

# GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

Committee:	Planning
Date:	2 <sup>nd</sup> March 2021
Address/Location:	Land at Secunda Way, Secunda Way, Gloucester
Application No:	19/01141/FUL
Ward:	Westgate
Expiry Date:	27.02.2020 (Agreed Extension of Time to 5 <sup>th</sup> March 2021)
Applicant:	Secunda Way Developments Ltd
Proposal:	Construction of 4 three-storey buildings comprising 36 apartments (33 x two bedroomed and 3 x one bedroomed) with associated car parking, bin/recycling, and cycle storage.
Report by:	Caroline Townley
Appendices:	Site location and site layout plans.

## 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site is located to the west of and with direct access to the site from Secunda Way. The site is bounded by the main road to the east, an open field to the south, playing fields to the west and light industrial development to the north. The area is predominantly suburban residential in character. The site is currently undeveloped scrub land and there are established trees along the southern and western boundaries, including the polar trees along the boundary to the playing fields to the west. There are modern two storey houses directly opposite the site to the east of Secunda Way. There is a low brick wall along the eastern boundary of the site.
- 1.3 The current application seeks full planning permission for the construction of 4 three-storey buildings to provide 33 no. two-bedroom and 3 no. one-bedroom apartments, with associated car parking, bin/recycling, cycle storage facilities and landscaping. The originally submitted scheme proposed a 100% affordable housing scheme, this has since been amended to a market housing scheme with 25% of the units offered for affordable housing.

## 2.0 RELEVANT PLANNING HISTORY

- 2.1 There have been no previous planning applications on the site. However, the site was allocated for Class B employment use in the Second Deposit City of Gloucester Local Plan (2002) and is allocated in the emerging City Plan (Policy SA22) for B Class Employment use.

## 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:

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  
B2 - Safeguarding employment sites and buildings

- D1 – Historic environment
- D2 – Non designated heritage assets
- 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:

- E.4 – Protecting Employment Land
- 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 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.gloucester.gov.uk/resident/planning-and-building-control/planning-policy/Pages/current-planning-policy.aspx>

### 4.0 **CONSULTATIONS**

#### 4.1 **Highway Authority**

The Highway Authority raise no highway objection subject to the inclusion of conditions.

#### 4.2 **Planning Policy Officer**

The site is a part of a proposed allocation for B Class employment uses in the emerging Gloucester City Plan. The site is proposed for allocation on the basis that:

- It has been considered as a potential employment site in the Strategic Assessment of Land Availability (SALA) process for a number of years.
- There is a demonstrative need for employment land in the City to meet the JCS requirements. Whilst land is also needed for housing, not every site is suitable for

residential development and a balance needs to be struck and it was considered that this site was best suited for employment use.

#### 4.3 **Economic Development**

The applicant has not provided satisfactory evidence to demonstrate that the site is unsuitable for employment use.

#### 4.4 **Housing Projects and Strategy Team Leader**

The applicant has offered a policy compliant level of affordable housing i.e. 9 homes out of 36 in total. Of the 36 homes 33 are two beds. The housing needs data both in terms of the Local Housing Needs Assessment and the Housing Register indicates a variety of housing need across the City.

The recently commenced phases G1 to G4 of the Quays of grant led affordable housing are delivering 78 x 2 bed homes for Affordable Housing, via Grant, alongside a range of other dwelling sizes. The Secunda Way proposal needs to offer a more varied mix in line with SD11. A number of developments adjacent to the site, at Monk Meadow have provided a range of dwelling type and sizes.

The housing needs data both in terms of the Local Housing Needs Assessment and the housing waiting list shows that a much more nuanced approach is required to assist the Council in meeting its housing needs. Families needing larger accommodation could wait for c. 10 years to access housing based on supply and demand in the City. The waiting list data shows c.50% of Gold Band need 1 bedroom. The recent "Everyone in" programme has seen a significant increase in the need for one bedroom accommodation. This is likely to continue to drive the need for permanent one bed move-on accommodation. It is this wide range of demand that highlights the disconnect between the application and the Cities Housing needs.

The applicants proposal for the site as a whole and the Affordable Housing policy compliant element of the housing needs fails to either to reflect the diversity of the demand for affordable homes in the City and even in relation to apartment led approach does not address the need for smaller accommodation for singles and couples. The Housing Projects and Strategy Team Leader therefore objects to the current application.

#### 4.5 **Landscape Adviser**

The amendments to the layout and planting are an improvement and the landscaping scheme is acceptable subject to conditions.

#### 4.6 **Arboriculturist**

As long as the construction activities adhere to the methodologies set out in the submitted report the tree damage to the Lombardy Poplars will be minimised.

Still concerned that the position of block D and having car parking spaces in such close proximity to the trees is not desirable and will create problems in the future. However, the City Council does not own these trees and the liability and consequences will rest with the tree owners. If pressure leads to the owners wanting to fell them and the City Council places a Tree Protection Order on the trees, the liability could then pass to the City Council.

#### 4.7 **Ecology Adviser**

The site is described as providing moderately suitable conditions for roosting bats. Therefore, the retention of existing trees and hedgerows is recommended where possible. In addition, a lighting scheme and plan for the development will need to be submitted and approved prior to the first occupation. It is recommended that the lighting

plan is devised following consultation with the project ecologists.

The Ecology report details mitigation and enhancements for bats, reptiles, nesting birds, hedgehogs, and badgers. An Ecological Enhancement Plan (DEEP) for these species should be required by condition.

#### Habitats Regulations Assessment (HRA)

The applicant has stated that a sum of £3,600 will be offered for mitigation payments. This is welcomed and would resolve matters in relation to the HRA. The money should be allocated to ecological improvement works at Alney Island.

#### 4.8 **Natural England**

Without appropriate mitigation it is considered that the application would:

- Have an adverse effect on the integrity of the Cotswold Beechwoods Special Area of Conservation (SAC) and the Severn Estuary Special Protection Area (SPA).
- Damage or destroy the interest features for which Cotswold Common and Beechwoods Site of Special Scientific Interest has been notified.

No objection subject to appropriate mitigation measures identified in the submitted 'shadow' Habitats Regulation Assessment being secured. These mitigation measures comprise a developer contribution to habitat/management measures at Alney Island Local Nature Reserve (LNR) and provision of Homeowner Information Packs providing information on recreation including both opportunities for visits and sensitivities of local and designated sites.

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

Worcestershire Regulatory Services (WRS) have reviewed the application for potential contaminated. A phase 1 and 2 site investigation report was previously reviewed and agreed by WRS. An update has since been provided that states that there is a slight amendment in which a previously soft-landscaped area is to be hard-landscaping. Therefore, the pollutant linkage would be broken, and no further remediation would be required.

#### 4.10 **Drainage Adviser**

The proposed discharge rate (2 l/s) and associated attenuation volume are acceptable, and the provision of (tanked) permeable paving meets water quality requirements.

The LLFA has recommended appropriate conditions.

In terms of flood risk at the site, the LLFA has identified that the minor watercourse to the south should be investigated and is seeking a condition to ensure this happens.

The site levels look such that the site is not at significant fluvial flood risk from the Severn.

#### 4.11 **Environment Agency**

On the basis that the Flood Map shows a very small area of the north east corner of the site being in Flood Zone 2 the Agency has no bespoke comments to make and would treat this as a green cell, G6 in the local Flood Risk Standing Advice Matrix.

#### 4.12 **Lead Local Flood Authority**

The applicant has presented a drainage strategy with an approved point of discharge, that should not increase flood risk elsewhere and that incorporates climate change. There is, however, a risk that the site could flood from the watercourse located to the

south. The LLFA therefore raises no objection subject to the inclusion of conditions requiring the submission, approval, and implementation of a SuDS Strategy Document together with a survey showing the location of the ordinary watercourse to the south of the site.

#### 4.13 **Environmental Protection Adviser**

The submitted noise assessment appears satisfactory and predicts that with adherence to the recommended façade, roof construction, glazing and ventilation specifications, internal noise levels will achieve those recommended in BS8233:2014. External noise levels in the communal amenity areas are predicted to be below the upper acceptable limit and are acceptable.

No objection subject to the recommendations of the noise assessment relating to the façade, roof construction, glazing and ventilation being implemented.

#### 4.14 **City Archaeologist**

Trial trench evaluation of the site has revealed archaeological remains of uncertain date. Whilst undated these remains are likely, to be of medieval or earlier date. Given the relatively small sample provided by the trenching the City Archaeologist considers that similar archaeological remains may extend throughout the site and is concerned that the proposed development may damage or destroy heritage assets of archaeological interest. It is therefore recommended that a condition be imposed on any planning permission to allow for a programme of archaeological mitigation in the form of an excavation in advance of development.

#### 4.15 **Urban Design Adviser**

The layout of the buildings provides a good frontage to the main road and there is enough space for landscaping and tree planning around the scheme. The appearance of the buildings is in keeping with the surrounding area.

The appearance of the blocks is generally acceptable. The revised plans amending the proposed materials are acceptable and no objection is raised subject to the inclusion of a condition requiring the submission of and approval of external materials.

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

The development would generate the requirement to provide 0.29 ha of new public open space, or an off-site contribution of £150k (£102k for formal sport, £35k for formal play and £13k for general POS works).

#### 4.17 **Community Infrastructure**

The application has been assessed for impact on various Gloucestershire County infrastructure requirements in line with the "Local Developer Guide" (LDG) adopted 2014 and revised in 2016. The LDG is considered a material consideration in the determination of the impact of schemes on infrastructure. The assessment also takes consideration of CIL Regulations 2010 (as amended). It is considered that the site should provide a full contribution of £535,373.85 towards early years (pre-school), primary and secondary education to make the proposal acceptable.

The site will also generate an additional need for library resources and a contribution of £7,056 is required to make this application acceptable in planning terms.

#### 4.18 **Waste**

All waste facilities and bins would be supplied in the form of communal waste facilities. Following the completion of the site it will be assessed for health and safety for the installation of waste facilities and collections. There would need to be a damage

disclaimer for vehicle access over the private road to collect the waste facilities or waste facilities would need to be presented for collection. Car parking outside of the parking bays/poor parking (blocking access to bin stores for collection crews) has been experienced at other new flat blocks that have the bin store near to a car park.

#### 4.19 **County Minerals and Waste Policy**

The submitted Waste Minimisation Statement is welcomed. However, in support of good practice and to ensure effective policy implementation it is recommended that a condition is added to any planning permission requiring the submission, approval, and implementation of a detailed Site Waste Management Recycling Plan.

#### 4.20 **Civic Trust (to original plans)**

More negotiations needed. The land is scheduled for employment use. The proposed buildings are 'warehouse' in appearance in an area where the architecture has become mainly domestic in style. The fibre cement board cladding and plastic rainwater goods are unacceptable.

#### 4.21 **Wales and West Utilities**

Pipes owned by Wales and West in its role as a Licensed Gas Transporter are in the area and may be affected and at risk during construction works. Should planning permission be approved the promoter of these works should contact Wales and West Utilities directly to discuss its requirements in detail before any works commence on site. Should diversion works be required these will be fully chargeable. No building can take place over any plant, enclosures, or apparatus.

#### 4.22 **Fisher German on behalf of CHL-PS**

CLH Pipeline System have apparatus that will be affected by the proposals. No work or activity should be undertaken on the site without first contacting CLH-PS for advice and, if required, a Works Consent.

Landowners and third parties have a duty of care not to carry out any works that have the potential to damage CLH-PS apparatus. This duty of care applies even if the works themselves are more than 3 metres from the pipeline.

### 5.0 **PUBLICITY AND REPRESENTATIONS**

5.1 Neighbouring properties were notified, and press and site notices were published.

5.2 Two letters of objection have been received raising the following issues:

- Proposed properties seem very segregated from other parts of Hempsted.
- Proposed homes are only flats. Affordable homes should be integrated within the community. With the area being solely affordable homes and flats and segregated people who live here will be disadvantaged.
- Height of proposed flats will block out daily light from living space, bedroom, and garden to my ground floor maisonette opposite the site.
- Extra traffic, noise and light pollution will make daily living unbearable.
- Traffic along Secunda Way has tripled in the last 6.5 years.
- Cars coming from the lights at Quayside Way often race to filter into one land. Adding additional traffic to this is an accident waiting to happen.
- A medieval site was revealed which needs to be excavated.
- Very opposed to this development.

5.3 The full content of all correspondence on this application can be viewed on:

<http://www.gloucester.gov.uk/resident/planning-and-building-control/Pages/public-access.aspx>

## 6.0 OFFICER OPINION

### 6.1 *Legislative background*

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 and housing supply
- Loss of employment land
- Design, layout, and landscaping
- Affordable Housing
- Traffic and transport
- Residential amenity
- Drainage and flood risk
- Open Space, Recreation, Education and Community Facilities
- Economic considerations
- Planning obligations

### *Principle and Housing Supply*

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. 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).

6.6 The NPPF sets out that there will be a presumption in favour of Sustainable Development. For decision-taking this means: approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- I. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- II. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The NPPF (2019) clarifies that: 'out-of-date policies include, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer..).'

At the time of writing, the Council is not able to demonstrate a 5 year housing land supply.

6.7 For the purpose of this application and in the context of paragraph 11 of the NPPF (2019), including footnote 7, the 'tilted balance' is engaged. For decision making this means approving

development proposals unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The assessment of this and the wider balancing exercise is set out in the conclusion of the report.

### ***Loss of Employment Land***

- 6.8 Policy SD1 'Employment – except retail development' in the JCS primarily sets out the circumstances where employment development will be supported, rather than restrictions on the loss of employment land. It further identified that the district plans, which for Gloucester is the City Plan, will identify further site allocations for employment and an approach to safeguarding from the loss of employment land.
- 6.9 The application site currently comprises open land and it does not currently benefit from an allocation in the adopted development plan.
- 6.10 The application site was allocated for Class B employment use in the Second Deposit City of Gloucester Local Plan (2002). This policy has, however, now been superseded by policies in the JCS and is no longer relevant. The site is identified as a draft allocation for employment land (Class B) in the emerging City Plan (Policy SA22). This policy is subject to objects and can only be given limited weight at this stage of the plan making process. Policy B2 in the emerging Gloucester City Plan 'Safeguarding employment sites and buildings', sets out criteria that development proposals for existing employment land must satisfy if the proposal is for alternative development:
1. The site or premise is redundant or no longer fit for purpose or capable of meeting employment needs: and
  2. The proposal would not adversely impact on the continued use of adjacent employment uses: or
  3. The proposal would bring significant benefits to the local economy and/or community that would demonstrably outweigh the loss of employment land.
- 6.11 The supporting text to policy B2 states that in order to justify this criterion, clear evidence will be expected from the applicant, part of which could form a marketing appraisal, providing information such as the length of time the site has been actively marketed, any expressions of interest that have been received, for what uses, and why the site has not been progressed for employment uses. Equally the applicant could provide details of why it is considered that the site has not been acquired/leased.
- 6.12 Although policy B2 can only be given limited weight in the decision making process the applicant was asked to provide the information to address Policy B2 and provided the following information:
- A report to provide evidence of limited market demand for the site including details that the site had been marketed for approximately 13 months up to February 2019 when the site was purchased by the applicant.
  - A commercial report setting out that an analysis of the market requirements advising that good quality B1 light industrial users will be attracted to the motorway located business parks (Junctions 11a and 12 of the M5). Hempsted is a secondary area and the level of demand for land and units in the Hempsted area is highlighted by the modest take up of the serviced land at Spinnaker Park.
  - The site offers an inefficient site layout – the access and proportions will affect density.
  - Site/ground conditions will result in increased development costs.
  - Contamination – the previous use as a railway siding may have contamination implications.

Overall, the submitted report concludes that a standard B1 light industrial scheme on the site would not be financially viable and the most likely commercial users would be low employment and visually unattractive users such as container self-storage and car sales.

- 6.13 The City Growth and Delivery Manager has reviewed the information submitted and indicated that it would have been preferable to see a proper marketing report for the site with a proper assessment of how the site has been actively marketed for a period of at least 12 months and providing clear evidence of:
- The marketing media used to include an online presence as well as direct marketing of prospective investors.
  - A summary of offers received, and any interest shown.
  - A proper demand analysis including details of similar available sites in Gloucester, the asking price over the period and who or which investors are considering Gloucester at the moment.
  - A consideration of the types of commercial use that would suit this site.
  - It appears that the site was purchased but the applicant in 2019 and this should have provided adequate time to have undertaken a proper market testing of the site.
- 6.14 The applicant addresses the loss of potential employment land in their planning statement and questions the current status of the City Plan given its this stage of the plan-making process, and it is concludes that the site is 'unallocated vacant brownfield land'. Notwithstanding this, the applicant suggests that it is considered to comply with criterion (a) Policy B2 on the basis that, in the opinion of the applicant, the site is evidently 'redundant, or no longer fit for purpose or capable of meeting employment needs.'
- 6.15 The City Council would specifically seek evidence to demonstrate that the site has been on the market for an extended period of time but has attracted limited interest. The marketing was carried out by the previous owners of the site and therefore the applicant has stated that this information is not available. It is also understood that the site is not currently being marketed. Overall, the City Growth and Delivery and planning Policy Officers do not consider that the applicant has submitted satisfactory evidence to demonstrate that the site is unsuitable for employment use in accordance with policy B2 of the emerging City Plan.
- 6.16 As noted, policy B2 can only be given limited weight at this stage of the plan making process. The application site does not currently benefit from any specific land allocation within the adopted development plan. The site is open vacant land within the identified settlement boundary. Policy SD10 of the JCS allows for infilling within the existing built up areas of the City Gloucester. In terms of the broad principles of development, the site is within the built up area of the City, is in a sustainable location for residential use and would contribute to housing supply.
- 6.17 As the site is located within the built up area of the city, the principle of development is 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***

- 6.18 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.

- 6.19 The design of the proposed apartments would be arranged in four separate blocks, with three blocks fronting Secunda Way set back behind a boundary wall and a fourth “L” shaped block towards the rear of the site. The buildings would be arranged around a small central courtyard offering some limited on site amenity space to future residents. Vehicular access would be provided via the existing vehicular access at the northern end of the site, with two car parking courtyards proposed.
- 6.20 The proposed apartment blocks would be three storeys in height, with Blocks B and D having a lowered eaves with dormer windows to try and add some variety and interest to the built form.
- 6.21 The buildings have been designed in a traditional style, with tiled pitched roof and would use brick as the primary external material which would be in keeping with the existing houses opposite the site, with a fibre cement slate, dark grey uPVC fascia's, rainwater goods, windows, and doors. The originally submitted plans proposed the extensive use of cladding on one of the blocks which was considered to be unacceptable. Amended plans have since been received reducing the amount of cladding to Block B with additional brickwork proposed. The council's urban design officer has been notified of the amended proposal and has raised no objection to the application.
- 6.22 The layout of the buildings provides a good frontage to Secunda Way and provides space for landscaping and tree planting around the scheme. The mitigations measures would minimise any impact on the existing Lombardy Poplar trees, although the City Arboriculturist has raised concerns regarding the potential for future pressure to undertake works to or fell these trees. The appearance of the buildings would be in keeping with the surrounding area and in particular the residential development directly opposite the application site to the east of Secunda Way.
- 6.23 Overall, it is considered that the amended design and layout is acceptable subject to conditions to require the submission and approval of materials.

### ***Affordable Housing***

- 6.24 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. The supporting text at paragraph 4.13.6 explains that the policy reflects the viability of differing value areas that exist across the JCS, hence the requirement for a 40% contribution within Cheltenham and Tewkesbury but only a 20% contribution within Gloucester. However, bullet 10 of the Policy provides that the viability of the site may enable additional levels of affordable housing to be provided.
- 6.25 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.
- 6.26 In response to the outstanding objection the applicant has indicated that they will offer all the 1 bedroom units within the scheme as part of the allocated affordable homes. It is indicated that any further alterations to the scheme would significantly impact on the viability of the project, parking requirements and other design matters. In relation to the

wider SD11 comments, given the physical constraints of the site there would not be any scope to incorporate houses within the scheme.

- 6.27 Whilst it is accepted that the size of the site does not lend itself to family houses, it is regrettable that the applicant has not amended the mix of apartments and the Housing Projects and Strategy Team Leader maintains an objection to the application in relation to the mix of units proposed as set out in section 4.4. However, the development would make a contribution to the housing supply which is a benefit to be attributed significant positive weight at a time when the Council is unable to demonstrate a 5 year housing land supply. In these circumstances, on balance the overall benefits are considered to outweigh the concern regarding overall housing mix.

### ***Traffic and Transport***

- 6.28 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
- 6.29 The application site is located immediately to the east of Secunda Way and is proposed to be served by the existing point of access that forms a priority junction onto Secunda Way. A right turn holding land is currently present when accessing the site from Secunda Way. This enables right turning traffic to enter the site without blocking traffic travelling southbound along Secunda Way. A 'Keep Clear' junction marking is also present on the north bound lane. The access also serves the commercial premises to the north of the site. The access has no footways or street lighting and does not form part of the public highway.
- 6.30 It is proposed to construct a new 2m footway on the southern side of the access road to provide pedestrian access to the site from the existing shared footway/cycleway along Secunda Way. A second pedestrian access is proposed at the southern end of the site that would also connect to the existing shared footway/cycleway.
- 6.31 The Local Highway Authority has raised no objection to the application subject to the inclusion of a number of conditions.

### ***Residential amenity***

- 6.32 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.
- 6.33 There are existing residential properties to the east of the application road, however, these are separated by Secunda Way and as such it is not considered that the proposed flats would result in any significant loss of amenity to the occupiers of any existing residential properties.
- 6.34 The proposed apartments have been designed to comply with the minimum space standards. The impact on future occupiers of each apartment block has been considered through careful placement of windows to help avoid any unacceptable relationships between each apartment.

### **Noise**

- 6.35 A Noise Impact Assessment has been submitted in support of the application to assess the impact of the existing noise climate on the site, specifically from road traffic noise

and from the adjacent commercial immediately to the north of the application site.

- 6.36 The main noise source affecting the site is noise from road traffic along Secunda Way. A partially attended 24-hour noise monitoring exercise was undertaken on site commencing at 11.40 hours on Monday 17<sup>th</sup> June 2019.
- 6.37 The report concludes that noise mitigation measures would be required to meet the British Standard internal noise criteria in rooms. With the use of appropriate façade constructions and ventilation provisions, the predicted internal equivalent noise levels in habitable rooms due to external noise would be within the British Standard criteria for good conditions.
- 6.38 The City Council's Environmental Protection Adviser has raised no objections to the application subject to the inclusion of conditions to ensure the implementation of the measures identified in the supporting noise assessment.

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

- 6.39 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.

### Flood Risk

- 6.40 The applicant has shown that the site is at low risk of flooding from the River Severn, however, has not addressed the risk posed by the ordinary watercourse to the south of the site. A survey of the culvert beyond Secunda Way will be required to provide a better understanding of who is responsible of the culver blocks and the watercourse floods the site and would allow the County Council to make a more efficient response to rectify the position.

### Surface Water Management

- 6.41 Severn Trent Water has agreed that the surface water can be discharged into the combined sewer on Secunda way at a rate of 2l/s. This is on condition that a site investigation is carried out and infiltration tests show that infiltration is not a suitable option. The aforementioned watercourse is reportedly unsuitable due to ground levels.

### Drainage Strategy, indicative plan and climate change

- 6.42 Surface water will be stored in an underground tank prior to discharge and the applicant has provided Micro Drainage calculations that show the tank is capable of storing surface water for up to the 1 in 100 year rainfall event plus 40% for climate change. This value for climate change meets the latest Environment Agency guidance for this type of development.

Permeable paving would be used on the parking bays to help manage water quality.

### Maintenance

- 6.43 Maintenance will be carried out by a management company and a maintenance schedule has been provided.

### Exceedance flow paths

- 6.44 In rainfall events that exceed the design of the drainage network, the applicant has indicated that surface water will flow northwards following the general fall of the land before exiting the site onto Secunda Way.

- 6.45 The applicant has presented a drainage strategy with an approved point of discharge, that should not increase flood risk elsewhere and that incorporates climate change. There is, however, a risk that the site could flood from the watercourse located to the south. The Lead Local Flood Authority has raised no objection subject to the inclusion of conditions requiring the submission, approval, and implementation of a SuDS Strategy Document together with a survey showing the location of the ordinary watercourse to the south of the site.
- 6.46 No objection has been received from the Lead Local Flood Authority, the Environment Agency, or City Council's Drainage Adviser.

### ***Ecology***

- 6.47 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 a policy 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.
- 6.48 The application site is within a zone of influence around a European designated site and therefore has the potential to affect its interest features. The site also lies within 1km of the Alney Island Local Nature Reserve (LNR), which is functionally linked to the Secern Estuary Special Protection Area (SPA). The applicant has agreed to pay a contribution towards mitigation/management measures at Alney Island.

### **Site Specific**

- 6.49 The site is described as providing moderately suitable conditions for roosting bats. Existing hedgerows and trees should therefore be retained where possible and a lighting scheme will be necessary. This can be secured by condition.
- 6.50 The submitted Ecology Report recommends mitigation and enhancement for bats, reptiles, nesting birds, hedgehogs, and badgers. An Ecology Enhancement Plan will be required to expand on the Report's recommendations for mitigation and site wide enhancements for these species. This can also be adequately secured by condition.

### ***Contaminated land***

- 6.51 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.
- 6.52 A phase 1 and 2 site investigation report has been provided and following the submission of an update the City Council's contaminated land advisor has indicated that no further remediation is required.

### ***Waste minimisation***

- 6.53 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.
- 6.54 The submitted Waste Minimisation Statement is welcomed and it is recommended that a condition is added to any planning permission requiring the submission, approval, and implementation of a detailed Site Waste Management Recycling Plan.

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

- 6.55 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.
- 6.56 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.
- 6.57 The requirement for the provision of suitable public open space is a policy requirement. 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.
- 6.58 There is only very limited outdoor amenity space and landscaping proposed within the application site and no provision for any public open space. On this basis it is considered that the proposed contribution towards public open space should be used to upgrade open space facilities which are local and accessible for the new residents. Hempsted Recreation Ground is immediately adjacent to the development site and is considered to be the preferred location for using any open space funding secured from the development.
- 6.59 The Recreation Ground has a recently upgraded play area, and there are plans to supplement this with further improvements, some of which are set out below, along with an estimate of overall cost. It is considered that the contributions would be in compliance with CIL Regulation 122 requiring that they are directly related to the development, they are necessary to make the development acceptable in planning terms and they are fairly and reasonably related in scale and kind to the development.
- Part contribution towards new outdoor gym equipment/fitness area (estimated total cost, including installation and surfacing - £45k).
  - Part contribution towards updating general park infrastructure, including access points, entrance gates, footpaths, and seating provision (estimated cost, £20k).
  - Part contribution towards additional tree planting, wildflower planting, creation of wildlife pond/scrape, other biodiversity improvements such as hedgerow management and provision of interpretation/education panels (estimated cost £18k).
  - Part contribution towards sports pitch improvement programme – e.g. overseeding, fertilising, verti-draining (estimated cost £8k).

It should be noted that other funds necessary to complete all the above works would need to be sought from other nearby residential developments, council capital budgets or other external funding sources.

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

- 6.60 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.

6.61 Following consultation with Gloucestershire 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**

- A contribution of £149,400.90 to expand full year round early years day-care provision in the Linden Primary Planning Area.

#### **Primary**

- Taking into consideration the small amount of surplus forecast for Hempsted Primary will be used up by the yields coming from developments currently under construction Gloucestershire County Council has advised that a full primary contribution will be required. A contribution of £204,181.23 is therefore required towards Hempstead Church of England Primary School and/or another primary school within the Primary Planning Area.

#### **Secondary**

- The closed of the two catchment schools is Holmleigh Park School. Forecasts show it will be over capacity; and given the multiple developments under construction within the Gloucester Secondary Planning Area which name this school, it would be unwise to name this school. Gloucestershire County Council therefore requires a full secondary contribution of £181,791.72 towards Holmleigh Park High School and/or the need for places arising from the development within the Gloucester Secondary Planning Area.

6.62 Gloucestershire County Council has indicated that the scheme will also generate additional need for library resources. A contribution of £7056 (based on the formula of £196 per dwelling x total number of dwellings) is therefore required to make this application acceptable in planning terms, in accordance with Gloucestershire County Council's Local Developer Guide. 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.

#### **Viability Appraisal**

6.63 The applicant submitted a financial viability assessment which has been reviewed and assessed by an independent viability consultant instructed by the City Council. The independent consultants concluded that:

- A policy compliant scheme with 25% affordable housing could be delivered on the site with a surplus of £41,712 available for Section 106 contributions.
- A 100% open market scheme is viable would be viable when the contributions do not exceed £282,328.
- A 100% affordable housing scheme would be unviable and could not afford any S106 contributions, when grant funding is not considered. If grant was forthcoming on a 100% affordable scheme, at the point at which grant was confirmed a review mechanism should be triggered to update the viability assessment to include the level of grant.

6.64 Based on the conclusions of the viability assessment it is clear that the site cannot provide for all of the contributions sought in relation to affordable housing, education, libraries, public open space, and habitat management measures. The applicant confirmed that the proposal was for market housing with 25% offered for affordable housing, £40,000 is offered as a contribution towards improvements towards off-site public open space together with a £3,600 contribution towards habitat/management measures at Alney Island Local Nature Reserve in accordance with the recommendations of the HRA together with the payment of a S106 monitoring fee.

6.65 On this basis there would be no S106 contribution towards education or libraries and the money available for public open space would not meet the total amount requested.

### ***Economic considerations***

6.66 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.

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

6.67 The Community Infrastructure Levy (CIL) Regulations allow local authorities to raise funds from developers undertaking new building projects in their area. The regulations stipulate that, where planning applications are capable of being charged the levy, 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.

6.68 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.

6.69 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. The requirements for S106 contributions arising from the proposal are set out above.

6.70 Infrastructure requirements specifically related to the impact of the development will continue to be secured via a Section 106 agreement.

6.71 Policy INF7 sets out that financial contributions will be sought through the S106 and CIL mechanisms as appropriate and allows for consideration of viability through robust assessments. Further, the policy sets out that where there is a concern about the viability of a scheme, an independent viability assessment will be carried out; the explanation to the policy states that this will allow an objective appraisal to inform negotiations. Whilst primarily in the context of delivering additional levels of affordable housing above 20%, Policy SD12 states that the JCS authorities will negotiate with developers to find an appropriate balance to deliver affordable housing and infrastructure needs.

- 6.72 In respect of s106 matters, ultimately planning is about balancing the merits of proposals and any adverse impacts. In this case there are benefits arising from the proposal, including the economic and social benefits associated with the delivery of new homes, 25% of which are proposed to be affordable.
- 6.73 Following the submission and review of a viability assessment it has been concluded that the site is only able to provide very limited S106 contributions and is not able to fund all of the infrastructure requested.
- 6.74 The weight to be given to any particular consideration is one for the decision-maker. It is therefore open to the Planning Committee to give more weight to the request for education and library contributions than to the delivery of affordable housing or public open space contributions. It is officer's view that, on balance and given that it is understood that there may be alternative funding streams available for the delivery of education infrastructure, and on the basis of the priorities in the emerging City Plan more weight should be given to the delivery of on-site affordable dwellings and towards the improvements of public open space to directly mitigate for the absence of any provision on site. In this context it is considered that the current proposal is an appropriate balance to deliver affordable housing and with the limited contributions available, the direct infrastructure needs of the area.

Requests have been made from consultees to secure the following contributions:

- 6.75 **Affordable housing**  
As set out above the proposal for affordable housing is 25% of the total number of units for affordable rent. This contribution will be met as part of the current application.
- 6.76 **Open space**  
As set out above the development would generate the requirement to provide 0.29 ha of new public open space, or an off-site contribution of £150k (£102k for formal sport, £35k for formal play and £13k for general POS works). Based on the findings of the viability report a limited contribution of £40,000 is offered to address the shortfall of any on-site public open space.
- 6.77 **Libraries**  
The site will generate an additional need for library resources and a contribution of £7,056 is requested from Gloucestershire County Council. Based on the viability assessment no money is offered towards this provision.
- 6.78 **Education**  
Gloucestershire County Council has advised that the proposed development will generate the need for a total contribution of £535,373.85 towards early years (pre-school), primary and secondary education to make the proposal acceptable. No contribution is offered towards this need.
- Habitats Regulations**
- 7.79 A £3,600 contribution is offered towards habitat/management measures at Alney Island Local Nature Reserve in accordance with the recommendations of the HRA.
- 6.89 The agreed contributions will be delivered via a Section 106 agreement. It is considered that these contributions comply with NPPF requirements and CIL Regulations and in part would mitigate the impacts of the development.

### **Conclusion and the planning balance**

- 6.90 This application has been considered in the context of the policies and guidance referred to above. The proposal is generally consistent with those policies and guidance in terms of design, landscape, highway safety implications, impact upon the amenity of any neighbours and the local area. Whilst it is recognised that the development of the site does not provide any contribution towards education or library provision to mitigate the impact of the development, strictly comply with JCS policy SD11, or emerging City Plan policies in the Gloucester City Plan, at the current time the Council is not able to demonstrate a 5 year housing land supply. For the purpose of this application and in the context of paragraph 11 of the NPPF (2019), including footnote 7, the 'tilted balance' is engaged. For decision making this means approving development proposals unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 6.91 The application has been evaluated against the JCS, emerging Gloucester City Plan and the against the core planning principles of the NPPF and whether the proposals deliver 'sustainable development'. Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development which for decision taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 6.92 The current use of the site is one of vacant land with no adopted policy protection for employment use. On this basis greater weight needs to be given to the benefits of the application. It is accepted that the development would make a contribution to the housing land supply which is a significant benefit to be attributed positive weight in the planning balance. There would also be economic benefits in terms of the construction of the development itself and those associated with the resultant increase in population on the site to which limited positive weight should be attached. Compliance with some of the other principles of the NPPF have been demonstrated in terms of impacts on sustainable transport, drainage, and impact on neighbouring properties. However, these matters do not represent benefits to the wider area but demonstrate an absence of harm to which weight should be attributed neutrally.
- 6.93 In the absence of any significant harm, it is considered that the positive aspects of the planning application outweigh the negative impacts and on balance it is considered that planning permission be granted subject to the completion of a S106 agreement to secure the items set out in the recommendation and the conditions below.

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

- 7.1 That, the grant of planning permission is delegated to the Development Management Technical Manager subjects to the conditions set out below and the completion of a Section 106 agreement to secure the following:
- 25% of the total number of dwellings for affordable rent;
  - A contribution of £40,000 for the improvement of existing public open space as set out in paragraph 6.58 above;
  - A contribution of £3,600 towards habitat/management measures at Alney Island Local Nature Reserve in accordance with the recommendations of the HRA;
  - The payment of a Section 106 monitoring fee to the City Council.
- 7.2 That planning permission is GRANTED subject to the following conditions:

**Condition 1**

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

**Reason**

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

**Condition 2**

The development hereby permitted shall be carried out in accordance with the application form, and drawing numbers:

- 21860/02 – Location Plan
- 21860/13F – Site Plan as Proposed
- 21860/12A – Elevations as Proposed 1
- 21860/06 – Plans as Proposed – Blocks A and C Ground and First Floor
- 21860/07 – Plans as Proposed – Blocks A and C Second Floor
- 21860/08 – Plans as Proposed – Block B
- 21860/09 – Plans as Proposed – Block D Ground Floor
- 21860/10 – Plans as Proposed – Block D First Floor
- 21860/11 – Plans as Proposed – Block D Second Floor

Except where these may be modified by other conditions attached to this permission.

**Reason**

To ensure that the development is carried out in accordance with the approved plans.

**ARCHAEOLOGY****Condition 3**

No development, shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

**Reason**

To make provision for a programme of archaeological mitigation, so as to record and advance understanding of any heritage assets which will be lost, in accordance with paragraph 99 of the National Planning Policy Framework and Policy SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017.

**DESIGN****Condition 4**

Notwithstanding the submitted drawings, no development works above DPC level shall take place until details of the following have been submitted to and approved in writing by the Local Planning Authority: -

- A. Details or samples of materials to be used externally on the walls and roofs.
- B. Product details for windows and doors.
- C. Specification of guttering and downpipes.
- D. Location and finish of all external flues/ventilation grills.
- E. Details of any cable TV installation and the location of any associated equipment.
- F. Details and location of meter boxes.

- G. Recess depth of windows.
- H. Samples of the external surfacing materials.

The development shall be carried out in accordance with the approved details.

**Reason**

To ensure a satisfactory appearance of the development.

**Condition 5**

Notwithstanding the submitted drawings, no development works above DPC level shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials, and type of all boundary treatments. The boundary treatment shall be completed in accordance with a timetable to be agreed in writing with the Local Planning Authority. Development shall be carried out and thereafter maintained in accordance with the approved details.

**Reason**

In the interests of visual amenity.

**DRAINAGE**

**Condition 6**

No development shall commence on site until a detailed Sustainable Drainage System (SuDS) Strategy document has been provided for approval by the Local Planning Authority, this should be in accordance with the proposal set out in the applicant's submission (Drainage Technical Note, BR-633-0002-01). The SuDS Strategy must include a detailed design. The SuDS Strategy must also 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. The approved scheme for the surface water drainage shall be carried out in accordance with the approved details before the development is first put in to use/occupied.

**Reason**

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

**Condition 7**

No development shall be occupied until a survey showing the location of the ordinary watercourse to the south of the site where it is culverted under Secunda Way to its outfall or a recognised destination has been submitted to and approved in writing by the Local Planning Authority.

**Reason**

To ensure the relevant authority has sufficient information to effectively respond to any blockage or failure of the culvert that causes a flood to the site, for the lifetime of the development.

**HIGHWAYS**

**Condition 8**

The buildings hereby permitted shall not be occupied until the vehicular access realignments and installation of the pedestrian guard rail on Secunda Way (A430) have been laid out and constructed in accordance with the submitted plan drawing no. SK01

Revision C and the area of the access road within at least 10m of the carriageway edge of the public road surfaced in bound material.

**Reason**

To avoid an unacceptable impact on highway safety by ensuring that a safe, suitable, and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with paragraphs 108 and 110 of the National Planning Policy Framework.

**Condition 9**

The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 120m distance in both directions (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.

**Reason**

To avoid an unacceptable impact on highway safety by ensuring that adequate visibility is provided and maintained to ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with paragraphs 108 and 110 of the National Planning Policy Framework.

**Condition 10**

Notwithstanding the submitted details, the buildings hereby permitted shall not be occupied until internal traffic signing and lining has been provided at the site exit on to Secunda Way (A430) directing vehicles to turn 'left out only' preventing vehicles undertaking right turn manoeuvres, and those facilities shall be maintained available for those purposes thereafter.

**Reason**

To avoid an unacceptable impact on highway safety by ensuring that a safe, suitable, and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with paragraphs 108 and 110 of the National Planning Policy Framework.

**Condition 11**

The buildings hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with the submitted plan drawing no. 21860 / 13 F and those facilities shall be maintained available for those purposes thereafter.

**Reason**

To ensure that a safe, suitable, and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with the paragraphs 108 and 110 of the National Planning Policy Framework.

**Condition 12**

The buildings hereby permitted shall not be occupied until all visibility splays have been provided in accordance with submitted plan drawing no. SK02 Revision C and the area between those splays and the footway/carriageway shall be reduced in level and

thereafter maintained so as to provide clear visibility between at a height of no more 600mm above the adjacent footway/ carriageway level.

**Reason**

To avoid an unacceptable impact on highway safety by ensuring that adequate pedestrian visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with paragraphs 108 and 110 the National Planning Policy Framework.

**Condition 13**

Notwithstanding the submitted details, the construction of the car parking associated with each building within the development hereby permitted shall be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible, and convenient locations.

**Reason**

To ensure that the development incorporates facilitates for charging plug-in and other ultra-low emission vehicles in accordance with paragraph 110 of the National Planning Policy Framework.

**Condition 14**

The buildings hereby permitted shall not be occupied until secure and covered cycle storage facilities have been provided to accommodate a minimum of 36 no. bicycles in accordance with a scheme that has first been submitted to and approved in writing by the Local Planning Authority and those facilities shall be maintained for the duration of the development.

**Reason**

To give priority to cycle movements by ensuring that adequate cycle parking is provided, to promote cycle use and to ensure that the appropriate opportunities for sustainable transport modes have been taken up in accordance with paragraph 108 of the National Planning Policy Framework.

**Condition 15**

Notwithstanding the submitted details, the buildings hereby permitted shall not be occupied until dropped kerb tactile crossing points aligning with key pedestrian desire lines within the site have been provided and made available for public use, and those facilities shall be maintained available for those purposes thereafter.

**Reason**

To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable, and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians in accordance with paragraphs 108 and 110 the National Planning Policy Framework.

**Condition 16**

The buildings hereby permitted shall not be occupied until the carriageway(s) (including surface water drainage/disposal, vehicular turning head(s) and street lighting) providing access from the nearest public highway to that dwelling have been completed to at least binder course level and the footway(s) to surface course level.

**Reason**

To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable, and secure means of access for all people that minimises the

scope for conflict between traffic and cyclists and pedestrians in accordance with paragraphs 108 and 110 the National Planning Policy Framework.

#### **Condition 17**

The buildings hereby permitted shall not be occupied until details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.

#### **Reason**

To ensure that safe, suitable and secure access is achieved and maintained for all people that minimises the scope for conflict between traffic and cyclists and pedestrians in accordance with paragraph 108 and 110 the National Planning Policy Framework and to establish and maintain a strong sense of place to create attractive and comfortable places to live, work and visit as required by paragraph 127 of the Framework.

#### **Condition 18**

No above ground works shall commence on site until a scheme has been submitted to, and agreed in writing by the Council, for the provision of fire hydrants (served by mains water supply) and no dwelling shall be occupied until the hydrant serving that property has been provided in accordance with the approved details.

#### **Reason**

To ensure adequate water infrastructure provision is made on site for the local fire service to access and tackle any property fire in accordance with paragraph 110 of the National Planning Policy Framework.

#### **Condition 19**

The buildings hereby permitted shall not be occupied until pedestrian improvements consisting of a dropped kerb tactile crossing with associated pedestrian island has been installed across Secunda Way (A430) utilising the exiting dropped kerb to the east of the site, have been provided and made available for public use.

#### **Reason**

To ensure that safe and suitable access to the site can be achieved for all users and that the priority is first given to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, in accordance with paragraphs 108 and 110 of the National Planning Policy Framework.

#### **Condition 20**

Throughout the construction period of the development hereby permitted provision shall be within the site that is sufficient to accommodate the likely demand generated for the following:

- i. parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. provide for wheel washing facilities

#### **Reason**

To reduce the potential impact on the public highway and accommodate the efficient

delivery of goods in accordance with paragraph 110 of the National Planning Policy Framework.

### **Condition 21**

Prior to occupation of the development hereby permitted until a Travel Plan has been submitted to and agreed in writing by the Local Planning Authority, setting out;

- i. objectives and targets for promoting sustainable travel,
- ii. appointment and funding of a travel plan coordinator,
- iii. details of an annual monitoring and review process,
- iv. means of funding of the travel plan, and;
- v. an implementation timetable including the responsible body for each action.

The approved Travel Plan shall be implemented in accordance with the details and timetable therein, and shall be continued thereafter, unless otherwise agreed in writing by the Local Planning Authority.

### **Reason**

The development will generate a significant amount of movement and to ensure that the appropriate opportunities to promote sustainable transport modes are taken up in accordance with paragraphs 108 and 111 of the National Planning Policy Framework.

## **ECOLOGY**

### **Condition 22**

Notwithstanding the submitted details, no development works above DPC level shall take place until details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The details 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, but not limited to, the following:

- i. A drawing showing sensitive areas and/or dark corridor safeguarding areas
- 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 specifications and locations set out in the approved details. These shall be maintained thereafter in accordance with these details. Under no circumstances shall any other external lighting be installed.

### **Reason**

To safeguard the existing value of biodiversity on and adjacent to the site to protect foraging bats in accordance with the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, the National Planning Policy Framework.

### **Condition 23**

No dwelling shall be occupied until, an Ecological Enhancement Plan (EEP) for bats, reptiles, nesting birds, hedgehogs and badgers has been submitted to and approved in writing by the Local Planning Authority. The approved details thereafter shall be

implemented, retained, and maintained for the lifetime of the development for their designed purpose in accordance with the approved scheme.

**Reason**

To secure biodiversity mitigation and enhancement.

**Condition 24**

No demolition, tree or shrub removal or clearance works shall take place between 1st March and 31st August inclusive unless a survey (by a suitably qualified ecologist) to assess the nesting bird activity on the site during this period and a scheme to protect the nesting bird interest on the site have first been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in strict accordance with the nesting bird scheme so approved.

**Reason**

To safeguard biodiversity as set out by the Habitats Regulations 2017, the Wildlife and Countryside Act 1981 (as amended), and in accordance with Policy B.8 of the Second Deposit City of Gloucester Local Plan (2002).

**Condition 25**

No dwelling shall be occupied until, details of an information leaflet and its method of distribution to each dwelling prior to occupation, shall be submitted to and approved in writing by the Local Planning Authority. The scheme 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 scheme shall be implemented in accordance with the agreed details, unless agreed otherwise in writing by the Local Planning Authority.

**Reason**

To ensure no adverse effects on the integrity of the Cotswolds Beechwoods SAC as a result of the development in accordance with the Habitats Regulations 2017 and policy SD9 of the Joint Core Strategy.

**LANDSCAPING / TREE PROTECTION**

**Condition 26**

Notwithstanding the details submitted no development works above DPC level shall take place until a landscape scheme, has been submitted to and approved in writing by the Local Planning Authority. The submitted design shall include scaled drawings and a written specification clearly describing the species, sizes, densities, planting numbers and a specification of the details for the tree planting pits. 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.

**Reason**

To ensure that appropriate measures are in place to ensure a satisfactory and well-planned development and to preserve and enhance the quality of the environment.

**Condition 27**

The landscaping scheme approved under condition 26 above shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the development. The planting shall be maintained for a period of 5 years. During this time any trees, shrubs or other plants which are removed, die, or are seriously retarded 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 28**

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 in accordance with the Tree Retention and Protection Plan (Drawing No. SWTRP-22JUL20), prepared by B. J. Unwin Forestry Consultancy, 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,

Excavations of any kind, alterations in soil levels, storage of any materials, soil, equipment, fuel, machinery or plant, citing 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 Tree Protection Zone, unless agreed in writing with the Local Planning Authority. The TPZ shall be maintained during the course of development

**Reason**

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

**WASTE**

**Condition 29**

No development shall commence until a detailed Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall identify the main waste materials expected to be generated by the development during the construction phase and set out measures for dealing with such materials so as to minimise overall waste and to maximise re-use, recycling, and recovery in line with the waste hierarchy. The detailed Site Waste Management Plan must include: -

- i) Information on the type and amount of waste likely to be generated prior to and during the construction phase;
- ii) Details of the practical arrangements for managing waste generated during construction in accordance with the principles of waste minimisation; and
- iii) Details of the measures for ensuring the delivery of waste minimisation during the construction phase.

The Site Waste Management Plan shall be fully implemented as approved unless the Local Planning Authority gives prior written permission for any variation.

**Reason**

To ensure the effective implementation of waste minimisation in accordance with Gloucestershire Waste Core Strategy Core Policy WCS2 – Waste Reduction.

**Condition 30**

No development shall commence until details of the provision made for facilitating the recycling of waste generated during the occupation phase have been submitted to and approved in writing by the Local Planning Authority. Provision must include appropriate and adequate space to allow for the separate storage of recyclable waste materials and will not prejudice the delivery of the Local Authority's waste management targets. All details shall be fully implemented in accordance with the approved details.

**Reason**

To ensure the effective implementation of waste minimisation in accordance with Gloucestershire Waste Core Strategy Core Policy WCS2 – Waste Reduction.

**ENVIRONMENTAL PROTECTION**

**Condition 31**

The façade and roof construction, glazing and ventilation to the buildings set out in the recommendations of the approved Noise Impact Assessment prepared by Acoustic Consultants Ltd (Reference 7816/PR/DO, Date August 19) shall be adhered to in all respects and maintained for the lifetime of the development.

**Reason**

To ensure that appropriate measures are in place to minimise noise to protect the amenity of the future occupiers of the residential properties.

**Condition 32**

During the construction (including demolition and preparatory groundworks) phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched 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.

**Notes:**

**Note 1**

The alterations of the access and installation of the pedestrian crossing will require alteration to the existing highway network and must be undertaken by the Highway Authority or its appointed agents. An Agreement under Section 278 of the Highways Act 1980 will be required.

**Note 2**

The applicant/developer is advised to contact Gloucestershire Highways 08000 514 514 to discuss whether your development will require traffic management measures on the public highway.

**Note 3**

The applicant/developer is advised that it is an offence under section 161 of the Highway Act 1980 to deposit anything on a highway the consequence of which a user of the highway is injured or endangered. It is strongly recommended that during any forms of earthworks and/or excavations that are carried out as part of the development,

suitable vehicle wheel washing equipment should be provided and used within the site, to prevent contamination and damage to the adjacent roads.

**Note 4**

The developer will be expected to meet the full costs of supplying and installing the associated infrastructure.

**Note 5**

The applicant is advised that to discharge condition 17 that the Local Planning Authority requires a copy of a completed dedication agreement between the applicant and the local highway authority or the constitution and details of a private managements and maintenance company confirming funding, management, and maintenance regimes.

**Note 6**

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.

**Note 7**

Pipes owned by Wales and West in its role as a Licensed Gas Transporter are in the area and may be affected and at risk during construction works. Should planning permission be approved the promoter of these works should contact Wales and West Utilities directly to discuss its requirements in detail before any works commence on site. Should diversion works be required these will be fully chargeable. No building can take place over any plant, enclosures or apparatus.

**Note 8**

No work or activity should be undertaken on the site without first contacting CLH-PS for advice and, if required, a Works Consent. For a copy of CLH-PS’s Standard Requirements for Crossing or Working in Close Proximity to CLH-PS Pipelines, please visit <https://cdn.linesearchbeforeudig.co.uk/pdfs/lbud-standard-requirement-uk-um.pdf>. This will provide you with practical information regarding the legislation that governs the CLH-PS.

**Note 9**

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.

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



Planning Application: | 19/01141/FUL

Address: | Land at Secunda Way  
Secunda Way Gloucester

Committee Date: |

