

Planning Late Material June 2023

Agenda Item 5 – Land at Blackbridge (23/00103/FUL)

Additional representation by a local resident that was sent via email.

4 June 2023

Gloucester City Council,
Planning Department
(via email)

Dear Sir/Madam,

PLANNING APPLICATION 23/00103/FUL - Proposed community and sports hub on land At Blackbridge, Laburnum Road, Gloucester

I have been following the progress of this planning application since I first became aware of it after a story in the local press. I have also looked at some of the plethora of documents on your website and the Report prepared for the Planning Committee on 6 June 2023. I am very troubled by some of its content, and the bias it seems to show towards the positive aspects of the proposal.

It is fairly well known that planning history is fairly important and capable of being a material consideration. Whilst extant and/or implemented planning permissions are probably of greatest significance, even unimplemented and/or lapsed permissions can be useful background information that set the scene. In this Report, the planning history is limited to two planning permissions granted in the 1970's for housing (i.e. that probably now known as Oaklands Park) and one pending application for a small building at the athletics club. No further information about the 1970's permissions is provided, such as whether or not any conditions were imposed relevant to this current application. Moreover, planning permission was granted (according to your website) on 8 February 2012 under reference 11/01418/FUL for a new vehicular access from Podsmead Road to the athletics track, etc. Why would that permission, which is arguably of far greater relevance than the pending application for a small building, not be mentioned other than to distort the Report and mislead Members?

Regrettably, none of the documents associated with application 11/01418/FUL are available to view on your website. However, the Report presented to Planning Committee on 7 February 2012 is available and makes interesting reading. In particular, paragraph 6.14, which begins:-

'The main existing entrance is at the north, with vehicles obtaining access through the residential estate. This access can only accommodate one vehicle width and vehicles appear to often drive onto the grass to pass. It does not accommodate coaches bringing schools or clubs. The provision of a new access off Podsmead Road would provide the option to limit vehicle movements through the residential estate to the benefit of those residents' amenity'.

That seems a fairly logical and reasonable statement, in that the athletics club was served by a historic vehicular access from the end of a residential street (Poplar Close), and vehicular traffic and associated noise caused by activities at the athletics track/club may have caused some friction with residents along both Poplar Close and the short section of Laburnum Road connecting to Podsmead Road.

I will now look at the Report for the current application in terms of residential amenity. Paragraph 6.54 thereof refers to para. 130(f) of the NPPF and Policy SD14 of the JCS. However, with regard to the effect on residential amenity from the additional vehicular traffic that would undoubtedly be generated by the development, the Report is somewhat lacking. In fact it could be said that it does not address the issue at all, probably because it is plainly obvious that the vehicular traffic generated will cause harm to residents' amenity and this cannot be eradicated as the scheme currently stands. In fact the harm must be far greater than the benefit accrued when the new access from Podsmead Road was provided. This proposal will generate far more traffic than the athletics pavilion ever has and will utilise a longer section of residential road with frontage development on one side.

As far as I am aware, the purpose of the decision-maker when determining a planning application is to establish whether or not (based on many things) the development would be acceptable. If it would, planning permission should be granted. If it wouldn't, could it be made acceptable through the imposition of conditions? If it could, then permission should probably be granted.

There are long established principles regarding conditions, and the relevant tests are set out in the NPPF. It concerns me that many of the conditions drafted by your officers do not seem to meet the relevant tests. Those conditions give the impression that the development can be adequately controlled, but I suspect the reality would be quite different. If I refer again to the Report for this application, I find conditions 3, 23 and 28 particularly troubling for the following reasons:-

- 3) this requires a Noise Management Plan to be submitted to and approved in writing by the Local Planning Authority. There is obviously an assumption here that a satisfactory Plan can be agreed, as otherwise permission wouldn't be granted. How can it be known that adequate measures can be put in place, when neither the LPA nor the public know what those measures are? How then can it be determined in advance that adequate measures can be provided and thus that the development is, or can be made, acceptable? The 'No Whistle Policy' referred to in the condition totally fails to meet the relevant tests. It is imprecise, as no average person would know the difference between a 'competitive game' and a non-competitive game, or the meaning of 'less sensitive daytime periods'. It probably can't be enforced, even if the LPA had the will to do so, and I don't know why a whistle being blown during a competitive game would have a greater or lesser impact on local amenity than a whistle being blown during other games.
- 23) this requires highway improvements and/or off-site works. These are limited from what I can gather to some parking restrictions along Laburnum Road. Those parking restrictions would require a Traffic Regulation Order, which is a separate legal

process with an outcome that cannot be guaranteed. Yet the condition allows the development to be built beforehand, without it being known if the parking restrictions (that supposedly will make the additional vehicular traffic satisfactory) can even be delivered.

- 28) this requires the means of access to be completed but does not make any distinction between the new vehicular access from the end of Laburnum Road, and the existing access from the end of Poplar Close, which presumably is supposed to be retained for pedestrian and cycle access rather for use by motor vehicles. Part of that access appears to be neither within the application site, nor part of the highway maintainable at public expense, and so it is questionable if that access can be retained, adequately maintained, improved, or that motor vehicles can be prevented from using it. This is notwithstanding that at present the condition does not require any of those things.

The Report concludes, 'The application is in accordance with allocation SA6 in the Gloucester City Plan'. That Policy is not reproduced in the Report, which seems a rather strange oversight given its significance. Similarly, Policy C3 is not even listed as being relevant. Presumably, all of the policies in the JCS and the Gloucester City Plan need to be looked at in their entirety when considering the merits of a planning application, and I think it can be just as easily concluded that the development is not in accordance with the development plan. Site Allocation Statement SA06 alone includes a number of site specific requirements that have just not been met. One might expect a development that would serve a 'City-wide catchment' to be more easily accessible on foot, cycle and public transport than I fear this will be - given that leisure uses tend to be at their busiest when bus services are running at the least regular frequency within the timetable.

The Report relies heavily on input from Sport England, and its playing fields policy, but is I think rather confusing in terms of explaining what that policy is and how the proposed development might accord with that policy. I presume through my own research that what is being referred to is in actual fact the 'Playing Fields Policy and Guidance' published in March 2018 and last updated in December 2021. Sadly, I cannot distinguish the views of Sport England (as a statutory consultee) from the views of the planning officer (acting for the decision-maker). It seems that various parts of the development have been considered against Exceptions 2, 4 and 5, and Sport England considers the facilities accord with those exceptions. However, I am led to believe that this development will be funded at least in part from financial contributions obtained from redevelopment of the former Civil Service Sports Ground. How then does that accord with paragraph 79 of Sport England's guidance?

Based on the above, I think some careful consideration should be given to this application before a decision is made. I do not believe in its present form that the proposal accords with the development plan and I consider that either permission should be refused or, at the very least, a decision should be deferred.

I would add that my quality of life has been severely affected by planning decisions taken by the City Council over many years, through developments that were poorly designed and/or subject to conditions that either have not been enforced or cannot be enforced. Whilst this proposal seems to have some merits, that does not mean that potential problems should be

brushed aside. If the Vision and Key Principles in the Gloucester City Plan are to be met, development will have to be of better quality and far better regulated than has been the case in the past.

Yours faithfully,



Agenda Item 6, Land at Snow Capel - Winnycroft Lane, Gloucester - 22-00519-FUL

Committee meeting date	6th June 2023
Application ref	22/00519/FUL
Site address	Land at Snow Capel, Winnycroft Lane, Gloucester
1.0	Additional letters of support (and one additional letter of objection) were received in response to the public consultation. In addition to those detailed within the report the below were also received, summarised by the case officer as follows:
1.1	<p>Richard Graham MP – Support (24th March 2023)</p> <p>The development would much needed affordable homes, particularly the 3-5 bedroom units and the scheme would help to meet local housing needs and accommodate larger families waiting on the list for a new home. The shared ownership units will enable people access onto the housing ladder whilst ensuring a balance of housing tenure is secured.</p> <p>The applicant has a strong local reputation as a developer and landlord and their partnership with Gloucester City Homes has the potential to enable the longer term estate regeneration, which is a remaining manifesto pledge for Gloucester.</p> <p>The new, energy efficient homes, local jobs and social value that would be delivered would be important outcomes for Matson, which scores highly for low incomes and health deprivation.</p> <p>It is acknowledged the site was excluded from the local plan on heritage grounds but, the applicant has designed a scheme that would provide public open space with access to the monument enhancing awareness and protecting the status of the moat into the future.</p> <p>Planning committee are encouraged to carefully consider the merits of this application when making a decision to reject a sizeable number of affordable homes in a site supported by the Matson Community.</p>

1.2	<p>Matson, Robinswood and White City Community Partnership – Support (28th February 2023)</p> <p>The Partnership welcome the:</p> <ul style="list-style-type: none"> - local employment, training and apprenticeships that would be created as well as: - Greener, energy efficient homes while protecting the moat, open space and wildlife on site. - Mixture of private and affordable housing. Possible kick start Matson regeneration project with GCH. - Balance of different sized accommodation with additional needs in mind. - Investment in the local community, M5 bund and play equipment etc.
1.3	<p>GL Communities – Support (2nd March 2023)</p> <p>The applicant's proposals for targeting local labour and the local supply chain are welcomed as are the commitments to delivering apprenticeships, working with schools, careers events, work experience opportunities and funding CSCS cards.</p> <p>In addition, 75% of the site is proposed as affordable housing which would deliver 143 affordable homes for up to 600 people. This is a positive commitment which is also supported.</p>
1.4	<p>Gloucester City Homes – Support (9th February 2023)</p> <p>Gloucester City Homes (GCH) confirm strong support for the development for the following reasons:</p> <ul style="list-style-type: none"> - 143 affordable homes – to be provided are much needed to help meet local housing need and it is understand would accommodate just under 600 people in new, high quality, energy efficient affordable homes; - Affordable mix – 80% houses to be provided with 45% as 3, 4 & 5 bed larger family houses to increase the provision of affordable family homes in Matson; - Tenure – a mix of social rent, shared ownership and sale is proposed to help provide a balance community; - Adaptability – over provision of M4 2 (accessible) and M4 3 (wheelchair user) homes; - Environmental benefits – provision of a large area of open space and new footpath links for the community; - Economic benefits – commitments to invest in local labour, the local supply chain, training and apprenticeships; - Matson Regeneration project – Bromford has committed to working with GCH to make available up to 30 dwellings for Matson Regeneration Project residents decanting due to either redevelopment or refurbishment works.
1.5	<p>Gloucester College – Support (2nd March 2023)</p> <p>Confirm support for the delivery of extensive employment and training opportunities which will support the local area.</p>
1.6	<p>Gloucester Gateway Trust – Support (22nd February 2023)</p>

	<p>The applicant has engaged with Gloucester Gateway Trust (GGT) who are a community development charity that seek to invest in target communities (including Matson) through reinvestment of funds generated from shareholding in the Gloucester Services business.</p> <p>GGT share a commitment with the applicant to deliver social value through the creation of opportunities for local people by working with community groups, engaging with the local community and through their in-house apprenticeship scheme.</p> <p>GGT are pleased to see a high percentage of affordable, energy efficient homes which are needed in Matson.</p>
1.7	<p><u>Clarification of officer report inaccuracies</u></p> <p>The applicant has set out various area of the officer report (OR) that they consider are incorrect or inaccurate. Below are some brief comments from the case officer.</p>
1.8	<p>Description of the development. The applicant considers the heritage management plan should be described as part of the proposal. It is not considered this is particularly relevant since it is covered within the relevant heritage section of the report. It is also not 'development' in itself but is a requirement to mitigate the impact of the development on the scheduled ancient monument. In any case, the OR description of the development is not considered to be inaccurate or misleading.</p>
1.9	<p>A main area of dispute is how the OR has approached the principle of the development. Firstly, the matter of habitat. The officer report (as a whole) confirms that a Great Crested Newt (GCN) population exists within the site and that a GCN District License would be required to secure mitigation against harm to the protected species and its habitat should the development be able to be supported.</p> <p>This is considered to be a technical matter that is relatively easy for the applicant to resolve. However, at the time of writing the applicant has not secured a GCN District License so the mitigation required to protect the on-site habitat is not secured. The LPA considers this, in the context of NPPF (para. 11.d – footnote 7) is a technical reason for refusal as the development would currently not comply with the NPPF policies set out within paras. 174 and 180.a.</p>
1.10	<p>With regards to the heritage matters relating to the principle of the development, the applicant has stated that the heritage matters must be considered against the NPPF policy within para. 202, that:</p> <p><i>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.</i></p> <p>The LPA considers this to be correct, but in the context of the 'tilted balance' set out at NPPF para. 11.d, particularly footnote 7:</p>

	<p><i>...policies referred to are those in this Framework (rather than those in development plans) relating to...designated heritage assets...</i></p> <p>The NPPF policies relating to designated heritage assets are set out within Chapter 16 of the NPPF and the report has concluded the proposal does not comply (with specific regard to the requirements of paras. 189, 199 and 202). As the proposal is not considered to comply with Chapter 16 of the NPPF the 'tilted balance' is not engaged.</p>
1.11	<p>However, the applicant is correct to state that, should members disagree with the OR in terms of the public benefits assessment required to be undertaken by NPPF para. 202 (with regard to paras. 189 and 199), the 'tilted balance' would be engaged and the application, as a whole, should be considered against the overall sustainability objectives of the NPPF with regard to the development plan as a material planning consideration.</p>
1.12	<p>The applicant ash challenged the LPA's assessment of possible medieval landscape features and how these may relate to surviving material within the moat (set out within the applicants evidence base). This has been particularly challenged on the basis that the OR has accepted the view of the City Archaeologist over the evidence submitted by the applicant. That is not necessarily the case and Members should be aware that much discussion between officers and the City Archaeologist occurred over these matters. As a result of these discussions officers accept that the landscape around Sneedham's Green includes a number of features that are highly likely to be of medieval origin. The surrounding field system (as demonstrated by National Mapping Project data) follows the lines of medieval boundaries, although the actual hedgerows are more recent. The moated site itself is generally accepted by Historic England and the LPA as being a typical medieval moated site earthwork. The adjacent Sneedham's Green and roads are almost certainly of medieval date (although there have been some clearly modern upgrades, such as the surface of the road). Taking into account the evidence for and against this assessment, it is the LPA's view that the landscape around Sneedham's Green includes medieval elements that contribute to the significance of the monument and aid it's comprehension. It has not been stated that Sneedham's Green, as we see it today, remains unchanged from the medieval period.</p>
1.13	<p>There is some dispute over the representation of the site and the wider surroundings as possessing a rural character. The presence of modern development within the wider surroundings is set out variously within the report. However, the report also concludes that, despite the presence of modern development within the wider area, the site and particularly the scheduled ancient monument retain a distinctly rural character and are experienced within a local environment that (although acknowledged as urban fringe, due to encroachment of new housing from the north) retains the experience of being within the countryside.</p>
1.14	<p>The major concerns set out within the report with regards to the rural character of the site and surroundings are how the</p>

	development would substantially change both the appearance and the experience of the site and setting of the SAM, from one that is distinctively rural (although framed by elements of modern development) to one that is representative of a modern housing estate. The applicant disagrees with this assessment, but officers find that these are major negative long term impacts of the proposal that are not outweighed by the provision of a 75% affordable housing scheme in this location.
1.15	Overall, it is considered the officer report has accurately described the development and the site and set out the positive and negative impacts that are reasonably expected to be generated by the proposal and, whilst there are clear positive benefits, there are clear negative impacts that will persist for the lifetime of the development.
1.16	The applicant's comments do not change the officer's recommendation that members should refuse planning permission in this case.