

## **LATE MATERIAL (APPLICATIONS FOR DETERMINATION)**

### **PLANNING COMMITTEE: 6<sup>th</sup> July 2021**

#### **ITEM 5 – LAND NORTH OF RUDLOE DRIVE – 21/00490/OUT**

Comments from Quedgeley Town Council:

Quedgeley Town Council wish to comment as follows: 21/00490/OUT

- Applications numbers S.18/1947/OUT 160 dwellings, S.17/1446/FUL 118 dwellings, 17/01199/OUT 80 dwellings 18/01228/OUT 97 dwellings will add the inability of the infrastructure to cope. Consideration must be given, as per policy INF6 of the Joint Core Strategy, to negotiate a CIL/S106 contribution to mitigate the on-going issues faced by residents. The roundabout at the junction with Rudloe Drive, Naas Lane, New Haven Road and Telford Way, at peak times, is backing up into the Kingsway estate. The M5 junction 12 continues to be problematic.
- Seek an S106/CIL for the improvements required at Waterwells Sports Centre and Kingsway Sports Pavilion as per INF7 of the JCS
- School places, it is difficult to support the claim by the applicant in relation to school places, the SPS clearly identifies the need and is the document supported and adopted by the education authority. Planning application 21/00317/OUT has negotiated a payment of £1.5m towards education the criteria should not be changed for this application.
- Provision to upgrade the local park run route and seek the provision of informal play equipment. In accordance with NPPF item 8 para 91 & 92.
- There is a large area of open space within the boundary of the proposed development, this should be safeguarded in accordance with policies SD4 and INF4 of the Gloucester, Cheltenham and Tewksbury JCS.

#### **Updated Recommendation**

The S106 agreement has now been completed which will secure the following:

- Affordable housing
- A youth pitch, LEAP and associated open space

As such the recommendation is now as follows:

That planning permission is GRANTED subject to the completed S106 agreement and the conditions;

## **ITEM 6 – LAND NORTH OF RUDLOE DRIVE – 20/00368/OUT**

### **Updated Recommendation**

The S106 agreement has now been agreed in draft which will secure the following:

- Affordable housing (20%)
- A youth pitch, LEAP and associated open space

As such the recommendation is now as follows:

Subject to the completion of a Section 106 agreement to provide the following:

- Affordable housing (20%)
- A youth pitch, LEAP and associated open space

That planning permission is GRANTED subject to the following conditions;

### **Condition 1**

a) No development hereby approved shall take place on any part of the site until approval of the details of the layout, scale and external appearance of the development, the means of access thereto and the landscaping (hereinafter called the "reserved matters") for that part of the development have been submitted to and approved in writing by the local planning authority. Reserved Matter applications can be submitted for all or part of the site and the development shall be carried out in accordance with the approved details.

(b) application for approval of the reserved matters shall be made to the local planning authority before the expiration of 3 years from the date of this decision and the development shall be carried out in accordance with the approved details.

### **Reason**

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

## **Condition 2**

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

## **Reason**

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

## **Condition 3**

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

- Location Plan 309.P.1 Rev C
- Illustrative masterplan 309.P.3.6.1 Rev K

## **Reason**

To define the terms of the outline permission

## **Condition 4**

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

## **Reason**

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

## **Condition 5**

Reserved matters applications shall be accompanied by details of any land raising proposed. This shall include a detailed plan, showing the levels of the existing site, the proposed levels of the site, the proposed slab levels of the dwellings approved and a datum point outside of the site. Development shall be carried out in accordance with the approved details.

### **Reason**

The application refers to proposals for land raising that are not included in the outline application details and are required in order to consider design and residential amenity issues. This approval shall not be taken to tacitly accept land raising purported to be necessary for gravity drainage or any other reason, and the matter shall be further assessed at the reserved matters stage. In order to define the permission and ensure that the development is of a scale and height appropriate to the site.

### **Condition 6**

No building works hereby permitted shall be commenced until detailed plans for surface water drainage works have been submitted to and approved in writing by the local planning authority. The information submitted shall be in accordance with the principles set out in the approved drainage strategy. The submitted details shall:

I. provide information about the design storm period and intensity, the method employed to delay

and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

II. include a timetable for its implementation

### **Reason**

To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution for the lifetime of the development.

### **Condition 7**

Prior to the occupation of any building hereby approved surface water drainage works shall have been implemented in accordance with details that have been approved in

writing by the local planning authority. Implementation will include the provision of a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

### **Reason**

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

### **Condition 8**

The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

### **Reason**

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

### **Condition 9**

Reserved matters applications shall be accompanied by details , OR

Prior to the commencement of above ground development, details of façade and glazing design for all buildings with frontage to Rudloe Drive (or to be defined on a plan) shall be submitted to and approved in writing by the Local Planning Authority, to demonstrate that internal noise level criteria from BS8233:2014 (or subsequent equivalent replacement standard) for residential use within that phase can be achieved. No residential unit for which measures are identified as required within the approved details shall be occupied until those measures have been implemented in full.

### **Reason**

To ensure acceptable living conditions in accordance with policy SD4 and SD14 of Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017).

### **Condition 10**

Reserved matters applications shall be accompanied by a report setting out the mitigation measures to be adopted in the development to mitigate the impact of the public house use on the living conditions of future occupants of the development, including a Noise Report establishing that the noise levels within properties would meet the applicable standards.

### **Reason**

To ensure acceptable living conditions, including to address units in close proximity to the public house, for which further evidence is required to inform the specification in accordance with policy SD4 and SD14 of Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017).

### **Condition 11**

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

### **Reason**

To protect the amenity of local residents in accordance with policy SD4 and SD14 of Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017).

### **Condition 12**

Landscaping schemes submitted with reserved matters applications shall include scaled drawings and a written specification clearly describing the species, sizes, densities, planting number of all trees, hedgerows and other landscaping features to be planted, the provision of root protection barriers, a specification of the details for the tree planting pits, the areas to be grassed and the treatment of any hard-surfaced areas. Drawings must include accurate details of all existing trees and hedgerows with their location, species, size, condition, any proposed tree surgery and an indication of

which are to be retained and which are to be removed. No trees shall be planted within 5 metres of the watercourse.

### **Reason**

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

### **Condition 13**

The landscaping scheme shall include a timetable for planting and maintenance schedules and shall be completed no later than the first planting season following the completion of the development. If within a period of five years from the date of planting any trees, shrubs or other plants, or any tree planted in replacement, are removed, uprooted, destroyed or die, or become, in the opinion of the Local Planning Authority, seriously damaged or defective, they shall be replaced during the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5-year maintenance period.

### **Reason**

To ensure a satisfactory and well-planned development and to preserve and enhance the quality of the environment.

### **Condition 14**

The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved details specified in the Arboricultural Survey, Impact Assessment and Protection Plan before any development including demolition, site clearance, materials delivery or erection of site buildings, starts on the site. The approved tree protection measures shall remain in place until the completion of development or unless otherwise agreed in writing with the Local Planning Authority.

Excavations of any kind, alterations in soil levels, storage of any materials, soil, equipment, fuel, machinery or plant, site compounds, latrines, vehicle parking and delivery areas, fires and any other activities liable to be harmful to trees and hedgerows are prohibited within any area fenced, unless agreed in writing with 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) The details are required prior to commencement to ensure that appropriate provision is in place before any work is commenced.

**Condition 15**

External lighting to the development shall be installed only in accordance with a lighting strategy to be submitted to and approved in writing by the Local Planning Authority. The Strategy shall include but is not limited to; clearly detailing the locations of proposed external lighting fixtures and the associated light spill that would be caused into adjacent habitats and locations of external lighting, and any mitigation measures. Lighting shall only be operated in accordance with any required mitigation measures that are approved.

**Reason**

To mitigate any impact on ecology particularly habitats adjacent to the site.

**Condition 16**

Prior to the commencement of development an Ecological Enhancement Plan (EEP) shall be submitted to and approved in writing by the Local Planning Authority. The EEP shall include but not limited to details of the locations of the ecological enhancements including for bats, badgers, nesting birds and invertebrates, and shall include bat boxes, bird boxes, log piles, permeable fencing and hedgehog houses.

**Reason**

To preserve and enhance biodiversity in line with the submitted Ecology report which needs to be expanded on.



### **Condition 17**

An information pack setting out the location and sensitivities of the Cotswold Beechwoods Special Area of Conservation and Severn Estuary Special Protection Area, Special Area of Conservation and Ramsar Site (and Alney Island Nature Reserve as the functionally linked area), how to avoid negatively affecting them, alternative locations for outdoor recreational activities and off road cycling, recommendations to dog owners for times of year dogs should be kept on lead when using sensitive sites (i.e. to avoid disturbance to nesting birds), and general information on the informal, outdoor recreation opportunities in relation to the site and surroundings, shall be submitted to and approved in writing by the Local Planning Authority and thereafter two copies of the approved information pack shall be issued to each new residential occupier prior to the occupation of each respective new dwelling hereby permitted.

### **Reason**

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

### **Condition 18**

Reserved Matters applications shall be accompanied by an Energy Statement that clearly sets out the predicted annual energy demand from the development and associated annual carbon dioxide emissions, and demonstrates how the development contributes to the aims of sustainability by increasing energy efficiency. The application shall include clear details of any proposed measures including detailing any external facilities on the submitted plans and/or associated documents.

### **Reason**

To assess the contribution to sustainable design and construction.

### **Condition 19**

The development hereby permitted shall not be first occupied until the proposed dwellings have been fitted with an electric vehicle charging point. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and Manual

for Gloucestershire Streets. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging points shall be of the same specification or a higher specification in terms of charging performance.

### **Reason**

To promote sustainable travel and healthy communities.

### **Condition 20**

The Development hereby approved shall not be occupied until sheltered, secure and accessible bicycle parking has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority and thereafter the approved cycle parking shall be kept available for the parking of bicycles only.

### **Reason**

To contribute to sustainable design and transport

### **Condition 21**

Prior to commencement of the development hereby permitted details of a construction management plan or construction method statement shall be submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall include but not be restricted to:

- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Advisory routes for construction traffic;
- Any temporary access to the site;

- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud and dust being carried onto the highway;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles; and
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

### **Reason**

To reduce the potential impact on the public highway and amenity of the local area , and to accommodate the efficient delivery of goods and supplies in accordance paragraph 35 of the National Planning Policy Framework and policy SD4 and SD14 of the Joint Core Strategy. Details are required prior to commencement to ensure that appropriate measures are in place at the first stage before work starts on site.

### **Condition 22**

Notwithstanding the details submitted the Development hereby approved shall not be occupied until the applicant has submitted a travel plan in writing to the Local Planning Authority that promotes sustainable forms of access to the development site and this has been approved in writing by the Local Planning Authority. This plan will thereafter be implemented and updated.

### **Reason**

To reduce vehicle movements and promote sustainable access. Construction Management Plan Prior to commencement of the development hereby permitted details of a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout

### **Condition 23**

Unless otherwise agreed by the Local Planning Authority development, other than that required to be carried out as part of an approved scheme of remediation, must not commence until paragraphs 1 to 6 of this condition have been complied with:

1. A preliminary risk assessment must be carried out. This study shall take the form of a Phase I desk study and site walkover and shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. The preliminary risk assessment report shall contain a diagrammatical representation (conceptual model) based on the information above and shall include all potential contaminants, sources and receptors to determine whether a site investigation is required and this should be detailed in a report supplied to the Local Planning Authority. The risk assessment must be approved in writing before any development takes place.

2. Where an unacceptable risk is identified a scheme for detailed site investigation must be submitted to and approved in writing by the Local Planning Authority prior to being undertaken. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with the Environment Agency's "Land Contamination: Risk Management" guidance.

3. Detailed site investigation and risk assessment must be undertaken and a written report of the findings produced. This report must be approved by the Local Planning Authority prior to any development taking place. The investigation and risk assessment must be undertaken by competent persons and must be conducted in accordance with the Environment Agency's "Land Contamination: Risk Management" guidance.

4. Where identified as necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

5. 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.

6. Following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings.

7. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, these will be subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.

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 FRP.15 of the Second Deposit City of Gloucester Local Plan (2002).

## **Informatives**

### Travel Plan

1. The proposed development will require a Travel Plan as part of the transport mitigation package (together with a Monitoring Fee and Default Payment) and the Applicant/Developer is required to enter into a legally binding Planning Obligation Agreement with the County Council to secure the Travel Plan.

### Construction Management Plan (CMP)

2. 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 principle 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.

#### **ITEM 7 – KINGSWAY LOCAL CENTRE, KINGSWAY – 18/00852/FUL**

This item has been deferred from the agenda.