

**GLOUCESTER CITY COUNCIL**

**COMMITTEE** : **PLANNING**

**DATE** : **4<sup>TH</sup> DECEMBER 2018**

**ADDRESS/LOCATION** : **FORMER HM PRISON, BARRACK SQUARE**

**APPLICATION NO. & WARD** : **17/00659/FUL  
WESTGATE**

**EXPIRY DATE** : **FUL – 10<sup>th</sup> May 2018**

**APPLICANT** : **CITY & COUNTRY GLOUCESTER LTD**

**PROPOSAL** : **Redevelopment of the former HMP Gloucester site comprising the partial demolition and conversion of Grade II\* and Grade II listed buildings to provide 38 residential dwellings (Use Class C3) and 481 sqm (GIA) of flexible commercial / community floorspace (Use Classes A2, A3, A4, A5, B1, D1, D2) at ground floor and first floor of Block C (Chapel wing); demolition of non-listed structures and the construction of seven new buildings up to six storeys to accommodate 164 residential dwellings (Use Class C3); and associated car parking, cycle parking, private and communal amenity space, landscaping, access and related infrastructure works.**

**REPORT BY** : **ADAM SMITH**

**NO. OF APPENDICES/  
OBJECTIONS** : **SITE PLAN  
PREVIOUS COMMITTEE REPORT  
(INCLUDES PROPOSED GROUND  
FLOOR PLAN WITH BLOCK REFERENCES  
IN APPENDICES)**

**1.0 Background**

- 1.1 This is an update report following the previous Committee resolution on the application.
- 1.2 A description of the site and proposal, the planning history and policy context, publicity and representations, and the Officer analysis are set out in the appended original report.

- 1.3 The Planning Committee considered the full and listed building consent applications at the May 2018 Planning Committee. In respect of the full application the Committee's resolution was to authorise the City Growth and Development Manager to grant permission subject to the Habitats Regulations Assessment screening identifying that the proposals are not likely to have a significant effect on the Special Area of Conservation and the conditions in the report.
- 1.4 Since that date the Council's Ecological Adviser has undertaken a formal assessment of the implications of the proposal that may be capable of affecting the designated interest features of European Sites; in this case the Cotswold Beechwoods Special Area of Conservation (SAC) and the Severn Estuary SAC, Special Protection Area and Ramsar site. In discussions with Natural England after the original Committee meeting it was established that likely significant effects could not be excluded and so the process has moved on from the screening stage to the more detailed assessment through an 'Appropriate Assessment'. Natural England has been reconsulted and provided with the Council's Appropriate Assessment document.
- 1.5 Because the additional work needed to go beyond the scope of the original Committee resolution, the application is referred back to the planning committee with the additional information for a final resolution.

## **2.0 RELEVANT PLANNING HISTORY**

- 2.1 The associated listed building consent ref. 17/00662/LBC was granted consent subject to conditions following the original Planning Committee resolution. There have been no further planning applications on the site.

### *Neighbouring land*

- 2.2 The original report noted the Local Development Order for the land to the north and east, and the permission for part of the Barbican car park to the east for student accommodation (now built). The further application for a second phase of development was approved at the November Planning Committee.

## **3.0 PLANNING POLICIES**

- 3.1 Planning guidance and policies relevant to the consideration of this application are set out in the original report. The policy context has changed slightly;

### Central Government Guidance - National Planning Policy Framework

- 3.2 The NPPF has been updated since the first Committee meeting.

All policies can be viewed at the relevant website address: Gloucester Local Plan policies – [www.gloucester.gov.uk/planning](http://www.gloucester.gov.uk/planning); and Department of Community and Local Government planning policies - [www.communities.gov.uk/planningandbuilding/planning/](http://www.communities.gov.uk/planningandbuilding/planning/).

#### **4.0 FURTHER CONSULTATIONS**

- 4.1 Natural England has been reconsulted with the Council's Appropriate Assessment and raises no objection subject to mitigation being secured by condition in terms of information packs to residents and management of piling operations.
- 4.2 The full content of all correspondence on the applications can be inspected at Herbert Warehouse, The Docks, Gloucester, prior to the Committee meeting.

<http://planningdocs.gloucester.gov.uk/default.aspx?custref=17/00659/FUL>

#### **6.0 OFFICER OPINION**

##### ***Legislative background***

- 6.1 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.
- 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 largely out-of-date.

##### ***Update on Ecology***

- 6.4 Policy SD9 of the JCS seeks to protect and enhance biodiversity; new development is encouraged to contribute positively in this respect. It also notes that harm to the biodiversity of an undesignated site should be avoided where possible. Where there is a risk of harm as a consequence of development, this should be mitigated by integrating enhancements into the scheme.
- 6.5 The NPPF requires planning to minimise impacts and provide net gains for biodiversity. It also sets out criteria for assessing certain types of application.
- 6.6 A preliminary ecological assessment and buildings assessment for roosting bats was undertaken and it was noted in the original report that this is a site of limited ecological interest itself, and conditions were proposed to secure the provision of bird and bat boxes. Natural England advised however that the proposals may have the potential to affect the Cotswold Beechwoods Special Area of Conservation (SAC) and recommended a habitats regulations assessment screening was undertaken and this was the basis of the Officer

recommendation given the site is some distance from the SAC. The screening process would identify likely impacts of the proposals and consider if they are likely to be significant, however upon further advice from Natural England it was advised that significant impacts could not be ruled out and under the Habitats Directive an appropriate assessment was required (for a project that is likely to have a significant effect upon a European site). Where an adverse effect on the site cannot be ruled out and no alternative solutions can be identified, then the project can only then proceed if there are imperative reasons of over-riding public interest and if the necessary compensatory measures can be secured.

#### *Cotswold Beechwoods*

6.7 The potential issue for the Cotswold Beechwoods SAC is an increase in recreational disturbance as a result of the additional residential development. It should be noted that the Gloucestershire Authorities are currently working to commission a recreational use survey to inform the need for any mitigation measures for cumulative development pressure going forward. As such a broader strategy to address the matter may emerge in future. In the meantime Natural England has advised Authorities to address the issue on a case by case basis.

6.8 In terms of the impact from the Prison proposals, the application site is not within walking distance of the SAC, there are alternative local footpaths and public open space available nearby for residents and the numbers of dog walkers is likely to be low (the impacts of mountain biking and dog walkers on the SAC are concerns for its management). However some uncertainty remains about the residual impact given the evidence available. Mitigation of the impact is proposed by providing documentation to new occupants about the issue, which would avoid adverse effects on the integrity of the SAC.

#### *Severn Estuary*

6.9 The potential issue for the Severn Estuary is recreational disturbance and also potential impact as a result of construction works.

6.10 The application site is again not within walking distance and there are alternative recreation opportunities and likely low dog ownership. Again some uncertainty remains about the residual impact given the evidence available. Again mitigation is proposed to avoid adverse effects by the provision of documentation to new occupants. Mitigation is also achievable by a Construction Management Strategy which would need to examine the noise impact of piling works and/or propose works at suitable times only to avoid sensitive times of year for bird populations associated with the Severn Estuary.

#### *Conclusions*

6.11 The Appropriate Assessment undertaken by the Council's Ecology Adviser ascertains that an adverse effect on the integrity of the sites can be ruled out, subject to certain conditions being imposed, and this assessment has the endorsement of Natural England. This Appropriate Assessment is therefore considered to be robust and it is proposed that this be the adopted position of the Council.

- 6.12 Subject to the additional conditions the proposals would comply with the above mentioned policy context and satisfy the Council's duties as the competent authority under the Conservation of Habitats & Species Regulations.

*Updated policy position and site context*

- 6.13 The changes to the NPPF and the granting of permission for Phase 2 of the student accommodation at the Barbican have been considered and do not require any further alteration to the Officer recommendation.

## **7.0 CONCLUSION**

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. The proposals have been assessed against development plan policies within this report and the original report.

- 7.2 It has already been concluded that the application is acceptable and should be granted permission subject to the resolution of the Habitats Regulations Assessment. As that matter has now been resolved subject to the imposition of two further conditions, it is considered that overall, placing all of the relevant material considerations in the balance, but particularly the public benefits of the proposals and weighing these against the less than substantial harm to the significance of designated heritage assets, planning permission should be granted subject to conditions.

## **8.0 RECOMMENDATIONS OF THE GROWTH AND DELIVERY MANAGER**

- 8.1 That planning permission is granted subject to the following conditions.

### **Reasons for Approval**

The impacts of the proposals have been carefully assessed. The scheme would regenerate a highly sustainable vacant brownfield site in a prominent position within the City centre, deliver housing, and secure the future of several heritage assets and partially open them up to the public, and contribute improvements to their setting. Less than substantial harm would be caused to listed buildings in their adaptation; and their setting and Conservation Areas by virtue of the proposed new buildings. The scheme also fails to provide the required s106 contributions, albeit justified by the viability analysis. Furthermore the proposals mitigate their impact on below ground heritage assets, on highway safety, on flood risk and drainage, on ecology and on existing and future residents, subject to certain conditions.

The Environmental Statement has been taken into account in reaching the decision and it contains sufficient information and analysis to reach a reasoned conclusion on the significant effects of the development on the environment. The benefits of the scheme are considered to outweigh the disbenefits.

## **Conditions for the planning permission:**

### **Condition 1**

The development hereby permitted shall be begun before the expiration of two years from the date of this permission.

#### **Reason**

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004,  
and to safeguard the reliability of the viability analysis, commencement after this date would require a further application and re-appraisal of the scheme viability.

### **Condition 2**

The development shall be undertaken in accordance with the plans referenced

Location Plan 1803/P/001 P3 received by the Local Planning Authority 19<sup>th</sup> June 2017

#### **Site wide**

Site wide proposed demolition & intervention 1803/P/048 P2 received by the Local Planning Authority 28<sup>th</sup> March 2018

Proposed Block Plan 1803/004 P1 received by the Local Planning Authority 19<sup>th</sup> June 2017

Proposed Basement floor plan 1803/P/099 P1 received by the Local Planning Authority 19<sup>th</sup> June 2017

Proposed Ground floor plan 1803/P/100 P4 received by the Local Planning Authority 28<sup>th</sup> March 2018

Proposed First floor plan 1803/P/101 P4 received by the Local Planning Authority 12<sup>th</sup> April 2018

Proposed Second floor plan 1803/P/102 P4 received by the Local Planning Authority 12<sup>th</sup> April 2018

Proposed Third floor plan 1803/P/103 P2 received by the Local Planning Authority 19<sup>th</sup> June 2017

Proposed Fourth floor plan 1803/P/104 P2 received by the Local Planning Authority 19<sup>th</sup> June 2017

Proposed Fifth floor plan 1803/P/105 P2 received by the Local Planning Authority 19<sup>th</sup> June 2017

Proposed Roof plan 1803/P/106 P2 received by the Local Planning Authority 19<sup>th</sup> June 2017

#### **Blocks ABC**

Basement Floor intervention plan 1803/P/050 P1 received by the Local Planning Authority 19<sup>th</sup> June 2017

Blocks A/B/C basement plan 1803/P/110 P1 received by the Local Planning Authority 19<sup>th</sup> June 2017

Ground Floor intervention plan 1803/P/051 P3 received by the Local Planning Authority 23<sup>rd</sup> January 2018  
Blocks A/B/C Ground floor plan 1803/P/111 P4 received by the Local Planning Authority 23<sup>rd</sup> January 2018  
First floor intervention plan 1803/P/052 P4 received by the Local Planning Authority 13<sup>th</sup> April 2018  
Blocks A/B/C First floor plan 1803/P/112 P5 received by the Local Planning Authority 12<sup>th</sup> April 2018  
Second floor intervention plan 1803/P/053 P4 received by the Local Planning Authority 13<sup>th</sup> April 2018  
Blocks A/B/C Second floor plan 1803/P/113 P5 received by the Local Planning Authority 12<sup>th</sup> April 2018  
Roof intervention plan 1803/P/054 P2 received by the Local Planning Authority 19<sup>th</sup> June 2017  
Blocks A/B/C Roof plan 1803/P/114 P1 received by the Local Planning Authority 19<sup>th</sup> June 2017  
Intervention and repair North and South Prison elevations 1803/P/070 P2 received by the Local Planning Authority 19<sup>th</sup> June 2017  
Proposed Prison elevations Blocks A, B, C North & South facing 1803/P/310 P1 received by the Local Planning Authority 19<sup>th</sup> June 2017  
Intervention and repair East and West Prison elevations 1803/P/071 P2 received by the Local Planning Authority 19<sup>th</sup> June 2017  
Proposed Prison elevations Blocks A, B, C North & South facing 1803/P/311 P2 received by the Local Planning Authority 19<sup>th</sup> June 2017  
Intervention and repair Section C-C & E-E 1803/P/060 P1 received by the Local Planning Authority 19<sup>th</sup> June 2017  
Block A, B, C Proposed Prison sections C-C & E-E 1803/P/210 P1 received by the Local Planning Authority 19<sup>th</sup> June 2017  
Intervention and repair Sections B-B & D-D 1803/P/061 P4 received by the Local Planning Authority 13<sup>th</sup> April 2018  
Blocks A, B, C Proposed Prison sections B-B & D-D & cross section through chapel 1803/P/211 P3 received by the Local Planning Authority 12<sup>th</sup> April 2018  
Blocks A, B, C Proposed Prison sections A-A 1803/P/212 P1 received by the Local Planning Authority 19<sup>th</sup> June 2017

### **Block D / Gate House**

Block D Gatehouse intervention plans all floors 1803/P/055 P1 received by the Local Planning Authority 19<sup>th</sup> June 2017  
Block D – Gatehouse Proposed floor plans 1803/P/120 P2 received by the Local Planning Authority 19<sup>th</sup> June 2017  
Intervention and repair Gatehouse elevations 1803/P/072 P1 received by the Local Planning Authority 19<sup>th</sup> June 2017  
Proposed Gatehouse elevations Blocks D 1803/P/320 P1 received by the Local Planning Authority 19<sup>th</sup> June 2017  
Block D existing Gatehouse intervention and repair Section LL & KK 1803/P/062 P1 received by the Local Planning Authority 19<sup>th</sup> June 2017  
Block D Proposed Gatehouse Sections LL & KK 1803/P/220 P1 received by the Local Planning Authority 19<sup>th</sup> June 2017

### **Block E / Debtors Prison**

Intervention and repair plans all floors 1803/P/056 P1 received by the Local Planning Authority 19<sup>th</sup> June 2017

Block E Debtors Prison Proposed floor plans 1803/P/125 P3 received by the Local Planning Authority 19<sup>th</sup> June 2017

Intervention and repair elevations 1803/P/073 P2 received by the Local Planning Authority 19<sup>th</sup> June 2017

Block E Proposed elevations 1803/P/330 P1 received by the Local Planning Authority 19<sup>th</sup> June 2017

Intervention and repair Sections A & B 1803/P/063 P1 received by the Local Planning Authority 19<sup>th</sup> June 2017

Block E Proposed Debtor's Prison Sections AA & BB 1803/P/230 P1 received by the Local Planning Authority 19<sup>th</sup> June 2017

### **Block F / Governor's House**

Governor's House intervention all floors 1803/P/057 P1 received by the Local Planning Authority 19<sup>th</sup> June 2017

Block F Governor's House Proposed floor plans 1803/P/130 P3 received by the Local Planning Authority 19<sup>th</sup> June 2017

Intervention and repair Governor's House elevations 1803/P/074 P1 received by the Local Planning Authority 19<sup>th</sup> June 2017

Block F Proposed elevations 1803/P/340 P1 received by the Local Planning Authority 19<sup>th</sup> June 2017

Intervention and repair Sections MM and NN 1803/P/064 P1 received by the Local Planning Authority 19<sup>th</sup> June 2017

Block F Proposed Governor's House Sections MM & NN 1803/P/240 P1 received by the Local Planning Authority 19<sup>th</sup> June 2017

### **Block G**

Block G Proposed Ground and First Floor plans 1803/P/135 P1 received by the Local Planning Authority 19<sup>th</sup> June 2017

Block G Proposed Second and Third floor plans 1803/P/136 P1 received by the Local Planning Authority 19<sup>th</sup> June 2017

New build Block G North & South elevations 1803/P/350 P1 received by the Local Planning Authority 19<sup>th</sup> June 2017

New build Block G East and West elevations 1803/P/351 P1 received by the Local Planning Authority 19<sup>th</sup> June 2017

### **Block H**

Block H Proposed Ground and First floor plans 1803/P/140 P1 received by the Local Planning Authority 19<sup>th</sup> June 2017

Block H Proposed Second & Third floor plans 1803/P/141 P1 received by the Local Planning Authority 19<sup>th</sup> June 2017

Block H Proposed Fourth & Fifth floor plans 1803/P/142 P1 received by the Local Planning Authority 19<sup>th</sup> June 2017

New build Block H West & East elevations 1803/P/361 P2 received by the Local Planning Authority 8<sup>th</sup> September 2017

New build Block H North & South elevations 1803/P/360 P2 received by the Local Planning Authority 8<sup>th</sup> September 2017

### **Block J**



Block J Proposed Ground & First floor plans 1803/P/145 P1 received by the Local Planning Authority 19<sup>th</sup> June 2017

Block J Proposed Second & Third floor plans 1803/P/146 P1 received by the Local Planning Authority 19<sup>th</sup> June 2017

Block J Proposed Fourth & Fifth floor plans 1803/P/147 P1 received by the Local Planning Authority 19<sup>th</sup> June 2017

New build Block J West & East elevations 1803/P/371 P2 received by the Local Planning Authority 8<sup>th</sup> September 2017

New build Block J North & South elevations 1803/P/370 P2 received by the Local Planning Authority 8<sup>th</sup> September 2017

### **Block K**

Block K Proposed Ground & First floor plans 1803/P/150 P1 received by the Local Planning Authority 19<sup>th</sup> June 2017

Block K Proposed Second & Third floor plans 1803/P/151 P1 received by the Local Planning Authority 19<sup>th</sup> June 2017

New build Block K North & South elevations 1803/P/380 P2 received by the Local Planning Authority 8<sup>th</sup> September 2017

New build Block K East & West elevations 1803/P/381 P1 received by the Local Planning Authority 19<sup>th</sup> June 2017

### **Block L**

Block L Proposed floor plans 1803/P/155 P1 received by the Local Planning Authority 19<sup>th</sup> June 2017

New build Block L North, South, East & West elevations 1803/P/385 P2 received by the Local Planning Authority 8<sup>th</sup> September 2017

### **Block M**

Block M Proposed floor plans 1803/P/160 P1 received by the Local Planning Authority 19<sup>th</sup> June 2017

New build Block M North, South, East & West elevations 1803/P/390 P1 received by the Local Planning Authority 19<sup>th</sup> June 2017

### **Block N**

Block N Proposed floor plans 1803/P/165 P1 received by the Local Planning Authority 19<sup>th</sup> June 2017

New build Block N North, South, East & West elevations 1803/P/395 P1 received by the Local Planning Authority 19<sup>th</sup> June 2017

### **Perimeter wall**

Wall intervention plan 1803/P/058 P2 received by the Local Planning Authority 28<sup>th</sup> March 2018

Intervention and repair wall elevations 1803/P/075 P2 received by the Local Planning Authority 28<sup>th</sup> March 2018

Intervention and repair wall elevations 1803/P/076 P1 received by the Local Planning Authority 19<sup>th</sup> June 2017

New build Boundary wall North & West 1803/P/400 P2 received by the Local Planning Authority 19<sup>th</sup> June 2017

### **Landscaping**

Illustrative Masterplan GLO444-GRA-X-XX-DR-L-1001-P Rev. 02 received by the Local Planning Authority 28<sup>th</sup> March 2018  
Hardworks strategy GLO444-GRA-X-XX-DR-L-3001-P Rev. 02 received by the Local Planning Authority 28<sup>th</sup> March 2018  
Softworks strategy GLO444-GRA-X-XX-DR-L-5001-P Rev. 01 received by the Local Planning Authority 28<sup>th</sup> March 2018

Proposed Ecological Enhancements 1803/P/500 P1 received by the Local Planning Authority 8<sup>th</sup> September 2017

Proposed Northern Access Arrangements 2440-05 I received by the Local Planning Authority 28<sup>th</sup> March 2018  
One-way system 2440-12 received by the Local Planning Authority 14<sup>th</sup> November 2017  
Proposed southern emergency access 2440-06 E received by the Local Planning Authority 14<sup>th</sup> November 2017

except where otherwise required by conditions of this permission.

#### Reason

To ensure the works are carried out in accordance with the approved plans.

#### **Condition 3**

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the floorspace hereby approved for Class A3 or A4 use shall not be used for a use within Class A1 of the schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

#### **Reason**

The Local Planning Authority wishes to control the specific use of the premises, because they are outside the primary shopping area and a retail use would have to satisfy the relevant policy tests, in accordance with Policy SD2 of the Joint Core Strategy 2017 and the NPPF.

#### **Condition 4**

No demolition shall take place until a contract for the carrying out of the works of redevelopment has been let and proof of such has been provided to, and written confirmation of its acceptability has been given by, the Local Planning Authority.

#### Reason

Pursuant to the provisions of Section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF, Policy BE.30a of the 2002 City of Gloucester Second Deposit Local Plan, and Policy SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017. This is required

pre-commencement given the potential impact of demolition works on the Conservation Area without it being satisfied.

#### **Condition 5**

No demolition shall take place until a demolition statement (to include identification of the specific areas to be demolished, the method of demolition together with the necessary protection for the retained structures) has been submitted to and approved in writing by the Local Planning Authority. Demolition shall only take place in accordance with the approved statement.

#### **Reason**

To preserve the special interest of the listed buildings and the character and appearance of the Conservation Area in accordance with Policy SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017, and the National Planning Policy Framework. This is required pre-commencement given the potential impact of demolition works on the Conservation Area and Listed Buildings without it being satisfied.

#### **Condition 6**

Development shall proceed in accordance with the Indicative Phase Plan received by the Local Planning Authority on 8<sup>th</sup> March 2018 or an alternative phasing plan that has been submitted to and approved in writing by the Local Planning Authority. Any alternative phasing plan shall similarly prioritise the early delivery of the listed building conversions.

#### **Reason**

To secure the early delivery of listed building conversions, in accordance with Policy SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017, and the NPPF.

### **ARCHAEOLOGY**

#### **Condition 7**

No development or demolition shall commence within the proposed development site until the applicant, or their agents or successors in title, has secured the implementation of a programme of historic environment work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme shall provide for archaeological recording of significant elements of the historic built environment that are likely to face an impact from the proposed development and any proposed demolition, with the provision for appropriate archiving and public dissemination of the findings.

#### **Reason**

The proposed development site includes significant elements of the historic built environment. The Council requires that these elements will be recorded in advance of any development or demolition and their record be made publicly available, in accordance with the National Planning Policy Framework and Policy SD8 of the

Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017. This is required pre-commencement given the potential impact of early-phase works.

### **Condition 8**

No development or demolition shall commence within the site until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development or demolition shall take place other than in accordance with the agreed WSI, which shall include a statement of significance and research objectives, and;

- An updated archaeological impact and mitigation statement;
- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
- A programme of community and public engagement and outreach;
- A programme for the recording of all existing and new piles and pile caps within the site; and
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.'

#### **Reason**

To make provision for a programme of archaeological mitigation, so as to record and advance understanding of any heritage assets which will be lost, in accordance with the National Planning Policy Framework and Policy SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017. This is required pre-commencement given the potential impact of early-phase works.

### **Condition 9**

No development or demolition shall commence until a methodology for the undertaking of a feasibility study for the reuse of existing piled foundations in the area of block H (as referenced on plan 1803/004 P1) has been submitted to and approved by the local planning authority in writing. This shall include provision for pre- and post-demolition analysis. Subsequently no construction of Block H shall commence until the feasibility study has been submitted to and approved in writing by the Local Planning Authority.

#### **Reason**

To minimise impact to heritage assets of high significance by establishing the prospect for re-use of existing piled foundation or alternatively locating piles in areas of existing disturbance, in accordance with the NPPF and Policy SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017. This is required pre-commencement given the potential impact of early-phase works.

### **Condition 10**

No works below existing ground level shall commence until a detailed scheme showing the complete scope and arrangement of the foundation design and ground works of the proposed development (including pile type and methodology, drains and services, and for Block H shall take into consideration the results of the Feasibility Study approved under Condition 9) has been submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with the approved scheme.

**Reason**

The site may contain significant heritage assets. The Council requires that disturbance or damage by foundations and related works is minimised, and that archaeological remains are, where appropriate, preserved in situ in accordance with the National Planning Policy Framework and Policy SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017.

**Condition 11**

The viewing platform and chamber for the remains of the castle keep shall not be installed prior to the submission to and approval by the Local Planning Authority of details comprising;

- Scaled cross sections of the full chamber and platform to show the floor level of the chamber, drainage, ground level/glazing, and ventilation proposals;
- Details of proposed lighting, drainage and other services;
- Details of above-ground protection from vehicles and pedestrians as may be needed;
- A Management Plan for the platform and chamber;

The viewing platform and chamber shall be implemented in accordance with the approved details and shall be maintained in accordance with the approved Management Plan for the life of the development.

**Reason**

To make provision for the public appreciation of the heritage of the area while preserving it, in accordance with the NPPF and Policy SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017.

**Condition 12**

The viewing platform and chamber for the remains of the castle keep remains shall be implemented in accordance with the details approved under Condition 11 concurrently with the hard landscaping and completed prior to the occupation of the 190<sup>th</sup> dwelling unit (or to such other timetable as may be approved in writing by the Local Planning Authority).

**Reason**

To make provision for the public appreciation of the heritage of the area, in accordance with the NPPF and Policy SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017.

### **Condition 13**

Notwithstanding the approved plans the development shall be carried out in accordance with a form of historic interpretation of the site. This shall be implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of hard or soft landscaping works and those details shall include:

- Scaled drawings of any physical structures or facilities within the public realm;
- Details of the content of any display material;
- A timetable for implementation.

#### **Reason**

To make provision for the public appreciation of the heritage of the area, in accordance with the NPPF and Policy SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017.

## **DESIGN & HERITAGE**

### **Condition 14**

Notwithstanding the approved plans and details, no above ground construction of a building shall be commenced until details of all building facing materials and finishes for that building (including wall and roof materials, doors, windows, and rainwater goods) have been submitted to and approved in writing by the Local Planning Authority with a sample panel for the brick and external cladding material to be constructed on site for inspection. Development shall be carried out in accordance with the approved details.

#### **Reason**

To ensure that the materials and exterior building components are appropriate to their context and in the interests of protecting the character and appearance of the Conservation Areas and the special character of listed buildings and their setting, in accordance with Policies SD5 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017, and the National Planning Policy Framework.

### **Condition 15**

Notwithstanding the approved plans and details, no development shall take place other than site remediation, demolition or exploratory ground works until details of the surface material finishes for the highways, footpaths, cycle ways, parking areas, common areas, and all other hard surfaces have been submitted to and approved in writing by the Local Planning Authority. Details shall include a scaled layout plan denoting the finishes, features, and samples of the principal materials. Development shall be carried out in accordance with the approved details and maintained as such thereafter.

#### **Reason**

To ensure that the design and materials are appropriate to their context, in the interests of protecting the character and appearance of the Conservation Areas and

the setting of listed buildings, in accordance with Policies SD5 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017, and the National Planning Policy Framework.

#### **Condition 16**

Notwithstanding the approved plans and details, no development shall take place other than site remediation, demolition or exploratory ground works until details of street and open space furniture, external lighting, screen walls, fences/railings and other new means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Such details shall include scaled elevation drawings, site plans identifying their location, and materials. Development shall be carried out only in accordance with the approved details.

#### **Reason**

In the interests of privacy and security, and protecting the character and appearance of the Conservation Areas and the setting of listed buildings, in accordance with Policies SD5 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017, and the NPPF.

#### **Condition 17**

Notwithstanding the approved plans and details, no development shall commence on site other than site remediation, demolition or exploratory ground works until a soft landscape scheme has been submitted to and approved in writing by the local planning authority. The submitted design shall include scaled drawings and a written specification clearly describing the species, sizes, densities and planting numbers, and also include the omission of the tree proposed immediately to the west of Block A/B/C and the raised planters indicated on the submitted Softworks Strategy, and tree pit specifications for each proposed new tree that shall have regard to the need to protect buried heritage assets and also provide sufficient soil volume/ capacity to allow each tree to grow to maturity.

#### **Reason**

To ensure a satisfactory and well-planned development and to preserve and enhance the quality of the environment and heritage assets in accordance with Policies SD5 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017 and the NPPF.

#### **Condition 18**

The landscaping scheme approved under condition 17 shall be carried out concurrently with the development and shall be completed no later than the first planting season following the completion of the development. The planting shall be maintained for a period of 5 years. During this time any trees, shrubs or other plants which are removed, die, or are seriously damaged shall be replaced during the next planting season with others of similar size and species unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year maintenance period.

Reason

To ensure a satisfactory and well-planned development and to preserve and enhance the quality of the environment in accordance with Policy SD5 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017 and the NPPF.

**Condition 19**

No above ground construction shall commence until scaled elevation drawings of the external waste/recycling storage provision have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be implemented only in accordance with the approved details.

Reason

To ensure adequate provision for storage of waste and to preserve the character and appearance of the Conservation Area and the setting of listed buildings in accordance with Policies SD4 and SD8 of the Joint Core Strategy Adopted 2017 and the NPPF.

**Condition 20**

No building shall be occupied prior to the provision on site of the waste/recycling storage for that building.

Reason

To ensure sufficient supporting infrastructure in in place for residents and to preserve the appearance of the area in accordance with Policies SD4 and SD8 of the Joint Core Strategy Adopted 2017 and the NPPF.

**Condition 21**

No development shall take place other than site remediation, demolition or exploratory ground works until a strategy for incorporating energy efficiency measures into the development has been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved strategy.

Reason

To provide for energy efficiency balanced with the heritage constraints of the site, in accordance with Policies SD3 and SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017 and the NPPF.

**Condition 22**

No development shall take place until Waste Minimisation Strategies for the demolition/construction phase and the operational phase have been submitted to and approved in writing by the Local Planning Authority. The respective phases of development shall take place in accordance with the approved strategy for their full duration.



Reason

To reduce waste in accordance with Policy SD3 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017, Waste Minimisation in development projects SPD 2006 and the NPPF. This is required pre-commencement as a strategy is necessary to deal with demolition works.

## **ENVIRONMENTAL HEALTH**

### **Condition 23**

No above ground construction shall commence until details of noise mitigation measures for each residential unit have been submitted to and approved in writing by the Local Planning Authority. These details shall include the precise specification of the mitigation (façade specification, glazing specification, etc.) and a clear representation of the units and façades to which it applies. No unit for which measures are identified as being required shall be occupied until the approved measures have been implemented in full.

Reason

To deliver noise mitigation measures as shown to be necessary in the submitted application documents to create an acceptable living environment, in accordance with Policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017 and the NPPF.

### **Condition 24**

Where any part of the development is occupied for a Class A3, A4 or A5 use, no individual unit shall be opened to the public until extraction equipment has been installed to full working order for that unit in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. The details shall include the routing of any flue and shall have regard to the details submitted to the Local Planning Authority on 7<sup>th</sup> March 2018.

Reason

To secure an appropriate means of extract for cooking processes to protect the amenities of the area and secure minimal impact on the listed building in accordance with Policies SD8 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017 and the NPPF

### **Condition 25**

Prior to the installation of any fixed plant associated with the development, details shall be submitted to and approved in writing by the Local Planning Authority setting out how the maximum noise levels specified in Table 7.6 of the RSK Noise Impact Assessment 296762-00(03) March 2018 (received by the Local Planning Authority 19<sup>th</sup> February 2018) are to be achieved. Any mitigation measures shall be installed in full prior to the operation of any plant and the plant shall only be operated in accordance with the approved details.

#### Reason

To create an acceptable living environment, in accordance with Policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017 and the NPPF.

#### **Condition 26**

Prior to the commencement of the development a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. Development shall then be carried out in accordance with the approved CEMP. The CEMP shall include, though not necessarily be restricted to the following details:

- (a) A Traffic Management Plan incorporating the routing of construction traffic and details of heavy vehicle movement patterns.
- (b) Measures to minimise and control noise, vibration, dust and fumes during site preparation works, demolition and construction, including vehicle reversing alarms.
- (c) Details of the parking for all vehicles of site operatives and visitors.
- (d) The unloading and loading arrangements for heavy plant, materials and machinery and any proposed construction compound.
- (e) Measures to avoid traffic congestion on the road network

#### Reason

To safeguard the amenities of the area in accordance with Policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017 and the NPPF. This is required pre-commencement given the potential impacts of early-phase works.

#### **Condition 27**

Where any part of the development is occupied for a Class A2, A3, A4, A5, B1, D1 or D2 use, the loading and unloading of service and delivery vehicles to that use together with their arrival and departure from the site shall not take place outside the period between 0700hours and 1800hours on any day.

#### Reason

To safeguard the amenities of the area in accordance with Policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017 and the NPPF.

#### **Condition 28**

Where any part of the development is occupied for a Class A3, A4, A5, D1 or D2 use, that use shall not be open outside the period between 0800hours and 2300hours on any day.

#### Reason

In the interests of the amenities of the area in accordance with Policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017 and the NPPF.

**Condition 29**

No Class A2, A3, A4, A5, B1, D1 or D2 use shall commence until a Deliveries Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall demonstrate how the site is to be managed in such a way that vehicular and pedestrian movement is maintained during deliveries, include provisions to deal with pedestrian safety during the manoeuvring of delivery vehicles, provisions if the delivery vehicle is temporarily blocked from entering the site, and measures to minimise disturbance to local residents. Deliveries shall only be made to the site in accordance with the approved Deliveries Management Plan.

Reason

The Class A2, A3, A4, A5, B1, D1 and D2 are likely to necessitate delivery arrangements, within a constrained site. The condition is necessary in the interests of safety and amenity of the area, in accordance with Policies SD4, SD14 and INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017, and the NPPF.

**Condition 30**

Construction work and the delivery of materials shall be limited to the period between 0800hours and 1800hours Monday to Friday, 0800hours to 1300hours on Saturdays and for the avoidance of doubt no construction work or deliveries shall take place on Sundays or Bank Holidays.

Reason

To safeguard the amenities of the area in accordance with Policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017 and the NPPF.

**Condition 31**

No above-ground construction shall commence until details of measures to discourage seagulls from nesting and roosting on the building have been submitted to and approved in writing by the Local Planning Authority. The details shall accord with the Local Planning Authority's publication "Gulls: How to stop them nesting on your roof December 2005. The measures shall be implemented in full for each building prior to its first occupation.

Reason

In the interests of the appearance of the development and to avoid nuisance caused by nesting and roosting seagulls, in accordance with Policy SD5 of the Joint Core Strategy Adopted 2017 and the NPPF.

**Condition 32**

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 4 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until part 4 has been complied with in relation to that contamination.

## 1. Site Characterisation

Once buildings have been demolished and structures removed, supplementary site investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.

## 2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must accord with the provisions of the EPA 1990 in relation to the intended use of the land after remediation.

### 3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (elsewhere referred to as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

### 4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with part 3.

### 5. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.

### Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version Adopted 2017, and the NPPF.

## **DRAINAGE/FLOOD RISK**

**Condition 33**

The development hereby permitted shall not commence until full details for the disposal of surface water have been submitted to and approved in writing by the Local Planning Authority. The approved details submitted shall include proposals for the disposal of surface water in accordance with the principles of Sustainable Urban Drainage Systems (SUDS) and shall be implemented prior to the first occupation of the development and maintained thereafter for the life of the development.

**Reason**

To ensure that the development is provided with a satisfactory means of drainage, to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policies SD14 and INF2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017 and the NPPF. This is required pre-commencement given the facilities involve below ground works, on a large spatial extent and will intersect with archaeological remains so their arrangement needs to be agreed at the start to avoid any abortive works or other conflicts as a result of starting development.

**Condition 34**

The development shall not be occupied until a SuDS management and maintenance plan for the lifetime of the development (which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime) has been submitted to and approved in writing by the Local Planning Authority. The plan shall set out the access required to reach components for their maintenance, a plan for safe and sustainable removal and disposal of waste periodically arising, materials and standard of work required. The approved plan shall be implemented upon first occupation of the development and maintained for the lifetime of the development.

**Reason**

To ensure continued operation and maintenance of drainage features serving the site and to avoid flooding and pollution in accordance with Policies SD14 and INF2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017, and the NPPF.

**Condition 35**

The development shall not commence until full details for the disposal of foul water flows have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed to full working order prior to the first occupation of the development and maintained thereafter for the life of the development.

**Reason**

To ensure that the development is provided with a satisfactory means of drainage, and to minimise the risk of pollution in accordance with Policies SD14 and INF2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017, and the NPPF. This is required pre-commencement given the facilities involve below ground works, on a large spatial extent and will intersect with archaeological remains

so their arrangement needs to be agreed at the start to avoid any abortive works or other conflicts as a result of starting development.

### **Condition 36**

No development shall take place until an exceedance flow routing plan for surface water runoff flows above the 1 in 100 year plus 40% climate change event 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 open space (not private gardens or other spaces). A risk assessment may be required to determine adequate risk mitigation measures. When assessing the risks associated with conveyance routes or storage area for exceedance flows, flow depth, velocities, duration and impact of flooding to people and property on and off site should be taken into account. The approved plan shall subsequently be completed in accordance with the approved details before the development is first occupied and maintained for the lifetime of the development.

#### **Reason**

To ensure that the development is provided with a satisfactory means of drainage, and to ensure the development is safe for its lifetime, in accordance with Policy INF2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017, and the NPPF. This is required pre-commencement given the facilities involve ground works and will intersect with archaeological remains so their arrangement needs to be agreed at the start to avoid any abortive works or other conflicts as a result of starting development.

### **Condition 37**

The finished floor levels of buildings shall be set at least at the following levels respectively (by reference to the building codes set out on the Proposed Ground floor plan 1803/P/100 P4);

Block A (Main cell block) : 11.96m AOD

Block B (Main cell block) : 11.96m AOD

Block C (Chapel wing): 11.32m AOD

Block D (Gate house) : 11.32m AOD

Block E (Debtors prison) : 11.72m AOD

Block F (Governors House) : 12.45 – 12.75m AOD

Blocks G, H, J, K, L, M and N (new build) : 11.43m AOD

#### **Reason**

To demonstrate that the development will be safe for its lifetime, taking into account the vulnerability of users and to ensure that the development passes the Exception Test in line with the NPPF and Policy INF2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017.

### **Condition 38**

The development shall not be occupied until the compensatory flood storage works have been completed in accordance with the Floodplain Compensation Plan ref. 04-01 P4 (received by the Local Planning Authority 19<sup>th</sup> June 2017).

**Reason**

To ensure that the approved flood mitigation scheme is completed, in accordance with Policy INF2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017, and the NPPF.

**Condition 39**

The development shall not be occupied until a Flood Warning and Evacuation Plan has been put into place in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The Plan shall include (but is not limited to) proposals for flood warnings, signage (including proposed sign wording and sign locations) and emergency access/egress. The approved Plan shall be operated for the lifetime of the development.

**Reason**

To ensure that the development remains safe for its users over the lifetime of the development in accordance with Policy INF2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017, and the NPPF.

**ECOLOGY**

**Condition 40**

Bat and bird boxes/bricks shall be implemented in accordance with the details shown on plan ref. 1803/P/500 Rev. P1 'Proposed ecological enhancements' (received by the Local Planning Authority on 8<sup>th</sup> September 2017) and a specification of the exact provision to be submitted to and approved in writing by the Local Planning Authority and they shall be completed for each of Blocks H, J and K prior to first occupation of each respective block.

**Reason**

In accordance with the submitted details, to deliver ecological enhancement in accord with Policy SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017 JCS and the NPPF.

**Proposed additional Condition 41**

An information pack setting out the location and sensitivities of the Cotswold Beechwoods Special Area of Conservation and Severn Estuary Special Protection Area, Special Area of Conservation and Ramsar Site (Alney Island Nature Reserve), how to avoid negatively affecting them, alternative locations for recreational activities and off road cycling, and recommendations for dog owners for times of year dogs should be kept on lead when using sensitive sites (i.e. to avoid disturbance to nesting birds) shall be submitted to and approved in writing by the Local Planning Authority and thereafter two copies of the approved information pack shall be issued



to each new residential occupier prior to the occupation of each respective new dwelling hereby permitted.

Reason:

To ensure no adverse effects on the integrity of the Cotswolds Commons and Beechwoods SAC and the Severn Estuary SPA, SAC and Ramsar Site as a result of the development.

**Proposed additional Condition 42**

No works shall take place (including any demolition, ground works or vegetation clearance) until a Construction Ecological Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include, but is not limited to, the following:

- i. Risk assessment of potentially harmful construction activities including (but not limited to) impact of construction noise on Special Protection Area (SPA) birds (this shall be through evidence to demonstrate noise levels would not impact upon SPA birds or by specifying the timings of construction activities to avoid sensitive times of year for SPA birds);
- ii. Identification of biodiversity protection zones;
- iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- iv. The locations and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour after sunset);
- v. The times during construction when specialist ecological or environmental advisers need to be present on site to oversee works;
- vi. Responsible persons and lines of communication;
- vii. The role and responsibilities on site of an ecological clerk of works (ECoW) or similar person;
- viii. Use of protective fences, exclusion barriers and warning signs;
- ix. Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

Construction shall take place only in accordance with the approved CEMP.

Reason

To ensure no adverse effects on the integrity of the Cotswolds Commons and Beechwoods SAC and the Severn Estuary SPA, SAC and Ramsar Site as a result of the development.

**HIGHWAYS**

**Condition 43**

No development shall take place including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout

the construction period. The Statement shall:

- i. provide for the parking of vehicles of site operatives and visitors;
- ii. provide for the loading and unloading of plant and materials;
- iii. provide for the storage of plant and materials used in constructing the development;
- iv. provide for wheel washing facilities;
- v. measures to control the emission of dust and dirt during construction
- vi. details of a suitable vehicle access

#### Reason

To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance with the NPPF and Policy INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017. This is required pre-commencement given the potential impact of early-phase works.

#### **Condition 44**

No building shall be occupied until the carriageways (including surface water drainage/disposal, vehicular turning heads and street lighting) providing access from the nearest public highway to that building have been completed to at least binder course level and the footways to surface course level.

#### Reason

To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework and Policy INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017.

#### **Condition 45**

The development hereby permitted shall not be occupied until the cycle storage facilities have been made available for use in accordance with the submitted plan 1803/P/100 P4 Proposed ground floor plan (received by the Local Planning Authority on 28<sup>th</sup> March 2018) and those facilities shall be maintained for the duration of the development.

#### Reason

To ensure that adequate cycle parking is provided, to promote cycle use and to ensure that the opportunities for sustainable transport modes have been taken up in accordance with paragraph 32 of the NPPF and Policy INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017.

#### **Condition 46**

The buildings hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with the submitted plan 1803/P/100 P4 Proposed ground floor plan (received by the Local Planning Authority

on 28<sup>th</sup> March 2018), and those facilities shall be maintained available for those purposes thereafter.

**Reason**

To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the NPPF and Policy INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017.

**Condition 47**

Prior to the occupation of the development hereby permitted, the vehicular access shall be laid out and constructed in accordance with the submitted plan 2440-05 I Proposed Northern Access Arrangements (received by the Local Planning Authority on 28<sup>th</sup> March 2018), and shall be maintained thereafter.

**Reason**

To reduce potential highway impact by ensuring that a safe and secure access is laid out and constructed that minimises the conflict between traffic and cyclists and pedestrians in accordance with the NPPF and Policy INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017.

**Condition 48**

The development shall not be occupied until a pedestrian crossing point from the Gate House (Block D by reference to the building codes set out on the Proposed Ground floor plan 1803/P/100 P4) access to the north side of Barrack Square has been completed in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be maintained as such for the duration of the development.

**Reason**

To ensure that the opportunities for sustainable transport modes have been taken up and to provide safe and suitable access for all people in accordance with the National Planning Policy Framework and Policy INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017.

**Condition 49**

The Residential Travel Plan (by Phil Jones Associates referenced 1499B dated June 2017 and received by the Local Planning Authority on 19<sup>th</sup> June 2017 ) shall be implemented in accordance with the details and timetables therein, and shall be continued thereafter, unless otherwise agreed in writing by the Local Planning Authority.

**Reason**

To ensure that the opportunities for sustainable transport modes are taken up in accordance with the National Planning Policy Framework and Policy INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017.

**Condition 50**

Prior to the commencement of above-ground construction works, details of Electric Vehicle Charging Points to be provided, their locations and assignment of the charging points to each Block shall be submitted to and approved in writing by the Local Planning Authority. The respective works shall be carried out in accordance with the approved details prior to first occupation of each Block and thereafter retained in accordance with the approved details.

**Reason**

To minimise carbon dioxide emissions, in accordance with Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy.

Decision: .....

Notes: .....

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Person to contact: Adam Smith  
(Tel: 396702)