with the above policy context.

6.32 *Conclusions*

The illustrative masterplan would not be agreed at reserved matters stage and is not helpful in demonstrating a layout of good design quality. Nevertheless layout and landscaping are reserved for future consideration and it is not considered that there are any site constraints that are fundamental to preventing a successful overall design for the proposed development, and as such is it considered appropriate for these issues to be considered in further detail at reserved matters stage.

6.33 ***Traffic and transport***

The NPPF requires that development proposals provide for safe and suitable access for all and that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Policy INF1 of the JCS requires safe and accessible connections to the transport network

6.34 There are already three access road stubs constructed off Rudloe Drive into the site and the illustrative masterplan shows those three to provide the vehicular accesses into the site from the south. At the north west, an access road is shown into the 'future commercial/employment generating uses' plot, off Newhaven Road. Rudloe Drive is a single carriageway 20mph road connecting Nass Lane to the west with Thatcham Avenue to the north east where there is extensive residential development. It has a shared off road pedestrian/cycle provision on the north side, and various traffic calming measures. To the west Rudloe Drive links to Newhaven Road which links to the A38 further north, to Naas Lane which links to the Bristol Road to the west, and to Telford Way which links to the Waterwell business Park (and onwards to the A38) to the south. A Transport Assessment has been submitted in support of the application, and a subsequent Addendum.

Access

Access would be provided from three existing access points off Rudloe Drive. They were designed for employment use and it is now proposed to redesign the eastern two to be more in keeping with a residential scheme, following consultation with the Highway Authority. The western one is used by the public house which receives delivery HGVs so would remain as existing. Although means of access is reserved, the application notes that the internal road network would be designed with 5.5m wide carriageways and 2m footways and a detail of the site accesses is provided in the TA.

The HA raised initial concerns that the proposals sever the cycleway and should be amended to provide a continuous, level cycleway over the junction with measures to provide cycle priority. The TA Addendum notes the emerging requirement from the HA for this, but says that this is part of a wider development where this hasn't been done and would not provide consistency to pedestrians/cyclists through the development as a whole – leads to confusion and safety concerns.

6.35 *Accidents*

The HA required the personal injury accident information to be brought up to date and any issues addressed. This has been done and no significant issues were identified, and this is now accepted by the Highway Authority.

6.36 *Parking*

The applicants propose that the level of parking would be discussed at the reserved matters stage on the basis of calculating demand on a site specific basis and using Census data and the NPPF methodology. They do however reference standards in other districts and indicate that provision is likely to be similar. They also propose that an additional 0.2 spaces per dwelling for visitor use should be provided. The HA is happy to resolve parking in the reserved matters proposals but notes that it would need to comply with the policy prevailing at the time and not benchmark adjoining Authorities.

Cycle spaces are proposed at 1 per dwelling with precise details to be agreed at reserved matters stage.

6.37 *Traffic generation*

It is relevant to note the previous permission included employment use for this land which has an associated peak hours impact on the network. The assessment also includes development traffic from the permission for residential on land to the south of Rudloe Drive, and applies growth rates to the traffic to assess future year scenarios. The predicted total 2-way movements from the development within the peak hours are 81 in the AM peak and 85 in the PM peak.

Junction 1 (Newhaven Road/Naas Lane east/Telford Way/Naas lane west roundabout) would operate over practical capacity during the 2025 baseline scenario plus committed and proposed development traffic in the AM peak, but within practical capacity in the PM peak. However the increase in RFC of 0.07 and queue of 6 above the 2025 baseline plus committed development scenario is not considered a severe impact. Given this and the junction still operating within theoretical capacity, no physical mitigation measures are proposed to the junction.

Junction 2 (Telford Way/Waterwells Drive east/Davy Way/Waterwells Drive west roundabout) is shown to exceed theoretical capacity in the 2020 baseline scenario in the AM peak and exceeds practical capacity in the PM peak. This increases in the 2025 baselines, indicating a capacity issue with the junction in its present form without the proposed traffic and the applicant considers that this identifies a fundamental existing capacity issue with the junction in its current form without the addition of committed or proposed development traffic. The proposed development does impact on the junction, although a maximum increase of 0.03 RFC in the AM peak and 0.04 in the PM peak over the 2025 baseline plus committed development scenario is not considered to be a severe impact, and therefore no physical mitigation works are proposed.

Junction 3 (Woodvale/Newhaven Road/Kingsway roundabout) – shown to perform within practical capacity during all modelled scenarios. The 3 site access junctions are shown to operate within capacity.

In respect of the trip rates the HA have commented that these are acceptable taking into account the proposed mix and level of affordable housing provision. If this were to change then the trip rates and associated junction modelling would need to be recalculated in order to ascertain if mitigation is required.

6.38 *Strategic highway network*

The applicant sets out that the TA demonstrates that the likely impact on junction capacity on the local road network will not extend to the A38 junctions to the west of the site. Between these junctions and J12 of the M5 there are multiple opportunities for traffic to dissipate in other directions and would result in an insignificant level prior to reaching the strategic road network.

Given the proximity to the strategic highway network, Highways England have been

consulted. HE took a different approach to the applicant and highlighted an issue with slip road traffic queuing back onto the mainline – they took the view that any development which results in a increase in demand for trips on an off-slip resulting in mainline queuing, or extends an existing one, or increases the frequency at which one occurs, is an unacceptable/severe road safety impact. HE has undertaken its own modelling and considers that the proposals would not have a severe/significant impact on the strategic road network , if the improvement scheme for the M5 southbound off slip is in place. In their updated response they note that an improvement scheme to the B4008 Cross Keys junction has recently been implemented and an improvement scheme at J12 to widen the southbound off slip is scheduled to begin later this year, with the interim mitigation scheme now completed and open to traffic. They therefore have withdrawn the previous condition to prevent occupations until the works were done, and raise no objection. They also request that the Authority secures the affordable housing as that underpins the analysis – this would be done by securing the s106 agreement terms.

6.39 *Travel Plan*

The travel plan references local guidance issued by the Highway Authority; however no targets are set. The travel plan therefore is not considered to be ambitious enough and it should set targets with measures of how these are to be achieved. GCC has published local parking standards, however parking restraint is not presented in the TA as a tool to suppress demand, the layout does not encourage it and GCC does not actively promote such a strategy. Car and cycle parking will need to conform with MfGS (July 2020). Table 5.2 indicated cycling to be currently 3.6% and a target of 4.4%. I would direct the applicant to PCT.bike which indicates a current share of 4% and a 2025 target of 7%. It is important that targets are set with a clear plan as to what measures will achieve this, the targets presently seem to be unclear and measures to achieve them are not specific. The travel plan is improved, but not fully accepted. There appears to be further work required to ensure it reflects current publications. Additionally, a planning obligation will be needed as a bond and for monitoring purposes to ensure the plan is complied with, details of which are published on the GCC website.

6.40 *Internal layout*

The layout is reserved for future consideration and there do not appear to be constraints that would indicate that an acceptable internal road layout could not be achieved.

6.41 *Transport conclusions*

The detailed layout can be assessed in respect of highway safety at the reserved matters stage. It is considered that the issues relating to junction modelling, internal street layout, access and the travel plan can therefore be addressed through a suitably worded condition and supporting planning obligation. The overall position is there is some additional demands on the network but they are not considered to be so significant to warrant refusal when accounting for the sustainable location, travel plan mitigations, likely trip reassignment, peak spreading and potential home working. Conditions and travel plan bond/monitoring fees would be required as part of any planning consent for the site.

6.42 *Residential amenity*

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. 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. Policy C5 of the Pre-Submission City Plan deals with air quality and requires major developments to comply with EU limit values and national objectives for air pollutants, and sets out 6 criteria to comply with relating to development and unit layouts, use of green

infrastructure and transport infrastructure to address the issue and control emissions during demolition, construction and operation. Policy F6 sets out a requirement to meet Nationally Described Space Standards.

6.43 *Amenity of existing neighbours – impact of new buildings*

The proposed residential units would be at the closest point around 32m from the existing residential properties to the east/north east across the drainage ditch and road, and around 15m from the site of the consented residential units to the south across Rudloe Drive. At the proposed scale of 1.5 to 3 storeys, it should be straightforward to design a reserved matters scheme that preserves the amenities of residents of those properties in terms of overlooking, overshadowing or overbearing effects.

6.44 *Noise*

A Noise Assessment has been submitted. It is noted that the surveys are over a year out of date although the applicant's consultant considers the results to still be representative of normal operating conditions for the public house and road traffic and the Environmental Health Consultant accepts this.

6.45 The public house has external seating area on the side towards the roundabout furthest from the site but not on the side nearest to the application site. The license provides for amplified and live music until 00:30hrs. There are therefore considerations around ensuring acceptable living conditions for future residents in respect of potential disturbance from the public house. The NPPF is also clear however, that existing businesses should not have unreasonable restrictions placed on them as a result of development permitted after they were established. It is the 'agent of change' that should be required to provide suitable mitigation, in this case the proposed residential development. The noise study appears to have been undertaken for a 24 hour period but on a weekday. The study did not therefore consider Friday and Saturday evenings as a likely 'worst case' scenario for noise and disturbance. Providing a further accurate study of the noise impacts of an operation public house has not been possible due to the pandemic. The applicant notes that according to the pub website no live music events took place last year and considers this to be consistent with the nature of the operation as a family bar and restaurant and asserts that this also means it tends to be equally busy/noisy regardless of the night of the week. The noise report says that plant at the rear of the public house was not audible at the position of the proposed dwellings at the western end of the site above the traffic noise. Consideration has been given in the report to noise from vehicles in the car park. This is a less easy impact to ascertain and is raised by the Environmental Health Consultant alongside the impact from pub customers; impacts that may result due to the behaviour of customers. The report recommends that consideration is given to the use of the public house car park during the detailed design stage and use mitigation measures including minimising bedroom windows facing the car park and potentially acoustically treated ventilation. The applicant has proposed a solution of a condition specifying that the British Standard shall be met for proposed dwellings adjacent to the public house. The applicant's consultant considers that this standard should be readily achievable in their experience given the separation between the public house and the nearest dwelling (on the indicative masterplan).

It is acknowledged that in the context of Covid 19 it is not possible to provide a reliable on site study of a live event at the public house. However, there are numerous examples of public houses within residential areas.

Overall the principle of residential development of the site is acceptable. The design as a matter of principle could achieve suitable noise levels with appropriate mitigation. Careful consideration of mitigating the impact through design will be needed and this would be required to be controlled by a suitably wording planning condition.

6.46 In terms of other impacts, the noise report concludes that the principal influence on noise was

traffic on the A38, which is over 200m to the west of the site and partially at a lower level than the adjoining land and there is also a degree of screening from trees and buildings. However the report concludes that no adverse effects are likely and standard construction techniques would be sufficient to meet internal noise standards, and 1.8m fences around gardens would meet the standard for garden areas.

- 6.47 The assessment of noise from Rudloe Drive has used larger traffic flows to reflect the likely increasing amount of traffic using the road in future. To ensure a satisfactory noise environment the Report proposes enhanced glazing and ventilation to the rooms of the closest properties facing onto Rudloe Drive, and indicates that a higher specification glazing and acoustically treated vents on the market should be sufficient. A condition is recommended to secure this.
- 6.48 There is the potential for other noise-generating uses in close proximity to the site. In terms of the land to the north west of the site shown on the masterplan to be for “future commercial/employment generating uses”, because the period for submitting reserved matters applications under the outline permission expired in 2019, a new permission would be required to use this land for employment use. At that time the presence of any neighbouring residential properties (or an extant permission for them) would be a material consideration needing to be addressed in terms of potentially causing noise or other disturbance.
- 6.49 In terms of the land to the south of Rudloe Drive, there is an existing reserved matters approval for employment use (ref. 15/00112/REM). That development could still be implemented, although given the Council has subsequently approved an alternative scheme for residential use of this land, the employment use appears less likely to proceed. Nevertheless on a precautionary basis of assessing the worst case scenario, there is the potential for the proposed residential units to be in close proximity to a future employment use to the south. The approval for the scheme to the south was subject to several conditions to control the employment activities given the proximity to existing residential premises, and the Environmental Health consultants are satisfied that these should equally serve to protect future residents of the application site, were that employment scheme to be implemented.
- 6.50 Overall, there is no indication that the proposed residential use is fundamentally unacceptable on noise grounds and subject to securing compliance with mitigation measures and a sensible layout and design at reserved matter stage, the proposals would comply with the above policy context.
- 6.51 *Air quality*
An Air Quality Assessment has also been undertaken, and updated to reflect the amended traffic generation numbers. This considers that there is no risk of exceeding the EU limit value in the vicinity of the site by the time that it would become operational. Background pollutant concentrations are predicted to be well below the objectives at the predicted date of scheme occupation. Vehicle trip generation has been used and the applicant’s consultants consider that the impacts from this traffic on air quality at existing receptors would be insignificant. Impact from existing sources has also been considered and the consultants conclude that future residents of the site would have acceptable air quality, with concentrations well below the objectives. No further detailed assessments or mitigation measures were considered necessary.
- 6.52 The Council’s Environmental Health consultants advise that the assessment has been carried out in accordance with current guidance and best practice, and concludes that the proposals are acceptable in these terms. In respect of the recommended conditions cycle parking and electric vehicle requirements are proposed. There is no policy to support low emission boilers.

6.53 *Future living conditions*

The indicative masterplan indicates some tight relationships (including some back to back distances of around 13.8m to 16m back to back (the usual standard is 21m), and 8.7m back to side (11m minimum usually sought). There are also some small gardens shown of around 7.5m deep to 8m gardens (and some of these taper off to be narrower).

6.54 As such the illustrative masterplan indicates that several properties could have less than the standard 21m back to back separation distance and several have a limited back to side separation. Furthermore the masterplan indicates several properties that would appear to have limited amenity space especially if these were family sized homes. As with the design issues above the masterplan does not therefore assist in providing the clarity of a quality layout, this time in respect of future living conditions. Nevertheless, the arrangement of properties and the space around them on the masterplan, and the extent of the breaches is such that a better layout at reserved matters stage should be able to address these concerns.

6.55 In any respect the proposal is for *up to* 150 units and if an acceptable scheme cannot be achieved a smaller number of units may need to come forward at reserved matters stage or in a different format to the houses currently indicated.

6.56 Minimum space standards in respect of City Plan Policy F6 would need to be considered at the reserved matters stage.

6.57 Overall in respect of amenity issues there are several issues that would require careful design at the reserved matters stage in order to be acceptable. However although the illustrative masterplan is not helpful in proving it, it is considered that the proposed development should be able to be designed at reserved matters stage to satisfy the above policy context.

6.58 ***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. Policy E6 of the emerging City Plan sets out a similar approach to making development safe, avoiding an increase in flood risk, the sequential and exception tests, requiring Sustainable Drainage Systems, incorporating climate change considerations, facilitating benefits to watercourses and floodplains, maintaining a buffer strip for maintenance and ecology

6.59 The site is in Flood Zone 1 the lowest risk of flooding. All types of development are appropriate in this zone. The sequential test and exception test do not need to be applied. A Flood Risk Assessment (FRA) and Drainage proposal has been submitted and sets out that flood risk from all sources has been assessed and the proposed development would not be at risk from flooding. The Drainage Officer raises no objection in this respect.

6.60 There is an existing drainage channel running along the northern edge of the site and sewers in Rudloe Drive. Reserved matters approval has been given for a balancing pond (Pond 5 – to the north west adjacent to the Asda store) on the framework plan 5 area that includes the application site.

6.61 A site wide drainage strategy for the wider RAF Quedgeley site has previously been

developed and the current application sets out that the proposed new strategy for the application site is compliant with the approved site wide surface water drainage strategy. The application sets out that the surrounding drainage infrastructure in Rudloe Drive and the drainage channel within the public open space to the north of the site have been designed and sized to take flows from this proposed development.

6.62 While it is an outline application there is a fairly detailed drainage strategy and pond design set out in the FRA and has been supplemented with further indicative cross sections of the proposed ponds. Sustainable drainage features are proposed to ensure betterment for run off rates, and the illustrative masterplan indicates two sustainable drainage ponds along the northern boundary adjacent to the existing drainage channel. The proposed strategy allows for 40% climate change. Surface water from the application site would discharge into the existing public sewers in Rudloe Drive and Newhaven Road and into two outfalls into the drainage channel adjacent to the site. Surface water flows from the site that connect to the sewers in Rudloe Drive and Newhaven Road would discharge into pond 5 mentioned above. The system is designed to cater for the 1 in 100 year plus climate change without flooding occurring. The FRA confirms the proposed discharge rates from the component catchments of the application site are to be limited to 12 l/s in accordance with the site wider surface drainage strategy. The Drainage Officer agrees that the proposed discharge rates and attenuation volumes are acceptable. Overland or exceedance flows would be directed to follow the flow routes on the overall strategy. Treatment of surface water run off would be provided by the two attenuation ponds on the site and pond 5. The application also commits to the management and maintenance of the SuDS to ensure it operates effectively for its lifetime. The Drainage Officer considers the indicative sections of the drainage ponds are acceptable to indicate that a suitable sustainable drainage scheme could be delivered on site at reserved matters stage, although the precise specification will need further refinement. Foul water would discharge to the existing Rudloe Drive and Newhaven Road sewers and Severn Trent Water has not raised any in principle objection to the proposal but seeks a condition to secure full details of the proposed arrangement later. Similarly the LLFA raises no objection subject to securing details of the SuDS system.

6.63 Subject to conditions securing suitable details of surface and foul water drainage systems, their implementation, and SuDS maintenance, the proposal complies with above policy context.

6.64 **Heritage**

In terms of heritage the NPPF requires Authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality, and the desirability of new development making a positive contribution to local character and distinctiveness. Great weight should be given to the conservation of the designated heritage asset; the more important the asset the greater the weight should be. Any harm or loss should require clear and convincing justification; substantial harm to or loss of assets of the highest significance such as scheduled monuments should be wholly exceptional. Tests are set out if 'substantial harm' or 'less than substantial harm' to a designated heritage asset are identified. The NPPF requires appropriate desk-based assessment and where necessary a field evaluation to assess possible impacts on archaeology. It also requires developers to record and advance understanding of the significance of any heritage assets to be lost in a manner proportionate to their importance and the impact, and to make this evidence publicly accessible. Policy SD8 of the JCS sets out that heritage assets and their settings will be considered and enhanced as appropriate to their significance. Development should aim to sustain and enhance their significance and put them to viable uses consistent with their conservation whilst improving accessibility. Proposals that secure the future conservation

and maintenance of heritage assets and their settings that are at risk through neglect, decay or other threats, also those that bring vacant or derelict heritage assets back into appropriate use, will be encouraged.

Policies D1 and D2 of the emerging City Plan reflect the guidance in the NPPF and JCS in respect of designated and non-designated heritage assets respectively. Policy D1 notes the extensive archaeological remains of the highest significance within the historic core of the city, and that great weight will be given to the preservation of any such remains whether designated or undesignated. Policy D3 requires developers to record and advance the understanding of the significance of a heritage asset prior to or during development where development would reveal, alter or damage it.

- 6.65 There are no heritage designations on or adjacent to the site but there is archaeological interest within this locality and a range of archaeological investigations have been undertaken in the vicinity. In the wider surroundings are the Grade 2 listed Manor Farm house and scheduled monument around 200m to the north. The proposal would not have any significant impact on the setting of the scheduled monument and listed building to the north.
- 6.66 An archaeological desk based assessment has been submitted. The site and surroundings have indicated archaeological interest notably a high potential for Roman remains. It is likely that the previous modern development would have severely impacted on remains within those parts of the site.
- 6.67 Further work will still be needed, but this can be secured by condition and tailored to undertaking only the outstanding parts. Subject to conditions to secure the outstanding archaeological mitigation, the proposal would comply with the above policy context.

6.68 **Ecology**

The NPPF requires development to minimise impacts on and provide net gains for biodiversity. Policy SD9 of the JCS similarly requires the protection and enhancement of biodiversity in the area. The emerging City Plan requires the conservation of biodiversity and providing net gains, and also a policy specifically restricting development that would be likely to lead directly or indirectly to an adverse effect on the integrity of the Cotswold Beechwoods Special Area of Conservation and the effects cannot be mitigated.

- 6.69 An ecological report has been submitted. This recommends that with the implementation of the safeguards and recommendation in the report, the proposals will accord with relevant planning policy. The report sets out that an extended phase 1 survey, and specific surveys were undertaken for bats, badgers and great crested newts.
- 6.70 The great crested newt survey of the pond to the north west indicated no GCN presence in 2017 and the drainage channel was surveyed in 2019 but was dry. The applicant agreed to undertake a further DNA sample survey given the time since the 2017 survey, and this showed negative results for the presence of Great Crested Newts. The Council's consultant is now satisfied on that basis.
- 6.71 In respect of bats, one tree is considered to have low potential to support bats, and is proposed to be retained. Bat boxes on retained trees, and if deemed necessary, sympathetic lighting, is proposed.
- 6.72 In respect of badgers, no evidence was recorded within the site. As there is a record of the species in the vicinity, a precautionary approach during construction is recommended.

- 6.73 Overall at the site level the report concludes that the proposals would not adversely affect any designated sites or protected species. While there would be losses of some trees, mitigation is proposed through new planting.
- 6.74 The Council's ecological consultant is now satisfied with the studies provided and recommends conditions to secure the HRA mitigation, a lighting strategy to preserve adjacent habitats, and precise details of the ecological enhancements mentioned in the ecology report. These should be secured by planning condition.
- 6.75 ***Habitats Regulations Assessment***
- European designated sites are subject to a high level of protection and under the Conservation of Species and Habitats Regulations 2017 the City Council as the 'competent authority' is tasked with undertaking a habitats regulations assessment of projects that affect the designated interest features of these sites, before giving any permission. Natural England has recently been encouraging the City Council to consider the recreational impact of residential developments.
- 6.76 The applicant has submitted information to inform the Habitats Regulations Assessment in respect of the Cotswold Beechwoods SAC. The Cotswold Beechwoods are around 5km to the east of the site. The report sets out the means by which to access the SAC, the alternative recreational provision, including the smaller scale open space provision proposed for the site itself, and the results of the 2019 Beechwoods visitor survey. It considers that future residents would be more likely to visit other sites that are closer to home than the Beechwoods more frequently. It proposes that Homeowner Information Packs would be provided to new residents setting out how to avoid impacting sensitive sites and offers it as a condition. This would provide greater certainty of the impact. It concludes that the development would not likely affect the integrity of the Beechwoods either alone or in combination with other development.
- 6.77 A supplementary report was also submitted addressing the Severn Estuary SPA/SAC/Ramsar site and Walmore Common SPA. It considers potential impacts on Walmore as a result of pollution and recreational impact. Natural England has also noted that the SPA is far enough away that direct impacts can be ruled out, and in terms of indirect effects the SPA is not served by public rights of way and the scope for indirect impacts from recreational pressure can be screened out. It concludes no adverse effects on integrity of Walmore Common SPA. In respect of the Severn Estuary the site is approximately 8.8km distant from the nearest point of the designated estuary. It is not considered that the application site lies within the zone of influence and the proposals would not have an adverse impact on the integrity of the Estuary itself. However there is a functional link with Alney Island as a stepping stone along the river. The report notes the Natural England view that the Estuary is far enough away for direct impacts to be ruled out, and that an information pack should include suitable information to allow a conclusion of no adverse effect. In terms of indirect impact from recreational pressure, the report also notes the alternative recreational space set out above. It concludes that there would not be any likely significant effects on the integrity of the Estuary either alone or in combination with other development.
- 6.78 Natural England raises no objection subject to securing the proposed mitigation measures
- 6.79 The Council's consultant has endorsed the shadow HRA documents produced by the applicant. They conclude that there would not be any adverse impacts on the integrity of the Walmore Common SPA, and it is unlikely that there would be significant effects on the integrity of the Severn Estuary SPA/SAC/Ramsar, either alone or in combination with other projects, however to ensure this, a Homeowner Information Pack should be provided (and could be secured by condition). In respect of the Cotswold Beechwoods, based on the

distance between the site and the SAC and the number of alternative recreational resources that are closer to the site, there would not be any likely significant effects on the Cotswold Beechwoods SAC, either alone or in combination with other plans or projects, resulting from the proposed development, with the Homeowner Information Pack secured as mitigation. It is therefore proposed that this be secured by condition.

6.80 Subject to conditions to secure the mitigation measures set out, the proposals would comply with the above policy context.

6.81 **Contaminated land**

The NPPF seeks to ensure that sites are suitable for the proposed use in respect of risks from contamination. Policy SD14 of the JCS requires that developments do not result in exposure to unacceptable risk from existing or potential sources of pollution, and incorporate investigation and remediation of any contamination.

6.82 As part of the wider Kingsway site a range of remediation works have taken place. Previous analysis of the application site identified areas that required further action and this site has been subject to some minor remediation work. A ground investigation and assessment has been submitted in support, which is set out with the aim of outlining remediation and validation requirements to address the pre-existing contamination condition on the permission for the wider site. It identifies contamination within the site that will need to be dealt with and a remediation strategy and validation of the works would be required. The document is too old to be reliable as a current analysis and relates to a different end use, so it does not satisfy any parts of the standard contaminated land condition so the full condition is recommended.

6.83 Subject to this condition the proposals would be compliant with above policy context.

6.84 **Sustainability**

The NPPF supports the transition to a low carbon future and contributing to reductions in greenhouse gas emissions. It expects developments to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption. Policy SD3 of the JCS requires all developments to demonstrate how they contribute to the principles of sustainability by increasing energy efficiency. Proposals will be expected to achieve national standards. Policy G2 of the emerging City Plan requires every new residential property with a garage or dedicated parking space within its curtilage to have an electric vehicle charging point. In all other residential properties charging points will be strongly encouraged where reasonable and technically feasible. For non-residential development providing 100 or more spaces, at least 2% should be utilised for charging. Policy G7 requires proposals to demonstrate that the estimated consumption of wholesome water per dwellings should not exceed 110 litres per person per day.

6.85 The applicant has submitted an Energy Statement. This does not commit to anything other than saying that subsequent planning application stages will be calculated in accordance with the methodology set out in Building Regulations, and that because this is an outline application the level of detail required to satisfy these criteria is unknown; it states that further consideration will be given in subsequent stages of the planning process and will be resolved by implementing appropriate materials and standards. A utilities statement has also been provided, setting out the existing provision within the application site and surroundings and no issues are expected with utility provision. The Design and Access Statement says that where appropriate sustainable building construction techniques would be used in line with building regulations, typically a combination of energy efficiency through design, SuDS, fabric efficiency, use of recyclable building materials and construction waste reduction or

recycling.

6.86 The application therefore includes very limited information as to sustainability measures. The applicants have agreed to a condition that would require each property with a garage or parking space on its curtilage to have a socket to enable car charging. No indicative assessment of energy consumption or of potential measures to reduce it are offered. The proposed approach to sustainability is therefore disappointing. Nevertheless Policy SD3 requires proposals to demonstrate how they contribute to the aims of sustainability by increasing energy efficiency, and will be expected to meet national standards. On that basis, there would be no conflict with Policy SD3. It is recommended however that given the commitment to addressing the matter thoroughly at reserved matters stage and the paucity of information provided currently, a condition is imposed setting out the requirement for it to be addressed by a subsequent developer, and a further condition requiring provision of electric vehicle charging points.

6.87 **Waste minimisation**

The County Council Waste Core Strategy requires a waste minimisation statement. Policy SD3 of the JCS requires major developments to be accompanied by a waste minimisation statement and expects development to incorporate the principles of waste minimisation.

6.88 A waste minimisation plan has been submitted setting out measures at a high level for the site clearance, construction and occupation phases, and through good design. There is no objection to this, but as this outline stage plan sets out principles and more details will only be available later, it is recommended that a condition requires detailed waste minimisation plans to accompany reserved matters applications.

6.89 **Economic considerations**

The construction phase would support employment opportunities and therefore the proposal would have some economic benefit. 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.

6.90 ***Housing*** *Affordable Housing*

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. The adopted development plan sets out at Policy SD12 that a minimum of 20% will be sought, and part 10 says that the viability of a site may enable additional levels to be delivered. Policy A2 of the emerging city plan requires the provision of 25% affordable housing on site. The viability evidence in support of the City Plan, which can given moderate weight, demonstrates that 25% affordable housing can be supported, and applications within the area have recently provided at least 25%.

6.91 The applicant has indicated that they are willing to provide 20% affordable housing with a 75/25 tenure split as between affordable rented and shared ownership. There is a requirement on any planning approval for a section 106 to be entered in to with the Council to ensure that 20% of the units on the site remain as affordable housing in perpetuity. Should the application be refused planning permission then the failure to secure affordable housing would need to constitute a reason for refusal.

6.92 Subject to a S106 agreement and securing an appropriate mix and tenure, together with restrictions to ensure appropriate clustering and design, the provision of 20% affordable housing is considered acceptable.

6.93 **Housing mix**

Policy SD11 of the JCS requires a mix of housing sizes, types and tenures to contribute to mixed and balanced communities and should address the needs of the local area.

6.94 The application does not establish a mix of unit types, and the applicant proposes that this be determined at a later date in a reserved matters application. The applicant also submitted the outline application for the site on the opposite side of Rudloe Drive and the reserved matters applicants are seeking to resist addressing this matter at reserved matters stage. It is acknowledged that where a separate housebuilder is likely to build out any permission, committing to a detailed breakdown of the exact unit types is challenging, so it is recommended that the Authority puts in place at the planning permission stage a means to ensure policy compliance by imposing a condition to require a submission to set out this housing mix. That would allow the Authority to conclude that there is a method to be able to satisfy the policy position and secure that position, and give clarity to the future developers of the expectations and allow it to be firmed up once the developer is known. Subject to that condition, Policy SD11 would be satisfied in due course.

6.95 **Planning Obligations**

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

- Necessary to make the development acceptable in planning terms;
- Directly related to the development: and
- Fairly and reasonable related in scale and kind to the development.

6.96 This is reflected in Policy INF6 of the JCS which provides that where the need for additional infrastructure and services is expected, the local planning authority will seek to secure appropriate infrastructure which is necessary, directly related, and fairly and reasonably related to the scale and kind of the development proposal. Similarly, a Section 106 agreement is the mechanism for providing affordable housing in compliance with Policy SD12. 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.

The NPPF and 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.

6.99 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. This is reflected in Policy INF6 of the JCS which provides that where the need for additional infrastructure and services is expected, the local planning authority will seek to secure

appropriate infrastructure, which is necessary, directly related, and fairly and reasonably related to the scale and kind of the development proposal. Infrastructure requirements specifically related to the impact of the development will continue to be secured via a Section 106 agreement. Where an applicant does not agree to pay the contributions, or to an independent viability assessment then this will be assessed in the overall planning balance.

6.100 ***Open space and recreation***

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. INF 7 sets out the arrangements for direct implementation of mitigation and financial contributions, and that financial contributions will be sought through the s106 and CIL mechanisms as appropriate. It also sets out the arrangements if there is a viability issue to be tested. Policies OS.2, OS.3, and OS.7 of the 2002 Plan along with the SPD set out the council's requirements for open space. OS3 sets out arrangements for payments in lieu, if there is sufficient space in area, etc. Point 2 of Policy OS.4 Design of Public Open Space also remains relevant. Points 1,3,4 & 5 are covered by JCS policies INF3/SD4/SD9.

Policy C3 of the Pre-Submission City Plan sets out criteria to protect existing public open spaces, playing fields and sports facilities, and that the need for new open space and playing fields within new development will be determined in accordance with the aims and recommendations of the Open Space Strategy and Playing Pitch Strategy. The 2001 New Housing and Open Space SPD sets out the quantum of development for which mitigation will be sought and the type of facilities required.

- 6.101 The proposed scale of development would generate a requirement for 1.68ha of POS and should include a LEAP, NEAP, full sized winter sports pitch and changing rooms, a MUGA, and tennis court or equivalent, based on the SPD and the standard calculations.
- 6.102 The applicant's proposal for open space is to retain what appears to be a former parade area at the western side of the site for open space, which the applicant confirms is 1.2ha. The Council's POS adviser wishes to see this existing green space retained (which has been protected through the redevelopment with formal planting around the perimeter) and the applicant agrees. If it were enclosed with high quality railings it would be much safer to use in respect of the adjacent road. A LEAP is requested here (at least 400m to the next nearest play space at Manor Farm POS). No formal sport facilities are proposed, the applicant considers there to be ample provision within the locality. In terms of the area, the 1.2ha offered is slightly below the 1.44ha combined requirement for land for sport and play (the formula calculation includes a further 0.24ha for general POS).
- 6.103 The applicant has undertaken an analysis of the existing green infrastructure provision within the area and considers that the standard calculation for the POS request does not meet the test of necessity for planning obligations. The applicant's green infrastructure assessment sets out that there is POS in the locality of Kingsway. This includes 6ha of open space immediately to the north of the site (including adult football/rugby pitches, tennis courts, cricket nets and BMX track) and the 4.8ha Manor Farm open space beyond that (including MUGA, NEAP, adult football pitch and historic orchard). The 5.4ha Waterwells Playing field (including MUGA, LEAP, synthetic pitch and adult and junior pitches) is situated to the south east although this is a more convoluted route to reach it from the site. There are other smaller areas of open space within Kingsway further afield. The Buckenham sports park within Kingsway to the north east (not adopted) includes tennis courts, MUGA and NEAP). Their assessment sets out a total of 36.97ha within Kingsway (although some of this is at the northern and eastern edges of Kingsway and around 600-900m away from the site). The

analysis goes on to set out the provision for Kingsway as a whole based on the SPD requirement of 2.8ha of POS per 1000 people and this demonstrates a surplus in provision of at least 7.91ha.

- 6.104 The applicant has confirmed that they agree to the provision of an onsite LEAP and the draft Heads of Terms submitted with the application proposed that the POS (including any play areas) will be provided to the Council's satisfaction

Pitch Provision

The applicant has confirmed that they agree to the provision of a youth pitch which comprises 0.45ha (including run-offs) which could be accommodated (together with a LEAP) on that part of the application site fronting Newhaven Road as shown below.



On the pitch itself, the position in close proximity to the road leads to a requirement for railings along the POS edge. 1.8m vertical steel railings are required in this instance for youth football. Any sports pitch would need to have suitable pitch drainage in place, and appropriately sized goalposts provided. Although changing accommodation is not usually necessary for single-pitch youth provision, some consideration should be given to providing a small secure storage building and a weather-shelter (dugout) for teams/substitutes etc. This could be a single, relatively small structure in a suitable position for use and visual amenity and would need to be robust and vandal-proof. We would seek to secure this provision through the s106. We would also seek to retain a level of vegetation cover in the vicinity given the ecological interest, and some planting at the southern end to balance out the area that would be the open mown pitch.

Summary

Overall it is considered that the provision of the LEAP, youth pitch and level of open space proposed is acceptable subject to the additional POS infrastructure, railings, associated pitch items, etc, needed to create a suitable on site space for the proposed uses. The lower amount of POS space (below the usual standards) is considered to be acceptable in this instance in light of the evidence of local provision. The applicant does not agree to off site financial contributions as a means of mitigation in terms of suitable provision for formal sport since they believe there is adequate provision in the locality.

Weighing all the relevant factors into the planning balance, and having regard to the NPPF as a whole, all relevant policies of the JCS, the emerging Gloucester City Plan and supplementary planning documents and guidance, in applying paragraph 11 of the NPPF, in respect of sport and leisure provision it is considered that the adverse impacts would not significantly and demonstrably outweigh the benefits of the proposal. In respect of open space and leisure provision it is therefore considered that the application is acceptable subject to a S106 agreement to secure the public open space, sports pitches and associated infrastructure.

6.105 **Libraries**

The County Council requests a contribution of £29,400 to library resources at the local Quedgeley library. No contribution is offered by the applicants. The County Council considers the contribution is necessary to fund the increased need for library services arising from this development and that it is directly related to the proposed development in that it is based on the total number of dwellings proposed. This contribution would be allocated and spent towards required library resources at the local library. They consider the obligation is fair and reasonable to mitigate the impacts of the proposed development because the contribution has been calculated following the nationally recommended benchmark of a library space provision standard of 30 sq metres per 1,000 population. The cost is the figure increased from the 2010 costs to reflect the uplift in costs.

The request considers that the scheme will generate additional need for library resources and just applies the £196 rate. The basis seems to be the 30sqm of provision per 1000 population, but there is no evidence to set out that this is not met currently, or what the direct impact is of this development. It just refers to an increase in population. The County also considers the level of CIL charged on development does not cover the amount of contributions required to contribute to strategic infrastructure necessary to mitigate impact of development. It is not considered that it has been demonstrated that the new development, on its own leads to a requirement for new facilities. It is proposed that no contribution to libraries is required to mitigate the impacts from this development.

6.106 **Education**

Policy INF4 relates to social and community infrastructure including schools. The Policy notes that where residential development creates or adds to a need for community facilities, it will be fully met as on site provision or as an off-site contribution.

6.107 Policy INF6 relates to infrastructure delivery and includes early years and education provision. It notes that where infrastructure requirements are generated as a result of proposals, new development should be served and supported by adequate infrastructure on or off site. It also requires that in identifying infrastructure requirements and that where appropriate, proposals need to demonstrate that full regard has been given to implementing the requirements of the JCS Infrastructure delivery plan (IDP). The Local Planning Authority will seek to secure appropriate infrastructure, which is necessary, directly related, and fairly and reasonably related to the scale and kind of the development proposal. It also notes that

priority for provision will be assessed on a site by site basis, and with regard to mitigating cumulative impact, together with the IDP. Supporting paragraph 5.7.4 acknowledges that existing infrastructure may have sufficient capacity to absorb some or all of the envisaged impact. Supporting paragraph 5.7.5 sets out that developers should identify infrastructure requirements at an early stage and seek guidance from local authorities including the Gloucestershire County Council and their Local Developer Guide, the most recent of which was adopted by GCC in March 2021.

6.108 Policy INF7 sets out that financial contributions will be sought through the s106 and CIL mechanisms as appropriate. The arrangements for direct implementation or financial contributions towards the provision of infrastructure and services should be negotiated with developers before the grant of planning permission. The CIL Charging Schedule makes it clear that where an impact arises directly as a result of the development, contributions will be sought via S106 contributions and not CIL.

Para 34 of the NPPF requires Plans to set out the contributions expected from development, including infrastructure such as that needed for education, and that these policies should not undermine the deliverability of the plan. no viability argument has been advanced by the Applicant.

6.109 Following consultation with the County Council they have advised that they will not be seeking financial contributions for education

Conclusion and the planning balance

6.115 The application has been evaluated against the JCS, emerging Gloucester City Plan and the against the core planning principles of the NPPF and whether the proposals deliver 'sustainable development'. Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development which 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 the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or 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.

6.116 It is accepted that the development would make a contribution to the housing land supply which is a significant benefit to be attributed positive weight in the planning balance. There would also be economic benefits in terms of the construction of the development itself and those associated with the resultant increase in population on the site to which limited positive weight should be attached. In the absence of an appropriate planning obligation, the proposals do not provide housing that would be available to households who cannot afford to rent or buy houses available on the existing housing market. As such, the proposed development conflicts with Policy SD12 of the Gloucestershire, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017) and the guidance set out in the National Planning Policy Framework. This is afforded significant negative weight in the planning balance.

6.117 It would have been necessary for the applicant and the Local Planning Authority to enter into a Section 106 Agreement to secure financial contributions towards affordable housing, and leisure and open space provision. The absence of a S106 agreement to secure these matters is afforded significant negative weight.

- 6.118 Compliance with some of the other principles of the NPPF have been demonstrated in terms of requiring good design, housing delivery, building a strong and competitive economy, promoting sustainable transport, making effective use of land and flood risk and climate change. However, these matters do not represent benefits to the wider area, but demonstrate an absence of harm to which weight should be attributed neutrally.
- 6.119 As such, weighing all the relevant factors into the planning balance, and having regard to the NPPF as a whole, all relevant policies of the JCS, the emerging Gloucester City Plan and supplementary planning documents and guidance, in applying paragraph 11 of the NPPF, it is considered that the adverse impacts would significantly and demonstrably outweigh the housing and economic benefits of the proposal. The recommendation is that the application should be refused for the reason set out below.

7.0 **RECOMMENDATION OF THE HEAD OF PLACE**

- 7.1 That outline planning permission would have been refused for the following reasons:

1) In the absence of an appropriate planning obligation, the proposals do not provide housing that would be available to households who cannot afford to rent or buy houses available on the existing housing market. As such, the proposed development conflicts with Policy SD12 of the Gloucestershire, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 Policy A2 of the emerging City Plan and the guidance set out in the National Planning Policy Framework.