

# South Gloucestershire Council

Department for Environment & Community Services

PO Box 1954, Bristol, BS37 0DD

## PLANNING APPLICATION CONSULTATION RESPONSE

<b>Memorandum to: (Case Officer)</b>	Char Eyre-Walker, Principal Planning Officer
<b>From:</b>	Heather Cameron, Public Open Space Officer
<b>Email:</b>	heather.cameron@southglos.gov.uk
<b>Date:</b>	<del>22/04/22</del> 24/03/23
<b>Planning Application Number:</b>	P22/01300/O
<b>Site Address:</b>	Land At Sodbury Road, Wickwar, South Gloucestershire, GL12 8PG
<b>Description of Development:</b>	Erection of up to 180 dwellings, a local shop and associated infrastructure (Outline) with access to be determined; all other matters reserved
<b>SUMMARY OF POS SECTION 106 REQUESTS</b>	
Off-site POS provision/ enhancement contribution	<b>TBC see table below</b>
Off-site POS maintenance contribution	<b>TBC see table below</b>
On-site POS	<b>TBC</b>
POS inspection fees if private management proposed	<b>£63.96 per 100sq.m.plus £615.90 core service fee</b>

Char, I have added my comments for the re-consultation in green. Following on from our email to you dated 7/3/23 I note that an updated FRA has now been uploaded onto IDOX. We are still however waiting for a plan indicating the types and quantities of public open space proposed; we cannot provide a full response until we have this plan. There are a still a number of issues that need addressing in order to ensure that the proposed POS is not compromised and it is disappointing that the majority of my previous comments have not been acknowledge/resolved.

### Description of Site

The site comprises approximately 7.89 hectares of agricultural land located to the south west of Wickwar.

### Planning Policies

Delivery of sustainable communities requires provision of a full range of open spaces which support residents' health and social well-being. Such facilities are important for the successful delivery of national and local planning policies as well as many of the objectives of the Sustainable Community Strategy and Council Plan. Requirements for open space are exempt from CIL and are dealt with using S106.

Relevant planning policy includes:

South Gloucestershire Local Plan Core Strategy (adopted Dec 2013) Policy CS24:

Green Infrastructure, Sport and Recreation Standards.

NPPF, including paragraphs, 130, 93, 98 and 99.

NPPG

National Design Guide

### **Predicted future population of proposed development**

Using current average occupancy data and the proposed number of dwellings, we estimate the proposed development of 180 dwellings would generate a population increase of 432 residents.

### **Public Open Space (POS)**

Set out below are comments and recommended S106 requirements needed to address the impacts of the proposed development on public open space. These are based on the expected future population.

This is a new residential development and it is reasonable to expect the future residents to have access to a full range of open spaces. Where existing provision, in terms of quantity, quality and accessibility would be inadequate to meet the needs of future residents, then new provision and/or enhancement must be made in accordance with the appropriate local standards set out in Core Strategy Appendix 5.

An audit of existing provision has demonstrated a shortfall or absence of all categories of public open space.

The following table shows the **minimum** open space requirements arising from the proposed development and shows the contributions that will be requested if open space is not proposed on site. Providing more than the minimum policy requirement of one category of POS does not mitigate for an under provision of another category.

**Policy CS24 requires provision to be delivered on site unless it is demonstrated that partial or full off-site provision or enhancement creates a more acceptable proposal:**

Category of open space	Minimum spatial requirement to comply with policy CS24 (sq.m.)	Spatial amount proposed on site (sq.m.)	Shortfall in provision (sq.m.)	Contributions towards off-site provision and/or enhancement	Maintenance contribution
Informal Recreational Open Space (IROS)	4,968	The Framework Masterplan shows that subject to suitable design it is likely that there is scope to provide sufficient IROS and N&SN on site. Applicant states 23,800sq.m. (excluding attenuation basin) is proposed in the DAS but the Masterplan states 32,000sq.m. <b>Masterplan 3002 rev M states 32,500sq.m. of IROS and N&amp;SN on-site whereas DAS rev B states 23,100sq.m.</b>			
Natural and Semi-natural Open Space (NSN)	6,480				
Outdoor Sports Facilities (OSF)	6,912	0	6,912	£402,796.11	£121,913.16
Provision for Children and Young People (PCYP)	1,080	1,100	0	N/A	
Allotments	864	900	0	N/A	

A plan is required indicating the types and quantities of public open space proposed, along with details demonstrating how the application satisfies the requirements of Core Strategy Policy CS24. Although the plan would be indicative, we would need to agree the plan at this stage. **Unresolved. A POS plan (albeit indicative) will be required for a S106 agreement.**

Could the red line please be added to the plans in the arboricultural report? It makes it virtually impossible to assess properly without any development context. **Unresolved. Please add red line to arb plans.**

### **Comments on proposed on-site provision**

The DAS states for all categories of open space other than outdoor sports facilities, the development either meets or exceeds the required level of provision. I would point out that that the figures quoted in our table are MINIMUM policy requirements. “Over-provision” and “exceeding” policy requirements is a misnomer.

Informal Recreational Open Space and Natural and Semi-natural Open Space - The Framework  
Masterplan shows 3.2ha of on-site open space including Informal Recreational and Natural & semi natural (urban) green space whereas the DAS states that 2.38ha of Informal Recreational and Natural & semi natural green space is proposed and that the attenuation basin is not included with POS calculations. Masterplan rev M shows 3.25ha of on-site open space including Informal Recreational and Natural & semi natural (urban) green space whereas the DAS states that 2.31ha of Informal Recreational and Natural & semi natural green space is proposed and that the attenuation basin is not included with POS calculations. Plans and documents should not contain discrepancies. Despite this discrepancy, there is scope to provide more than the minimum policy requirements for both of these categories of open space, which would be fitting for a development in this location. If only the minimum policy requirements were provided, the site would have an entirely different feel to it and no doubt would not be considered acceptable. They must however, be suitably designed, fit for purpose, and accessible for POS users and for maintenance.

DAS illustrations on p65 show joggers, cyclists, children playing football, elderly people walking, etc. Given the constraints the SWI would introduce to the usability of the open spaces, I fail to understand how these activities could be easily introduced given the current layout:



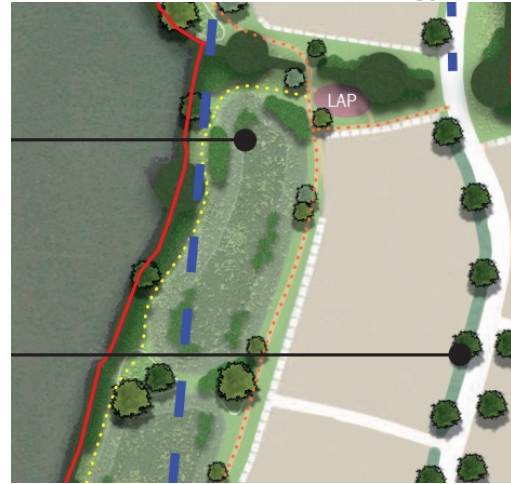
No pedestrian routes are shown throughout the POS other than a path linking the separate sections of the development. In order to make the POS usable for the community, I would suggest a sealed surfaced route should be provided, which would be inclusive and not compromised by wet weather and erosion; something such as a tinted tarmac. Seating and bins should also be provided to encourage use of the POS. The site design is not currently conducive to circular walking around the open spaces due to the space taken up by the basin and swale effectively creating barriers to usability. Some of the perimeter open space is less than 3m in width. Given the presence of boundary hedges, effective and usable width by people would be even narrower, with no space for pathways. Given that many of the perimeter roads are shown as private, and the narrow width of the open space, maintenance access would be very limited and not be able to be carried out efficiently. Space for additional planting is limited.

The Landscape Strategy shows footpaths and ‘opportunity for mown informal footpaths’. As I have previously stated, in order to make the POS usable for the community, I would suggest sealed surfaced routes should be provided, which would be inclusive and not compromised by wet weather and erosion and traversing by machinery; something such as a tinted tarmac. Seating and bins should also be provided to encourage use of the POS. Paths through POS should be 1.5m wide as a minimum. The Drainage Strategy and Landscape Strategy show that in places the areas available for the proposed pathways are narrow and are likely to be compromised by the presence of boundary hedges and the drainage proposals. Example below.

### Snip of Drainage Strategy Sheet 1 Rev P05



### Snip of Landscape Strategy



The “opportunity for mown informal footpaths” are shown running along the western boundary of two of the drainage basins. I do not believe that there would be adequate space along this perimeter open space to accommodate boundary hedges, enhanced planting, drainage basin maintenance and pathways (no matter what surface they are).

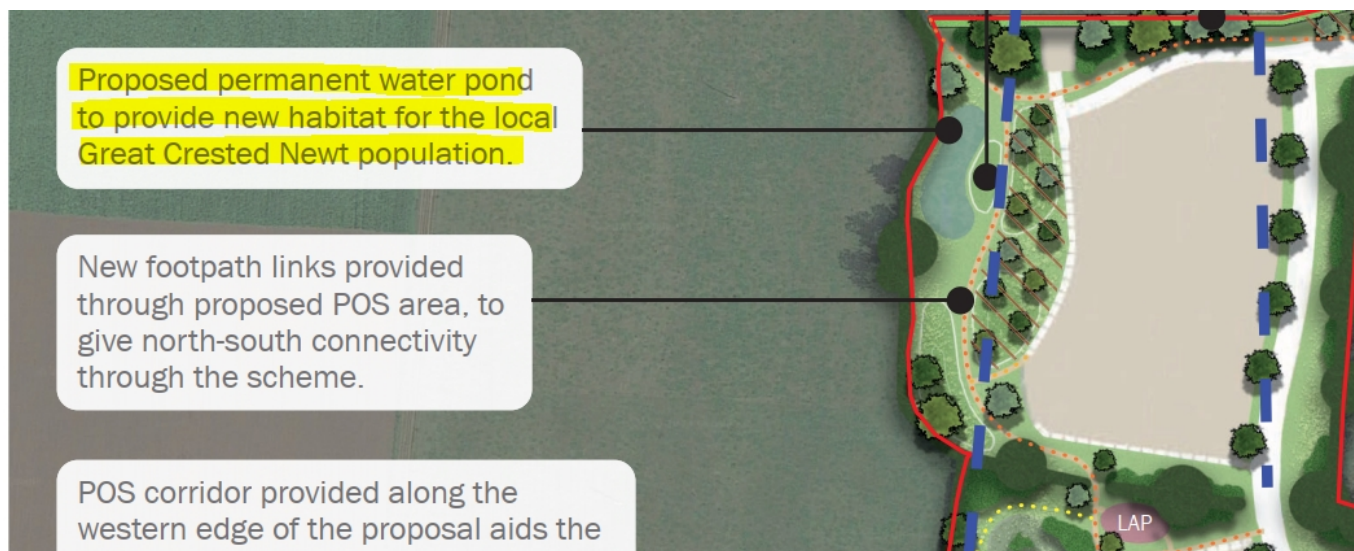
Sufficient tanker access into the pumping station by tanker would be needed; it would appear from the plans that adequate access has not yet been considered.

### Snip of Landscape Strategy



The Landscape Strategy includes a permanent water pond in northwestern corner. This pond is not included in the FRA and I am unable to find any further details. Please provide details, including how it would be provided with a water supply.





Outdoor Sports Facilities - None are proposed and no justification as to why off-site provision creates a more acceptable proposal than on-site. It is clear from the application documentation that although the current application is for 7.89ha, the applicant intends to apply for permission on 38ha in total. The current application is therefore only 20% of that land. I consider that they should be providing entirely for their own needs within this application or within their land. I consider it unreasonable for them to abdicate their responsibility to deliver to cater for the needs of their residents and to expect the Council/Parish Council to deliver on their behalf, as there is probably a limit to what can be delivered/improved at local facilities. If permission were to be granted for the outline application, I feel it should be on the basis of four options.

1. A combination of on-site provision of something like a MUGA plus the balance on the remainder of the 38ha
2. A combination of on-site provision of something like a MUGA plus the balance by way of off-site contribution
3. An off-site contribution
4. If further development is approved, the entirety of the requirement should be delivered within the Bloor land.

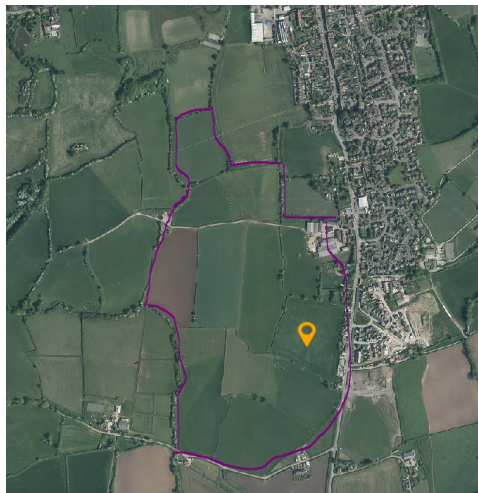
I am not sure how feasible this is, and I know we can only look at the current outline application but the documentation is clear:

FRA:

## 1.2 Site Location and Description

The wider development area covers approximately 38ha of greenfield land on the periphery of south-west Wickwar, located by National Grid Reference of ST 72334 87387 and nearest postcode of GL12 8PB. Refer to Phase 1 red-line boundary in Figure 1.

Topo plan covers roughly this extent of land:



### Provision for Children and Young People

A large LAP in the region of 300sq.m. is proposed. In order to count towards policy provision, the Lap would need to be equipped. Based on the current road layout shown in the Framework Masterplan there does not appear to be direct access to the LAP from adoptable highway. The nearest road looks as if it would be a shared private drive.

The large LEAP, in the region of 800sq.m. appears to be quite close to residential property and might breach the minimum separation distances. It is shown right on the site/field boundary, with new tree planting shown along its western boundary. I would recommend against trees due to potential issues with shade, root systems and potential effects on surfacing, free space areas, etc. Being long and narrow, it would constrict the layout and potentially compromise the delivery of equipment and its configuration.

The location and size of the LAP has been amended. Measured from the Landscape Strategy the size of the LAP is now circa 126sq.m. The Landscape Strategy shows access into the LAP from adoptable highway via a proposed footpath through POS. The LAP is located near to existing and proposed tree planting. There are likely to be issues with shade, root protection area constraints and potential effects of roots on surfacing, free space areas, etc.

The location of the LEAP has been amended. Measured from the Landscape Strategy the size of the LEAP is circa 850sq.m. The Landscape Strategy shows access into the LEAP from adoptable highway via a proposed footpath through POS. The LEAP is located close to residential property and is still likely to breach minimum separation distances; this would not be acceptable. There are also likely to be issues with shade, root protection areas and potential effects of roots on surfacing, free space areas, etc. as both existing and proposed trees are shown in close proximity. The Drainage Strategy Sheet 2 P04 shows both the foul and surface water sewers running through the LEAP, and a surface water sewer manhole is proposed within the LEAP. These would be exceedingly constraining features and the drainage must be kept out of the LEAP.

### **Snip of Drainage Strategy Sheet 2 P04**



The Landscape Strategy gives the following details - "Play areas to be of natural character, incorporating wooden equipment and providing accessible doorstep play for residents". In order to count towards policy provision, the LAP and LEAP should be fully equipped and as inclusive as possible, catering for children with differing abilities.

Allotments – 0.09ha of allotments are proposed. Allotments must be laid out, levelled and topsoiled, with appropriate facilities including secure robust storage for each plot and a water supply (not just water butts) within reasonable reach (maximum distance of 30m from each plot), delivery area and parking for bicycles and cars. The paths between plots should be of a width adequate for access by wheelchair. The plots themselves should be clearly demarcated and the overall allotment area should be fenced. Consideration should be given to their location to avoid shading & nutrient demands from existing and proposed trees. Additional information has been provided on pages 88-89 of the DAS rev B which is welcomed. A parking/delivery area is shown with four parking spaces and a turning area. This area would need to be reserved for the allotment holders. Small sized plots are proposed; I would recommend at least one, or even two smaller sized plots are made suitable for disabled use, including wheelchairs (path width, surface, raised beds, location of water supply, etc.). A central area with sheds and a water supply are shown and, providing this area is less than 30m distance from each plot, this is acceptable. The allotment area is still located within close proximity to the existing tree belt and consideration should be given to its location to avoid shading & nutrient demands from existing and proposed trees.

With reference to the following extract from the DAS, please note that the allotment plots should be for renting to residents of the development only, as there is not a massive amount over the minimum policy requirement.

To celebrate the historic land uses within the northern part of the site and respect the neighbouring Grade II Listed South Farm, an area of allotments and community orchard will be provided. This location is also easily accessible for all residents of Wickwar.

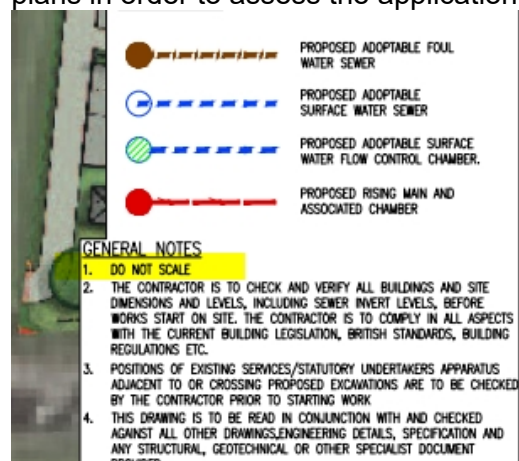
The applicant must demonstrate that the elevated zinc levels will not have a detrimental impact upon plant growth anywhere on site but this is particularly important for the proposed allotment area. It is not acceptable to simply state "Consultation with a landscape architect is recommended", "Discussion with a landscape architect is required to assess the significance of the raised zinc concentrations identified" and "A landscape architect should be consulted to determine suitable plants for the encountered soil". We need to know whether fruit and vegetable production would be affected or whether the levels of zinc in the plants would be harmful to human health. I recommend that Environmental Protection are specifically consulted on this matter once additional information has been provided. Nothing has been submitted to elaborate on this matter and I can see no comment from Environmental Protection.

Surface water infrastructure The drainage strategy has been amended however the majority of my previous comments are still applicable. SWI is proposed to sit within the POS. Access for maintenance is



crucial; both regular and periodic works. Space would be needed to temporarily deposit arisings above top water level to allow wildlife to escape back into the attenuation basin and swale before being removed from site; the plans do not accommodate this. Suitable access from adoptable highway would be required for machinery and vehicles of appropriate size to carry out the operation and remove the arisings. Based on the current road layout shown in the Framework Masterplan rev M it does not appear that there is access from adoptable **highway for all of the drainage basins**. I note the LLFA require 3 – 5m minimum access all around the pond. The plans submitted would not enable this. Although this is an outline application, we must be confident that it would work in practise. If it doesn't work at outline, it will not work at reserved matters.

The drainage strategy plans state “do not scale”. This is not acceptable. We must be able to measure plans in order to assess the application: **Unresolved, plans still state “do not scale”**.



The FRA shows a large basin and swale. From the plan 1:3 and 1:4 slopes are proposed. Whilst these are considered acceptable under the CIRIA guidance, they produce a very engineered appearance. They are both in the region of 160 m in length and would effectively sterilise these areas from public usability. Access for maintenance would be problematic. I note that the LLFA have no objection in principle but are expecting all-around access tracks of 3m – 5m width. This is clearly not possible with the arrangement shown on the outline application. **The revised FRA now shows three smaller basins and a swale. The DAS rev B page 90 states that the basins “are designed to be a range of depths between 1m and 1.5m, with a maximum gradient of 1:3 for slopes. This will allow them to be accessible amenity space.”** The basins and swale still dominate the areas of POS and I do not consider SuDS feature to be “accessible”.

It is apparent that the strategy is already flawed in that it shows the swale and road clashing; in fact the road is shown underneath the swale; clearly not feasible. An additional break in the hedge would be required to accommodate the pipework shown. As few as possible breaks in the hedge should be made. **I have inserted new snips. There are now even more possible breaks in the hedges.**



**The Landscape Strategy and Drainage Strategy plans show proposed trees in different locations and within the likely easement of the sewers, located on top of sewers and immediately next to the top of the**



drainage basins. Some examples shown below. I appreciate this is an outline application however as I have previously stated, if proposals don't work at outline, it will not work at reserved matters.



The illustrative cross-section of the attenuation basin in the DAS does not seem to match the scale of the basin in the drainage strategy where little usable space is left around the perimeter: Snips replaced with amended illustrative cross-section in DAS rev B and Drainage Strategy Sheet 1 rev P05.  
**Snip of page 90 DAS rev B**

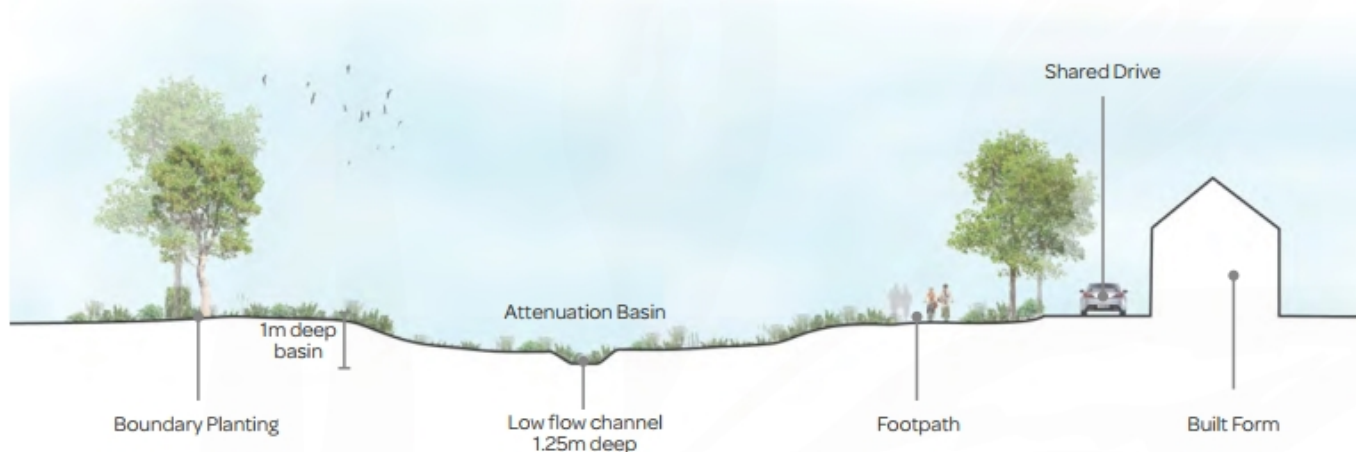


Figure 34: Illustrative Cross Section of Attenuation Features within Open Space

## Snip of Drainage Strategy Sheet 1 P05



Our experience is that illustrative proposals are always almost over-optimistic, and that detailed designs require a greater land take in order to attenuate the volume required; consequently usable POS becomes reduced. **My comments are still relevant despite amendments to the FRA.**

### General

The eastern edge of the application site does not abut the neighbouring residential properties. field boundary. There is a strip of land outside the red line running in between the proposed site and the adjacent existing properties. What is the purpose of this strip of land? If it is intended to be kept for agricultural purposes then livestock fencing would be required to be provided to prevent it straying into the development, and it would need to be the responsibility of the land owner/farmer, rather than at the cost of the residents. **Unresolved, no explanation provided.**

The south western boundary of the application site where the LEAP is proposed and where additional planting is shown in the DAS, Green Infrastructure Parameter Plan also does not follow a field boundary. I note the aerial view used is out of date and the fencing supplies yard extends into this area. First extract below from application, second extract from Cadcorp:



Adequate width must be allowed on the perimeter boundaries areas where hedges and/or ditches are to be retained, POS, pedestrian/cycle/multi-user routes, etc. are to be created, to ensure there is adequate space to access and maintain these areas. Where POS abuts the existing highway, suitable enclosure would be required to ensure e.g. children or dogs do not stray onto the road. **The Landscape Strategy shows the full extent of the fencing supplies yard, however the revised masterplan does not.**

#### **Snip of Landscape Strategy**



#### **On-site open space maintenance**

Core Strategy policy CS24 seeks appropriate arrangements to secure the satisfactory future maintenance of any open spaces and outdoor recreation facilities (for sport, recreation and play) that are provided in conjunction with new development. Where these are provided on site the Council may be willing to negotiate their adoption and future maintenance providing that the developer meets the cost associated with future maintenance and all fees associated with land transfers. The Council will not



adopt timber play equipment and will not adopt play equipment sited above underground structures such as attenuation tanks or utility easements. The Council will not adopt loose fill surfaces in play areas e.g. sand or bark. **The applicant must clarify his intentions for the management and maintenance of POS, SWI, etc.**

If the applicant proposes private management of POS and surface water infrastructure the Council must be confident that the value of any service to the public is sustainable and does not create ambiguity in how people access those services should they have concerns or requests; it is important that the community receives a seamless service. Provisions to ensure suitable and secure in-perpetuity arrangements for operation, management and maintenance of all the public open spaces, ancillary open space and surface water infrastructure (SWI within POS that is not adoptable by a statutory undertaker) will need to be incorporated into the Section 106. The Council charges a fee (£63.96 per 100sq.m. plus £615.90 core service fee) to inspect the open spaces to ensure their compliance with the approved plans prior to transfer to the private management entity.

#### **How the Environment & Community Services requirements for Open Spaces meet the Community Infrastructure Levy (CIL) tests**

##### **Necessary to make the development acceptable in planning terms**

Adopted planning policy requires sustainable development and provision of a range of good quality well connected open spaces where existing open spaces are not easily accessible or do not have the capacity to fully meet the needs arising from the proposed development. Without provision or enhancement of open spaces people living here would not have adequate access, which would prevent them from developing as a healthy, socially sustainable community. Without sufficient open space to meet local need this development would lead to increased pressure on existing facilities elsewhere.

##### **Directly related to the development**

Contributions towards off-site enhancements are only sought when there is evidence of a local shortfall in either quantity and/or quality/capacity to meet the additional demand arising from the new development and the policy requirements for open space are not being provided for on site.

If provision is not made on site, provision/enhancements would be made as close to the development as is feasible to serve the future residents of the proposed development, and are likely to be at the following area of open space or such other open spaces as may be appropriate:

- Outdoor Sports Facilities - King George V Playing Fields, Wickwar

##### **Fairly and reasonably related in scale and kind to the development**

Where provision in line with minimum policy standards is not provided on site, the amounts requested towards the provision and/or enhancement of off-site open space and future maintenance are directly in scale with the quantity of open space required to offset the effect of the proposed development on existing provision; this is demonstrated in our calculations.

All calculations are based on the expected future population of the proposed development calculated using Census 2011 data on household size and the net gain and mix of dwellings proposed.

The calculator used to give costs for provision/enhancement and maintenance is regularly updated and reflects the type of spaces and facilities that the Council would expect to see delivered based on examples that have been adopted from other new developments, which have taken place within South Gloucestershire.

The capital contributions are based on a range of industry costs for the provision of open space facilities, and the maintenance costs are routinely tested through APSE (Association of Public Sector Excellence). They are therefore considered reasonable and fully justified in order to ensure standards of open space meet standards of appropriate national bodies e.g. Sport England, national sporting governing bodies, Fields in Trust, National Society of Allotment & Leisure Gardeners and material relating to the Green Flag quality award scheme.



**Details of 2021/2022 provision/enhancement and maintenance costs for each category of open space per sq.m.**

	Informal recreational open space	Natural & semi-natural green space	Outdoor sports facilities	Provision for children & young people	Allotments
Average provision/enhancement cost per sq.m.	£29.3029	£16.2383	£58.2749	£195.2660	£10.6865
Average 15yrs maintenance cost per sq.m.	£51.6516	£26.9377	£17.6379	£205.3237	£13.6260

**NB These do not cover specialist features e.g. retaining structures, drainage structures such as underground tanks, penstock valves, hydrobrakes, etc. Should any of these be likely, a table of additional costs would need to be appended to the Section 106 to enable their cost to be factored into the maintenance contribution formulae.**

**These figures are subject to indexation using the Updating Percentages published by the Building Cost Information Service (BCIS) for the Schedule of Rates for Grounds Maintenance 1987.**