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9th September 2011

Dear Tim

Agreement under Section 106 of the Town and Country Planning Act 1990 relating to Land at Brockworth, Gloucester dated 13 January 2005

We refer to your letter dated 4th February 2011 in which you outline proposed cost reductions in the planning obligations included in the above Agreement.

We note that the proposals contained in the letter relate to planning obligations entered into by the consortium with all three local authorities, and therefore it has been necessary for officers of all three authorities to collectively review the proposals. This response has been jointly prepared by all three authorities.

We can appreciate the difficulties of undertaking development in the current climate. The three authorities are happy to work with you to consider the issues highlighted in your letter but need to ensure that any review does not compromise the quality and sustainability of the original development.

The original outline application included a land use masterplan, design statement and various assessments that informed the environmental impact assessment. This evidence provided the justification for the development in principle. [REDACTED]

[REDACTED]

[REDACTED]

We note your comments on affordable housing. The authority's position is due to the fact that the agreed percentage of affordable housing for this site was significantly lower than the Local Plan requirements at the time permission was granted. [REDACTED]

However, you may wish to consider the implications of kickstart funding for the overall delivery of affordable housing in any submission.

Turning to the specific proposals contained in your letter, these have been considered by the three authorities, and our views are as follows:

1.0 Secondary Education Contribution

- 1.1 As I am sure you are aware, this contribution was paid in full to Gloucestershire County Council (GCC) in 2008 because [REDACTED] GCCs Children and Young People's Directorate have commissioned design work, which is underway, for expansion/improvement works at Brockworth Enterprise School. The contribution from Coopers Edge will contribute to the cost of these works. For reasons I am sure you can appreciate, GCC does not review the basis for contributions once they have been secured and received.

2.0 Dual Use of Primary School

- 2.1 Again, as I'm sure you are aware, the contract for the construction of the school has been let and contractors are on site. The relocation of an all weather pitch at the school site is not part of the contract and so I am afraid is not an option.
- 2.2 I note your comments about community use of the school; this will be at the discretion of the school to agree. Whilst it is anticipated that the school will be keen to encourage some community use the community hall will have as much day time use as evening use. There is concern that your proposal would mean that the opportunity for a range of daytime activities would be lost within walking distance of the existing and proposed residential areas. The perception of a community hub which encourages community development and healthy lifestyles would also be lost.

3.0 Highway Works and Contributions

- 3.1 You state that you consider that a revised Transport Assessment (TA) is likely to result in a significant reduction to the following highway works or contributions that are yet to be undertaken or paid:
- Phase 2 off-site highway works
 - Zoons Court roundabout works
 - C&G Roundabout contribution (£480,000)
 - Park and Ride contribution (£408,000)
 - Final External linkages contribution (£475,000)
- 3.2 Your assessment has not been based on the submission of a revised TA, or on any other specific evidence. To consider your proposals, therefore, we require the submission of a revised TA, prepared in accordance with the principles outlined in the Guidance on Transport Assessment (GTA) published in 2007, and supported by transport modelling using the updated Central Severn Vale SATURN model which is now available for use.
- 3.3 The updated model has a 2008 base year rather than the previous 2003 model, which will have been used for the previous modelling undertaken for the TA used to support the planning application for this site. This will reflect current transport conditions, and its use will be essential to provide the evidence for the County Council to consider any fundamental changes to the agreed planning obligations relating to highways and transport.
- 3.4 However, any change to the strategy to one that is even more reliant upon sustainable and public transport, in accordance with the GTA, will place a greater emphasis upon a successful Park and Ride, public transport and walking / cycling system, and therefore the contributions to Park and Ride and external linkages will be critical.
- 3.5 The County Council does recognise that the development has not progressed as quickly as the consortium planned, and therefore we would be willing to consider a review of the trigger points for

works and contributions, as we have done in the past. A review purely of trigger points, rather than the quantum of the works / contributions, would not require the submission of a revised TA.

3.6 Please indicate how you wish to proceed on this aspect of the proposal.

4.0 Landscape and Public Open Space

4.1 Paragraph 4.1 of your letter suggests that the area of open space could be reduced and other points suggest that maintenance monies could be reduced.

4.2 As you know the approved Urban Design Code includes a "Statement of Vision and Objectives". The criterion on "greenery and open spaces" states: *"Careful attention should be paid to the site's natural assets and its relationship to its unique landscape context: areas of sensitive landscape and ecological features should be retained and enhanced where possible and appropriate, connected by new landscape corridors and new public realm routes and spaces."*

4.3 The authorities are concerned that any reduction in the amount of open space and maintenance sums that would devalue the open space and undermine the original design objectives for the development.

4.4 In respect of your reference to maintenance of the SSSI at Paragraph 4.2 you will be aware there is a legal requirement to protect species, habitat and biodiversity. The scheme was granted permission because of the measures in place for this habitat, and the original contribution was based on an assessment of what would be required to manage the SSSI. We are therefore concerned that any changes could conflict with habitat and biodiversity regulations. We will investigate this issue with Natural England but for the Councils to support any alternative proposal full details would be required to show that adequate measures would be in place to secure appropriate protection.

4.5 At Paragraph 4.3 there is a suggestion that GCC require steel bridges which would spoil the character of the Wotton Brook corridor. The southern bridge is part of a strategic cycle route and it is considered crucial that this route should be retained. Omission of the northern route would also limit accessibility. Surely it is a matter of detailed design rather than simply the materials – there is no reason why steel bridges could not be sympathetically designed to complement the corridor. Having said that, the authorities will consider whether it is essential for the bridges to be constructed of steel.

4.6 Paragraph 4.4 questions the maintenance of the veteran oaks. This is a specialist and intensive job, requiring seasonal review, in a publically accessible area. The trees have been highlighted as intrinsic to the character of Coopers Edge, as well as having ecological value and consequently warrant appropriate care, and safe maintenance. The maintenance contribution was based on a careful assessment of the maintenance required for these trees. Any reduction to this contribution would need to be properly evidenced.

4.7 Paragraph 4.5 ponders the need for the allotment maintenance monies. The need to upkeep fences, paths for fences will be important, without which the area could look unsightly. Taking on an allotment can be onerous and plot holders shouldn't be additionally burdened by having to take on the wider infrastructure without appropriate commuted sums. We are unsure as to why a Residents Association would accept responsibility for the allotments without an appropriate commuted sum which has previously been agreed as necessary.

4.8 Paragraph 4.6 requests deletion of the bridge between Land Parcel 2 and Montpelier Court. This affects the permeability and opportunities for sustainable access for the whole site and was considered necessary at application stage as part of the access strategy. We would need to properly assess the potential impact that losing this link would have on the development as a whole.

I would stress that there is a concern from existing residents about the inaccessibility of the site as it currently exists, which could be further prejudiced by the deletion of this link.

4.9 The authorities are concerned with the proposal outlined at paragraph 4.7 to relocate the NEAP, skate park and MUGA. The relocation of these facilities, which are strategic facilities that serve the whole of the site, would make them remote from the majority of the site and not within the walking distance targets that formed the basis of the original development. We would also be concerned that the area to the north of parcel 1 is not large enough to accommodate these features, particularly given the need for buffer zones between the play equipment and the residential development in parcel 1.

4.10

The authorities are very concerned about the impact of the delay of these important facilities on the local community. There is also strong local concern which was voiced at the public meeting on 18th July that there is no local provision for older age groups. Tewkesbury Borough and Stroud District Councils will be contacting you separately on this matter.

4.11 In terms of your comments regarding commuted sums for landscape related items at paragraph 4.8, these sums are crucial to ensure the proper upkeep of open spaces, and this is likely to reassure to future occupiers. We await the outcome of your review however the sums reflect an assessment of the costs of maintaining these areas based on current maintenance regimes.

5.0 Number of Residential Units

5.1 The assessment work for the original application was carried out on the assumption of 1900 units. There was a request in 2006 to increase the number of units and the advice at that time was there were concerns about the site capacity to accommodate this number of units and that a fresh planning application and Environmental Statement would be required.

5.2 The necessary amendments to the land use master plans, open space design strategy, phasing plans etc all highlight that this type of amendment would require a fresh application. Any such material change in the profile of the development as indicated in section 5 of your letter would need to be subject of the EIA assessment to support any new application. In particular there would be implications for highway safety, sustainability, the character of the settlement, views into/from the AONB, water run-off and services.

5.3 In relation to transport, there would need to be a review and updating of the Masterplan and the Transport Assessment and Travel Plan.

5.4 There are serious concerns that the loss of open space would erode the character of the Coopers Edge development. The open spaces create identity and a sense of place, without which it would become unrelenting mass of housing. POS4 and 5 are on land that is elevated relative to the rest of the site. The ES identified the need for these areas to remain open to mitigate the impact upon the landscape. POS 7 was identified as an important green wedge that would reduce the mass of housing in the south west corner of the development. Any significant increase of the density of parcels could also have a harmful impact on the character and setting of the settlement.

5.5 The authorities would therefore be concerned that the proposals outlined in your letter could not be accommodated on these areas in an environmentally acceptable way and would have an unacceptable landscape and visual impact.

5.6 There is clearly a significant amount of work to be done before the 3 authorities can properly consider the proposal to increase numbers on the site. As set out above there are a number of concerns that the authorities share as to whether such a proposal would be acceptable.

6.0 Other contributions

6.1 In terms of the other contributions referred to at section 6 of your letter we would comment as follows:

Burial facilities: This request for a contribution was based on an assessment of existing availability of burial facilities and the pressure that the proposed development was likely to put on these facilities.

Community Centre: The section 106 agreement requires provision of the building and additional monies to fit out equip and manage the facility. The centre will play an important recreational and social role in the new community. The authorities are concerned that the community centre will not be able to fulfil such a key role if the obligations set out at section 6.2.2 are not provided.

Off site community centre works: The off site contribution has already been spent as required on a village hall extension at Upton St Leonards Parish.

Library: The library contribution was paid up-front in 2008 and has been spent on improvements at Hucclecote library.

Off-site hockey pitch: At the time of the application it was agreed that a contribution towards the existing offsite facility that was due an upgrade was considered a more sustainable way of delivering this facility. The off site hockey pitch has now been installed at Brockworth school.

Public Art: The public art contribution was considered necessary to meet planning policy requirements in respect of public art provision which would of course add to the overall quality of the development. Whilst wanting to achieve the same level of overall quality for the development as a whole, the Councils would be happy to consider alternative ways of providing public art.

7.0 Conclusion

7.1 In conclusion, there is considerable work which will be required before the 3 authorities would be in a position to consider the proposals contained in your letter.

7.2 The items in the Section 106 agreement are essential to create a sustainable new community and therefore Officers would not support any changes to the facilities. Similarly trigger points should not be eased as the development has been ongoing a long time and the lack of facilities is causing problems of social cohesion and threatening the sense of community. As mentioned above, at the recent public meeting on the progress of development of the site there were strong local concerns voiced about the lack of delivery of essential infrastructure which is crucial meeting the needs of the new community.

7.3 Reviews of section 106 agreements are understandable where sites have had pronounced problems of contamination, land stability, or infrastructure, whereby unforeseen circumstances have arisen. We are not sure here what has been unforeseen. With the exception of some limited areas requiring contamination works, this should have been largely a predictable greenfield construction operation with no demolition, clearance, or logistics problems. The access roads that have been put in typically would have been required in any development. Indeed even the Lobleys M5 bridge was in place.

7.4 There is a lot housing still to be developed, we are not even halfway through development of the site in terms of housing numbers. Bearing in mind the slow build rate, there is a considerable time for the market to improve and the more expensive lower density "village edge" housing is still to be finished where values should be lucrative.

7.5 We are willing to meet with you and the consortium representatives to go through these requirements and to discuss the way forward

We look forward to hearing from you.

Yours sincerely

Mella McMahon
Corporate Head of Borough Development
Tewkesbury Borough Council

and on behalf of

Nigel Riglar, Gloucestershire County Council
John Longmuir, Stroud District Council