

# GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

Committee:	Planning
Date:	4 <sup>th</sup> August 2020
Address/Location:	Land Adjoining, Naas Lane Quedgeley Gloucester
Application No:	18/01228/OUT
Ward:	Quedgeley Fieldcourt
Expiry Date:	14.01.2019
Applicant:	A Smith
Proposal:	The erection of up-to 97 dwellings together with access from Naas Lane, provision of Green Infrastructure including surface water attenuation and play space and other related infrastructure including foul water pumping station and vehicular access to 2 Brooklyn Villas. Outline application means of access not reserved.
Report by:	Caroline Townley
Appendices:	Site Location Plan Illustrative Masterplan

## 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site has an area of 4.4 hectares and is located on the south eastern edge of Gloucester. To the east the site is bounded by the main Gloucester to Bristol railway line which runs north to south along a short section of elevated bank before crossing over Naas Lane to the northeast of the site. The north of the site is defined by Naas Lane and Dimore Brook. To the south west is the residential development at Hunts Grove and to the west are existing residential houses. The site is bounded by field hedgerows with an existing field gate into the site from Naas Lane and is a generally flat, undeveloped greenfield site. The application site also includes a thin strip of land extending north of Dimore brook running to Naas Lane between the car park for SMH Fleet Solutions and the Fosters Poultry site.
- 1.2 Vehicular access to the site is currently limited to a single field gate off Naas Lane. There are two unsurfaced Public Rights of Way that cross the site. Quedgeley Footpath 19 runs east to west adjacent to Dimore Brook and Quedgeley Footpath 20 which runs north to south through the site parallel to the railway line.
- 1.3 The current application seeks outline planning permission for the erection of up-to 97 dwellings, provision of Green Infrastructure including surface water attenuation and play space and other related infrastructure including foul water pumping station and vehicular access to 2 Brooklyn Villas.
- 1.4 It is proposed to provide a mix of dwelling types from 1 bed apartments to 5 bedroom houses with a variety of house types from detached and semi-detached housing to smaller groups of terraced houses. Of the 97 dwellings, 73 are proposed as open market with 24 units (25%) of the development proposed as affordable housing. Sustainable Urban Drainage Systems are proposed to provide both wet and dry attenuation.
- 1.5 All matters are reserved for future consideration with the exception of the means of access which is proposed from Naas Lane.

## 2.0 RELEVANT PLANNING HISTORY

No relevant history.

## 3.0 RELEVANT PLANNING POLICY

3.1 The following planning guidance and policies are relevant to the consideration of this application:

### 3.2 National guidance

National Planning Policy Framework (NPPF) and Planning Practice Guidance

### 3.3 Development Plan

#### Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted 11 December 2017)

Relevant policies from the JCS include: *Case officer to delete any policies that are not relevant:*

SP1 - The need for new development

SP2 – Distribution of new development

SD3 – Sustainable design and construction

SD4 – Design requirements

SD6 – Landscape

SD8 – Historic Environment

SD9 – Biodiversity and geodiversity

SD10 – Residential development

SD11 – Housing mix and standards

SD12 – Affordable housing

SD14 – Health and environmental quality

INF1 – Transport network

INF2 – Flood risk management

INF3 – Green Infrastructure

INF4 – Social and community Infrastructure

INF6 – Infrastructure delivery

INF7 – Developer contributions

### 3.4 City of Gloucester Local Plan (Adopted 14 September 1983)

The statutory Development Plan for Gloucester includes the partially saved 1983 City of Gloucester Local Plan. Paragraph 215 of the NPPF states that '*...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.'* The majority of the policies in the 1983 Local Plan are out-of-date and superseded by later planning policy including the NPPF and the Joint Core Strategy. None of the saved policies are relevant to the consideration of this application.

### 3.5 Emerging Development Plan

#### Gloucester City Plan

The Gloucester City Plan ("City Plan") will deliver the JCS at the local level and provide policies addressing local issues and opportunities in the City. The Pre-Submission version of the Gloucester City Plan (City Plan) was approved for publication and submission at the Council meeting held on 26 September 2019. On the basis of the stage of preparation that the plan has reached, and the consistency of its policies with the NPPF, the emerging policies of the plan can be afforded limited to moderate weight in accordance with paragraph 48 of the NPPF, subject to the extent to which there are unresolved objections to each individual policy (the less significant the unresolved objections, the greater the weight that may be given).

Relevant policies from the emerging Gloucester City Plan include:

- A1 – Effective and efficient use of land and buildings
- A2 – Affordable housing
- A6 – Accessible and adaptable homes
- C1 – Active design and accessibility
- D1 – Historic environment
- D3 – Recording and advancing understanding of heritage assets
- E2 – Biodiversity and geodiversity
- E5 – Green infrastructure: Building with nature
- E6 – Flooding, sustainable drainage, and wastewater
- E8 – Development affecting Cotswold Beechwoods Special Area of Conservation
- F1 – Materials and finishes
- F2 – Landscape and planting
- F3 – Community safety
- F4 – Gulls
- F6 – Nationally described space standards
- G1 – Sustainable transport
- G2 – Charging infrastructure for electric vehicles

### 3.6

#### **Other Planning Policy Documents**

##### **Gloucester Local Plan, Second Stage Deposit 2002**

Regard is also had to the 2002 Revised Deposit Draft Local Plan. This has been subjected to two comprehensive periods of public and stakeholder consultation and adopted by the Council for development control purposes. The following “day-to-day” development management policies, which are not of a strategic nature and broadly accord with the policies contained in the NPPF, should be given some weight:

- OS.2 – Public Open Space Standard for New Residential Development
- OS.3 – New housing and open space
- OS.7 – New areas of Public open space
- A.1 – New housing and allotments

### 3.7

#### **Supplementary Planning Guidance/Documents**

A Planning Brief for Land East of Waterwells Business Park (Interim Adoption SPD) was produced in 2009. This Planning Brief included the current application site together with land to the north and west and identified the wider site as being suitable for B1 employment use together a site for the Showman’s Guild. The allocation also stated that the City Council was prepared to consider the inclusion of a limited element of residential development if it could be shown that this was necessary as enabling development. The Planning Brief is a material consideration with limited weight. Whilst much of the site context and constraints remain accurate, the brief was written pre-NPPF and JCS adoption and contains references to abolished plans (RSS) and superseded policies.

All policies can be viewed at the relevant website address:- national policies:  
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>  
Gloucester City policies:  
<http://www.glos.gov.uk/resident/planning-and-building-control/planning-policy/Pages/current-planning-policy.aspx>

## 4.0 CONSULTATIONS

### 4.1 Highway Authority

The proposed means of vehicular access to the site is via a simple priority junction from Naas Lane and is considered to be acceptable.

Considerable negotiations have been undertaken with the Highway Authority to overcome initial concerns in relation to the site's integration into the existing walking network to ensure that opportunities are available to future occupants to travel sustainably. The applicant has proposed a series of new footway connections along Naas Lane, and to the west via the existing public rights of way network. The applicant has submitted drawings of the works to Naas Lane. These are considered to require additional detailing to confirm the final design including the provision of street lighting.

Additionally, the upgrading of public footpath EQU19 to the west of the site is considered key in terms of accessing the adjoining employment opportunities. While this route is outside the application site, a public right of way is defined as a highway and as such improvements can be made to it under a section 278 agreement with the Highway Authority.

Overall the Highway Authority has confirmed that following the implementation of the proposed footways, there will be an acceptable level of local walking and cycling facilities for the proposed development. This would include a good local provision of footway provision along key routes and quiet residential streets to the north and west of the development.

The applicant has submitted a travel plan, whilst this is welcomed it is not acceptable in its current form as it does not set targets for what modeshift it seeks to achieve. A condition is recommended to ensure a plan is submitted, agreed and implemented together with a bond and monitoring fee.

Matters of internal layout will be subject to consideration as part of a future reserved matters application

The Highway Authority recommends that no highway objection be raised subject to the inclusion of a number of conditions.

### 4.2 Highways England

Recommend that conditions be attached to any planning permission to prohibit any dwellings being occupied until the improvement schemes identified for J12 of the M5 and is open to traffic. Highways England has confirmed the B4008 / A38 Cross Keys Roundabout improvement scheme has now been completed and no condition is now required in relation to these works.

### 4.3 Public Rights of Way

The public right of way must not be built over or obstructed in any way. It appears that the public right of way should not be affected. The developer should contact the Public Rights of Way Team if the public cannot be kept safe or if the path is likely to be affected by building work.

### 4.4 Natural England

No objection subject to appropriate mitigation being secured to ensure that the development

would not:

- Have an adverse impact on the integrity of the Cotswold Beechwoods Special Area of Conservation; and
- Would not damage or destroy the interest features for which the Cotswold Commons and Beechwoods Site of Special Scientific Interest has been notified.

In order to mitigate these adverse effects and make the development acceptable, 40% of the site should comprise green infrastructure including public open space. It is advised that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

#### 4.5 **Landscape Adviser**

Raised a number of concerns on the originally submitted masterplan and Landscape Visual Impact Assessment in terms of detail. Specifically, the masterplan should be annotated to show:

- Additional tree and shrub planting within the POS and especially near to the proposed entrance to improve screening between users, the road and the proposed and existing housing.
- Planting to the rear of the visibility splays at the site entrance to mitigate for the loss of enclosure around the entrance and to provide wildlife habitat.
- The route of the footpath in the NW corner of the site within the 10m buffer zone should be left clear of planting and unsurfaced. The rest of the buffer zone should be planted with shrubs.
- The extent of permanent water should be shown and proposed aquatic vegetation described.
- Planting of gaps within boundary vegetation and relevant management proposals should be illustrated/described.
- Show a native hedge along the boundary between the potential new footpath/cycle link (between the Dinmore Brook and Naas Lane to the north) and the adjacent car park.
- Hedges should be shown around all large front gardens. Narrow front gardens (less than c.2.5m wide) should be entirely planted with garden shrubs. Single species blocks should be avoided. Off-road parking should be screened where possible by hedges or shrub beds. Views of visually exposed gables of buildings should be softened by the planting of trees where possible.

Updated information including an updated masterplan and Design and Access Statement has been submitted to address the concerns raised.

#### 4.6 **Arboriculturist**

The site is affected by a Tree Preservation Order (TPO). The protected trees are all proposed for retention on the illustrative masterplan. There is, however, a proposed turning head in close proximity to one of the trees and while it is acknowledged that this will need protecting further clarification of how close the root protection area (rpa) of the tree would be required before to ascertain whether it would be acceptable.

All trees to be retained will need protection in accordance with BS587:2012 and an arboricultural impact assessment to include a tree protection plan will be required.

There is an opportunity to enhance tree cover across the site and the proposed orchard and full details of new tree planting will be required including species, sizes, pit planting specification.

A 50 metre section of mature hedgerow is proposed for removal and mitigation planting will be required.

#### 4.7 **Open Space and Playing Pitch Adviser**

Based on the City Council's adopted ratio 2.8 hectares per 1000 population there would be a requirement for 1.05 hectares of public open space (POS) for a development of 97 dwellings of the mix of unit size indicated on the masterplan.

The application proposed 1.75 hectares of Green Infrastructure (GI) on site, the majority of which appears to be accessible open space within the development site. It is important that any recreational open space is of a usable size and shape.

For a development of 97 units, the council's POS Supplementary Planning Guidance sets out guidance (for 50-100 dwellings) - that the development should provide a LEAP (Local Equipped area for Play) as well as a MUGA (Multi-Use Games Area) or equivalent.

There is no formal sports provision proposed on site, and the applicant has indicated that an off-site contribution would be provided. There are formal outdoor sports facilities nearby, that would benefit from capital improvements. A contribution towards off-site allotment provision is also indicated by the applicant.

The revised illustrative masterplan now includes both a MUGA and a LEAP with suitable buffers and some overlooking. Access to these facilities for those with disabilities should also be considered.

Overall, it is considered that the level of the proposed POS is acceptable, careful consideration will need to be given to the size, design, visual impact and access of the attenuation basins.

In terms of biodiversity and ecological enhancement, it is important to ensure that there is sufficient, suitable space left for the slow worms on the site. The retention of the perimeter vegetation 'corridors' will be helpful for the bat population, as will a carefully considered lighting scheme. Ensuring there are suitable planting mixes and locally appropriate species, including for any new orchard, meadow and wetland areas is also important.

#### 4.8 **Ecology Adviser**

No objection subject to conditions.

#### 4.9 **Contaminated Land Adviser**

The site consists of a large agricultural field currently laid to pasture. There are no buildings on the site and no evidence of previous site uses beyond agricultural use. There is a railway embankment on the eastern border of the site, off-site potentially contaminative features include a gravel pit and several buildings described as 'works' and an historic landfill site 131m to the north-west of the site.

Records indicate that the site is directly underlain by solid deposits of the Blue Lias Formation and Charmouth Mudstone Formation, classified as a Secondary (Undifferentiated) Aquifer. Given the agricultural use of the site Topsoil and residual soils derived from the underlying bedrock should be expected. There is a ditch recorded on site, there are no groundwater, surface or potable water abstractions with 2km of the site, it is not in a source protection zone or in a radon affected area.

The potential sources of contamination are identified as:

- Infilled surface ground workings (cuttings) associated with the railway on the eastern boundary of the site, therefore some made ground should be expected in this area.
- Current and previous off-site industrial uses
- Potential ground gas generation from the historic landfill site and gravel pit.

The submitted report suggests that a geotechnical investigation will be required to aid foundation design and recommends that a number of samples are taken from the investigation

and analysed for a standard suite of contaminants to clarify any potential risks. The investigation should assess the thickness of any Made Ground in the east of site. Installation of gas monitoring wells and gas monitoring should be undertaken given the potential for ground gas generation associated with the surface ground workings and the historic landfill site.

The report is an appropriate Phase 1 Desk Study and WRS concur with its recommendations for sampling to be carried out during geotechnical investigation. It is recommended that pesticides, herbicides and insecticides are included in the suite of contaminates as the history of agricultural practices on the site is unknown. Gas monitoring should be undertaken according to CIRIA 665.

No objection is raised subject the inclusion of a condition.

#### 4.10 **Drainage Adviser**

Having reviewed the FRA concurs that there is no significant risk of flooding at the site.

The proposed surface water discharge rates are considered to be acceptable. There appears to be adequate space for the proposed drainage basin and as such sections are not required at this stage but will be required at reserved matters/discharge of conditions.

The applicant should note that for detailed design purposes it is particularly important that SuDS attenuation basins are well designed and well-integrated. Basins should be as naturalistic as possible with varying side slopes (max 1 in 4). If they are to form part of public open space / play space, they should have good access (some shallower slopes). Low flows should be channelled within a shallow swale within the basin, so the basin is kept as accessible (dry) as possible for as much of the time as possible.

No objections subject to the conditions recommended by the LLFA.

#### 4.11 **Lead Local Flood Authority (LLFA)**

Information supplied with this application shows management of the surface water runoff from this site by SuDS is feasible.

The strategy, an attenuation based surface water drainage strategy, relying solely on a balancing pond, discounting the use of permeable paving, in order to establish the maximum attenuation required, is acceptable.

No objection subject to the inclusion of conditions to ensure the built drainage system will match this proposal I recommend.

#### 4.12 **Severn Trent Water**

No objection subject to the inclusion of conditions requiring the submission, approval and implementation of drainage plans for the disposal of foul and surface water.

#### 4.13 **City Centre Improvement Officer (Environmental Protection)**

An ambient noise survey was undertaken to assess the existing noise climate. Ground borne vibration was monitored close to the railway.

The report indicates that the guidelines of WHO and BS 8233 2014 are achievable through design, orientation and attenuation of the building structure. No in principle objection is raised subject to the inclusions of conditions.

#### 4.14 **City Archaeologist**

The archaeological evaluation has been completed. The investigation found no evidence for archaeological remains.

4.15

## Housing Strategy and Enabling Officer

There is substantial need for housing and in particular affordable housing in the City and County a whole. The applicant has proposed to provide 25% affordable housing based on a split of 75% rented and 25% shared ownership.

The applicant has proposed the following mix:

	1 bed	2 bed	3 bed	4 bed
<b>Offer (No).</b>	3	15	6	0
<b>Offer (%)</b>	12.5	62.5	25	0
<b>SHMA (%)</b>	38.7	21.6	22.2	17.5
<b>Rent SHMA (no.)</b>	7	4	4	3

The Strategic Housing Market Assessment (SHMA) sets out the size of units required to achieve a market balance over the plan period. The applicant has offered no 4 bedroom units and evidence is clear that there is a need for this type of accommodation. The mix needs to be varied to accommodate this need, the applicants also need to address the balance of 1 and 2 bedroom properties.

If the proportions set out in the SHMA are applied to the quantum of affordable housing proposed the required mix if units would be as follows:

	1 bed	2 bed	3 bed	4 bed
Rent	3	11	4	
Affordable Home Ownership	0	4	2	0
Total	3	15	6	4

The applicant needs to be aware of the issue of increase in open market values leading to Affordable Rents being higher than the Local Housing Allowance, in these circumstances the Council would expect the rents to be below the 80% level in order to ensure tenants in receipt of housing benefit can afford the homes. In relation to the required 4 bedroom homes the rents for these homes should be the equivalent of Social Rent. It would be expected to have clusters of no more than 6 to 8 Affordable Units in a cluster, subject to the quantum being delivered on the site and design requirements for example blocks of flats. A suitable clause within the S106 agreement will need to detail this requirement.

Given then the changing demographics of the City there is a need to address the needs of an aging population and other households living with disability it would be expected for a proportion of homes to meet category two of the building regulations discretionary standards in particular ground floor flats. It would also be expected that a minimum of 3% or 1 units whichever is the greater should be built to Building Regulations Category three standard

It is not known if any discussions have occurred with providers. This is of particular importance with regard to suitability of design and space standards to ensure the developer can contract on the homes once built, ensuring that the units are fit for purpose is a key element of ensuring the homes will be suitable affordable housing in perpetuity. The council has a list of preferred providers as part of the Joint Core Strategy Affordable Housing partnership and is recommended that the applicant approaches some or all of these Housing Associations Registered Providers to discuss the suitability of their proposals.

The applicant is encouraged to consider providing plots of custom or self-build market units.

With reference to design standards the City plan requires 50% of all dwellings to meet category 2 standard and 4% of the rented unit to meet Category 3 Wheelchair User Standard. The LHNA has considered this area in more detail than the SHMA and confirms that need exists in line with the above proportions which were indicated as achievable through the City plan viability work. In order to be compliant with both SD11 and SD4 of the JCS the above approach on adaptable and adapted housing needs to be achieved.

#### 4.16 **Urban Design Adviser**

No objection.

The Revised Design and Access Statement and illustrative masterplan shows a landscape led approach and the general structure of the masterplan is acceptable.

#### 4.17 **Planning Policy**

There is no policy objection and the supply of housing is welcomed. This site has been assessed through the SALA, (ref. EA03,) process as part of a larger parcel of land known as 'Land East of Waterwells Business Park'. The site was previously part of an employment allocation in the Second Deposit City of Gloucester Local Plan (2002) and was included in the City Plan Sites Consultation in 2013 as a development opportunity. However, due to changing circumstances with development both on the Gloucester fringe and in Stroud district the site was considered to be more suitable for residential use by the time of the 2017 City Plan consultation.

It is, however, still considered that the land to the north of the Victorian villas is suitable for employment use.

A planning brief for the site was produced in 2009. It is a material consideration with limited weight. Whilst much of the site context and constraints remain accurate, the brief was written pre-NPPF and JCS adoption and contains references to abolished plans and superseded policies.

The site is suitable and available for allocation but was not allocated in the 2019 draft. This was because (like the nearby Marconi Drive site), an application had been submitted and it was assumed that it would have been determined prior to the consultation.

#### 4.18 **Stroud District Council**

No objection subject to conditions.

The 97 houses would make a useful contribution to the City's 5 year supply.

Whilst the field is pleasant, views in and out are contained and impact will be localised. There are no outstanding features and so impact will be limited.

The southern hedge backs onto Hillside Park open space at Hunts Grove. There is an opportunity for footpath connections through the hedge line to this open space. The opportunity should be taken to reinforce the landscaping on the southern edge. The indicative masterplan shows housing just short of this boundary, and an area of open space, albeit long and narrow along this hedge line would be complimentary. The hedgerow should be reinforced with new planting. Pockets of hedgerow trees hawthorn/field maple would produce a naturalised soft edge to the new development, sympathising with the adjacent park at Hunts Grove.

#### 4.19 **Quedgeley Town Council**

Application numbers S.18/1947/OUT 160 dwellings, S.17/1446/FUL 118 dwellings, 17/01199/OUT 80 dwellings together with the application will add the inability of the infrastructure

to cope. Consideration must be given, as per policy INF6 of the Joint Core Strategy, to negotiate a CIL/S106 contribution to mitigate the on-going issues faced by residents. The roundabout at the junction with Rudloe Drive, Naas Lane, New Haven Road and Telford Way at peak times is backing up into the Kingsway estate in addition the M5 junction 12 continues to be problematic.

Seek an S106/CIL for the improvements required at Waterwells Sports Centre and Kingsway Sports Pavilion as per INF7 of the JCS.

4.20 **Hardwicke Parish Council**

Concerned about the traffic impact on residents as a result of the proposals.

4.21 **Waste Minimisation**

Consider that the submitted waste minimisation statement is broadly acceptable for an outline planning application subject to the inclusion of a condition.

5.0 **PUBLICITY AND REPRESENTATIONS**

5.1 Neighbouring properties were notified, press and site notices were published. Neighbours were re-notified following the receipt of additional supporting information and plans.

5.2 Four letters of objection raising the following issues:

- Speed of traffic on the bend is unfortunately a problem, view on the existing site will be a problem,
- Huntsgrove site is a problem for emergency services access and no on site bus service due to road layout and parking.
- No adjacent bus services.
- Due to car speeds unsafe to cycle there. Would encourage car use.
- Naas Lane railway bridge is subject to proposed closure to private vehicles if Whaddon is accessed.
- No building should be occurring that makes Naas Lane a main means of access for getting to and from home.
- Naas Lane is an existing cut-through for traffic to and from Kingsway, Quedgeley and Waterwells to avoid Cole Avenue, St Barnabas roundabout and the A38. Building more houses with the access in the bend where the road narrows to the railway bridge is a highway problem hence the very unusual highways objection.
- No one is going to provide finance to enlarge the single lane railway bridge, traffic lights should be considered for this bridge.
- On the other side of the railway there is the Taylor Wimpey Whaddon proposal which includes restricting private vehicle use of Naas Lane bridge and includes a site for the railway station.
- Applications should be reviewed geographically on the impact on adjacent areas not on their own merits.
- Have lived in our property adjoining the development for 40 years. The importance of living in a rural area is of utmost importance to my husband who is unwell. The disturbance / disruption and noise will have an adverse effect on his health and wellbeing.
- Very disturbed at the thought of the development.
- Loss of privacy. New houses will look directly over our property invading our personal living space for care/carers.
- Have major concerns about the increase in traffic.
- Impact on the environment.
- Object to landownership, over development, access, layout and details.
- Support a comprehensive scheme and proper development.
- Sewage pumping station within 20 metres of our home – there is a main sewer 50 metres away.

- Proposing linking up of footpaths between this development, Hunts Grove and Kingsway via our front garden and private drive.
- Continued theft of my family's life for over 20 years and our future.
- Continued destruction in the value of our home and ability to move on.
- Lack of ability to compare the market and reinsurance our home due to the balancing ponds.
- Question what the estate is going to be called as we are going to be swallowed up by it.
- There was a supplementary planning document which showed a masterplan for residential development which showed a masterplan for residential development which was held back and now deleted. We have been de-allocated, again stopping us from moving forward.
- Land east of Waterwells was allocated through local plans for 150 houses but is in fact 250 with the extras planned.
- Lack of highway infrastructure, a single access point for 150 houses into the estate on a very dangerous bend on Naas Lane.
- Four balancing ponds plus a brook all within 50 metres of our house, a real possibility of flooding.
- The private footpath (not cycle track) that serves our four properties from Naas Lane is a private drive and has belonged to the properties for 145 years. It is not a public one and definitely not a cycle track. Neither GCC nor Crest have any historical evidence to prove otherwise. Opening our private drive invites the whole world through our front garden, takes away our privacy and security.
- Multiple planning applications at Brooklyn Villas between 1994-2017 have been turned down due to increased movements along this track. Developers have been given permission to steal it from us and use this to link these developments together without our consent. It has been consistently said by GCC that it is not safe for additional traffic of any description.
- Continued attempt to take ownership of our private drive.
- Movement and hierarchy plan of the design and access statement on the recent Crest application shows our private track integrating with Hunts Grove and Kingsway and to improve cycle routes. This will make the track accessible to 7000 local houses.
- Due to the isolation of our property, now hidden behind industrial units and the track being some 400 metres long this is extremely isolated for my children to walk along alone and it is our only access due to the illegal caravans blocking the footpath to the east,
- Developers of the adjacent site now have planning permission to use our private drive to meet their planning obligations who is going to pay for the upkeep of our track due to the proposed massive increase in movements along it.
- Lack of access along our track has not stopped illegal dwellings. The current application includes a private spur to gain a new access. The illegal dwelling is not highlighted on the masterplan.
- The M5 junction 12 slip road is massively over used at peak times and extremely dangerous. This will not improve with the additional cars from this development and the cars from Hunts Grove. Traffic issues will be made worse by the failure to deliver the highway infrastructure that was part of the planning obligations for Hunts Grove. The local centre, shops and schools have been delayed so no services are available within walking distance.
- The spur from the 4<sup>th</sup> exit of Marconi Drive roundabout has been pointing at our home for over 15 years. The latest application proposes two more roads and footpaths pointing at our property.
- Potential for flooding with everything being drained into the ancient ditch to the front of our home. It is already showing alarmingly increased heights of water in the last few months from the redirecting of drainage across the entire site from Fleet solutions. Current application proposes another run-off pond meaning we will have water containment on three sides of our property with incorrect or misleading water calculations resulting in a massive flood risk for current homeowners and an insurance concern.

- Isolation, massive local under funding, totally inadequate highway infrastructure around this development. When leaving Waterwells to the east of the site along Naas Lane is an extremely dangerous stretch of road and rat run on a high-speed bend and proposed access, parking by employees and car transporters through residential; area and children's only access on their bicycles. Lack of school places both primary and particularly secondary, no shops, doctors, dentists, no comprehensive leisure facilities and nothing planned.
- Needs a comprehensive scheme with all relevant bodies to bring the area forward in a controlled manner that will work for everybody instead of chipping away at us, destroying our lives and finding ways to stop us moving forward.
- 2016/17 the supplementary planning document EA03 Land east of Waterwells 2009 has been scrapped and GCC have put a white paper and heritage asset protection order on our properties (EA03 Waterwells Site Assessment Report) but not our private drive, again stopping us moving forward but as we know there is no chance of that, as weak leadership and developers looking for maximum return with little to no outlay will always trump any existing settlements.
- Gloucester City Council are supposed to work for the local people and not multinational corporations who invest nothing and have no interest in this town other than profit, you are the very people who have constantly and consistently made our lives a misery and stolen 20years (which we can never get back) from my family and continue to manipulate our future on behalf of others.

5.3 The full content of all correspondence on this application can be viewed on:  
<http://www.goucester.gov.uk/resident/planning-and-building-control/Pages/public-access.aspx>

## 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 out-of-date.
- 6.4 It is considered that the main issues with regards to this application are as follows:
- Principle
  - Design, layout and landscaping
  - Affordable Housing
  - Open Space, Recreation, Education and Community Facilities
  - Traffic and transport
  - Residential amenity
  - Drainage and flood risk
  - Contaminated Land
  - Waste Minimisation
  - Economic considerations

- Education and libraries
- Planning obligations

**Principle**

- 6.5 The NPPF requires local planning authorities to demonstrate a 5 Year Housing Land Supply, with an appropriate buffer, against the relevant housing requirement. Footnote 7 to paragraph 11 of the NPPF 2018 indicates that policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites or where the Housing Delivery Test indicates that the delivery of housing was substantially below the housing requirement over the previous three years.
- 6.6 The JCS addresses housing supply and demand under Policies SP1 (The Need for New Development) and SP2 (Distribution of New Development) as well as within Part 7 (Monitoring and Review). Gloucester can demonstrate a five-year supply of deliverable housing sites with a 5% buffer (which is appropriate as the Council can demonstrate that it passes the housing delivery test as set out at paragraph 215 of the NPPF). The housing delivery test is now relevant and is passed. This positive housing land supply position means that the housing policies in the JCS can be given full weight.
- 6.7 For the period 2019/20 to 2023/24, based on the Liverpool Method (as endorsed by the JCS Inspector) and with a 5% buffer (as per the latest Housing Delivery Test results), Gloucester's supply is 5.4 years. This positive housing land supply position means that the housing policies in the Joint Core Strategy can be given full weight.
- 6.8 Policy SD10 of the JCS allows for infilling within the existing built up areas of the City Gloucester. The site is located on the edge of the City boundary, contained by the railway line to the east and the residential development in Stroud District (Hunts Grove) to the south. There is also existing residential development immediately to the west and employment land to the north. In terms of the broad principles of development, the site is therefore considered to be within the built up area, is in a sustainable location for residential use and would contribute to housing supply.
- 6.9 The principle of development is therefore considered to be acceptable in accordance with JCS Policy SD10, subject to assessment against other planning considerations in the remaining sections of this report.

***Design, Layout and Landscaping***

- 6.10 The NPPF states that new residential developments should be of high quality design, create attractive places to live, and respond to local character integrating into the local environment. Policy SD3 requires all developments to demonstrate how they contribute to the principles of sustainability, Policy SD4 sets out requirements for high quality design, Policy SD6 requires development to protect or enhance landscape character while Policy SD10 requires housing of an appropriate density, compatible with good design, the protection of heritage assets, local character and compatible with the road network. These design aspirations are also reflected in the emerging City Plan.
- 6.11 An illustrative masterplan has been submitted with the application to demonstrate that the site can satisfactorily accommodate the quantum of development. However, the design, external appearance, scale, layout and landscaping of the proposed development are all matters for future consideration at the reserved matters stage.
- 6.12 The illustrative masterplan shows a landscape led masterplan and the general structure is acceptable to the Urban Design Officer. Detailed comments raised by the Urban Design Officer in terms of the illustrative information on appearance and design principles and mix of units have been addressed in the revised Design and Access Statement.

- 6.13 The Council's Arboriculturist and Landscape Advisor have been consulted on the application and their detailed comments are set out above in section 4.0 of the report. The proposed access point and associated visibility splays will result in the loss of existing established vegetation and hedgerows on both sides of Naas Lane and this will require additional planting to help mitigate the overall impact.
- 6.14 Overall, it is not considered that there are any significant site constraints that would mean that a successful overall design for the number of units proposed could not be achieved on this site and it is appropriate for these issues to be considered at the reserved matters stage.

#### ***Affordable Housing***

- 6.15 The NPPF states that where local authorities have identified the need for affordable housing, policies should be set for meeting this need on site, unless off site provision or a financial contribution can be robustly justified. Policy SD12 of the JCS provides that a minimum of 20% affordable housing will be sought on sites of 11 or more dwellings in the Gloucester City administrative area. Policy A2 of the City Plan requires the provision of 25% affordable housing.
- 6.16 The provision should include a balanced mix of dwelling types, sizes and tenures to meet the identified needs of the area and to contribute to mixed communities and a balanced housing market.
- 6.17 The applicant has proposed 25% affordable housing in accordance with the policy requirements, which based on a scheme of 97 dwellings would equate to 24 affordable units. The applicant has indicated that the mix would comprise of three (13%) 1-bedroom units, fifteen (62%) 2-bedroom units and six (24%) 3-bedroom units of which 75% would be for affordable rent and 25% shared ownership.
- 6.18 The Strategic Housing Officer's comments are set out in detail above. Subject to securing an appropriate mix and tenure, together with restrictions to ensure appropriate clustering and design, the provision of affordable housing is considered acceptable.

#### ***Open Space and Recreation***

- 6.19 The NPPF provides that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities Policies INF3, INF4 and INF6 of the JCS require new residential developments to provide for any additional infrastructure and community facilities required to serve the proposed development. Policies OS.2, OS.3, and OS.7 of the 2002 Plan set out the council's requirements for open space.
- 6.20 Regulation 122 of the CIL Regulations sets out that infrastructure contributions can only be made under Section 106 agreements where they are a) necessary to make the development acceptable, b) directly related to the development and c) fairly and reasonably related in scale and kind to the development.
- 6.21 On-site requirements (whether they are delivered on or off site), and specific infrastructure requirements that can be robustly justified as necessary to make the development acceptable in planning terms (and otherwise the application would be refused without that infrastructure) will still be delivered via s106 obligations.
- 6.22 In respect of public open space, this is a policy requirement and thus can be secured via s106. The application proposes 40% of the site (1.75ha) as Green Infrastructure, the majority of which would comprise of accessible open space. The proposal also includes the provision of a LEAP (Local Equipped area for Play) and a MUGA (Multi-Use Games Area) within the site. The City Council's Public Open Space Advisor is satisfied that with good design these facilities should be able to be satisfactorily accommodated within the site in a manner that does not detract from the

natural and largely informal surroundings of the proposed public open space. There is no formal sports provision proposed within the site and the applicant has indicated that an off-site contribution would be provided. Based on 97 dwellings of the mix indicated in the application there would be a requirement for a contribution of £373,163.37 towards improvement of existing outdoor sports facilities in the area.

- 6.23 The Playing Pitch Strategy (PPS) and an associated Artificial Grass Pitch Strategy (AGS) were adopted in 2016. The strategies provide a framework for the City Council, its partners, key stakeholders, clubs, schools and the community to work together in making improvements to playing pitches and ancillary facilities. The Playing Pitch Strategy Delivery was last updated in February 2019 and identifies the need for additional full-sized 3G surface pitches. The undersupply was calculated using the Football Association 3G demand and supply model. The two priority projects for potential investment have been identified as Waterwells Sports Centre and Blackbridge Community Sports Hub. Each site was selected by local partners based on a rationale of good access, geographical spread and success. A section 106 contribution has recently been secured towards the provision of floodlights at the Waterwells site as part of the planning permission for residential development at Marconi Drive (ref. 17/00699/FUL).
- 6.24 There are several other sports/activity facilities within 2 km of the application site (within the Gloucester City Boundary), all of which would benefit from investment to upgrade and or expand existing facilities. These include Buckenham Sports Park (1100m from the centre of the application site), Kingsway Sports Ground (1200m), Manor Farm Open Space (1500m) and Field Court Open Space (2000m). There are also multiple other outdoor facilities up to 4km away (including Holmleigh Park, Blackbridge, The Oval, Tuffley Park, Randwick Park, Seventh Avenue).
- 6.25 The use of the formal sports contribution to improve any of the identified sites is considered reasonable to help mitigate the direct impact of the development and are considered to meet the tests for S106 contributions. Based on the priorities identified in the Playing Pitch Strategy Delivery report, the comments from the Town Council and proximity to the application site, it is recommended that the S106 contribution be prioritised towards improving the existing sports facilities at the Waterwells Sports Centre. If, however, the identified projects at the Waterwells Sports Centre do not proceed, it is recommended that the money be contributed to other projects to improve the sports provision in the locality.
- 6.26 The applicant has also offered a contribution towards off-site allotment provision.

#### ***Traffic and transport***

- 6.27 The NPPF requires that development proposals provide for safe and suitable access for all and that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Policy INF1 of the JCS requires safe and accessible connections to the transport network
- 6.28 The development site is located adjacent to Naas Lane, an unclassified and derestricted highway at the site frontage that provides access to industrial and agricultural land uses. It is subject to national speed limit and a weight restriction (<7.5 tonnes) to the south from a point approximately 275m north of the proposed access. Beyond this section, to the north, Naas Lane is subject to a speed limit of 30mph with no weight restrictions.
- 6.29 To the east of the proposed site access Naas lane narrows and is subject to various highway constraints, including a railway bridge approximately 180m to the east of the proposed site access and a pinch point on the highway in the vicinity of a farm located around 1.4km southwest of the proposed site access. These constrain the carriageway to single file traffic only and are managed informally between drivers; however intensified use by traffic would be a concern for the Highway Authority due to highway safety reasons.

### Walking and Cycling

- 6.30 A footway is available along the northern to eastern kerb of Naas Lane, from Swannington Drive to a point approximately 150m north of the proposed access (opposite the vehicle to a SMH Fleet Solutions' car storage area). The southern section of this footway from the primary access to SMH Fleet Solutions is newly constructed at a 1m width and with dropped kerbs/tactile crossings. The development proposals include a footway from the proposed site access along the western kerb, with a dropped kerb crossing to the existing footway on the eastern kerb. The primary access to SMH Fleet Solutions is located at the bend in Naas Lane circa 250m north of the proposed access. Footway provision at this access is not continuous, as pedestrians are required to cross over a small roundabout arrangement without a footway.
- 6.31 At Stephenson Drove, a shared cycle/footway develops on the southern kerb of Naas Lane extending towards and continuing along Stephenson Drive, Marconi Drive and Waterwells Drive. This is in addition to the footway on the northern side connecting to Swannington Drive and Naas Lane West.
- 6.32 Swannington Drive, Goose Bay Drive and Bulmer Avenue make up the most likely route to be used by future residents to access Kingsway Local Centre (i.e. Kingsway Community Centre). This is a route through newly constructed dwellings. The street setting in this estate is highly walkable and cycle-able, with suitable footways and raised table crossings provided throughout. Vehicle access is prohibited to Swannington Lane via Naas Lane, which results in lightly trafficked highways.
- 6.33 There are several Public Rights of Way (PRoW) available across and surrounding the development site. A PRoW runs north-south along the eastern site boundary, which provides connections over the M5 to the south and Naas Lane to the north. This is shown to be retained on the illustrative masterplan.
- 6.34 Another PRoW runs east-west to the north of the application site and has a spur from this towards Naas Lane. The submitted Transport Assessment states that the spur could be converted to a shared cycle/footway connection to Naas Lane and the east-west connection could be subject to surface improvements linking residential developments to the west. These improvements are discussed below under 'Proposed Pedestrian and Cycle Access'.
- Public Transport Accessibility
- 6.35 The nearest designated bus stops to the proposed development site are located on Waterwells Drive, within 1km walking distance of the proposed development. At the time of the Highway Authority's review and site visit no evidence was available that buses currently use these stops. No timetable or related information is publicly available about these stops. No services were observed to use these stops.
- 6.36 The nearest operating bus stops are located at the Waterwells Park and Ride site, circa 1.2km walking distance from the site. This is served by the 66, 66F and 66S services, which collectively provide public transport connections to Gloucester City Centre and Stroud approximately every 15-20 minutes. Waterwells P&R has vehicle and cycle parking and other amenities (e.g. waiting facilities) which could incentive use for trips to Gloucester City Centre.
- 6.37 Other bus services, including the 60, 3, 16A and 167 services are available from Bristol Road around 1.4km walking distance from the application site.
- 6.38 The nearest railway station is Gloucester which, located circa 6.5km to the north, is beyond acceptable or reasonable active travel distances. Gloucester Railway Station would be accessible via the bus services mentioned above.

6.39 Whilst public transport has its limitations given the availability of other choices in terms of walking and cycling, overall this is not considered to result in an objection that would warrant a refusal of planning permission on the grounds of sustainability.

## **Access**

### Vehicular Access

6.40 Vehicle access to the development site is proposed via a simple priority junction from Naas Lane. The access strategy for the proposed development is shown in Drawing 102-21292 Rev A, which shows that the access will be a new junction located between an existing farm access and water infrastructure on the southwestern side of Naas Lane.

6.41 At the proposed access, Naas Lane is a single carriageway rural road subject to the national speed limit (60mph). Naas Lane currently experiences between 260 and 300 vehicles per weekday peak hour, and around 1,900 vehicles per 12-hour weekday period (07:00-19:00). The width of the highway is 5.75m at the point of proposed access and can sustain two-way movements.

6.42 The personal injury accident (PIA) data has confirmed that two slight collisions have occurred on Naas Lane to the east of the proposed site access, however, these are not considered to be indicative of a highway safety issue at this location.

6.43 The TA indicates that the junction has been designed to Design Manual for Road and Bridges (DMRB) TD 42/95 standards. The Highways Technical Note has revised the access strategy for the correct daily traffic demand (538 vehicles) and acknowledges that this is above the threshold for the provision of a right-turn ghost island for this junction. The retention of the access as a simple priority junction has been justified based on the fact that the DMRB standards are designed for motorways and trunk roads and therefore not wholly applicable to Naas Lane as a rural single carriageway road with relatively low traffic volume and speeds.

6.44 The simple priority junction is further justified in safety terms through the demonstration of a 120m forward visibility for southbound traffic on Naas Lane, commensurate with the stated 85th percentile wet weather speeds. This means southbound traffic has an unobstructed view of traffic waiting to turn right into the site. The capacity of the junction has been demonstrated through the Junctions 9 modelling completed in the original TA submission. This modelling will not have changed materially. The absence of a right-turn ghost island is considered acceptable in capacity terms.

6.45 Based on Table 7/1 of DMRB 42/95, the derived 85th percentile wet-weather speed requires a y-distance of 120m (rounded up to nearest design speed, as is standard practice). This has been demonstrated on drawing no. 102-21292 within the highway boundary or land controlled by the Applicant. A tangential visibility splay and forward sight distances on the major and minor arms of the junction have been provided. An x-distance of 2.4m is considered to be acceptable given the residential nature of the development.

6.46 Swept Path Analysis (SPA) of the site access has been provided for a private car and a refuse vehicle. The SPA for a private vehicle demonstrates that two vehicles can use the junction simultaneously, with a minimum clearance of 0.3m. The SPA for the refuse vehicle demonstrates that a refuse vehicle can negotiate the junction, although this would not be possible with a car waiting at the give way line (which would be required to wait approximately 20m back to allow refuse vehicle ingress) owing to the refuse vehicle crossing the centre-line of the junction. The drawing also shows a minor over-run of the eastern kerb on Naas Lane.

### Proposed Pedestrian and Cycle Access

6.47 The proposal lies to the south east side of Quedgeley and whilst it is on the edge of the community a range of services, schools and employment opportunities fall within a short

distance. The site, however, needs to integrate into the existing walking network to ensure that opportunities are available for future occupants to travel sustainably. The applicant has proposed a series of new footway connections along Naas Lane and to the west via the public rights of way network. Whilst the applicant has submitted drawings of the works to Naas Lane, these are considered to be indicative and require additional detailing and therefore the Highway Authority has recommended a pre-commencement condition to confirm the final design including the provision of new street lighting.

- 6.48 Additionally, public footpath EQU19 to the west of the site is considered key in terms of accessing the adjoining employment opportunities. This route is outside of the application site, but a public right of way is defined as a highway and as such the improvement to the surface of the route is a qualitative improvement which will make it a more attractive route. While questions in terms of the ownership of this route have been raised by the occupants of the existing houses that front onto it, the Highway Authority has confirmed that improvements can be made to it under a Section 278 Agreement irrespective of its ownership. The applicant has submitted an indicative improvement scheme, although this needs to be reviewed and a Grampian condition is recommended to allow this to take place and any works implemented through a legal agreement with the Highway Authority.
- 6.49 The Highway Authority has confirmed that with the inclusion of these measures that the distances to key local amenities including schools, shop and employment are in compliance or come very close to compliance with guidance on acceptable walking distances and all destinations would be accessible by bicycle.

#### Travel Plan

- 6.50 The applicant has submitted a travel plan. Whilst this is welcomed, it is not acceptable in its current form as it does not set targets for what modal shift it seeks to achieve. A condition is recommended by the Highway Authority to ensure that a plan is submitted, approved and implemented. It is also recommended that a bond is deposited in the event of non-compliance together with the payment of a monitoring fee.

#### Internal Layout

- 6.51 Matters of the internal layout, vehicle and cycle parking will be subject to future consideration and can be satisfactorily dealt with at the reserved matters stage.

#### Strategic Road Network

- 6.52 Given the proximity of the site to the Strategic Road Network (SRN), Highways England has been consulted. Highways England are particularly interested on Junction 12 of the M5 which is situated to the south of the application site. Highways England predicts 33 two-way development trips (AM) and 30 (PM) would impact on M5 J12. Of these trips, the sensitive M5 southbound off-slip would receive 5 additional vehicle trips in the AM peak and 13 trips in the PM peak. All trips impacting on M5 J12 would also travel through the Cross Keys Roundabout, with an additional 5% traveling via the A38.

- 6.53 Highways England is aware of existing capacity issues at M5 J12, with recent surveys revealing vehicle queues on the M5 off-slips extending onto the mainline.
- 6.54 Modelling results show that without committed infrastructure, the development proposals would add to existing mainline queues predicted on both the northbound and south off-slips in 2021 resulting in significant congestion and unacceptable highway safety impacts. However, with the committed development and schemes in place, vehicle queues are not shown to extend beyond the M5 off-slips. The impact of proposed development on the strategic road network is therefore considered to be acceptable, subject to committed infrastructure being in place. As such, the committed improvement schemes already identified, would need to be in place before any proposed development traffic could be occupied. Highways England has therefore

recommended that suitable conditions are attached to any planning permission that may be granted to ensure that the development cannot be brought into use until such time as the necessary highway schemes are in place and open to traffic. This approach is consistent with Highways England's planning responses on other recent planning applications which place development trips on M5 J12.

### ***Residential amenity***

- 6.55 Paragraph 17 of the NPPF provides that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. This is reflected in Policy SD14 of the JCS which requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants.
- 6.56 There are existing residential properties immediately adjacent to the west of the application site and some concerns have been raised by the occupants of these existing houses in terms of the potential for overlooking their property. The illustrative masterplan indicates that an appropriate layout can be designed to ensure that there would no significant unacceptable overlooking or overbearing impacts. It is, however, recognised that the relationship between the site and the existing houses will be particularly sensitive and that there would be a significant change from the existing situation. Careful consideration will need to be given to this relationship at the reserved matters stage to ensure that any impact is minimised and an appropriate level of amenity to the occupiers of the existing properties is maintained.

- 6.57 The point of access to the site is in excess of 70 metres from the boundary of the closest existing residential boundary with intervening open space and balancing ponds indicated on the illustrative masterplan to help minimise any impact on the residents of the existing properties. It is accepted that the proposal will be likely to increase the use of the existing Public Right of Way to the front of the existing houses and this could have some impact on the existing residents. The level of impact is, however, considered to be limited and not significant enough to warrant a refusal of planning permission.

### **Noise**

- 6.58 An Ambient Noise Impact Assessment was submitted in support of the application to assess the existing noise climate on the site specifically that from the railway, motorway and neighbouring industrial uses and impact on the amenity of future occupants of dwellings on the application site. Ground borne vibration was also monitored close to the railway.
- 6.59 As a consequence of the existing soundscape the noise exposure on the open site is likely to exceed the WHO recommended level in gardens over about half of the site and some mitigation measures would be necessary to meet the WHO guidelines.
- 6.60 The report concluded that the guidelines of WHO and BS 8233 2014 are achievable through design, orientation and attenuation of the building structure. The future housing layout should incorporate set-off distances from the railway and provide a continuous block (including garages and garden walls) as far as practicable to face the railway and motorway. The illustrative masterplan has taken these measures into consideration. In addition, properly selected glazing configuration will be necessary to meet acceptable internal noise levels in bedroom at night.
- 6.61 The report has identified the level of sound reduction required to achieve the various guidelines and sets out recommendations to achieve the required protection. However, the design principles and methods in achieving the recommended noise levels will be a matter for detailed consideration at reserved matters stage.
- 6.62 The impact of noise from permanent industrial plant and equipment nearby to the proposed development has been assessed in accordance with guidelines in BS 4142: 2014. No additional mitigation measures have been identified for noise levels to be met on the proposed site for the

requirements of the various guidelines.

- 6.63 With regard to groundborne vibration, the maximum value of the peak particle velocity recorded was 3.88 mm/s at a distance of 5 m from the track. This value is a magnitude below the value where even cosmetic damage to a building may occur. Moreover, this value would attenuate by a significant amount at the distance of approx. 30m to the nearest house. Consequently, the likelihood of damage to residential buildings due to vibration of trains is very low. In terms of the Vibration Dose Value (VDV) the results show that measured levels are below the range associated with 'low probability of adverse comment' for both daytime and night-time.
- 6.64 Overall, it is considered that there are no overriding site constraints that would indicate that a scheme could not be designed so as to avoid unacceptable impact on the living conditions of the existing neighbouring or future residents and the application is considered acceptable in this regard. The City Centre Improvement Officer (Environmental Protection) has raised no objection to the application subject to the inclusion of conditions.

#### ***Drainage and flood risk***

- 6.65 The NPPF requires that development is directed to the areas at lowest risk of flooding, that new development should take the opportunities to reduce the causes or impacts of flooding, should not increase flood risk elsewhere and take account of climate change. Policy INF2 of the JCS reflects the NPPF, applying a risk based sequential approach, requiring new development to contribute to a reduction in flood risk and requiring the use of sustainable drainage systems.
- 6.66 The application is supported by a Flood Risk Assessment and Drainage Strategy (FRA) which states that the site is entirely in Flood Zone 1 (area at lowest risk of flooding) and concludes that the proposed development would not be at risk of flooding from all sources.
- 6.67 Information submitted with the application indicates that the management of surface water runoff from the site by SuDS is feasible with an attenuation based surface water strategy. The proposed surface water discharge rates are considered acceptable and the Drainage Advisor is satisfied that there is adequate space for drainage basins to be provided within the site and overall the drainage strategy is considered to be acceptable.
- 6.68 No objections have been received from the City Council's Drainage Advisor or Lead Local Flood Authority subject to the inclusion of conditions requiring the submission, approval and implementation of a detailed drainage strategy together with SuDS management and maintenance plan. It is therefore considered that the proposal accords with the requirements of Policy INF2 of the JCS and the relevant sections of the NPPF and is acceptable in this regard.

#### ***Ecology***

- 6.69 The NPPF requires development to minimise impacts on and provide net gains for biodiversity. Policy SD9 of the JCS similarly requires the protection and enhancement of biodiversity in the area. The emerging City Plan requires the conservation of biodiversity and providing net gains, and also policy E8 specifically restricting development that would be likely to lead directly or indirectly to an adverse effect on the integrity of the Cotswold Beechwoods Special Area of Conservation and the effects cannot be mitigated.

#### **Habitats Regulation Assessment**

- 6.70 European designated sites, such as Special Areas of Conservations (SAC), are afforded strict protection under the Conservation of Habitats and Species Regulation 2017 (The Habitats Regulations). Local Planning authorities have a legal obligation to undertake a formal assessment of the implications of any new plans or projects that may be capable of affecting the designated interest features of European Sites before deciding whether to permit an application to ascertain any adverse effects on the integrity of the protected site. The process by which this is assessed is known as a Habitats Regulations Assessment (HRA).

- 6.71 An Appropriate Assessment under Regulation 63 of the Conservation of Habitats & Species Regulations 2017 (as amended) has been undertaken by the City Council's Ecology Advisor. The Assessment acknowledged and welcomed that 40% of the site area will be dedicated to POS / Green Infrastructure and it is recommended that this is secured by condition. In addition, the submitted plans indicating the footpath connectivity and availability of public open space and recreational facilities in the area demonstrate sufficient locally accessible green space around the development, which in combination with 40% of the Site dedicated for POS/Green Infrastructure gives sufficient green space for the local population to avoid undue impacts on the SAC.
- 6.72 It is also recommended that every new home should receive documentation within the sales pack explaining the location and sensitivities of the SAC, how to avoid impacting them and recommending alternative locations for recreational activities such as off road cycling.
- 6.73 Overall it is concluded that sufficient information has been submitted in the report and plans to demonstrate that there should not be any adverse effects on the Cotswold Beechwood SAC. Natural England has been consulted and raised no objection subject to appropriate planning conditions or obligation being attached to any planning permission to secure the proposed mitigation measures.
- 6.74 The application is supported by an Ecological Assessment which includes the results of a site survey.
- 6.75 **Bats**  
Several large trees on site were identified as having potential to support roosting bats. These trees are within the site boundaries and are proposed to be retained. Bat activity surveys were carried out via walked transects and static recorders which identified that the northern, eastern and southern site boundaries were used by at least seven species of bats for commuting/foraging.
- 6.76 **Reptiles**  
A good population of slow worms was identified on site. The slow worms were found along the eastern and north-eastern boundaries. This area was identified as a shrub and tree belt in the Phase 1 Habitat Survey Plan (PEA), and a condition is recommended to ensure that this is retained as reptile habitat unless translocation off-site is proposed.
- 6.77 **Badgers**  
Surveys found no evidence of badgers using the site. The Ecologist has recommended precautionary working methods, and these would be included in a Construction Ecological Management Plan (CEcMP).
- 6.78 **Great Crested Newts**  
Habitat Suitability Index (HIS) assessments were undertaken of the nearby ponds. Following the result of "average" for pond 1 eDNA analysis was undertaken. The results came back as negative and no further surveys were considered to be necessary.
- 6.79 The Ecology Advisor has raised no objection to the application subject to the inclusion of appropriate conditions to secure the recommendations set out in the Ecological Appraisal and survey reports.
- Contaminated land**
- 6.80 The NPPF seeks to ensure that sites are suitable for the proposed use in respect of risks from contamination. Policy SD14 of the JCS requires that developments do not result in exposure to unacceptable risk from existing or potential sources of pollution and incorporate investigation

and remediation of any contamination.

- 6.81 A number of potential sources of contamination have been identified. The City Council's Contaminated Land Advisor has raised no objection subject to the inclusion of a condition.

#### ***Waste minimisation***

- 6.82 The County Council Waste Core Strategy requires a waste minimisation statement. Policy SD3 of the JCS requires major developments to be accompanied by a waste minimisation statement and expects development to incorporate the principles of waste minimisation.
- 6.83 The submitted waste minimisation statement is broadly acceptable for an outline planning application and no objection is raised subject to the inclusion of a condition.

#### ***Economic considerations***

- 6.84 The construction phase would support employment opportunities and therefore the proposal would have some economic benefit. Further, paragraph 3.1.9 of the JCS identifies that it is important to ensure that sufficient housing is made available to support the delivery of employment and job growth. In the context of the NPPF advice that 'significant weight should be placed on the need to support economic growth through the planning system', this adds some weight to the case for granting permission.

#### ***Education and Libraries***

- 6.85 JCS Policy INF6 relates directly to infrastructure delivery and states that any infrastructure requirements generated as a result of individual site proposals and/or having regard to cumulative impact, new development should be served and supported by adequate and appropriate on/off-site infrastructure and services. The Local Planning Authority will seek to secure appropriate infrastructure, which is necessary, directly related, and fairly and reasonably related to the scale and kind of the development proposal. JCS Policy INF7 states the arrangements for direct implementation or financial contributions towards the provision of infrastructure and services should be negotiated with developers before the grant of planning permission. Financial contributions will be sought through s106 and CIL mechanisms as appropriate.
- 6.86 Following consultation with the County Council, it has been advised that the proposed development would result in the need for the following education contributions to mitigate the impact of the development:

#### **Early Years (EY)/Pre-school**

- Gloucestershire County Council will require a full EY contribution of £439,148.10 to expand full year round, EY day-care provision in the Quedgeley South East Primary Planning Area. The data provided by the Education Authority indicates that the relevant population is significantly higher than the number of current places available.

#### **Primary**

- As the Quedgeley South East Planning Area is a new area with ongoing development, it is difficult to say which is the closest school as not all roads are built yet. The planning area includes Hunts Grove Primary Academy and Waterwells Primary Academy, which are likely to be the closest. Both are new schools which had phased openings in temporary buildings on host sites with limited entry. This phased opening explains why the data looks as if the schools aren't full – they do not open with all 420 places available on day one, they open from the bottom up with greater restrictions placed on the latter year groups. Hunts Grove also had delays with the developer provided new build.
- This planning area was also the site of the initial data collection for the Pupil Product Ratio (PPR) report, so GCC knows that pupil yields are high and have the data to support this; GCC knows the schools will be full and would need to look at the sites to determine

feasibility/suitability for expansion.

- The two adjacent planning areas are listed here as there is also very limited land availability in the area, which would be at a prohibitive market value to the LA.
- A total contribution of £600,169.07 will be required for primary school in the Quedgeley / Quedgeley South East Primary Planning Areas.

## **Secondary**

The two closest catchment secondary schools have both been recently expanded to accommodate existing growth; Severn Vale site will not be able to accommodate further expansion. GCC knows the planning area will be full from all of the primary aged children coming through from existing growth; therefore should GCC need to use the contribution towards provision at a new school, if the existing ones can't or the academies refuse to expand, it would be sensible if the contribution names the Gloucester Secondary Planning Area to allow some flexibility. A total contribution of 623,644.04 is required for Secondary (11-16) and for 16-18 provision.

- 6.87 In terms of libraries the County Council has advised that the scheme will generate additional need for Library resources. A contribution of £19,012 (based on the formula of £196 per dwelling) is therefore required to make this application acceptable in planning terms, in accordance with GCC Local Developer Guide (LDG). Paragraphs 93-97 explain the principles for securing contributions towards libraries and the specific purposes to which they will be put. In this case, the proposed development and increase in population will have an impact on resources at the local library, as set out in the LDG.

## ***Community Infrastructure Levy/Section 106 Obligations***

- 6.88 The community Infrastructure Levy (CIL) Regulations allow local authorities to raise fund from developers undertaking new building projects in their area. The regulations stipulate that, where planning applications are capable of being charges the levy, they must comply with the tests set out in the CIL regulations. These tests are as follows:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development: and
- Fairly and reasonable related in scale and kind to the development.

- 6.89 As a result of these Regulations, local authorities and applicants need to ensure that planning obligations are genuinely 'necessary' and 'directly related to the development.' As such, the Regulations restrict local authorities' ability to use Section 106 Agreements to fund generic infrastructure projects, unless the above tests are met. Where planning obligations do not meet the above tests and restrictions, it is 'unlawful' for those obligations to be taken into account when determining an application.

- 6.90 This is reflected in Policy INF6 of the JCS which provides that where the need for additional infrastructure and services is expected, the local planning authority will seek to secure appropriate infrastructure, which is necessary, directly related, and fairly and reasonably related to the scale and kind of the development proposal. Similarly, a Section 106 agreement is the mechanism for providing affordable housing in compliance with Policy SD12.

- 6.91 Infrastructure requirements specifically related to the impact of the development will continue to be secured via a Section 106 agreement. Requests have been made from consultees to secure the following contributions:

6.92 **Affordable housing**

As set out above the proposal for affordable housing is: 25% of the total number of units with a tenure mix of 75% affordable rented units and 25% shared ownership units.

6.93 **Open space**

As set out above the proposal for open space is to provide 40% of the site area for Green Infrastructure with a minimum of 1.05 ha of on-site Public Open Space to include a LEAP and MUGA. A financial contribution will be paid towards off-site formal sports provision and the provision of allotments.

6.94 ***Libraries***

A contribution of £19,490 is proposed to library provision, specifically towards additional library resources.

6.95 ***Education***

A contribution of £439,148.10 is proposed for early years provision and £600,169.07 towards primary provision in the Quedgeley South East Primary Planning Area. A contribution of £623,644.04 is proposed for secondary school provision, specifically towards the provision of additional places within the Gloucester Secondary Planning Area.

6.96 The applicant has agreed to the above contributions which will be delivered via a Section 106 agreement. It is considered that these contributions comply with NPPF requirements and CIL Regulations and would mitigate the impacts of the development. Therefore, it is considered that the proposed development makes adequate provision for infrastructure and affordable housing in accordance with Policies INF3, INF4, INF6 and SD12 of the JCS

***Overall Balancing Exercise and Conclusion***

6.97 Section 38(6) of the Town and Country Planning Act 1990 provides that, if regard is to be had to the development plan, the determination must be made in accordance with the development plan unless other material circumstances indicate otherwise. Section 70(2) of the Act provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application.

The application has been considered in the context of the policies and guidance referred to above.

**Benefits**

6.98 The proposed development would result in social benefits arising from the provision of housing and funding for the enhancement of existing outdoor facilities in the area which are given some weight in the overall planning balance. The proposal would provide for a policy compliant number of 24 affordable units which is given significant weight due to the affordable housing needs of the City.

6.99 The proposal would also result in economic benefits during and post construction. The proposal could also result in some ecological benefits subject to securing the mitigation measures set out in the Ecological Assessment.

**Harms**

6.100 The application site is a greenfield site located at the edge of the built up area of the city and would result in the loss of sections of existing hedgerow and would have some impact on the occupiers of the neighbouring residential properties.

**Neutral Impacts**

6.101 Whilst the application is in outline with all matters reserved for future consideration, with the exception of the means of access, the supporting Design & Access Statement and illustrative site layout demonstrates that the proposed quantum of development could be accommodated on the site in an acceptable manner. The illustrative layout does not raise any significant residential amenity issues in terms of loss of light and privacy. Furthermore, subject to S106 obligations, conditions and consideration of the reserved matters, the development would not be at an unacceptable risk of flooding and appropriate drainage infrastructure can be provided. The

proposal would not harm the setting of any designated heritage assets and there would be an acceptable impact on terms of archaeology. The proposal would be served by a safe and suitable access and the residual cumulative impact on the highway network would not be severe. There would be an inevitable impact on the landscape by virtue of building on a greenfield site. However, the impact is not considered to be unduly harmful and can be mitigated by additional planting. The proposal would also be acceptable in terms of its impact on biodiversity.

### **Conclusion**

6.102 In light of the above, on balance, it is considered that the principle of development proposed by this outline application is acceptable.

## **7.0 RECOMMENDATION OF THE CITY GROWTH AND DELIVERY MANAGER**

7.1 That the grant of outline planning permission **is delegated** to the Business Transformation Manager (Planning) subject to the conditions below and the completion of a Section 106 agreement to secure the following:

- 25% of the total number of dwellings with a tenure mix of 75% affordable rented units and 25% shared ownership units;
- The establishment, funding, operations and responsibilities of a Management Company to manage the Public Open Space.
- A minimum of 1.05ha of on-site POS to include the provision of a LEAP and MUGA.
- A contribution of £373,163.37 for formal sports, for the improvement of existing outdoor facilities in the area, as detailed in paragraph 6.25 above.
- A contribution of £349.60 per dwelling as an off-site contribution towards additional allotment provision at Netheridge.
- A total contribution of £1,663,561.21 for towards education
- A contribution of £19,012 towards libraries
- A Travel Plan Bond Contribution of £35,550 and associated monitoring fee of £5,000.

### **Condition 1**

(a) approval of the details of the siting, design and external appearance of the building, and the landscaping of the site (hereinafter called the "reserved matters") shall be obtained from the City Council.

(b) application for approval of the reserved matters shall be made to the City Council before the expiration of 3 years from the date of this decision.

### **Reason**

Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

### **Condition 2**

The development hereby permitted shall be begun on or before the expiration of three years of the date of this decision, or 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

### **Reason**

Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

### **Condition 3**

This outline planning permission relates solely to the description of the development as set out in the Planning Application and development shall be undertaken in accordance with the submitted details, including the following documents and plans:

- Red Line Boundary – Drawing No. 241-P-011
- The principles set down in the revised Design and Access Statement prepared by Urban

Wilderness dated April 2019.

**Reason**

To define the terms of the outline permission

**Condition 4**

The first application for the approval of reserved matters (and any subsequent reserved matters application) shall include a detailed plan, showing the levels of the existing site, the proposed levels of the site, the proposed slab levels of the dwellings approved and a datum point outside of the site. Development shall be carried out in accordance with the approved details.

**Reason**

In order to define the permission and ensure that the development is of a scale and height appropriate to the site in accordance with Joint Core Strategy Policies SD10 & SD14.

**Condition 5**

Any application for the approval of reserved matters which includes details of the siting of any dwelling shall be accompanied by a noise assessment and, a scheme of noise attenuation measures to protect the dwelling units (internal/external amenity space). Any noise mitigation measures so identified shall be implemented prior to the first occupation of the dwellings so affected and shall be retained for the lifetime of the use.

**Reason**

To safeguard the future occupiers of the dwellings and amenity of the area in accordance with Policy SD4 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017).

**Condition 6**

The first application for the approval of reserved matters shall include a Green Infrastructure parameters and safeguarding scheme, to be agreed in writing by the Local Planning Authority and thereafter the development shall be carried out in accordance with the approved scheme with a minimum of 40% of the site area designated to public open space and green infrastructure.

**Reason**

In accordance with the principles of good design and the incorporation of biodiversity in and around developments as required in the NPPF, SD10 & INF4 of the JCS, to preserve protected habitats and to ensure no adverse effects on the integrity of the Cotswolds Beechwoods SAC and the Severn Estuary SPA, SAC and Ramsar Site as a result of the development in accordance with the Habitats Regulations 2017 and policy SD9 of the Joint Core Strategy.

**Strategic Highway Mitigation**

**Condition 7**

No dwelling shall be occupied until the improvement scheme identified for M5 Junction 12, as shown in the Phil Jones Associates Drawing ref: 02644-01-1 Rev B titled 'M5 Junction 12 Interim Mitigation Scheme – General Overall Layout' , or any subsequent scheme approved by Highways England, has been completed and is open to traffic.

**Reason**

To off-set development traffic impacts at M5 J12. To ensure the safe and efficient operation of the Strategic Road Network.

**Drainage**

### **Condition 8**

The first application for approved matters shall include a detailed drainage strategy, this should be in accordance with the principles set out in the approved Drainage Strategy Report (Report No. 11093/01A). The strategy must include detailed design and a timetable for its implementation. The strategy must demonstrate the technical feasibility/viability of the drainage system through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the life time of the development.

### **Reason**

To ensure the development is provided with a satisfactory means of drainage preventing the risk of flooding.

### **Condition 9**

No dwelling shall 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 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 10**

The development hereby permitted shall not commence until a scheme for the disposal of foul water shall has been submitted to an approved in writing by the local planning authority. No dwelling shall be occupied until that part of the foul water drainage scheme which provide drainage to it has been constructed in accordance with the approved plans.

### **Reason**

To ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

### **Contaminated land**

### **Condition 11**

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 A to D 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 D has been complied with in relation to that contamination.

### **A. Site Characterisation**

An 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,
- archaeological 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*'.

## **B. 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.

## **C. 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 (referred to in PPS23 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.

## **D. 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 condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 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 condition 3.

## **E. Long Term Monitoring and Maintenance**

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over an appropriate time period, 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*

**Reason**

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to control 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.

**Ecology**

**Condition 12**

A minimum 10 metre un-lit and vegetated no development buffer shall be retained along the eastern, north-eastern (except for access) and southern boundaries and a minimum 5 metre low light (<1 lux), vegetated no development buffer shall be retained along the western boundary to protect foraging/commuting bats and other wildlife. A 10 metre no development buffer shall also be retained along the brook. (In accordance with the Preliminary Ecological Appraisal with Preliminary Roosting Assessment, dated 30/4/2018, prepared by Focus Ecology Ltd and Bat Transect Survey Report, dated 28/9/2018, prepared by Focus Ecology Ltd).

**Reason**

To safeguard biodiversity as set out by the Habitats Regulations 2017, the Wildlife and Countryside Act 1981 (as amended).

**Condition 13**

The first application for the approval of reserved matters shall the submission of an external lighting strategy y. The strategy shall clearly demonstrate that lighting will not cause excessive light pollution or disturb or prevent bat species using key corridors, forage habitat features or accessing roost sites. The details shall include:

- i. A drawing showing sensitive areas and/or dark corridor safeguarding area;
- ii. Description, design or specification of external lighting to be installed including shields, cowls or blinds where appropriate;
- iii. A description of the luminosity of lights and their light colour;
- iv. A drawing(s) showing the location and where appropriate the elevation of the light fixings;
- v. Methods to control lighting control (e.g. timer operation, passive infrared sensor (PIR));

All external lighting shall be installed in accordance with the approved details and no other external lighting shall be installed.

**Reason**

To safeguard biodiversity as set out by the Habitats Regulations 2017, the Wildlife and Countryside Act 1981 (as amended).

**Condition 14**

The first application for the approval of reserved matters shall include a Landscape and Ecological Management Plan (LEcMP). The content of the LEcMP shall include, but not limited to the following:

- i. Description and evaluation of features to be managed.
- ii. Ecological trends and constraints on site that might influence management.
- iii. Aims and objectives of management including those in relation to dormice and bats.
- iv. Appropriate management options for achieving aims and objectives including

- v. appropriate enhancement measures.
- vi. Prescriptions for management actions.
- vi. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- vii. Details of the body or organisation responsible for implementation of the plan.
- viii. Legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer.
- ix. Ongoing monitoring and remedial measures.
- x. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEcMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details.

#### **Reason**

To safeguard biodiversity as set out by the Habitats Regulations 2017, the Wildlife and Countryside Act 1981 (as amended).

#### **Condition 15**

Notwithstanding the submitted details, no works shall take place (including demolition, ground works, vegetation clearance) until a Construction Ecological Management Plan (CEcMP) has been submitted to and approved in writing by the local planning authority. The CEcMP shall include, but not limited to the following:

- i. Risk assessment of potentially damaging construction activities.
- 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 ecological or environmental specialists 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.

The approved CEcMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

#### **Reason**

To safeguard biodiversity as set out by the Habitats Regulations 2017, the Wildlife and Countryside Act 1981 (as amended).

#### **Condition 16**

The first application for the approval of reserved matters shall include a detailed Reptile Mitigation Strategy and Management Plan, in accordance with the recommendation made in the Reptile Survey Report, dated 20/06/2018, published 23/10/2018, prepared by Focus Ecology Ltd. This may be included in the LEMP and CEcMP reports. The approved plan will be

implemented in accordance with the approved details.

#### **Reason**

To safeguard biodiversity as set out by the Habitats Regulations 2017, the Wildlife and Countryside Act 1981 (as amended).

#### **Condition 17**

No dwelling shall be occupied until, details of an A4 sized colour leaflet and its method of distribution to each dwelling upon that dwelling's particular occupation, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include but not be limited to:

- i. the location and sensitivities of the Cotswold Beechwoods SAC,
- ii. how to avoid negatively affecting it,
- iii. alternative locations for recreational activities and off-road cycling, and
- iv. signposting of longer circular walks,
- v. how copies of the leaflet will be circulated with homeowner sales packs, and
- vi. recommendations for dog owners for times of year dogs should be kept on lead when using sensitive sites.

The approved details shall be implemented unless agreed otherwise in writing by the Local Planning Authority.

#### **Reason**

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

#### **Condition 18**

The first reserved matters application submitted pursuant to Condition 1 shall be accompanied by a landscaping scheme. The submitted design shall include scaled drawings and a written specification clearly describing the species, sizes, densities, planting number of all trees, hedgerows and other landscaping features to be planted, the provision of root protection barriers, a specification of the details for the tree planting pits, the areas to be grassed and the treatment of any hard-surfaced areas. Drawings must include accurate details of all existing trees and hedgerows with their location, species, size, condition, any proposed tree surgery and an indication of which are to be retained and which are to be removed. No trees shall be planted within 5 metres of the watercourse.

#### **Reason**

To ensure a satisfactory and well-planned development and to preserve, enhance the quality of the environment and to enhance the biodiversity of the area. Landscaping also has the potential to impact on the integrity of the waterway and it is necessary to assess this and determine future maintenance responsibilities for the planting. Landscaping affects how the waterway is perceived and any trees within 5 metres of the waterway may have the potential to impact on the structural integrity of the waterway structure.

#### **Condition 19**

The landscaping scheme submitted in accordance with Condition 18 shall include a timetable for planting and maintenance schedules and shall be completed no later than the first planting season following the completion of the development. If within a period of five years from the date of planting any trees, shrubs or other plants, or any tree planted in replacement, are removed, uprooted, destroyed or die, or become, in the opinion of the Local Planning Authority, seriously damaged or defective, they 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.

#### **Condition 20**

Notwithstanding the submitted details, no development, shall be commenced on the site or machinery or material brought onto the site for the purpose of development until full details regarding adequate measures to protect trees have been submitted to and approved in writing by the Local Planning Authority. This shall include:

- (a) Fencing. Protective fencing must be installed around trees to be retained on site. The protective fencing design must be to specifications provided in BS5837:2012 or subsequent revisions, unless agreed in writing with the local planning authority. A scale plan must be submitted and approved in writing by the local planning authority accurately indicating the position of protective fencing. No development shall be commenced on site or machinery or material brought onto site until the approved protective fencing has been installed in the approved positions and this has been inspected on site and approved in writing by the Local Planning Authority. Such fencing shall be maintained during the course of development,
- (b) Tree Protection Zone (TPZ) The area around trees and hedgerows enclosed on site by protective fencing shall be deemed the TPZ. Excavations of any kind, alterations in soil levels, storage of any materials, soil, equipment, fuel, machinery or plant, siting of site compounds, latrines, vehicle parking and delivery areas, fires and any other activities liable to be harmful to trees and hedgerows are prohibited within the TPZ. The TPZ shall be maintained during the course of development.
- (c) Trees with bat roosting potential as identified in section 2.4 of the Preliminary Ecological Appraisal with Preliminary Roost Assessment, dated 30/4/2018, published 23/10/2018, prepared by Focus Ecology Ltd shall be retained and protected in accordance with BS5837:2012.

#### **Reason**

To ensure adequate protection to existing trees which are to be retained, in the interests of the character and amenities of the area.

#### **Condition 21**

The first reserved matters application submitted pursuant to Condition 1 shall be accompanied by details of a recycling strategy for the site that accords with the approved waste strategy for the site. Provision must include appropriate and adequate space to allow for the separate storage of recyclable waste materials. The reserved matters application for each phase shall include details of waste storage provision for that phase which shall in general accord with the approved recycling strategy and the development shall be carried out in accordance with the approved details.

#### **Reason**

To ensure the effective implementation of waste minimisation.

#### **Condition 22**

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 SD4 and SD14 of Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017).

**Condition 23**

During the construction period (including demolition and preparatory groundworks), no mobile plant or vehicles shall be operated on the site other than those with a "white noise" type reversing warning alarm system, or an alternative system submitted to and approved in writing by the Local Planning Authority.

**Reason**

To ensure that appropriate measures are in place prior to the commencement of development to protect the amenity of local residents.

**Condition 24**

No development shall commence on site (including demolition and preparatory groundworks), until a Dust Management Plan (DMP) has been submitted to and approved in writing by the Local Planning Authority. The DMP shall specify detailed measures relating to the minimisation and control of dust emissions from the groundworks/demolition/construction phases, in accordance with Guidance on the assessment of dust from demolition and construction - Institute of Air Quality Management (2014). The DMP shall specify mitigation measures in respect of minimisation and control of dust emissions from the proposed development site. The approved Plan shall be adhered to throughout the construction period.

**Reason**

To ensure that appropriate measures are in place prior to the commencement of development to protect the amenity of local residents.

**Highways****Condition 25**

No works shall commence on site on the development hereby permitted until detailed drawings of the following highway works have been submitted to and approved in writing by the Local Planning Authority:

- i) Pedestrian improvements including street lighting to Naas Lane as indicatively shown on drawing no. 114 "Site Access Strategy";
- ii) Vehicle Access as indicatively shown on drawing no. 100 Rev C;
- iii) Vehicle Priority System as indicatively shown on drawing no. 105 Rev A; and
- iv) Improvements to Public Right of Way EQU19 as indicatively shown on drawing no. 241-P-014

No dwelling shall be occupied until the works have been completed in accordance with the approved details and are open to the public. These highway works will thereafter be maintained for the lifetime of the development.

**Reason**

In the interest of highway safety and to ensure that all road works associated with the proposed development are planned; approved in good time (including any statutory processes); undertaken to a standard approved by the Local Planning Authority and are completed before occupation.

**Condition 26**

Prior to commencement of the development hereby permitted details of a construction

management plan or construction method statement shall be submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall include but not be restricted to:

- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Advisory routes for construction traffic;
- Any temporary access to the site;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud and dust being carried onto the highway; • Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles; and
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

#### **Reason**

In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development.

#### **Condition 27**

No dwelling hereby permitted shall be occupied until a Travel Plan comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use has been prepared, submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented, monitored and reviewed in accordance with the agreed Travel Plan Targets.

#### **Reason**

In order to deliver sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of public transport, walking & cycling.

#### **Condition 28**

Prior to the first occupation of any dwelling hereby approved, appropriate cabling and an outside electrical socket must be supplied for that dwelling to enable an outside electrical socket must be supplied for that dwelling to enable ease of installation of an electric vehicle charging point (houses with dedicated parking). For those parts of the development with unallocated parking i.e. flats/apartments 1 EV charging point per 10 spaces (as a minimum) should be provided to be operational at first occupation of the relevant dwelling. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and must be provided with a locking waterproof cover if located externally to the building. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging point(s) shall be of the same specification or a higher specification in terms of charging performance.

#### **Reason**

To promote sustainable travel and healthy communities.

#### **Condition 29**

The first reserved matters application for any given phase (or part phase) submitted pursuant to Condition 1 shall include the submission of a Housing Mix Statement to the Local Planning Authority for its written approval setting out, in respect of that phase, how an appropriate mix of dwelling sizes, types and tenures will be provided in order to contribute to a mixed and balanced housing market to address the needs of the local area, including the needs of older people, as set out in the local housing evidence base, including the most up-to-date Strategic

Housing Market Assessment for the area at the time of the submission of the relevant reserved matters. The development shall be implemented in accordance with the approved Housing Mix Statement for that phase (or part phase).

### **Reason**

To ensure an appropriate mix of dwellings in line with the identified need of the area to contribute to a mixed and balanced community and balanced housing market in accordance with Policy SD11 of the Adopted Joint Core Strategy (December 2017).

### **Notes**

#### **Note 1**

In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding. Detailed discussions and negotiations have been undertaken with the applicant in relation to the proposals, conditions and planning obligations.

#### **Note 2 (Works on the public highway)**

The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out.

Contact the Highway Authority's Legal Agreements Development Management Team at [highwaylegalagreements@gloucestershire.gov.uk](mailto:highwaylegalagreements@gloucestershire.gov.uk) allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Council's costs in undertaking the following actions:

- i. Drafting the Agreement
- ii. A Monitoring Fee
- iii. Approving the highway details
- iii. Inspecting the highway works

Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured, and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.

#### **Note 3 (Public Rights of Way)**

- 1) There is a public right of way running through the site, the applicant will be required to contact the PROW team to arrange for an official diversion, if the applicant cannot guarantee the safety of the path users during the construction phase then they must apply to the PROW department on 08000-514514 or [highways@gloucestershire.gov.uk](mailto:highways@gloucestershire.gov.uk) to arrange a temporary closure of the right of way for the duration of any works.
- 2) We advise you to seek your own independent legal advice on the use of the public right of way for vehicular traffic.
- 3) The site is traversed by a public right of way and this permission does not authorise additional use by motor vehicles, or obstruction, or diversion.

#### **Note 4 (Impact on the highway during construction)**

The development hereby approved, and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition

required). You are advised to contact the Highway Authorities Network Management Team at Network&TrafficManagement@gloucestershire.gov.uk before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.

#### **Note 5 (Construction Environmental Management Plan (CEMP))**

It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to "respecting the community" this says:

Constructors should give utmost consideration to their impact on neighbours and the public

- Informing, respecting and showing courtesy to those affected by the work;
- Minimising the impact of deliveries, parking and work on the public highway;
- Contributing to and supporting the local community and economy; and
- Working to create a positive and enduring impression and promoting the Code.

The CEMP should clearly identify how the principal contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues.

Contractors should ensure that courtesy boards are provided, and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties.

This does not offer any relief to obligations under existing Legislation.

**Person to Contact:** Caroline Townley (396780)



Planning Application: | 18/01228/OUT

Address: | Land Adjoining, Naas Lane  
Naas Lane Quedgeley  
Gloucester

Committee Date:

