

GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

Address/Location:	Former Contract Chemicals Site Bristol Road Gloucester GL2 5BX
Application No:	22/00293/FUL
Ward:	Podsmead
Expiry Date:	
Proposal:	Erection of 43 dwellings, comprising 13 houses and 30 flats, together with associated parking and landscaping.
Report by:	David Millinship
	Site Location Plan

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The proposed development site is located approximately 2km south of the city centre of Gloucester. It is to the south of Newark Road and spans from Bristol road to the west to Tuffley Crescent to the east. It is relatively level in gradient. To the north east and south east, the site abuts modern residential development that has relatively recently been constructed. To the south west the site then abuts land belong to SHB Hire Ltd, a commercial operator, with a specialist aluminium /alloys production plant, Avon Metals Limited then located some 170m further south west. To the north west the site abuts Bristol Road, which is elevated at this point. Directly to the north there is an existing watercourse and SuDs feature, which is within the applicant's ownership.
- 1.2 The site which is approximately 0.65ha in size, forms an irregular shaped area of land. It previously formed part of the Contract Chemical works site which has been demolished. The area has since undergone clearance and remedial work and is currently being temporarily used as part of the wider development's construction site.
- 1.3 Access to the proposal site would be via the residential estate roads that are currently being completed, giving wider access to Bristol Road and Tuffley Crescent.
- 1.4 Outline planning permission was granted in 2013 (reference: 07/00474/OUT) for a Mixed use development comprising residential, employment (B1 and showroom) uses, public open space and remediation of the land with only access for determination at this stage. This covered the current application site (Former Contract Chemicals site) and was referred to as Site B.
- 1.5 At the same time another outline application was submitted, reference: 07/00472/OUT for a similar development on the neighbouring former Wellman Graham and St Gobain factory sites. It also was for a mixed-use development including residential, employment land, public open space and remediation, however it included a community building. Only access was for determination at this stage and this was shown on to Bristol Road and Tuffley Crescent. This site was referred to as site A and the application was approved in 2010.
- 1.6 A number of planning applications followed these outline permissions seeking both to vary the section 106 agreements and conditions to alter the financial contributions and the timescale for reserved matters submission. Since these outline permissions a single developer had purchased Sites A and B and sought to deliver the development comprehensively. Planning application reference 14/00861/FUL was submitted and approved in 2015. The alterations were for changes to the access and for employment land

previously shown in both Sites A and B to now all be relocated to the southwestern corner of Site B. This area indicated for employment land now provides the site for this current planning application.

- 1.7 The reserved matters application reference 15/ 00287/REM in relation to the outline application 07/00474/OUT amended by 14/00861/FUL provided no reserved matters details for this part of the site. The time scale for doing so has now expired, so the application site no longer benefits from any planning permission.
- 1.8 With regard to planning application reference: 19/01094/FUL, the proposal in its original form showed a scheme of 14 houses and thirty flats. The thirty flats were shown within four separate three storey blocks and included both two and one bed roomed flats, while the houses are shown as two storey semi- detached or terraced properties and would have three bedrooms. The two blocks nearest to Bristol Road contain 2-bedroom units with 9 units in the southwestern block (Block J) and 6 units in the more north easterly block (Block H) . Moving southwards into the site the next block (Block G) would have contained 3 x 1 bedroom units and 6 x 2-bedroom units while the most southerly block (Block F) was shown with 3 x 1-bedroom units and 3 x 2-bedroom units.
- 1.9 In terms of parking spaces all the flats were shown with one allocated space, while the houses would have had two spaces. Six visitor spaces were then also shown and cycle parking in the form of single storey additions to the Blocks G, H, and J. The cycle parking for Block F was shown in a separate single storey structure. Access to the development was shown via an estate road currently being built as part of the larger scheme to access on to Bristol Road and Tuffley Crescent.
- 1.10 After officers raised concerns regarding positioning of buildings, amount of amenity space for the flats, excessive amount of unbroken parking areas and positioning of parking spaces then amendments to the proposed scheme were made.
- 1.11 The revisions showed a scheme with 13 houses and thirty flats. The four houses in the northeastern corner of the site have been replaced by a block of flats, while the original block of flats, Block F set further into the site has been replaced by three terraced houses. All four proposed blocks of three storey flats would be located in the northern section of the site towards Bristol Road. Viewing clockwise from the northwestern corner of the site, Block K contains 6 x 2-bedroom flats, then next Block J contains 9 x 2-bedroom flats, while Block G fronting the estate road contains 6 x 2-bedroom flats and 3 x 1-bedroom flats. Finally Block H would contain 6 x 2 bed roomed flats.
- 1.12 The houses in the revised proposal are shown all set out in rows to the south of the site. Nine would be provided in three terraces of 3 dwellings and four dwellings would be provided in two sets of semi-detached dwellings. Car and cycle parking is shown at the same ratio as previously for flats and dwellings, although visitor car parking has been reduced to three spaces.
- 1.13 This current application has been submitted due to the fact that the details of application reference 19/01094/FUL are stuck on the Council's server and unobtainable. The only difference between the two applications is that the 3-bedroom house types (on 12 plots- 1 to 10, 12 and 13) has been replaced by a new house type HT966 (3 bed 4-person house).

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
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07/00472/OUT	Mixed use development comprising residential (231 units), employment (B1 and showroom) and D1 (community building) uses together with 1.1ha of public open space, new vehicular access onto Bristol Road and Tuffley Crescent and remediation of the land in accordance with the accompanying illustrative masterplan (Appearance, Scale, Layout and Landscaping are retained as Reserved matters). [Site A]	GOP	17.09,2010
07/00474/OUT	Mixed use development comprising residential (upto 109 units), employment (B1 and showroom) uses, 0.56ha of public open space and remediation of the land in accordance with the accompanying illustrative masterplan (Appearance, Scale, Layout and Landscaping are retained as Reserved matters). [Site B]	GOP	13.06.2013
14/00861/FUL	Variation of Condition nos. 4, 19, 23 and 29 of planning permission no. 07/00474/OUT (as a result of Sites A & B being brought forward as a comprehensive development). [Site B]	G3Y	23.02.2015
15/00286/REM	Reserved matters scheme for 172 residential dwellings with associated open space and landscaping (Site A).	AR	04.12.2015
15/00287/REM	Reserved matters scheme of 86 residential dwellings with associated open space and landscaping. (Site B)	AR	04.12.2015
12/01029/FUL	Variation to conditions 2, 3 and 4 of permission ref. 07/00472/OUT, changing the periods for submission of Reserved Matters from 5 to 3 years and for Commencement of Development thereafter from 3 to 1 year, and to substitute the originally submitted illustrative masterplan with a land use parameters plan.	GOP	23.01.2013
12/01032/MOD	Variation of Section 106 Legal Agreement under planning permission 07/00472/OUT to vary the financial contributions associated with the development.	SEC106	23.01.2013
14/00952/NMA	Non material amendment to outline planning permission ref: 07/00474/OUT, to revise the description of development to read: Mixed use development comprising residential (up to 109 units), employment B1(Business) and D1 (non-residential institution) uses, 0.56ha of public open space and remediation of the land in accordance with the accompanying illustrative master plan (Appearance, Scale, Layout and Landscaping are retained as Reserved matters). [Site B].	NOS96	07.10.2014

20/00796/FUL	Variation of Condition1 - Approved Drawings on permission reference: 15/00287/REM for the proposed resiting of Block E with minor amendments to ground floor layout, external appearance, introduction of windows and alterations to parking /landscape area	AR	05.07.2021
19/01094/FUL	Erection of 43 dwellings, comprising 13 houses and 30 flats, together with associated parking and landscaping.	Not determined	

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 (NPPG)

3.3 Development Plan

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

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;
 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 (GCP)

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;
- E2 – Biodiversity and geodiversity;
- E5 – Green infrastructure: Building with nature;
- E6 – Flooding, sustainable drainage, and wastewater;
- E8 – Development affecting Cotswold Beechwoods Special Area of Conservation;
- F1 – Materials and finishes;
- F2 – Landscape and planting;
- F3 – Community safety;
- F4 – Gulls;
- F6 – Nationally described space standards;
- G1 – Sustainable transport;
- G2 – Charging infrastructure for electric vehicles.

3.6 **Other Planning Policy Documents**

Gloucester Local Plan, Second Stage Deposit 2002

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

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

- 3.7 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 – Previous scheme 19/01094/FUL**

No objection to the revised plans, subject to conditions on any planning permission for the submission of details for satisfactorily laying out the estate road, a construction management plan and an extension of the existing travel plan to include this development.

4.2 **Natural England – Previous scheme 19/01094/FUL**

The application site is within the zone of influence of sites afforded protection under the Conservation of Habitats and Species Regulations 2017. These sites being Cotswolds Beechwoods Special Area of Conservation (SAC), Cotswolds Commons and Beechwoods

Site of Special Scientific Interest (SSSI) and Nature Reserve, and Severn Estuary Special Protection Area (SPA.)

4.3 The Local Planning Authority as a competent authority under the provisions of the Habitat Regulations should have regard for any potential impacts on these sites.

4.4 Landscape Adviser – Previous scheme 19/01094/FUL

The amended layout is an improvement to the previously submitted scheme. Better amenity space is shown around the blocks of flats, the proposed car parking layout is shown using less space and a couple more trees are proposed. There should however be more planting shown on the western and south eastern borders.

4.5 Ecology Adviser

A walk over of Alney Island Local Nature Reserve and alternative local public open spaces such as the Gloucester-Sharpness canal and Robinswood Hill Country Park was carried out. Following this review it was concluded that likely significant effects upon the Cotswolds Beechwoods Special Area of Conservation (SAC) , Cotswolds Commons and Beechwoods Site of Special Scientific Interest (SSSI) and Nature Reserve, and Severn Estuary Special Protection Area (SPA) are unlikely to occur as a result of the proposed development or in combination with other developments.

4.6 It is recommended that any approval does include conditions for the submission of a Ecology Management Plan ,a Home Owners Pack identifying the alternative public open spaces to take pressure off the SPA, for the scattered shrub to be removed outside bird nesting season and for precautionary measures for badgers. Natural England should also be consulted on the contents and conclusions of the report.

4.7 Contaminated Land Adviser – Previous scheme 19/01094/FUL

It is recognised that the proposal is part of the wider Former Contract Chemicals development site that has been cleared of infrastructure and been subject to a level of remediation. However, conditions on any approval would be required to cover protection from ground gases and checks on the potential import of soil.

4.8 Drainage Adviser – Previous scheme 19/01094/FUL

The Local Lead Planning Authority confirm that they have no objection to the proposal. They state that water control through the two proposed basins means that plots 1 – 5 would not have an impact on surface water discharging under Bristol Road and further downstream of here. They note that there is control on surface water for the rest of the site and that water would be stored within permeable paving, which would also provide some water quality management benefits.

4.9 It is recommended though that a SuDs Management and Maintenance Plan be a condition of any approval.

4.10 Environmental Protection Consultant – Worcestershire Regulatory Services (WRS)

Air Quality – WRS

4.11 Given the distance from the roadside and the level of indicative concentrations of nitrogen dioxide at the nearest monitoring locations, the air quality here is considered to be acceptable for the proposed development. It is recommended that standard air quality mitigation measures such as electrical vehicle charging points, secure cycle parking etc should form conditions on any approval to alleviate pollution creep in the area and to encourage the uptake of sustainable modes of transport.

Noise – WRS

- 4.12 WRS considers that the submitted noise assessment to be representative of the noise climate at the proposed development site.
- 4.13 However, WRS have concerns that in granting planning permission for this residential development, the future development / evolution of the Avon Metals site may be restricted and / or the amenity of future residents may be compromised.
- 4.14 WRS acknowledges that the site has not been specifically allocated for residential development and had previously commented that intervening B1 / Retail Use between Avon Metals and the proposed development site would have been preferable.
- 4.15 In terms of the of the proposed glazing and ventilation strategy, if the planning application is granted, the applicant should provide a plot by plot specification and their acoustic consultants should confirm that the chosen product(s) will meet or exceed the noise reduction levels detailed within the submitted noise assessment.

Economic Growth and Strategic Planning – Previous scheme 19/01094/FUL

- 4.16 The proposal is for 43 dwellings of which 40 are qualifying dwellings for education. This number of dwellings would be expected to generate an additional demand for 6.80 secondary (11-16) places. The Gloucester Secondary Planning Area is forecast to be full. Gloucestershire County Council is therefore requesting a secondary (11-16) contribution of £131,321.60 towards the provision of these places
- 4.17 The nearest library to the application site, and the library most likely to be used by residents of the new development, is Quedgeley library. The new development will generate a need for additional resources at this library, and this is costed on the basis of £196.00 per dwelling. A financial contribution of £8,428 is therefore required to make this application acceptable in planning terms

Housing Strategy and Enabling Officer – Previous scheme 19/01094/FUL

- 4.18 There is a substantial need for housing and in particular affordable housing in the City and County as a whole. The accompanying information for this proposal states that the proposal will not be delivering any affordable housing due to viability issues and this needs to be tested thoroughly via an independent viability assessor. If no affordable housing is delivered, then further strain is put on the existing housing stock.
- 4.19 The proposal should also ensure that the dwellings all accord with the Nationally Designated Space Standards while the emerging City Plan, Policy A6, also requires 50% category M4 (2) standard accommodation.

Urban Design Adviser – Previous scheme 19/01094/FUL

- 4.20 No objection to the revised proposal, but materials need to be conditioned on any approval.

Open Space and Playing Pitch Adviser – Revised Proposal

- 4.21 As no open space is proposed on site, then an off-site calculation generates the following, for improvements to existing open spaces nearby

£147,000 for Formal Sport Provision
 £54,000 for Formal Play Provision
 £19,000 for General POS Improvements
 £220,000 in Total

- 4.22 These off site contributions should be spent on improving the facilities at the existing public open spaces :-
 Formal Sport - The Oval , Tuffley Park, Gloucester Athletic Club,

Formal Play – The two new play sites on Contracts Chemicals /St Gobain site , Milton Avenue play area , Scott Avenue play area , the Lannett play area ,
General Improvements – At any of the above sites

Archaeologist

- 4.23 Due to the previous site remediation works, archaeological remains are unlikely to have survived. Therefore, no comments to make.

Severn Trent Water

- 4.24 No objection subject to a condition on any permission for submission of details of foul and surface water drainage.

County Council – Minerals and Waste

- 4.25 No objection, subject to conditions on any approval requiring the submission of a detailed site waste management plan and for details of the recycling of waste generated during occupation.

5.0 PUBLICITY AND REPRESENTATIONS

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

- 5.2 One objection to the proposal was received (maintained following each revision of the scheme). Summarised as follows:

- The proposal is fundamentally unacceptable as the proposed land use (residential) is wholly incompatible with its near industrial neighbours' (Avon Metals) operations;
- It has also been suggested that the methodology and proposed mitigation measures of the submitted noise survey have not properly taken into account the noise from the adjacent industrial sites.

- 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;
 - 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.

6.5 Principle

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)

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 (2021) 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.

6.6 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.

6.7 As the site is located within the built up area of the city, the principle of residential 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.

6.8 A concern has been raised that the proposal would involve the loss of employment land. The Local Planning Authority are of the opinion however that the land currently has ‘nil’ use. The reasons being that the former Contract Chemical industrial development on the site is now long gone and there is no current industrial operation on this area of land, which only forms a small part of the original industrial site. The site also does not benefit from any commercial allocation within any extant plan, while the reserved matter application reference 15/00287/REM did not include the details for the commercial element proposed for this site under the outline application reference : 07/00747/OUT amended by application reference: 14/00861/FUL The time limit for the submission of this element of the reserved matters has now expired, so the site does not benefit from any planning permission.

6.9 Design, Layout and Landscaping

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 SD4 sets out requirements for high quality design, 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.

- 6.10 In terms of design the proposal is seen to recognise that this development would be part of the larger residential development that is currently being built out on these old former industrial sites. The two storey dwellings and three storey blocks of flats would be similar to those already constructed in terms of scale and appearance. These being well proportioned units of quite simple design with relatively steep pitched roofs , then utilising features such as gables and bay windows where the building is in a prominent position such as a corner plot or to add interest and break up the larger elevations on the blocks of flats. Juliette balconies are further shown as a feature on the flats.
- 6.11 Council officers had concerns with the original design in that the proposed blocks of flats did not relate well to each other in terms of potential overlooking, that the amenity space was poorly laid out and that ‘unbroken’ substantial areas of hardstanding were shown provided for car parking.
- 6.12 A revision was subsequently made to the scheme. The revised proposal is considered to be a better layout with the four blocks of flats set around a loosely formed ‘courtyard’ , enabling them to relate better to each other in terms of potential overlooking between occupiers and allowing them to be provided with a greater amount of usable amenity space. The scaling of the development is also seen to work better with the three storey blocks located towards Bristol road and the two storey house set behind within the larger general residential estate area. Previously the more north easterly of the two frontage blocks, Block H, did not relate well to either the Bristol road street scene or the surrounding residential development. It’s re orientation as shown in the revised layout enables it to have one elevation clearly viewing north up Bristol Road and a second elevation that in conjunction with the front elevation of Block K ensures a stronger more continuous built frontage to Bristol Road. The larger blocks work well here as they would enable a Bristol Road street presence, even as the road rises at this point.
- 6.13 Whilst the car parking provision still includes areas with quite a number of spaces directly alongside each other ,overall the layouts are shown set out more efficiently, particularly the parking spaces for the flats, with just one court yard layout rather than two areas with subsequent access and manoeuvring space as previously shown
- 6.14 In terms of landscaping, the Council’s landscaping consultant states that the amended layout is an improvement to the previously submitted scheme with better amenity space shown around the blocks of flats and more trees proposed. She does state that there should however be more planting shown on the western and south eastern borders, which would be secured via condition on any approval.
- 6.15 In conclusion the proposal is considered to comply with policies SD4 and SD10 of the JCS as well as the NPPF (2021) in terms of general design, layout and landscaping.
- 6.16 **Affordable Housing**
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.

- 6.17 Bullet point 9 of the Policy states that ‘If a development cannot deliver the full affordable housing requirement, a viability assessment conforming to an agreed methodology, in accordance with Policy INF7 will be required ... ‘
- 6.18 In this case the applicant has submitted a viability appraisal to seek to demonstrate that there is insufficient viability in the scheme to provide affordable housing. This appraisal has been assessed by an independent party appointed by the Local Planning Authority to ensure proper scrutiny.
- 6.19 The Independent assessors concluded that the Residual Land Value of a 100% open market housing scheme, excluding s106 contributions, would be £149, 649, while the Benchmark land value was £122,490. Thereby leading to a surplus of £27,000 for affordable housing and s106 contributions.
- 6.20 As affordable housing is the priority concern to the Local Planning Authority, then any approval would be subject to a legal agreement for the provision of this £27,000 towards off site affordable housing provision.
- 6.21 **Traffic and transport**
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
- 6.22 The proposed development is within a sustainable location just a couple of kilometres from the city centre of Gloucester. The nearest roadway, Bristol Road, has pavements on both sides of it and runs directly into the city centre. Bristol Road also has a dedicated cycle way running along it into the city centre as well as frequent buses into the centre. The nearest bus stops are on the junction of Newark road, approximately 60m north., and Tuffley Avenue, circa 140m north. The routes serving these stops provide frequent services to Gloucester city centre in the north and Quedgeley to the south.
- 6.23 The Transport Assessment (TA) that supported the Outline Planning Application reference: 07/00474/OUT, for the wider development remains the most up to date TA for this Bristol Road development site. It was based on calculations for 340 dwellings and B1/B2 use . To date 258 dwellings have been built out on the rest of the site, and with the proposed 43 dwellings, there would be 301 units. This is 39 less residential units than the TA was based on and no industrial floor space is now proposed. The Highway Authority are satisfied that transport movements to and from the site can be adequately accommodated , although request that any approval is conditioned so that the Travel Plan that covers the rest of the site is extended to include the proposal site.
- 6.24 The Highway Authority are also satisfied with the level of car and cycle parking provided for the development. In conclusion they have no objection, subject to conditions on any planning permission for the submission of details for satisfactorily laying out the estate road, a construction management plan and the already mentioned extension of the existing travel plan to include this development.
- 6.25 **Residential amenity**
Paragraph 130 of the NPPF (2021) 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.

- 6.26 The proposal in its revised form now shows good distance relationships between the proposed blocks of flats with a minimum distance of 22,5 m between main windowed elevations of facing blocks. There is even 18,5 m shown as a minimum between the front elevations of Block G and the existing Block B across the street, where distances can normally be expected to be lower. There is a bank of windows shown in the north eastern end elevation of Block K, however the second floor window in the adjacent end elevation of Block J would be angled away to prevent overlooking. Distances between the main windowed elevations of the two storey houses would then be a minimum distance of 20 metres apart.
- 6.27 In terms of amenity space, the dwellings are all shown with rear gardens around 10m in length, while the occupiers of the blocks of flats would all now benefit from decent usable amenity space as per the revised scheme. There were concerns that some ground floor flats in the blocks nearest Bristol Road might incur loss of light due to the proximity of the banking, however the applicant has submitted sections to show there would be sufficient distance from bank to window. In the most sensitive position in the northern most section of the west facing elevation of Block J, the proposed flat here would benefit from windows in the north east elevation.
- 6.28 It is also confirmed that the air quality is satisfactory in the area and that all the properties would meet Nationally Designated Space Standards. With regards to the concerns of potential overlooking and loss of sunlight from the garden of a neighbouring residential, it should be noted that Block G would be some 18 - 20 m from the gardens of the nearest existing dwellings, which officers consider an acceptable distance to ensure loss of sunlight and overlooking would not be material concerns.
- 6.29 Noise is a potential issue due to the location of the site, with the A Class main road of Bristol Road skirting the north-western site boundary and a commercial site (thought to be within B8 use) skirting the south-western site boundary. The applicant has submitted a Noise Survey that confirms the main source of noise is Bristol Road with less noise expected to be caused by the adjacent commercial land uses.
- 6.30 A scheme of mitigation has been outlined with the building facades directly adjacent to Bristol Road and the industrial units to the south west featuring enhanced glazing along with alternative ventilation which matches the performance of this glazing. Properties in all other areas will feature standard double glazing with all areas of the development site featuring alternative ventilation in order to meet both ventilation and internal ambient noise criteria. In accordance with the guidance provided in BS 4142, noise associated with industrial operations to the south have been assessed and mitigation measures outlined to reduce the effects of any noticeable or intrusive noise sources within proposed dwellings and as such there are not expected to be any 'significant adverse impacts' relating to noise. A condition can ensure the development is constructed in accordance with the proposed mitigation measures to ensure the development complies with the aims of JCS policies SD4 and SD14 and GCP policy A1.
- 6.31 I have noted a third-party objection raising concerns over the potential for the new housing to result in adverse impacts on the viability of continued industrial operations at adjacent sites (particularly at the Avon Metals site – approximately 175 m to the south-west of the application site). The objection has stated that the proposal is '*fundamentally unacceptable as the proposed land use (residential) is wholly incompatible with its near industrial neighbours*' (Avon Metals) operations; noise impacts have not been properly assessed and would be unacceptable'. It is stated that the proposal conflicts with the aims of NPPF paragraph 182 (as of July 2021 para.187) and, as a result, JCS policies SD14 and emerging GCP policy A1.

6.32 Paragraph 187 of the NPPF states the following:

Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

- 6.33 The 'agent of change' amendment to the NPPF (introduced in 2018) was brought about predominantly due to the implications of several cases where adverse impacts on existing licenced premises had arisen from new residential uses being permitted within adjacent buildings. This resulted in increased licencing restrictions, that in some cases meant the entertainment venues were no longer viable in their historic locations. This issue became particularly relevant in England following the Governments introduction of permitted development rights allowing the change of use of various types of commercial premises into residential use without the need for full planning permission to be sought.
- 6.34 The NPPF specifically points towards community and entertainment venues as these will often have social and cultural value that can be lost (in addition to economic/employment value) if inappropriate land uses are permitted in their locality. They are also the types of noise generating premises that are often located in denser city centre locations where development in very close proximity to a site is more likely to occur. The NPPF does not specifically reference industrial sites, but there is a reasonable expectation that some consideration of the possible impact of a residential development on any type of commercial land use should be undertaken. The key considerations being whether a use could give rise to 'significant adverse effects' and, if so, whether mitigation can be provided against these effects.
- 6.35 In this particular case, the objection has been made in relation to the use of the Avon Metals site that is located approximately 175 m to the south-west of the application site. Operations at this site are mainly centred around manufacturing, processing and trading of non-ferrous and ferrous metals. The site includes buildings and open yard areas. It is not clear whether the site may (or may not) be in 24hr operation. It is reasonable to expect that the waste processing and manufacturing uses certainly generate noise of a level and character that has the potential to be audible at the application site but, the risk that the operations would give rise to 'significant adverse effects' on the future occupiers of the application site appears to be relatively low. The main source of noise affecting the application site has been identified as Bristol Road, that is a very busy main transport route into (and out of) the city centre. Noise from Bristol Road would occur over 24hrs.
- 6.36 The Avon Metals site is located a significant distance from application the site with a substantial existing storage building (that would act as an acoustic screen) and B8 storage yard occupying the intervening land. The wider commercial estate also features a number of industrial site uses (B8 and B2 uses) in much closer proximity to existing housing. The council's Env. Protection advisor has confirmed that no historic nuisance complaints from nearby residential properties have been made about any of the existing industrial businesses. As such, it is considered the potential for 'significant adverse effects' to occur is reasonably considered to be low.
- 6.37 It is possible that uses could change or intensify at the various neighbouring commercial sites

in the future but, impacts from such changes are not possible to quantify and any material changes to uses in the commercial estate would possibly require planning permission, some form of site licence and/or an Environmental Permit. Indeed, several of the existing businesses (including Avon Metals) already operate under site licences and Environmental Permits and there is little evidence to expect that the proposed residential development would influence changes to these permits/licences that would be tantamount to 'unreasonable restrictions'. Should the Avon Metals site seek to expand into adjacent land any operations would be expected to comply with planning policies and environmental protection legislation in force at that time (and whatever mitigation may be necessary). There is no current compelling reason to consider that future development at the existing Avon Metals site (or possible expansion into the adjacent site) would be prevented as a result of this application proposal.

- 6.38 In any case, mitigation has been proposed within the submitted noise survey (in line with BS 4142) which can be secured by planning condition. The third-party objection has raised concern that the proposed mitigation would not be fit-for-purpose, but the use of enhanced glazing along with mechanical ventilation is an established technical solution to mitigate against noise and there has been no compelling evidence put forward by the third-party to suggest otherwise. Full technical details of the plot-by-plot mitigation measures can be secured by condition and it is therefore considered that suitable planning control can be secured in terms of noise.
- 6.39 On balance, it is not considered there is sufficient evidence to demonstrate that the proposed residential development would act as an 'agent of change' with any great potential for 'unreasonable restrictions' to be placed on the uses of neighbouring commercial sites.
- 6.40 Subject to the recommended conditions the proposal is considered to comply with the aims of JCS policies SD4 and SD14, GCP policy A1 and the NPPF.
- 6.41 Drainage and flood risk**
The NPPF requires that development is directed to the areas at lowest risk of flooding, that new development should take the opportunities to reduce the causes or impacts of flooding, should not increase flood risk elsewhere and take account of climate change. Policy INF2 of the JCS reflects the NPPF, applying a risk based sequential approach, requiring new development to contribute to a reduction in flood risk and requiring the use of sustainable drainage systems.
- 6.42 The site is in Flood Zone 1 and the Local Lead Flood Authority have no objection to the proposal, subject to a condition on any approval for a SuDs Management and Maintenance Plan.
- 6.43 Ecology**
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.
- 6.44 The Council's ecological consultant concluded that likely significant effects upon the Cotswolds Beechwoods Special Area of Conservation (SAC) , Cotswolds Commons and Beechwoods Site of Special Scientific Interest (SSSI) and Nature Reserve, and Severn Estuary Special Protection Area (SPA) would not occur as a result of the proposed development or in combination with other developments

6.45 They recommend that any approval includes conditions for the submission of a Ecology Management Plan, a Home Owners Pack identifying the alternative public open spaces to take pressure off the SPA, for the scattered shrubs to be removed outside bird nesting season and for precautionary measures for badgers.

6.46 Contaminated land

6.47 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.

The Council's contaminated land consultant notes that the wider Former Contract Chemicals development site that has been subject to some remediation and has no objection subject to conditions on any approval to cover protection from ground gases and checks on the potential import of soil, as well as the standard contaminated land conditions (phased risk assessment, remediation, verification etc.).

6.48 Waste minimisation

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.

6.49 The Council's Waste and Recycling team have raised no objection, subject to conditions on any approval requiring the submission of a detailed site waste management plan and for details of the recycling of waste generated during occupation.

6.50 Open Space, Recreation, Education and Community Facilities

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.

6.51 Part 2 of Policy INF7 – Developer Contributions' states however that 'where there is a concern relating to the viability of the development , an independent viability assessment needs to be provided, funded by the developer and in proportion with the scale, nature and/or context of the proposal. As indicated in paragraphs 6.12 to 6.14 of this report in relation to affordable housing, a viability assessment has been undertaken and the conclusion was that there is only £27,000 available for affordable housing and s106 contributions. The Council's priority is affordable housing and any approval of this application would be subject to a legal agreement to provide the £27,000 towards off site affordable housing. There is therefore no further value in the scheme for contributions towards open space, recreation, education or library facilities, and contributions would not be sought.

6.52 Economic considerations

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.

6.53 Planning Obligations

Planning legislation and the NPPF provide that planning obligations should only be sought

where they meet all of the following tests:

- 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.

6.54 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 have been set out above.

6.55 **Affordable housing**

As set out above, the proposal for affordable housing is £27,000 financial contribution towards off-site provision to be secured by s.106 agreement.

6.28 **Conclusion**

6.29 This application has been considered in the context of the policies and guidance referred to above. The proposal is consistent with those policies and guidance in terms of design, materials, highway safety implications, impact upon the amenity of any neighbours and the local area. The development would positively contribute towards the provision of new housing within the city and provide some benefits in terms of employment and the economy.

6.30 The proposal is acceptable and accordingly it is recommended that planning permission is resolved to be granted, pending completion of a Section 106 agreement.

7.0 **RECOMMENDATION**

7.1 That planning permission is resolved to be **GRANTED** (subject to the following conditions), pending completion of the required Section 106 agreement.

7.2 **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

Except where these may be modified by any other conditions attached to this permission, the development hereby permitted shall be carried out in accordance with the following approved drawing numbers/documents:

- 17137-GLOU-5-102 Rev.C – Refuse Vehicle Tracking;
- 17137-GLOU-5-200 Rev.F – Drainage Strategy;
- 17137-GLOU-5-SK001 – Surface Water Outfalls General Arrangement;
- BSCS-H-01-pe Rev.A – Refuse and Cycle Stores Flat Block H;
- BSCS-K-01-pe Rev.A – Refuse and Cycle Stores Flat Block K;
- FB-G-e1 Rev.C – Flat Block G Elevations Sheet 1 of 2;
- FB-G-e2 Rev.C – Flat Block G Elevations Sheet 2 of 2;
- FB-G-p1 Rev.C – Flat Block G Floor Plans Sheet 1 of 3;

- FB-G-p2 Rev.C – Flat Block G Floor Plans Sheet 2 of 3;
- FB-G-p3 Rev.C – Flat Block G Floor Plans Sheet 3 of 3;
- FB-H-e1 Rev.C – Flat Block H Elevations Sheet 1 of 2;
- FB-H-e2 Rev.C – Flat Block H Elevations Sheet 2 of 2;
- FB-H-p1 Rev.C – Flat Block H Floor Plans Sheet 1 of 2;
- FB-H-p2 Rev.C – Flat Block H Floor Plans Sheet 2 of 2;
- FB-J-e1 Rev.C – Flat Block J Elevations Sheet 1 of 2;
- FB-J-e2 Rev.C – Flat Block J Elevations Sheet 2 of 2;
- FB-J-p1 Rev.C – Flat Block J Floor Plans Sheet 1 of 3;
- FB-J-p2 Rev.C – Flat Block J Floor Plans Sheet 2 of 3;
- FB-J-p3 Rev.C – Flat Block J Floor Plans Sheet 3 of 3;
- FB-K-e1 Rev.C – Flat Block K Elevations Sheet 1 of 2;
- FB-K-e2 Rev.C – Flat Block K Elevations Sheet 2 of 2;
- FB-K-p1 Rev.C – Flat Block K Floor Plans Sheet 1 of 2;
- FB-K-p2 Rev.C – Flat Block K Floor Plans Sheet 2 of 2;
- HT.966.e Rev.A – House Type 966 Elevations;
- HT.966.p Rev.A – House Type 966 Floor Plans;
- DBML.01 Rev.D – Site Layout – Dwelling Boundary Materials Plan;
- LP.01 Rev.A – Location Plan;
- POS.01 Rev.B – Public Open Space Layout;
- SL.01 Rev.F – Site Layout;
- SS.01 Rev.C – Site Sections;
- P11-13.p.1 Rev. B – Plots 11-13 Floor Plan Sheet 1;
- P11-13.p.2 Rev. B – Plots 11-13 Floor Plan Sheet 2;
- P11-13.e.1 Rev. B – Plots 11-13 Elevations Sheet 1;
- P11-13.e.2 Rev. B – Plots 11-13 Elevations Sheet 2;
- P1-3_8-10.e Rev.C – Plots 1-3 and 8-10 Elevations;
- P1-3_8-10.p Rev.C – Plots 1-3 and 8-10 Floor Plans;
- SHED.01.pe Rev.A – Shed Floor Plan and Elevations.

Reason

For the avoidance of doubt and in the interests of proper planning.

Prior to commencement conditions

Condition 3

No development shall take place until an Ecology Management Plan (EMP) to include and confirm the following has been submitted to and approved in writing by the Local Planning Authority :

- Lighting required during construction work turned off at night so to not disturb badgers foraging;
- Trenches covered at the end of the working day;
- Any pipes covered or capped to prevent badgers gaining access;
- Any excavations (e.g. trenches or deep pits) within the construction site that need to be left open overnight provided with an escape ramp; and
- Confirmation that, if badgers or signs of sett excavation are encountered on site at any time during construction, the project ecologists to be contacted in the first instance;
- Details of bird and bat box installations;
- Details of Wildflower grassland;
- Details of Wetland planting;

The EMP shall cover the first ten years of management following the commencement of construction and enabling works. Enhancement measures shall be included for existing

natural habitats and created habitats. All Ecological enhancements outlined in the EMP shall be implemented as recommended in the EMP and the number and location of ecological features to be installed shall be specified.

Reason

To enhance the ecological biodiversity of the site in accordance with the aims of policy SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) and emerging policies A1, E2 and E5 of the Gloucester City Plan.

Condition 4

Prior to the commencement of the development hereby approved, a Construction (and demolition) Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. As a minimum, the written details of the CEMP shall include:

- a. Site access/egress;
- b. Staff/contractor facilities and travel arrangements;
- c. Dust mitigation;
- d. Noise and vibration mitigation;
- e. Mitigation of the impacts of lighting proposed for the construction phase;
- f. Measures for controlling leaks and spillages, managing silt and pollutants;
- g. Plans for the disposal and recycling of waste;

Thereafter, the construction phase of the development shall take place only in accordance with the details/recommendations of the approved CEMP.

Reason

To protect existing and proposed properties from the impacts of short term exposure to noise, vibration, light and dust nuisance in accordance with the aims of policies INF1 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) and emerging policy A1 of the Gloucester City Plan.

Condition 5

No development shall take place until there has been submitted to and approved by the Local Planning Authority in writing, a comprehensive scheme of hard and soft landscaping, which shall include indications of all existing trees (including spread and species) and hedgerows on the land and details of any to be retained together with measures for their protection during the course of development.

Reason

In the interests of visual amenity, to ensure the development benefits from the inclusion of natural and to ensure some biodiversity net gains in accordance with the aims of policies SD4, SD6 and SD10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) and emerging policies A1, E4 and E5 of the Gloucester City Plan.

Condition 6

No development shall start until a detailed design, maintenance and management strategy and timetable of implementation for the surface water drainage strategy has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall be based upon the principles as set out in the Flood Risk Assessment & Drainage Strategy Document Rev E prepared by Woods Hardwick Infrastructure LLP and must demonstrate the technical feasibility and viability of the proposed 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 lifetime of the development. The scheme for the

surface water drainage shall be implemented in accordance with the approved details and timetable and shall be fully operational before the development is first put in to use/occupied.

Reason

To ensure the development is provided with a satisfactory means of drainage and thereby reducing 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 in accordance with the aims of policy INF2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) and emerging policy E6 of the Gloucester City Plan.

Condition 7

a) Gas protection measures complying with Characteristic Situation 2 as set out in BS8485:2015 and CIRIA C665 as a minimum requirement must be incorporated within the foundations of the proposed structure(s). Following installation of these measures, and prior to the first occupation of the development, a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Or

b) A risk assessment should be undertaken to establish whether the proposed

development is likely to be affected by landfill or ground gas or vapours. The risk assessment must be provided to and approved in writing by the Local Planning Authority, prior to the commencement of development. The assessment shall be carried out in accordance with current UK guidance and best practice.

c) Where the approved risk assessment (required by condition (b) above) identifies ground gases or vapours posing unacceptable risks, no development shall commence until a detailed remediation scheme to protect the development from the effects of such ground gases or vapours has been submitted to and approved in writing by the Local Planning Authority.

Following approval, the remediation scheme shall be implemented on site in complete accordance with approved details unless otherwise agreed in writing by the Local Planning Authority.

d) Following implementation and completion of the approved remediation scheme (required by condition (c) above) and prior to the first occupation of the development, a verification report shall be submitted to and approved in writing by the Local Planning Authority to confirm completion of the remediation scheme in accordance with approved details.

Reason

To ensure that the risk to buildings and their occupants from potential landfill or ground gases are adequately addressed in accordance with the aims of policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) and emerging policy A1 of the Gloucester City Plan.

Construction Phase and Prior to Occupation

Condition 8

No work above floor plate level shall be carried out until samples of the external materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason

To ensure that materials are in keeping with the surrounding area and to provide for high quality design in accordance with the aims of policies SD3, SD4 and SD10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) and emerging policies A1 and F1 of the Gloucester City Plan.

Condition 9

No work above floor plate level shall be carried out until details of the glazing and ventilation measures and their sound reduction specifications for each proposed dwellings, to achieve 30 dB LAeq(1 hr), and 45 dB LAm_{ax}(15 min) in bedrooms at night (23:00 – 07:00) and 35 dB LAeq(1 hr) in living rooms during the day (07:00 – 23:00), have been submitted to and approved in writing by the Local Planning Authority . The works shall then all be carried out in accordance with these approved details and retained as such for the duration of the development.

Reason

To provide a good residential environment for future occupiers of the development in accordance with the aims of policies SD4, SD10 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) and emerging policies A1 and F1 of the Gloucester City Plan.

Condition 10

Full details of any soil or soil forming materials brought on to the site for use in garden areas, soft landscaping, filling and level raising must be provided. Where the donor site is unknown or is brownfield the material must be tested for contamination and suitability for use on site. Full donor site details, proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk

assessment) must be submitted to and approved in writing by the Local Planning Authority prior to import on to the site.

The approved testing must then be carried out and validatory evidence (such as laboratory certificates) submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought on to site.

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 the aims of policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) and emerging policy A1 of the Gloucester City Plan.

Condition 11

No work above floor plate level shall be carried out until, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than small, privately owned, domestic gardens) shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved management plan.

Reason

To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and secure ongoing biodiversity net gains in accordance with

the aims of policies SD4, SD6 and SD10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) and emerging policies A1, E4 and E5 of the Gloucester City Plan.

Condition 12

No work above floor plate level shall be carried out until a schedule of landscape maintenance for a period of five years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule

Reason

To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and secure ongoing biodiversity net gains in accordance with the aims of policies SD4, SD6 and SD10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) and emerging policies A1, E4 and E5 of the Gloucester City Plan.

Condition 13

Prior to the occupation of the development hereby permitted, the vehicular access shall be laid out and constructed in accordance with the approved site plan with any gates situated at least 5 metres back from the carriageway edge of the public road and hung so as not to open outwards towards the public highway and with the area of driveway within at least 5 metres of the carriageway edge of the public road surfaced in bound material, and shall be maintained in that state thereafter.

Reason

In the interest of highway and pedestrian safety, and to ensure vehicles are able to pull clear of the adopted highway and avoid becoming an obstruction to oncoming traffic in accordance with the aims of policy INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) and the NPPF.

Condition 14

The approved car parking and turning areas shall be constructed and marked out ready for use before occupation of the dwellings to which they relate. They shall then be retained solely for this use for the duration of the development. Details of electric vehicle charging facilities for each dwelling shall also be submitted to and approved in writing by the Local Planning Authority, and put in place for use before occupation of the dwelling for which the charging point has been provided, and then retained for the lifetime of the development.

Details of electric vehicle charging facility for the apartments shall be submitted to and approved in writing by the Local Planning Authority, and put in place for use before occupation of the dwelling for which the charging point has been provided, and then retained for the lifetime of the development.

Reason

In the interest of sustainable development, to ensure adequate parking provision on site, to accord with the NPPF and the aims of policies SD4 and INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) and emerging policies A1, G1 and G2 of the Gloucester City Plan.

Condition 15

The dwellinghouses hereby approved (plots 1 through to plot 13) shall not be occupied or brought into use until secure cycle parking provision has been installed for each plot in accordance with full written details that shall first be submitted to and approved in writing by

the local planning authority. Thereafter, the development shall be completed and maintained in accordance with the approved details.

Reason

To ensure the development benefits from sufficient cycle parking provision and to encourage the use of sustainable modes of transport in accordance with the aims of policies SD4 and INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) and emerging policies A1, G1 and G4 of the Gloucester City Plan.

Condition 16

The development hereby permitted shall not be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority, setting out;

- objectives and targets for promoting sustainable travel,
- appointment and funding of a travel plan coordinator,
- details of an annual monitoring and review process, for the first two years of the development,
- means of funding of the travel plan, and;
- an implementation timetable including the responsible body for each action.

The approved Travel Plan shall be implemented and thereafter operated in accordance with the details and timetable therein.

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 , the aims of policy INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) and emerging policies A1, G1, G3 and G4 of the Gloucester City Plan.

Condition 17

The cycle and refuse storage arrangements for the blocks of flats hereby approved shall be constructed and made available for use prior to occupation of the specific block of flats to which they relate in accordance with the approved details. They shall then be maintained in accordance with the approved details for the lifetime of the development.

Reason

In the interest of sustainable development in accordance with the aims of policies SD3 and SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) and emerging policy A1 of the Gloucester City Plan.

Condition 18

No building hereby permitted shall be occupied until details of the design, implementation, maintenance and management of foul water drainage works have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out, and the drainage maintained/managed, in accordance with the approved details.

Reason

To ensure development would not result in unacceptable risk of pollution or harm to the environment in accordance with the aims of policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) and emerging policy A1 of the Gloucester City Plan.

Condition 19

No dwelling hereby permitted shall be occupied or brought into use until the boundary fences/walls have been constructed in accordance with full details that shall first be submitted to and approved in writing by the local planning authority. The scheme shall then be maintained in accordance with the approved details for the lifetime of the development.

Reason

To ensure adequate privacy for future occupiers of the development and in the interests of visual amenity in accordance with the aims of policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) and emerging policy A1 of the Gloucester City Plan.

Compliance conditions**Condition 19**

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 immediately to the Local Planning Authority. The applicant is advised to immediately seek the advice of an independent geo-environmental consultant experienced in contaminated land risk assessment, including intrusive investigations and remediation.

No further works should be undertaken in the areas of suspected contamination, other than that work required to be carried out as part of an approved remediation scheme, unless otherwise agreed by the Local Planning Authority, until requirements 1 to 4 below have been complied with:

1. Detailed site investigation and risk assessment must be undertaken by competent

persons in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and a written report of the findings produced. The risk assessment must be designed to assess the nature and extent of suspected contamination and approved by the Local Planning Authority prior to any further development taking place.

2. 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.

3. The approved remediation scheme must be carried out in accordance with its terms

prior to the re-commencement of any site works in the areas of suspected contamination, other than that work required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.

4. Following completion of measures identified in the approved remediation scheme a

verification 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 on site.

Reason

To ensure that the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecosystems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the aims of policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) and emerging policy A1 of the Gloucester City Plan.

Condition 20

During the construction phase (including demolition and preparatory groundworks), no machinery shall be operated, no process shall be carried out and no deliveries shall be 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 noise climate and amenity of local residents in accordance with the aims of policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) and emerging policy A1 of the Gloucester City Plan.

Condition 21

The development shall be carried out in accordance with approved Waste Minimisation and Management Plan by Woods Hardwick Planning Ltd and dated 20th November 2019.

Reason

To ensure the effective implementation of waste minimisation.

INFORMATIVE NOTES**Building Regulations**

Your attention is drawn to the requirements of the Building Regulations, which must be obtained as a separate consent to this planning decision. You are advised to contact the Gloucestershire Building Control Partnership on 01453 754871 for further information.

NPPF

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.

Nesting Birds

Anyone who takes, damages or destroys the nest of any wild bird whilst that nest is in use or being built is guilty of an offence under the Wildlife and Countryside Act 1981 and prior to commencing work you should ensure that no nesting birds will be affected

Highway to be adopted

The development hereby approved includes the construction of new highway. To be considered for adoption and ongoing maintenance at the public expense it must be constructed to the Highway Authority's standards and terms for the phasing of the development. You are advised that you must enter into a highway agreement under Section 38 of the Highways Act 1980. The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980.

Contact the Highway Authority's Legal Agreements Development Management Team at highwaylegalagreements@gloucestershire.gov.uk. You will be required to pay fees to cover

the Councils cost's in undertaking the following actions:

- I. Drafting the Agreement
- II. Set up costs
- III. Approving the highway details
- IV. Inspecting the highway works

You should enter into discussions with statutory undertakers as soon as possible to co-ordinate the laying of services under any new highways to be adopted by the Highway Authority.

The Highway Authority's technical approval inspection fees must be paid before any drawings will be considered and approved. Once technical approval has been granted a Highway Agreement under Section 38 of the Highways Act 1980 must be completed and the bond secured.

Impact on the highway network during construction

The development hereby approved, and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authorities Network Management Team at Network&TrafficManagement@gloucestershire.gov.uk before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed

Person to Contact: David Millinship



Planning Application: | 22/00239/FUL

Address: | Former Contract Chemicals
Site Bristol Road Gloucester
GL2 5BX

Committee Date: |

