

LATE MATERIAL (APPLICATIONS FOR DETERMINATION)

PLANNING COMMITTEE: 2ND August 2016

ITEM 4 - 16/00165/OUT – Land South of Grange Road

Members will note that the officer recommendation set out in paragraph 8.1 of the committee report (page 73) is subject to resolution of the four listed issues. Officers provide an update on each of these as follows:

- **Confirmation that surface water can be satisfactorily discharged into the Severn Trent sewer in Grange Road**

Severn Trent Water (“STW”) has confirmed that it has no objection in principle to the applicant disposing of surface water to its network and sewer, via proposed on-site attenuation such as the balancing ponds and storage (see comments below).

STW confirms that the discharge rate will need to be confirmed with the developer. Following further exploration, it is clear that STW has not yet carried out a technical analysis as to whether the discharge rate proposed by the applicant is acceptable. One scenario is that the discharge rate is higher than STW would normally expect and this might necessitate the developer providing increased amounts of flood storage capacity within the site, such as larger balancing ponds or swales. This could ultimately affect the layout of the development adjacent the balancing ponds and conceivably the number of houses that could be provided at this part of the site.

These are very important issues and it is therefore recommended that a full surface water scheme (that incorporates SUDS measures) is provided alongside and as part of applications for approval of reserved matters, rather than secured by a planning condition with the information to follow approval of the reserved matters. In this way, the suitability of the surface water drainage scheme, including its connection to the STW sewer and network, can be considered at the same time as the layout of the housing and housing numbers. The officer recommendation will be adjusted accordingly (see below).

- **Confirmation from the EHO as to whether the acoustic fence next to the railway is necessary to make the development acceptable**

The EHO has confirmed in their updated comments on the application that the acoustic fence is necessary (see comments below). However, were the committee to resolve to grant planning permission, the applicant has indicated that they would like further discussions with officers about this point.

Officers advise that recommended condition 13 (as referred to in paragraph 8.3 of the committee report) should still stand in the light of the EHO's comments; however, whether the condition is ultimately imposed should be dealt with as part of the delegation sought for the finalisation of conditions as set out in paragraph 8.1 of the committee report.

- **Completion of a screening opinion by the Council to establish whether the proposal would likely have significant effects on the Cotswold Commons and Beechwoods SAC and NNR, and Severn Estuary SAC, SPA and Ramsar**

The Council has completed the screening opinion in consultation with Natural England. The screening opinion is that the proposal would not likely have significant effects on the Cotswold Commons and Beechwoods SAC and NNR. It is unnecessary to consider the effects on the Severn Estuary SAC, SPA and Ramsar because of their distance from the site. Members are advised that Appropriate Assessment is not required and that this issue has now been resolved.

- **The applicant providing 40% affordable housing or satisfactorily demonstrating why a lesser amount of affordable housing is justified through a viability appraisal**

The applicant maintains their position that the policy starting point for affordable housing should be 20% and not 40%. This is because subsequent evidence produced for the JCS indicates that a 20% policy requirement should be sought for Gloucester. They say the figure of 40% is not supported by up to date evidence and this position is inconsistent with the guidance on viability in paragraphs 173-174 of the NPPF.

The applicant considers that there is very strong possibility that the Main Modifications for the JCS (due to be published later in the Summer) will reflect the updated viability evidence and incorporate changes to the affordable housing position. Given the timing of the application and changes to the JCS, the applicant believes that it would be prudent to remove reference to a viability appraisal in the officer recommendation set out in paragraph 8.1 of the committee report (fourth bullet).

Officers maintain the view that the requirement for 40% affordable housing is the correct position to take for the reasons set out in paragraphs 6.33, 6.34 and 6.35 of the committee report. Moreover, members are advised to consider the application in the current policy context and not on what might or might not be. Therefore, reference to a viability appraisal in the recommendation should be retained (see below).

Additional Consultee responses received:

Severn Trent Water

Comments as follows (by email to applicant, but copied to officer):

‘As per the LLFA’s requirements, given that land soakage, or means to discharge to a watercourse is not available at this site, we would have no objections in the principle to a restricted surface water flow from this development discharging to our surface water sewer network (via on-site attenuation using balancing features and storage).

The allowable discharge rate will need to be determined and we will need to discuss this with you. As mentioned, we have a Developer Enquiry process that we try to get developers/consultants to submit in order to start dialogue with us to discuss their drainage requirements on site early doors to resolve such issues. Please find attached the Developer Enquiry application form in order to kick off this process.’

Environmental Health Officer

No objection – comments as follows:

'This site is bounded by the rail line to the west and Grange Road to the north whilst there is significant change in the topography across the site which led to large concerns over the potential noise levels experienced both within gardens and dwellings across this development site. Monitoring of noise levels was undertaken in both 2012 and then again in May 2016 at various locations across site with the data gained, modelled using computer software. The model incorporated various pieces of guidance to account for rail and road noise but for ease of understanding we assess the noise contours against 'WHO guidelines for community noise, 1999' and 'BS8233:2014 – Guidance on Sound insulation and noise reduction for buildings'. The below table is taken from the noise assessment but quotes the previously mentioned pieces of guidance and provides target noise levels to achieve during both the day and night:

Activity	Location	07:00 to 23:00	23:00 to 07:00
Resting	Living room	35 dB $L_{Aeq,16hour}$	-
Dining	Dining room/area	40 dB $L_{Aeq,16hour}$	-
Sleeping (daytime resting)	Bedroom	35 dB $L_{Aeq,16hour}$	30 dB $L_{Aeq,8hour}$

Note 7 Where development is considered necessary or desirable, despite external noise levels above WHO guidelines, the internal target levels may be relaxed by up to 5 dB and reasonable internal conditions still achieved.

T2 Table 4 of BS 8233:2014

3.4.4 Achieving the BS 8233:2014 standards tabulated above will ensure that the Lowest Observed Adverse Effect Level is not exceeded.

Para 3.5.2 (below) also provides the guidance used to assess external amenity areas (i.e. gardens):

3.5.2 Paragraph 7.7.3.2 of BS 8233:2014 indicates that in external amenity spaces it is desirable that the steady noise levels should not exceed 50 dB $L_{Aeq,T}$ and 55 dB $L_{Aeq,T}$ should be regarded as an upper limit. The paragraph goes on to say the following:

The two noise contour maps (12/2850/F2 and 12/2850/F3) provide the easiest way of understanding whether the noise levels quoted above are achieved. F2 is a noise contour map including a barrier running along the west of the site whilst F3 is a noise contour map showing the noise levels when removing the barrier. Using the colour key at the bottom of the map you will see that the properties mainly affected by noise are on the edge of the development site. Mitigation (façade and window specification) has been proposed within the report and I have included a condition below requesting the specifics of what mitigation will be utilised on what properties at the detailed design stage. The barrier can actually be removed to answer your question, but my concern with removing the barrier will be with noise levels in gardens. As such

I will be requesting that the barrier is installed and full details are submitted at the detailed design stage. To ensure that the target noise levels in the above standards are achieved I have requested post completion testing within a sample of properties.

I would recommend approval subject to the following conditions being attached to any approved permission:

Restriction of hours during construction

During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 8.00 am-6.00pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of local residents in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

No burning of materials/substances during construction phase

No materials or substances shall be burnt within the application site during the construction phase.

Reason: To safeguard residential amenity and prevent pollution in accordance with policy BE.21

Mitigation

Prior to the commencement of the development hereby permitted precise details of mitigation measures (façade and window treatments) to be implemented at each property in order to comply with noise levels specified in 'WHO guidelines for community noise, 1999 (internally and externally)' and 'BS8233:2014 – Guidance on Sound insulation and noise reduction for buildings' shall be submitted and approved by the Local Planning Authority.

Reason: To protect the residential amenities of the future occupiers of the properties in accordance with policy H.4 of the Second Deposit City of Gloucester Local Plan (2002).

Acoustic barrier

Prior to the commencement of the development hereby permitted precise details of the proposed noise barrier including location, height and design shall be approved by the Local Planning Authority. The barrier shall be installed according to the approved design prior to first use and maintained thereafter.

Reason: To protect the amenity of local residents in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Noise testing

Prior to first occupation of any permitted dwellings, noise testing shall be carried out by a professional and competent contractor (Member of the Institute of Acoustics) within 5% of the 250 properties, to be agreed in writing by this Authority. The purpose of the post completion testing is to establish whether the noise criteria as specified in 'Cole Jarman, Tuffley Farm, Gloucester, Noise Assessment – Report 15/0448/R1' has been met through approved mitigation

measures. The testing procedure should be submitted to and agreed in writing by this Authority at least 14 days prior to noise testing being carried out.

Reason: To protect the residential amenities of the future occupiers of the properties in accordance with policy H.4 of the Second Deposit City of Gloucester Local Plan (2002).

Recommendation of the Development Control Manager

In view of the above update, the recommendation provided in paragraph 8.1 of the committee report should be amended to the following:

That subject to resolution of the issue listed below around the amount of affordable housing to be provided and conclusion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure the obligations listed in paragraph 8.2, planning permission is granted with appropriate conditions. Delegated powers to be given to the Development Control Manager to prepare the required conditions and detailed wording of the legal agreement. The conditions shall include the requirement for a surface water drainage scheme to be submitted as part of the application/s for approval of the reserved matters.

- The applicant providing 40% affordable housing or satisfactorily demonstrating why a lesser amount of affordable housing is justified through a viability appraisal

ITEM 5 - 16/00322/FUL – The Chamwell Centre, Milestone School Longford Lane

Additional Consultee response received:

The Lead Local Flood Authority has confirmed that they raise no objections to the development on the basis that:

- The revised storage volumes provided by the underground geocellular tanks (1,500m³) include an additional allowance of 16.4% providing spare capacity for further subsequent storms and for the tanks to half empty within 24 hours.
- That Severn Trent Water have given 'in principle' agreement to the proposed connection into the existing public surface water sewer with a restricted discharge rate of 3 l/s, subject to formal approval of the appropriate sewer connection applications.

Amended recommendation

That planning permission is granted subject to the conditions in the committee report and additional conditions set out below:

Additional conditions and notes requested by the LLFA

Condition

No development (with the exception of site preparation and excavation) shall be commenced until a Detailed Drainage Strategy has been submitted to and approved in writing by the Local Planning Authority. The Strategy should be supported by evidence of ground conditions and modelling of the scheme to demonstrate it is technically feasible, along with a timetable for

implementation and completion. The Strategy shall be carried out in accordance with the approved details.

Reason

To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage in the locality.

Condition

No development (with the exception of site preparation and excavation) shall take place until an exceedance flow routing plan for flows above the 1 in 100 years event with allowance for climate change has been submitted to and approved in writing by the Local Planning Authority. The proposed scheme shall identify exceedance flow routes through the development based on proposed topography with flows being directed to highways and areas of public open space. Flow routes through gardens and other areas in private ownership will not be permitted. The scheme shall subsequently be completed in accordance with the approved details before the development is first brought into use/occupied.

Reason

To ensure the health and safety of owners/occupiers of the site and to minimise the risk of damage to property. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for the health and safety of owners/occupiers and visitors to the site.

Condition

No part of the development hereby permitted shall be occupied until a SUDS maintenance plan for all SuDS/attenuation features and associated pipework has been submitted to and approved in writing by the Local Planning Authority. The approved SUDS maintenance plan shall be implemented in full in accordance with the agreed terms and conditions.

Reason

To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding.

Condition

Prior to commencement of development (with the exception of site preparation and excavation), evidence of water company consent shall be submitted to and approved in writing to the Local Planning Authority sufficient to accommodate the maximum permitted discharge rate. If the proposed rate of discharge is not accepted by the water company, an alternative drainage strategy shall be submitted to and approved by the LPA prior to commencement of the development.

Reason

To prevent the increased risk of flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage in the locality.

Note

The Lead Local Flood Authority (LLFA) will give consideration to how the proposed sustainable drainage system can incorporate measures to help protect water quality, however pollution control is the responsibility of the Environment Agency.

Note

Future management of Sustainable Drainage Systems is a matter that will be dealt with by the Local Planning Authority and has not, therefore, been considered by the LLFA.

Note

Any revised documentation will only be considered by the LLFA when resubmitted through suds@gloucestershire.gov.uk e-mail address. Please quote the planning application number in the subject field.

AGENDA ITEM 6: 14/00848/FUL – Land Adjacent to 2 Hemmingsdale Road

Addition Representations received:

1. **Llanthony Secunda Priory Trust** – LSPT has considered the amended plans. The minor amendments to materials and detailing do not, in any substantive way, address our concerns previously set out. We consider the scheme to be unacceptable in Planning and Heritage terms. We request that the Committee refuses the application and advises the Applicant to rethink the design approach in the context of the nationally important heritage setting of Llanthony Secunda Priory.
2. **Resident from Hemmingsdale Road** – Question whether the new premises have adequate parking spaces for staff vehicles or will they be expected to find parking in the surrounding area i.e. Hemmingsdale Road. Already pay to park one car outside our house but this is only between 9.00am and 4.00pm Monday to Friday. Since the opening of a gymnasium at the top of Hemmingsdale Road the road becomes a bottleneck/full car park after 5.00pm. Do not object to the planning application but question where everyone is going to park.