

# GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

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

## 1.0 SITE DESCRIPTION AND PROPOSAL

### 1.1 Site description

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

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

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

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

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

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

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

1.7 **Development Proposal**

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

2.0 **SITE HISTORY**

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

3.0 **RELEVANT PLANNING POLICY**

- 3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Local Planning Authority to determine planning applications in accordance with the Development Plan, unless material considerations indicate otherwise. The following planning guidance and policies are relevant to the consideration of this application.

3.2 **National guidance**

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

3.3 **Development Plan**

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

Relevant policies from the JCS include:

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

SD4 – Design requirements;  
SD6 – Landscape;  
SD7 – The Cotswolds Area of Outstanding Natural Beauty (AONB);  
SD8 – Historic Environment;  
SD9 – Biodiversity and geodiversity;  
SD10 – Residential development;  
SD11 – Housing mix and standards;  
SD12 – Affordable housing;  
SD14 – Health and environmental quality;  
INF1 – Transport network;  
INF2 – Flood risk management;  
INF3 – Green Infrastructure;  
INF4 – Social and community Infrastructure;  
INF6 – Infrastructure delivery;  
INF7 – Developer contributions.

### 3.4 **Gloucester City Plan (Adopted January 2023) (GCP)**

Relevant policies from the GCP are:

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

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

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

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

Regard is also had to the 2002 Revised Deposit Draft Local Plan. This has been subjected to two comprehensive periods of public and stakeholder consultation and adopted by the Council for development control purposes. The following “day-to-day” development management policies, which are not of a strategic nature and broadly accord with the policies contained in the NPPF, should be given some weight: :

OS.2 – Public Open Space Standard for New Residential Development;  
OS.3 – New housing and open space

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

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

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

### 4.0 **CONSULTATIONS**

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

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

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

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

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

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

#### 4.2 **Historic England Objection.**

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

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

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

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

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

**4.4 Cotswolds Conservation Board  
Objection.**

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

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

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

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

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

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

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

**4.8 Gloucester Ramblers  
No objection.**

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

**4.9 Housing Strategy (Gloucester City Council)**

## **No objection.**

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

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

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

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

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

Subject to conditions.

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

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

### **4.12 Natural England No objection.**

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

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

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

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

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

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

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

## **No objection.**

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

### **4.16 Worcestershire Regulatory Services (Contaminated Land) No objection.**

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

### **4.17 Worcestershire Regulatory Services (Noise) No objection.**

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

## **5.0 PUBLICITY AND REPRESENTATIONS**

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

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

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

Other non-planning matters were also detailed.

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

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

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

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

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

## 6.0 OFFICER OPINION

### 6.1 Legislative background

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

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

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

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

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

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

### 7.0 **Principle of development**

The NPPF requires local planning authorities to demonstrate a 5 Year Housing Land Supply, with an appropriate buffer, against the relevant housing requirement. The JCS addresses housing supply and demand under Policies SP1 (The Need for New Development and SP2 (Distribution of New Development) as well as within Part 7 (Monitoring and Review)

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

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



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

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

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

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

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

Policy SP2 states that:

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

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

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

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

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

## 8.0 **Heritage considerations**

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

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

8.2 The Scheduled Ancient Monument (SAM - UID 1019399 'Moated site at Sneedham's Green, 220m northeast of Green Farm') lies entirely within the boundary of the application site. First designated in 1951, the SAM consists of a sub-rectangular moat enclosing an island which measures approximately 66m by 42m, orientated north-south. The moat is 14m wide at its widest point, 8m at its narrowest and up to 1.5m deep. Cropmarks on aerial photographs indicate that the east arm of the moat formerly extended a further 42m south and incorporated a causeway in the centre of the arm. As a Scheduled Ancient Monument (SAM) the moated site is recognised as being of national importance by the Secretary of State<sup>1</sup>.

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

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

8.5 The NPPF states that:

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

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

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

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

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

### **Significance of the moated site**

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

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

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

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

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

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

#### **Setting of the moated site**

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

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

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

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

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

- 8.15 The applicant has noted that the expected change to the setting of the SAM arising from the adjacent residential development was acknowledged in GCC's evidence base for the JCS Examination, which related how the moat's setting would no longer be 'rural' and would be better described as 'urban edge'. This may be the case, within mid-to-long range views (discussed in greater detail within the landscape section of the report below) but, in terms of the setting of the SAM and how it contributes to the significance of the heritage asset, I am unable to accept this would provide any compelling justification for development within the open field surrounding the site. The applicant has further stated that the surrounding field in which the remains of the monument are experienced is neutral in terms of its heritage value, particularly due to the loss of the ridge and furrow system and alteration of site levels as a result of the M5 construction works. However, I find the land retains a distinctively rural character that frames the SAM within a setting that is experienced as open countryside. The presence of two public rights of way (PROWs) crossing the site allows some public access (although I note that the presence of public access to a heritage asset does not contribute substantially to its significance<sup>3</sup>).
- 8.16 The CCA has advised that (although modern development would encroach from the north) the moated site currently remains well-linked to existing medieval landscape features at Sneedham's Green that span the land to the north west, west and south west of the site. Again, whilst the exact date of origin of Sneedham's Green is unknown, evidence within the HER suggests it was a landscape established during the medieval period. The oval enclosure within the north of the green is without parallel and is a unique part of the landscape that, combined with the stream (skirting the western intervening boundary of the application site), Winnycroft Lane (also of medieval origin) and field boundaries to the north of the site creates a coherent historic landscape that can be understood and appreciated today and into the future. The applicant has challenged the view that these features may not all be of medieval origin, but has been unable to provide compelling evidence to the contrary.
- 8.17 In summary, it is considered the open land surrounding the SAM (within the application site) and the relationship to retained medieval landscape features at Sneedham's Green contributes positively to the significance of the SAM. The applicant describes the contribution of the surrounding field in which the remains of the monument are experienced as neutral in terms of its heritage value, neither harming it (as the monument remains can still be appreciated) nor enhancing it. However, taking into account the views of the CCA, HE and the evidence available it is considered that the retention of a distinctively rural setting within the immediate surrounding of the SAM has a positive impact upon its significance. Combined with the backdrop of irregular fields and woodland that extend to the east and west the SAM is framed by a panorama of open countryside that has not been substantially eroded by modern development and would require very little intervention to be able to persist into the future.
- 8.18 The development would wrap around three sides of the SAM, infilling the open field with a relatively high-density, distinctively suburban development. The POS buffer that would be retained around the SAM boundary would not sufficiently mitigate the impact of the development on the distinctive character of the site and the urban development would be a very prominent addition to the immediate surroundings of the nationally important heritage asset. The development would also sever the visual relationship between the open land surrounding the SAM and the wider rural landscape to the east. It is acknowledged that the

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<sup>3</sup> Page 4 - *The Setting of Heritage Assets* - Historic Environment Good Practice Advice in Planning Note 3 (Second Edition) – Historic England (December 2017).

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

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

#### **Future management of the heritage asset**

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

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

- 8.24 The applicant has also set out that an aim of their HMP is to allow the significance of the monument to be understood by a wider audience. Heritage Interpretation boards would be displayed along the mown paths and it is proposed to engage with local community groups to work with families and young people on a Heritage Community Engagement Project. Whilst these measures are welcome (in terms of the management proposals) there is little guarantee that such projects would be long-term and what the outcomes of such partnerships would be (i.e. a positive outcome would be the local community experiencing a sense of ownership of the asset and surrounding land – however this is not a guaranteed outcome).
- 8.25 To attempt to satisfy the LPA that long-term management can be achieved the has agreed to pay a bond of £50,000 to the LPA (to be secured by a s.106 agreement) so that the LPA is able to fund works to maintain and/or repair the SAM should the applicant fail to do so. However, whilst this gives the LPA some comfort that a short-term failsafe would exist should the applicant be unable to manage the various elements of the heritage asset preservation it does not provide a long-term solution. It is not proposed (at this stage) for the POS or the SAM to be adopted by either the LPA or by some form of heritage partnership organisation. Given that (once constructed) the proposed development would affectively be a permanent urban extension to Gloucester the LPA considers that any management plan must be able to be secured for the foreseeable future. There is sufficient doubt over the current management proposals.

**Assessment of heritage impacts against public benefits**

- 8.26 The consideration of the significance of the SAM has revealed that it is not expected that a loss of significance would occur due to the development directly impacting upon the historic or archaeological interest of the SAM. There is concern over long term impacts and the ability for the LPA to successfully secure long term management of the SAM to avoid cumulative loss of historic and archaeological interest as a result of the occupation of the development. A considerable amount of significance would be lost due to the removal of the distinctively rural setting.
- 8.27 *Para. 202 of the NPPF states that:*
- Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*

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

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

### **Impact upon habitat**

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

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



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

GCP policy E1 states that:

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

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

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

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

#### **Conclusion on principle and NPPF para. 11(d)**

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

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

#### **Housing need and site location**

- 10.1 The NPPF sets out that:

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

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

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

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

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

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

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

### Landscape

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

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

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

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

*orchard and small field pattern add to the attractiveness.*

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

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

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

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

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

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

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

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

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

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

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

- 11.9 In conclusion, whilst the applicant has attempted to demonstrate that the proposal would not be unacceptably harmful to the wider landscape (they accept some harm within short range views around the site) it is not considered the evidence submitted sufficiently demonstrates that the level of harm to the landscape character of the site and wider area would be sufficiently mitigated or outweighed by any other material planning considerations. The proposed urban extension to the city in this location is considered to be fundamentally inappropriate in terms of the unacceptable and wide-ranging harm that would be caused to the character and appearance of the rural landscape, taking in the site, Sneedhams Green, the high sensitivity landscape of Robinswood Hill and the setting of the nationally important landscape of the AONB.
- 11.10 The proposal therefore fails to comply with the aims of para. 174 of the NPPF and policies SD6 and SD7 of the JCS.

### **Transport and Highways**

- 12.1 Para. 111 of the NPPF states that:

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

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

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

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

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

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

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

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

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

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

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



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

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

### **Residential Amenity**

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

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

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

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

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

- 13.2 **Public realm**

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

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

### 13.3 Building layout, internal and external spaces

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

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

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

### 13.6 Nationally Described Spaces Standards

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

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

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

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

13.9 Public Open Space

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

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

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

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

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

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

13.16 Noise

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

13.17 Air Quality

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

13.18 Overall conclusions on residential amenity

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

**Drainage & Flood Risk**

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

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

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

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

- 15.1 Planning legislation and the NPPF provide that planning obligations should only be sought where they meet all of the following tests<sup>4</sup>:

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

The NPPF provides that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Policies INF3, INF4 and INF6 of the JCS require new residential developments to provide for any additional infrastructure and community facilities required to serve the proposed development or mitigate against its wider impact. Policy INF6 of the JCS states that where the need for additional infrastructure and services is expected, the LPA will seek to secure appropriate infrastructure which is necessary, directly related, and fairly and reasonably related to the scale and kind of the development proposal. Policy INF7 of the JCS sets out the approach to securing developer contributions, including that if there is a concern regarding development viability, a viability assessment will be required. The requests for s.106 contributions arising from the proposal are set out below.

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

## 15.2 **Community Infrastructure Levy**

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

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

## 15.4 **Education and Libraries**

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

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

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

### Education

Primary Education: £1,172,842.44;

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

Secondary education (16-18): No request.

### Libraries

£37,240 (190 x £196).

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

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

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

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

## 15.8 **Affordable Housing**

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

*...provision is to be made for 36 no. Affordable Dwellings within the proposal (20% of overall provision<sup>1</sup>) to be made affordable in perpetuity. These are to be comprised of 27 no. Social Rent Dwellings and 9 no. Shared Ownership Dwellings. These Affordable Dwellings will be delivered without recourse to public subsidy.*

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

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



### 15.9 **Heritage Management Plan and Maintenance Bond**

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

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

### 15.11 **Public open space**

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

### **Other matters**

#### 16.1 **Loss of Agricultural Land**

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

#### 16.2 **Contaminated Land**

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

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

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

### 16.3 Employment and skills plan

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

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

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

### 16.4 Common land & highway works

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

### Conclusion

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

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

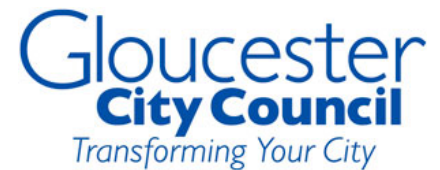
#### **RECOMMENDATION OF THE PLANNING DEVELOPMENT MANAGER**

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

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

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

**Person to Contact: David Millinship**



Planning Application: | 22/00519/FUL

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

Committee Date: | 6<sup>th</sup> June 2023