



# Gloucester City Council

## Planning Committee

**Meeting: Tuesday, 7th May 2019 at 6.00 pm in Civic Suite - North Warehouse, The Docks, Gloucester, GL1 2EP**

|                    |   |
|--------------------|---|
| <b>Membership:</b> | Cllrs. Taylor (Chair), Lewis (Vice-Chair), D. Brown, J. Brown, Dee, Derbyshire, Finnegan, Hanman, Hansdot, Lugg, Morgan, Toleman, Walford and Hyman   |
| <b>Contact:</b>    | Democratic and Electoral Services<br>01452 396126<br><a href="mailto:democratic.services@gloucester.gov.uk">democratic.services@gloucester.gov.uk</a> |

### AGENDA

**3. LATE MATERIAL (Pages 5 - 12)**

Please note that any late material in respect of the applications detailed below will be published as a supplement on the Council's website in the late afternoon of the day of the meeting.

**Jon McGinty**  
Managing Director

**Date of Publication: Monday, 29 April 2019**

## NOTES

### Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows –

| <u>Interest</u>                                   | <u>Prescribed description</u>   |
|---|---|
| Employment, office, trade, profession or vocation | Any employment, office, trade, profession or vocation carried on for profit or gain.  |
| Sponsorship                                       | Any payment or provision of any other financial benefit (other than from the Council) made or provided within the previous 12 months (up to and including the date of notification of the interest) in respect of any expenses incurred by you carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.                       |
| Contracts   | Any contract which is made between you, your spouse or civil partner or person with whom you are living as a spouse or civil partner (or a body in which you or they have a beneficial interest) and the Council<br>(a) under which goods or services are to be provided or works are to be executed; and<br>(b) which has not been fully discharged  |
| Land  | Any beneficial interest in land which is within the Council's area.<br><br>For this purpose "land" includes an easement, servitude, interest or right in or over land which does not carry with it a right for you, your spouse, civil partner or person with whom you are living as a spouse or civil partner (alone or jointly with another) to occupy the land or to receive income.   |
| Licences  | Any licence (alone or jointly with others) to occupy land in the Council's area for a month or longer.  |
| Corporate tenancies                               | Any tenancy where (to your knowledge) –<br>(a) the landlord is the Council; and<br>(b) the tenant is a body in which you, your spouse or civil partner or a person you are living with as a spouse or civil partner has a beneficial interest   |
| Securities  | Any beneficial interest in securities of a body where –<br>(a) that body (to your knowledge) has a place of business or land in the Council's area and<br>(b) either –<br>i. The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or<br>ii. If the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, your spouse or civil partner or person with |

whom you are living as a spouse or civil partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For this purpose, "securities" means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

NOTE: the requirements in respect of the registration and disclosure of Disclosable Pecuniary Interests and withdrawing from participating in respect of any matter where you have a Disclosable Pecuniary Interest apply to your interests and those of your spouse or civil partner or person with whom you are living as a spouse or civil partner where you are aware of their interest.

### **Access to Information**

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For enquiries about Gloucester City Council's meetings please contact Democratic Services, 01452 396126, [democratic.services@gloucester.gov.uk](mailto:democratic.services@gloucester.gov.uk).

If you, or someone you know cannot understand English and need help with this information, or if you would like a large print, Braille, or audio version of this information please call 01452 396396.

### **Recording of meetings**

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Any recording must take place in such a way as to ensure that the view of Councillors, Officers, the Public and Press is not obstructed. The use of flash photography and/or additional lighting will not be allowed unless this has been discussed and agreed in advance of the meeting.

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If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions:

- You should proceed calmly; do not run and do not use the lifts;
- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building; gather at the assembly point in the car park and await further instructions;
- Do not re-enter the building until told by a member of staff or the fire brigade that it is safe to do so.

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Gloucester City Council reserve the right to remove or not display certain planning application information for the confidentiality or other reasons.

### **HUMAN RIGHTS**

In compiling the recommendations on the following reports we have given full consideration to all aspects of the Human Rights Act 1998 in relation to the applicant and/or the occupiers of any affected properties. In particular, regard has been had to Article 8 of the ECHR (Right to respect for private and family life, home and correspondence); Article 1 of the First Protocol (Right to the use and enjoyment of property) and the requirement to ensure that any interference with the right in this Article is both in accordance with the law and proportionate. A balance needs to be drawn between the right to develop land in accordance with planning permission and the rights under Article 8 and also Article 1 of the First Protocol of adjacent occupiers. On assessing the issues raised by the applications no particular matters, other than those referred to in the reports, warrant any different action to that recommended.

### **EQUALITY ACT 2010**

In considering this matter, full consideration has been given to the need to comply with the Public Sector Equality Duty under the Equality Act 2010 and in particular to the obligation to not only take steps to stop discrimination, but also to the promotion of equality, including the promotion of equality of opportunity and the promotion of good relations. An equality impact assessment has been carried out and it is considered that the Council has fully complied with the legal requirements.

## **Condition 1**

Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

## **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 either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last 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**

Approval of the details of the scale, layout, external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called “the reserved matters”) shall be obtained from the local planning authority in writing before any development is commenced.

## **Reason**

To enable the local planning authority to exercise proper control over these aspects of the development and as required by Section 92 of the Town and Country Planning Act 1990.

## **Condition 4**

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

- Location Plan – RHL, 309.P.2.4 Rev B 20<sup>th</sup> July 2017.
- Pegasus Planning Statement Update – January 2019. SHF/DH P17-0261
- Design and Access Statement – Pegasus P17-0261\_09B, October 2017
- Archaeological Desk Based Assessment (revised) (CgMs, NAW/23059, July 2017)
- Transport Assessment (AMEC Foster Wheeler, October 2017)
- Residential Travel Plan (AMEC Foster Wheeler, October 2017)
- Arboricultural Survey (Tee King Consulting, 36.99, June 2017)
- Ecological Assessment (Ecology Solutions, 7365.EcosAss.vf1, October 2017)
- Waste Minimisation and Waste management Plan (Robert Hitchins Limited, 309.WMP.01, October 2017)

## **Reason**

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

## **Condition 5**

Prior to the commencement of development, 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, shall be submitted to and approved by the local planning authority. 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 6**

Means of vehicular access to the development hereby permitted shall be from Rudloe Drive only.

**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 of the National Planning Policy Framework.

**Condition 7**

The development 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 54m distance in both directions (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained 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 8**

The development hereby permitted shall not be occupied until the first 20m of the proposed access road(s), including the junction with the existing public road and associated visibility splays, have been completed to at least binder 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 of the National Planning Policy Framework.

**Condition 9**

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 to the satisfaction of the Council.

**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 10**

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

- i. specify the type and number of vehicles;
- ii. provide for the parking of vehicles of site operatives and visitors;
- iii. provide for the loading and unloading of plant and materials;
- iv. provide for the storage of plant and materials used in constructing the development;
- v. provide for wheel washing facilities;
- vi. specify the intended hours of construction operations;
- vii. specify measures to control the emission of dust and dirt during construction

**Reason**

To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance paragraph 35 of the National Planning Policy Framework.

**Condition 11**

Prior to occupation of the proposed development hereby permitted 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 12**

The approved Travel Plan, prepared by Amec Foster Wheeler and dated October 2017, shall be implemented in accordance with the details and timetable therein (with the exception that it will be fully funded and undertaken by the developer), 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.

### **Condition 13**

Prior to the commencement of the development the applicant shall submit a scheme of noise attenuating measures that shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first use of the development to which it relates commences and shall be retained for the duration of the use.

### **Reason**

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

### **Condition 14**

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,
- archeological sites and ancient monuments;

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

**Reason**

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

**Condition 15**

If contamination is found, a detailed remediation scheme to bring the site to a condition suitable for the residential use, shall be submitted to and approved 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.

**Reason**

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

**Condition 16**

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 (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.

**Reason**

To ensure that risks from land contamination to the future users of the land and

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

#### **Condition 17**

If 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 14, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of conditions 15 and 16, 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.

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

#### **Reason**

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

#### **Condition 18**

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

#### **Reason**

To ensure satisfactory drainage arrangements are provided in accordance with Policy SD3 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017).

#### **Condition 19**

Prior to the commencement of the development details of the proposed foul water drainage arrangements shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first use of the building[s] hereby permitted.

**Reason**

To ensure satisfactory drainage arrangements are provided in accordance with Policy SD3 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017).

**Condition 20**

Development shall be carried out in accordance with the Waste Minimisation and Waste Management Plan prepared by Robert Hitchins, dated 2<sup>nd</sup> October 2017 and reference: 309.WMP.01

**Reason**

To ensure a sustainable design and construction in accordance with Policy SD3 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017).

**Condition 21**

No development including demolition or site clearance 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 and hedgerows have been submitted to and approved in writing by the local planning authority.

**Reason**

To ensure adequate protection to existing trees which are to be retained, in the interests of the character and amenities of the area in accordance with Policies SD6 & INF3 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017).

**Condition 22**

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in 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 defects period.

**Reason**

In order to protect the visual amenities of the area in accordance with Policies SD6 & INF3 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017).

**Condition 23**

Development shall be carried out in accordance with the recommendations and conclusions of the Flood Risk Assessment and Drainage Strategy prepared by Phoenix Design Partnership Lt and dated 21/09/17 unless agreed otherwise in writing by the Local Planning Authority.

**Reason**

To ensure satisfactory flood attenuation arrangements are provided in accordance with Policy SD3 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017).

**Condition 24**

To accompany the first reserved matters a Green Instructure parameters and safeguarding scheme shall be agreed in writing with the LPA and thereafter development shall be carried out in accordance with the scheme. The scheme shall include but not be limited to:

- i. Include a circular walk around the site with connectivity and sign-posting to the local footpath network
- ii. Identification of Strategic Green infrastructure areas
- iii. Methods of protection and trigger points
- iv. Areas for advanced works to improve mitigation implementation

**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, and to preserve protected habitats in accordance with the Habitats Regulations 2017.

**Condition 25**

An A4 sized colour leaflet setting out...

- 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. sign-posting of longer circular walks...

...shall be agreed in writing with the LPA and thereafter two copies shall be issued to each new homeowner in the sales homeowner pack prior to the occupation of any new dwelling hereby permitted. This shall include recommendations for dog owners for times of year dogs should be kept on lead when using sensitive sites i.e. to avoid disturbance to nesting birds as well as consideration of other local sensitive sites.

**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.