

GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

Committee:	Planning
Date:	2 nd May 2023
Address/Location:	Old Hempsted Fuel Depot, Hempsted Lane Gloucester
Application No:	22/01041/FUL
Ward:	Westgate
Expiry Date:	09.02.2023
Applicant:	Lioncourt Homes
Proposal:	Demolition of all above and below ground structures on the site, remediation and associated earthworks to facilitate development for 70 residential dwellings with associated infrastructure and open space, vehicular access onto Hempsted Lane and pedestrian access onto Honeythorn Close, to include creation of development platforms, provision of flood compensation and structures for ecological mitigation (Revised Plans to application 21/00704/FUL).
Report by:	Caroline Townley
Appendices:	Site location and site layout plans

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is approximately 6.8 ha in area and is irregularly shaped, although the developable area is considerably less due to the site's constraints. The site comprises a former Ministry of Defence fuel depot accessed from Hempsted Lane. The site is currently vacant and constitutes previously developed land. The east the site comprised a former fuel distribution area together with abandoned buildings all surrounded by hardstanding concrete and tarmac with four partially buried tanks and supporting infrastructure to the west. These structures were identified as being undesignated heritage assets of local significance.
- 1.2 The site is bounded by residential properties in Hempsted Lane and Honeythorn Close to the south with commercial development to the north east. The south- west boundary of the site is adjacent to Newark House which is a Grade II listed building constructed in 1830 and is identified as being of special architectural and historic interest. The Hempsted Conservation Area is located approximately 260 metres south of the site. The west boundary is adjacent to open fields. The boundaries are generally defined by mature trees and hedgerows.
- 1.3 A previous application for the removal of the four partially buried fuel tanks and associated infrastructure, the demolition of all existing buildings, structures and hard standing across the site, together with the remediation of any residual contamination and the regrading of ground levels after the works was granted on 28th September 2021 (ref. 21/00358/FUL). It also included the construction of a bat house, which was a Natural England licensing requirement to mitigate for the loss of bat roosting features as a result of the demolitions. The structures have now been demolished, the ground has been remediated and bat house constructed.
- 1.4 The current application seeks planning permission for the demolition of all above and below ground structures on the site, remediation and associated earthworks to facilitate development for 70 residential dwellings with associated infrastructure and open space,

vehicular access onto Hempsted Lane and pedestrian and emergency access onto Honeythorn Close, to include creation of development platforms, provision of flood compensation and structures for ecological mitigation.

- 1.5 The site varies in character and topography. The front part of the site adjacent to Hempsted Lane is generally flat but rises through the middle of the site upwards to the western end and then drops down to the east and north.
- 1.6 The application proposes a mix of detached, semi-detached and terraced houses, together with apartments, maisonettes and bungalows providing 9 no. 1-bedroom units, 15 no. 2-bed, 27 no. 3-bed, 15 no. 4-bed and 4 no. 5-bed dwellings. The proposal also includes three self-build plots.
- 1.7 The proposed main access to the site would be from Hempsted Lane with an additional pedestrian route and access for emergency vehicles onto Honeythorn Close.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
07/00145/OUT	Erection of 152 residential units, together with open space and access and infrastructure.	Withdrawn	24.05.2007
08/01049/OUT	Outline planning application for 127 dwellings and public open space. All matters reserved with the exception of layout and means of access.	Refused	06.11.2008
09/00679/OUT	Outline application for the erection of up to 101 dwellings and public open space. (All matters reserved for future consideration with the exception of means of access).	Refused	05.08.2011
11/00672/EIA	EIA screening opinion.	Screening provided	24.06.2011
12/00725/OUT	Outline application for residential development of up to 85 dwelling units with means of access and public open space. (Appearance, landscaping, layout & scale reserved for future consideration) - (REVISIONS INCLUDE THE REDUCTION IN THE NUMBER OF DWELLINGS PROPOSED FROM 101 TO 85)	Granted subject to S106 Agreement	28.06.2017
20/01075/EIA	Environmental Impact Assessment (EIA) screening opinion.	Screening provided	15.12.2020
21/00358/FUL	Demolition of all above and below ground structures on the site, remediation and regrading of levels to make good, and provision of structures for ecological mitigation.	Granted	28.09.2021
21/00704/FUL	Demolition of all above and below ground structures on the site, remediation and associated earthworks to facilitate redevelopment for 92 residential dwellings with associated infrastructure and open space, to include creation of development platforms, provision of flood compensation	Withdrawn due to cyber incident.	26.10.2022

	and structures for ecological mitigation.		
21/01124/CON DIT	Discharge of Condition 3 (Parts 1 - site characterisation and 2 - remediation scheme) on planning permission ref. 21/00358/FUL.		
21/01268/CON DIT	Discharge of condition 7 (External Materials for Bat House) on planning permission ref. 21/00358/FUL.	Discharged	07.12.2021
21/01307/CON DIT	Discharge of Condition 10 (ecology – otter and voles)	Discharged	15.02.2021
23/00141/CON DIT	Discharge of Condition 6 (Historic Building Survey Report) on planning permission ref. 21/00358/FUL.	Pending	

3.0 RELEVANT PLANNING POLICY

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

3.2 National guidance

National Planning Policy Framework (NPPF) and Planning Practice Guidance

3.3 Development Plan

The Development Plan consists of the Adopted Joint Core Strategy (2017) and the Adopted Gloucester City Plan (2023).

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

Relevant policies from the JCS include:

SP1 - The need for new development
 SP2 – Distribution of new development
 SD3 – Sustainable design and construction
 SD4 – Design requirements
 SD6 – Landscape
 SD8 – Historic Environment
 SD9 – Biodiversity and geodiversity
 SD10 – Residential development
 SD11 – Housing mix and standards
 SD12 – Affordable housing
 SD14 – Health and environmental quality
 INF1 –Transport network
 INF2 – Flood risk management
 INF3 – Green Infrastructure
 INF4 – Social and community Infrastructure
 INF6–Infrastructure delivery
 INF7 – Developer contributions

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

The statutory Development Plan for Gloucester includes the partially saved 1983 City of Gloucester Local Plan. Paragraph 219 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 and City Plan. None of the saved policies are relevant to the consideration of this application.

3.5 **Gloucester City Plan (Adopted January 2023)**

Relevant policies from the emerging Gloucester City Plan include:

- A1 – Effective and efficient use of land and buildings
- A6 – Accessible and adaptable homes
- A7 – Self build and custom build homes
- B1 – Employment and Skills Plan
- C1 – Active design and accessibility
- C3 – Public Open Space, playing fields and sports facilities
- C5 – Air Quality
- D1 – Historic environment
- D3 – Recording and advancing understanding of heritage assets
- D4 – Views of the cathedral and historic places of worship
- E1 – Biodiversity and geodiversity
- E3 – Green/Blue infrastructure
- E4 – Flooding, sustainable drainage and wastewater
- E6 – 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 and parking
- G3 – Walking
- G4 – Broadband connectivity
- G6 – Water Efficiency

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. None of the development management policies are relevant to the consideration of this application.

3.7 **Supplementary Planning Guidance**

Gloucester City Council – Hempsted Conservation Area (Conservation Area No. 12) – Appraisal and Management Proposals the Conservation Area was designated 2007 and the Conservation Area Management Plan has been adopted as an SPD.

4.0 **CONSULTATIONS**

4.1 **Highway Authority**

Gloucestershire County Council, the Highway Authority acting in its role as Statutory Consultee has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the Highways Development Management Manager on behalf of the County Council, under Article 18 of the Town and Country Planning (Development Management Procedure) (England) Order, 2015 recommends that this application be approved subject to conditions and the agreement to enter into legal agreements to deliver the proposed mitigation packages.

4.2 **Conservation Officer**

The proposal is located within the setting of Newark House and the wider setting of Hempstead Conservation Area. The proposed demolition of the remaining fabric of the ex-MOD Fuel Depot is accepted.

The proposed development of the 70 dwellings that are subject to this application is considered to be acceptable, as is the proposed landscaping and planting to mitigate the harm to the visual setting of the listed building and St Margaret's Well.

The design of the proposed dwellings has been comprehensively revised by the applicant to address concerns expressed by the Conservation Officer. The applicant has worked constructively with the Conservation Officer, and the proposed scheme is now considered acceptable in terms of its design and materiality.

The revised proposals are acceptable in consideration of policies D1 Historic Environment, and F1 Materials and Finishes, of the adopted City Plan January 2023, and Policy SD4 of the Joint Core Strategy 2017.

The impact on the setting of Newark house is mitigated by the planting that is proposed for the surrounding landscape and the design quality of the development.

The Conservation Officer has expressed concern for the amount of close boarded fencing between properties at 1.8M high, in relation to biodiversity and wildlife movement and negative visual impact within the development.

Newark House is a grade II listed building. Under the Planning (Listed Buildings and Conservation Areas) Act, 1990, the Local Planning Authority is statutorily required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The current proposal, by virtue of the design of the development and mitigation for the setting, would preserve the special architectural or historic interest of the listed building, and would sustain its significance as a designated heritage asset.

Therefore, the proposal accords with Section 16 of the National Planning Policy Framework, the statutory requirements of Section 16(2) of the 1990 Act and Policy SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted December 2017.

4.3 **City Archaeologist**

The submitted document 'Historic Building Survey Report: Former MOD Oil Fuel Depot, Hempsted Lane, Gloucestershire' is an acceptable record of the heritage assets on the site. There is no need for further recording prior to development.

4.4 **Landscape Adviser**

Support the principles set out within the Framework Landscape and Ecological Management Plan (FLEMP), which should fully inform the detailed landscape scheme, particularly in respect of providing a high percentage of native species for tree and shrub planting. The use of native fruit trees (or traditional Gloucestershire varieties) within the tree planting design for wildlife foraging is encouraged. Recommend planting of some areas of trees and native scrub planting in and around the attenuation basin, in addition to any marginal/emergent planting, so that it can support as much wildlife and biodiversity as possible. Headwalls and railings will need to be visually appropriate for a POS setting, and Kee-klamp type industrial railings would not be acceptable. The appearance and visual impact of all engineering structures (and associated fencing) should be minimised and softened by planting wherever possible.

The stepped retaining walls and sloping banks down to the lower POS should be planted to ensure as much BNG as possible, with native scrub/climbers and tree planting on the slopes, in addition to areas of wildflower meadow.

Any close boarded or enclosed fencing should ensure there are adequate gaps at the base of

the fencing to create a 'hedgehog highway'. The position and network of such gaps should be indicated on the detailed fencing plans.

4.5 **Tree Officer**

There are a significant number of trees being removed from the site. Replanting should cover the canopy loss. The large main Oak and other retained trees would be adequately protected.

4.6 **Ecology Adviser**

It is considered that the desk studies and ecological surveys submitted are sufficient and the assessment is satisfactory, that the mitigation measures recommended, and enhancement measures are appropriate.

It is considered that the shadow HRA provides a thorough assessment of the potential impacts on designated sites and with mitigation in place, the integrity of the sites would be maintained.

4.7

Natural England

No objection subject to appropriate mitigation being secured. It is considered that without appropriate mitigation the application would have an adverse impact on the integrity of Cotswold Beechwoods Special Area of Conservation. In order to mitigate these adverse effects and make the development acceptable conditions should be attached to any planning permission to secure:

- The production and implementation of a Construction Management Plan (CEMP)
- The provision of Home Information Packs to inform residents the new on how to avoid impacting the nearby sensitive sites, including specific information on the three European Sites: Cotswolds Beechwoods SAC, Walmore Common and Severn Estuary SPA/RAMSAR.

4.8 **Contaminated Land Adviser (WRS)**

Note that there is a planning permission has been granted separate application for the demolition of above and ground structures, remediation and earthworks 921/00358/FUL). For completeness elements included in application 21/00358/FUL are also included in the current application.

Additional information including a remediation Verification has been submitted in support of the current application.

WRS consider that the verification works have generally been undertaken in line with current guidance and good practice for contaminated land risk assessment and also the approved remediation strategy and verification plan. However, on the basis that further clarification and approval is required on a number of issues the full tiered contaminated land condition and a condition relating to the import of soil and soil forming materials are recommended.

WRS raise no objection to the application subject to the inclusion of these conditions.

4.9 **Environment Agency**

Further to the submission of the updated compensation proposals, the Agency confirms that the proposals set out on the amended drawing are acceptable and present an appropriate level for level, volume for volume compensation scheme for the losses incurred by raising the main access road in.

The Environment Agency is also satisfied with the finished floor levels set out on the same drawing, which negates the need for a specific condition. The Agency raises no objection subject to the inclusion of a condition relating to the implementation of the flood storage works.

4.10 **Drainage Adviser**

No objection in relation to flooding or drainage subject to the inclusion of condition.

4.11 **Lead Local Flood Authority**

The FRA details the flood risk and justifies the extent of development with regard to flood risk zones, it also identifies a drainage strategy defining post development surface water discharge rates and mitigation methods. All of this is acceptable and the LLFA therefore have no objection to this proposal.

The drainage strategy is supported by detailed engineering drawings and additional drawings detailing the flood compensation facilities.

provided development is carried out in accordance with the submitted drawings the LLFA do not recommend any conditions.

4.12 **Severn Trent Water**

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

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

The submitted noise assessment is satisfactory and predicts that internal noise from the surrounding road network and commercial activities can be adequately mitigated with the installation of the recommended glazing and alternative ventilation products.

It is noted that the predicted noise impact from the nearby commercial activities approaches 10dB, in the worst affected garden area (Plot 70), which is considered a significant adverse impact and could, at times, require future residents to keep windows closed in order to maintain adequate internal noise levels. However, WRS agree that the BS4142 noise character corrections are worst case and include a 3dB safety factor. WRS are therefore, of the opinion that noise from the surrounding road network and nearby commercial activities should not be a constraint on the residential development of the site but the applicant should confirm that all practical mitigation measures have been taken to minimise noise in the most affected outdoor amenity areas.

4.14 **Housing Projects and Strategy Team**

The proposal provides a range of dwellings to create a mixed and balanced community in line with JCS policy SD11 and provides much needed larger family housing for the City including the provision of a 5 bed 9-person property. The inclusion of 2.5 and 3 storey townhouses in the design is an effective use of spaces, allowing 4-bedroom houses to be provided.

The homes are reasonable spaced across the development with no clusters, in accordance with JCS policy SD11.

The application is compliant with the Nationally Described Space Standards (NDSS) on all affordable housing properties. The affordable homes achieve the double occupancy bedroom standard.

The application is compliant with Policy A6 of the City Plan requirements for adaptable and accessible homes. The proposal is for 21 homes to M4(2) standard, split across the open market and affordable homes, this represents 30% which exceeds the requirements set out in Policy A6. The development also includes the provision of a M4(3) home.

All of the plots have adequate amenity space with front/rear gardens or balconies to comply with space standards.

HSPT welcome and support the application but suggest that the application could be further

improved by reducing car parking to allow an increase in the number of homes to be provided and by increasing the rear garden size for plot 53.

4.15 **Planning Policy Officer**

Planning Policy support the principle of housing development on this difficult brownfield site. The City Plan policies now have the full weight of an adopted Local Plan.

4.16 **Open Space and Playing Pitch Adviser**

Support the inclusion of a formal pedestrian link into Honeythorn Close.

In terms of the LEAP, it is noted that the Police comments that state that a LEAP is just for 4-8 year olds. This is not the case. With good design and the right choice of equipment, children and young people of all ages can be well provided for within a LEAP. Care will have to be taken in this case in respect of materials, including safety surfacing, to ensure it can withstand any short-term flooding events. Planting around the LEAP should not enclose the play space from overlooking.

The play equipment should be accessible and include play items that are inclusive for all ages and abilities. Ideally the surfacing should allow access throughout the LEAP for wheelchairs.

Seating and bins (dual use) should be sited in the play area and around the rest of the POS. It would also be nice to see some directional signage included in the POS area, to show connections to the city centre and wider PROW network.

4.17 **Canal and River Trust**

The Trust has no comment to make on the proposal.

4.18 **Designing Out Crime Officer (Gloucestershire Constabulary)**

Reported Crime/Incidents

Crime data shows from the past 5 years show Hempsted Lane, Honeythorn Close, Mayfair Close and Sandalwood Drive experienced 123 reported incidents.

Risk of Flooding

Limited information is provided about the impact flood waters will have on the completed development. The entrance off Hempsted Lane will be affected by water. Question how flood waters will affect Plots 1, 2 and 3 and the sub-station.

In the event of a flood the development would be reliant on the Dry Exit Route and Emergency Gate located at the end of Honeythorn Close. Need to establish who would be responsible for managing and maintaining the gate. A parked car or any criminal damage would reduce their functionality and leave the community trapped. As the majority of flooding is shown on Hempsted Lane suggest it might be best to create the main and only entrance into the site via the connection with Honeythorn Close.

Layout

- Boundary treatments for each plot reduce opportunities for natural surveillance.
- Close boarded fence will limit opportunities for neighbours to interact and for wildlife to move freely between gardens and public spaces.
- Access into the rear garden needs to be secure to limit access. Area along bat corridor with 1.2m high post and rail fence could provide easy access for anyone to gain entry to the garden, shed or house,
- Parking areas or publicly accessible spaces containing 1.8m high brick screen walls are likely to be affected by anti-social behaviour as children play ball games.

Public Open Spaces

- Design of the public space has focussed on creating a defined barrier against flood water but has created numerous opportunities for criminal activity,
- Questions what street furniture and play equipment will be provided and facilities for older children/teenagers.

Policies

- Design needs to demonstrate how crime prevention has been implemented in accordance with Supplementary Planning Document “Designing Safer Places”, JCS Policy SD4, Paragraph 130 of the NPPF and Section 17 of the Crime and Disorder Act 1998.

Changes to the layout to incorporate the principles of Crime Prevention through Environmental Change (CPTED) and Secured by Design (SBD) would provide sensitive solutions to reduce the opportunities of crime and ASB, while allowing the developer to meet their obligations to prevent crime and anti-social behaviour.

4.19 **Economic Growth and Strategic Planning**

Education

The proposal is for 70 units, 61 of which are qualifying dwellings for education.

- **Primary Places Impact**
The number of qualifying dwellings would be expected to generate an additional demand for 23.49 primary places. It is forecast that sufficient capacity is available within statutory walking distance, therefore the County Council is not seeking a contribution towards primary places.
- **Secondary (age 11-16) Places Impact**
The number of qualifying dwellings would be expected to generate an additional demand for 10.37 secondary (age 11-16) places. A shortfall of places is forecast in the planning area. Gloucestershire County Council is requesting a contribution of £246,546.75 towards provision of places in the Gloucester Secondary Planning Area.

There are 4 non-selective and 3 selective schools within statutory transport distance. When cumulative yield from existing planned development is calculated and included, there is a shortfall in available places.

- **Post 16 Places Impact**
The number of qualifying dwellings would be expected to generate an additional demand for 3.66 places. No contribution is sought towards secondary (age 16-18) places.

Libraries

The nearest library to the application site, and the library most likely to be used by residents of the new development is Gloucester Library. The proposed development would generate a need for additional resources at this library and is costed at £196.00 per dwelling. A financial contribution of £13,720.00 is therefore required.

The financial contribution will be to improve customer access to services through refurbishment and upgrades to the library building, improvements in stock, IT and digital technology and increased services.

4.20 **Minerals and Waste**

The applicant has demonstrated waste minimisation matters have been considered. However, further details to achieve effective implementation will be necessary. No objection is raised subject to the inclusion of a condition to secure waste minimisation measures.

The application site is not located within a local Mineral Safeguarding Area (MSA) or is exempt from safeguarding requirements and no objection is raised and no further action is required.

4.21 **Fisher German on behalf of Exolum Pipeline System Ltd**

Exolum's apparatus will be affected by the proposed development. It appears that the development would be constructed in close proximity to Exolum apparatus. Such works would require consent from Exolum, and in this instance, consent would not be granted as the proposed development would restrict access to the pipeline for routine maintenance and emergency situations. Object to the application and Exolum must be consulted to ensure that the proposal would have no impact on its apparatus.

5.0 **PUBLICITY AND REPRESENTATIONS**

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

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

Objections to the proposed introduction of a pedestrian access into Honeythorn Close:

- Access should be for emergency vehicles only and not open to pedestrians.
- It is a backtrack on what was previously agreed between the Developer and the former Ward Councillor and will become a rat run for anti-social behaviour and burglary.
- Disregards children's safety with no view of on-coming traffic and no footpath, putting children at serious risk.
- The turning point is very busy, and some drivers and delivery vans drive very fast increasing the risk of an accident and injury with an increased number of pedestrians.
- Increased crimes and risk of theft from properties and cars in Honeythorn Close introducing a new escape route for thieves and unwelcome visitors.
- Hempsted school is oversubscribed so a pedestrian access is not needed.
- Will cause parking problems in Honeythorn Close with new residents parking here due to limited spaces for the development.
- Increased number of residents walking dogs onto the green at Honeythorn Close, with dog fouling causing a health hazard to children playing on the green.
- Would accept 6ft anti-climb gates for access during a flood.
- There is no flood issue that is just an excuse for a quick way into the village.
- Proposed nature corridor would be breached.

Flooding:

- There has never been an issue with flooding in this area. If it is as a result of the new development the developers should mitigate this and reduce flood risk. Concern that any flooding would seriously affect existing properties as the development is at a higher level. If the Hempsted Lane entrance flooded the lower part of Hempsted around the Quays and Gloucester would also be flooded.

The additional concerns have also been raised:

- Clarification is also sought in terms of plans for the public space at the back of 11 and 13 Honeythorn Close. Bushes and groundcover in front of the new houses behind us should be continued along our back fence to retain our security and privacy as well as extending the planned wildlife corridor to Newark House.
- Concern about loss of privacy and security between private garden at Newark House and proposed public open space south of the bat house. Propose that the existing chain link fence should be maintained.

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.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that where an area is designated as a conservation area '*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area*'.

Chapter 16 of the National Planning Policy Framework sets out the importance of protecting and enhancing the historic environment and conserving heritage assets in a manner appropriate to their significance. In particular, paragraph 197 states that in determining planning applications, local authorities should take account of 'the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation'. Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Policy SD8 of the JCS similarly seeks to preserve and enhance heritage assets as appropriate to their significance.

- 6.3 The development plan consists of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS), the Adopted Gloucester City Plan 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. Both the National Planning Framework (NPPF) and the National Planning Practice Guide (NPPG) are also material considerations.

- 6.4 It is considered that the main issues with regards to this application are as follows:

Principle

- 6.5 The NPPF requires local planning authorities to demonstrate a 5 Year Housing Land Supply, with an appropriate buffer, against the relevant housing requirement. The JCS addresses housing supply and demand under Policies SP1 (The Need for New Development) and SP2 (Distribution of New Development) as well as within Part 7 (Monitoring and Review).

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

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

- II. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 6.7 The NPPF 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..).'
- 6.8 At the time of writing, the Council is not able to demonstrate a 5-year housing land supply. For the purpose of this application and in the context of paragraph 11 of the NPPF, including footnote 8, the 'tilted balance' is engaged. For decision making this means approving development proposals unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The assessment of this and the wider balancing exercise is set out in the conclusion of the report.
- 6.9 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.
- 6.10 As the site is located within the built-up area of the city, the principle of development is considered to be acceptable in accordance with JCS Policy SD10, subject to assessment against other planning considerations in the remaining sections of this report.

Design, Layout and Landscaping

- 6.11 The NPPF states that new residential developments should be of high-quality design, create attractive places to live, and respond to local character integrating into the local environment. Policy SD3 requires all developments to demonstrate how they contribute to the principles of sustainability, Policy SD4 sets out requirements for high quality design, Policy SD6 requires development to protect or enhance landscape character while Policy SD10 requires housing of an appropriate density, compatible with good design, the protection of heritage assets, local character and compatible with the road network. These design aspirations are also reflected in the emerging City Plan.
- 6.12 The application proposes 70 dwellings comprising a mixture of 1, 2, 3, 4 and 5-bedroom properties within a range of house types and size. 20% of the units will be for affordable housing in accordance with the JCS Policy. The proposal also includes 3 self-build units.
- 6.13 The scale and appearance of the dwellings has been informed by a local character assessment. The majority of the properties are 2 storey, with a small number of 2.5 storey houses, a 3 storey town house, 3 storey apartment block and two bungalows.
- 6.14 Based on a developable area of 1.8 hectares the density would be 35 dwellings per hectare which is considered appropriate and similar to the surrounding area.
- 6.15 The layout has been amended during the consideration of the application to ensure that all development is sited within Flood Zone 1. This has resulted in a reduced number of dwellings across the site than originally proposed.
- 6.16 The main access to the site is from Hempsted Lane. The access point has been moved south to a level that would flood to a maximum of 0.5 metres. The initial section of access will be at a steeper gradient to lift the road outside the flood zone and up to the development platform.
- 6.17 The design of the proposed dwellings has been comprehensively revised by the applicant to address the comments of the Conservation Officer and now reflects a 'soft modern'

architectural style. The application proposes two character areas with subtle differences in the architectural detailing and materials. Materials would comprise red bricks with a mix dark grey concrete tiles and natural blue/black slate. Windows, front doors, eaves, and verges would be finished in anthracite grey. Reconstituted stone detailing would feature across both character areas. Where possible eaves levels have been lowered and half height dormer windows have been introduced creating a variation in the roofscape. Key buildings would have feature chimneys taking the form of either ridge mounted or a traditional gable chimney breast. The apartments have also been re-designed and now feature inset balconies with black railings and added detailing.

- 6.18 The boundary of the development along the western edge would form a crescent with block paved shared surfaces and private shared driveways. The extent of development remains offset from Newark House and there is an area of open space and landscape separating the development from the heritage asset. The houses have been arranged to front onto the spine road, secondary roads and open spaces creating a strong frontage, defining the public realm and promote an active street scene whilst creating a safe and attractive environment that is well overlooked.
- 6.19 The perimeter of the development platform along the northern edge would be elevated from the open space. To ensure the visual appearance of the elevated platform is as soft as possible, the retaining walls would be tiered, feature a native shrub mix, will be hydro seeded with a wildflower mix and other appropriate species together with tree planting along the bank. This will also provide ecological and landscape benefits.
- 6.20 The perimeter of the development platform in front of the existing oak tree is level with existing ground levels ensuring there is no interference with the root protection area. The perimeter of the development platform along the western edge is level with the open space.
- 6.21 Given the level differences across the site and a desire to reduce the height differences between the houses and public open space, a number of plots (55-60 and 64-68) would have tiered gardens. Whilst it is accepted that this is not ideal on balance this arrangement is considered acceptable.
- 6.22 The applicant has worked constructively with the Officers, and the proposed scheme is now considered acceptable in terms of its design and materiality.

Pedestrian Link to Honeythorn Close

- 6.23 The originally submitted layout proposed a locked access link via Honeythorn Close for emergency services in the event that the main access onto Hempsted Lane was flooded. Officers advised that a pedestrian link should also be provided to improve the accessibility of the site in accordance with City Plan Policy C1 (Active Design and Accessibility).
- 6.24 This link is also required to provide a safe dry pedestrian route in a flood event in accordance with national and local policies.
- 6.25 It is considered that the proposed pedestrian link would provide good connectivity in accordance with planning policy and would enable residents to more directly access local facilities in Hempsted, as well as allowing residents from Hempsted to access the new open spaces within the site. The site layout provides excellent overlooking of this pedestrian link and there would be no 'unobserved' areas. However, as indicated on the submitted plans the pedestrian link appears to partly open out into the fenced rear garden of no 33 Honeythorn Close and it is recommended that a condition is included to approve the precise route of the link at the point where it adjoins Honeythorn Close.
- 6.26 It is proposed that the emergency vehicular access would be secured by the use of lockable

bollards. This would be maintained by the management company.

6.27 Landscaping, Trees and Public Open Space

The development would provide a considerable amount of useable open space with circular walks linking to the adjacent public rights of way along the northern and western boundaries. The amount of open space is considerably in excess of that required for the scale of development. A children's play area would also be provided. A financial contribution would be provided towards off-site formal sports provision.

6.28 The proposed attenuation pond would be positioned in the western portion of the site with a circular walk around this feature through a combination of formal footpaths and open space.

6.29 The scheme will deliver large numbers of new trees and planting which would enhance the development. The area of open space in front of Newark House has a tiered arrangement with a semi formal orchard. At the bottom of the amenity area, there would be a tiered planted retaining wall with hedge and estate railings.

6.30 The proposed 3m wide landscaped corridor along the south boundary would remain an ecological bat foraging route linking up to the already built bat house. The area would be separated from the rear gardens by way of a 1.2 m high post and rail fence and hedge. This is in accordance with the Natural England Bat Licence consented as part of the already approved Demolition & Remediation application. To prevent removal of the corridor and landscaping, the strip of land will be transferred to the management company.

6.31 The submitted tree survey identifies 18 individual trees and 14 groups of trees within the site and around the site boundaries. A number of trees will need to be removed but the loss will be mitigated by substantial new tree planting (118 trees).

6.32 A Framework Landscape Ecological Management Plan (FLEMP) has been submitted to set out and agree the landscape strategy with detailed landscaping plans secured by condition.

6.33 The Landscape Adviser and Tree Officer are satisfied with the submitted information and raise no objections subject to the inclusion of conditions.

Heritage

6.34 The development is located within the setting of Newark House a Grade II listed building, Newark House was constructed in 1830 on the remains of an earlier 17thC house and Llanthony Priory Grange. In the wider setting there is nearby St Margaret's Well a Scheduled Monument and the Hempstead Conservation Area. As such the Local Planning Authority is statutorily required to have special regard to the desirability of preserving the building its setting or any feature of special architectural or historic interest it may possess. This duty is required in relation to Section 16(2) of the Planning (Listed Buildings and Conservation Area) act 1990 and section 16 of the National Planning Policy Framework.

6.35 With regards to the wider setting of the Hempstead Conservation Area, the Local Planning Authority is statutorily obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. This duty is required in relation to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6.36 The Conservation Area was designated 2007 and the Conservation Area Management Plan has been adopted as an SPD.

6.37 The proposal is located within the setting of Newark House and the wider setting of Hempstead Conservation Area. The proposed demolition of the remaining fabric of the ex-MOD Fuel Depot has been accepted.

- 6.38 The proposed development of the 70 dwellings that are subject to this application is considered to be acceptable, as is the proposed landscaping and planting to mitigate the harm to the visual setting of the listed building and St Margaret's Well.
- 6.39 The design of the proposed dwellings has been comprehensively revised by the applicant to address concerns expressed by the Conservation Officer. The applicant has worked constructively with the Conservation Officer's comments, and the proposed scheme is now considered acceptable.
- 6.40 The revised proposals are acceptable in consideration of policies D1 Historic Environment, and F1 Materials and Finishes, of the adopted City Plan January 2023, and Policy SD4 of the Joint Core Strategy 2017.
- 6.41 The impact on the setting of Newark house is mitigated by the planting that is proposed for the surrounding landscape and the design quality of the development.
- 6.42 Newark House is a grade II listed building. Under the Planning (Listed Buildings and Conservation Areas) Act, 1990, the Local Planning Authority is statutorily required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The current proposal, by virtue of the design of the development and mitigation for the setting, would preserve the special architectural or historic interest of the listed building, and would sustain its significance as a designated heritage asset.
- 6.43 Therefore, the proposal accords with Section 16 of the National Planning Policy Framework, the statutory requirements of Section 16(2) of the 1990 Act and Policy SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted December 2017.

Archaeology

- 6.44 A detailed Historic Recording Report has been prepared and submitted in accordance with condition 6 on planning permission for the demolition and remedial works (21/00358/FUL). The report has also been submitted in support of the current application.
- 6.45 The City Archaeologist has confirmed that the report is acceptable and there is no need for any further recording and no objection is raised.

Affordable Housing

- 6.46 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.
- 6.47 The open market mix of housing proposes 6 no. 1-bed houses, 10 no. 2-bed houses, 23 no. 3-bed houses, 14 no. 4 bedroom houses and 3 no. 5-bed houses. All the houses would comply with National Described Space Standards (NDSS).
- 6.48 The development proposes 14 affordable homes (20%) in accordance with Policy SD12. The tenure of the 14 no. affordable houses would be split with 80% (11 units) for social rent and 20% (3 units) shared ownership and comprise 3 no. 1-bed units, 5 no. 2-bed units, 4 no. 3 bed

units, 1 no. 4-bed houses and 1 no. 5-bed house.

- 6.49 The application is compliant with Policy A6 of the City Plan requirements for adaptable and accessible homes. The proposal is for 21 homes to M4(2) standard, split across the open market and affordable homes, this represents 30% which exceeds the requirements set out in Policy A6. The development also includes the provision of a M4(3) home with a wheelchair accessible unit.
- 6.50 The application also proposes 3 no. 4-bedroom self-build plots (4.3 % of the total number of plots).
- 6.51 The proposal provides a range of dwellings to create a mixed and balanced community in line with JCS policy SD11 and provides much needed larger family housing for the City including the provision of a 5 bed 9-person property. The inclusion of 2.5 and 3 storey townhouses in the design is an effective use of spaces, allowing 4-bedroom houses to be provided.
- 6.52 The homes are reasonable spaced across the development with no clusters, in accordance with JCS policy SD11.
- 6.53 The application is compliant with the Nationally Described Space Standards (NDSS) on all affordable housing properties. The affordable homes achieve the double occupancy bedroom standard.
- 6.54 All of the plots have adequate amenity space with front/rear gardens or balconies to comply with space standards.

Traffic and transport

- 6.55 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
- 6.56 The main vehicular access point into the site would be from Hempsted Lane. The access point will remain in the flood zone, but it has been moved further to the south-west so that in the event of a flood event the road would flood to a maximum of 0.5 metres. This depth of flooding is suitable for a fire engine to drive through.
- 6.57 The access would be 5.5 metres wide. The footpath on Hempsted Lane would continue into the site.
- 6.58 It is also proposed to provide a secured vehicular access point to Honeythorn Close for use by emergency vehicles the event of a flood event. During a flood event emergency, fire engines would be able to gain access into the site from the Hempsted Lane access point through a 0.5m flood depth. Police and Ambulance vehicles would need to gain access to the site through the emergency link on Honeythorn Close. A pedestrian link has also been introduced at this point.
- 6.59 Pedestrian access into the site would also be available be from the main access point to Hempsted Lane, an additional pedestrian access point is then located further along Hempsted Lane at the junction with Secunda Way and then two further access points in the north and west boundaries linking pedestrians into the nearby public rights of way.
- 6.60 Within the site, there would also be five pedestrian access points into the open space providing circular walks through the development. Due to the level constraints, three of the pedestrian

links into the open space would be stepped. The remaining two points at the site entrance and in the western portion of the site will be step free providing ramped level access into the open space.

Access

- 6.61 The Highway Authority has confirmed that visibility and passing to the access from Hempsted Lane is suitable and that the pedestrian arrangements are welcomed and would not impact on the safety of vulnerable highway users.

Internal Layout

- 6.62 Circulation within the development is suitable for all types of vehicles without damage to the constructed highway. Turning heads have been provided and can cater for the worst-case scenario vehicle.
- 6.63 Widths of carriageways and footways have been provided and are suitable.
- 6.64 Driven and pedestrian visibility splays have been provided and meet standards.
- 6.65 The off-street parking arrangements are of a suitable nature turning within the parking areas are acceptable and enable all vehicles can enter and exit the parking areas in a forward gear, while meeting driven and pedestrian visibility splays on exit.
- 6.66 Typical streetscape typography cross sections would be suitable to ensure that the required design standards are met to ensure that highway users within the development will be able to be safe and no unnecessary damage to the internal highway lay out will occur.

Highway impact / proposed works

- 6.67 The access works proposed are suitable to facilitate safe and useable access into the development. These works will be party to a S278.
- 6.68 At present the operation of the proposed access is deemed safe in relation to the surrounding highway network. There may be some changes required in future once the proposed highway infrastructure projects are implemented but it is not thought that the provision of the access or its highway movements will negatively impact on its future operation.

Car and Cycle Parking

- 6.69 Proposed parking quanta are in line with Manual for Gloucestershire Streets (MfGs) standards. It should be noted that visitor parking should be retained in areas available for all users and not just those of singular properties. Visitor parking has been shown within the highway lay out in suitable locations.

Travel Planning

- 6.70 The proposed travel plan is suitable for this scale of development. Monitoring has been proposed as has a travel plan coordinator. Given these factors the delivery of robust transfer of travel toward sustainable travel modes will be achieved.

Construction Management

- 6.71 There is sufficient space within the site to manage the impact of construction related vehicles and the Highway Authority is satisfied that this can be conditioned.

Mitigation

- 6.72 The current major infrastructure is fully funded any request for funding towards the project would not be reasonable and on this basis the Highway Authority has confirmed that there is no request towards off-site highway works.

6.73 The Highway Authority has raised no objection to the application

Residential amenity

6.74 Paragraph 130 (f) of the NPPF sets out that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users. 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.

6.75 The application site is bounded by existing houses in Hempsted Land and Honeythorn Close to the south, together with the flats in Newark House. It is recognised that the relationship between the proposed development and the existing properties is particularly sensitive and that there will be a significant change from the existing situation.

6.76 The relationships between the proposed dwellings and existing neighbouring properties have been carefully assessed to minimise any impact in terms of overlooking, overshadowing and overbearing impact and are considered to be acceptable.

6.77 The relationships between the proposed new dwellings are also considered to be acceptable and meet or exceed the minimum standards and there would not be undue overlooking between dwellings.

6.78 Consideration also needs to be given to the living environment which would be provided for any future occupiers of the proposed apartments. The proposed dwellings would all comply with the NDDS. The development would also incorporate private amenity space for all dwellings in the form of gardens or usable private balconies.

Noise

6.79 A Noise Report has been submitted in support the application which assess the results of a noise survey undertaken at the site. The assessment considered the noise at the front and rear facades of the proposed buildings and the external amenity areas for each plot. The report primarily considered traffic noise and surrounding industrial and surrounding industrial / commercial uses. The report concludes that noise is not likely to give rise to an adverse impact on amenity.

6.80 The City Council's Environmental Protection Adviser requested clarification on the mitigation measures proposed to minimise noise in the most affected outdoor amenity areas. This information has now been provided for consideration and an update on this matter will be reported at the Committee meeting.

Air Quality

6.81 The submitted Air Quality Assessment concludes that there are no air quality issues that are considered a constraint to the proposed development and as such the proposals are in accordance with JCS Policy SD3 and Policy C5 of the City Plan.

Drainage and flood risk

6.82 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.

6.83 A Flood Risk Assessment has been submitted in support of the application.

6.84 The proposed wastewater drainage strategy comprises a conventional gravity sewer system

discharging to the existing public foul sewer to the east of the site where Hempsted Lane meets Secunda Way. The initial proposed foul connection was directly adjacent to the proposed site access, however, following concerns from local residents and Councillor that this section of the sewer and further upstream is susceptible to flooding which indicates capacity issues. Therefore, to ensure this issue is not worsened the connection has been relocated further downstream to the north. The proposed surface water drainage strategy comprises a conventional gravity sewer system with a small portion of the site discharging to the existing public surface water network to the east of the site where Hempsted Lane meets Secunda Way, and the remaining majority of the site will discharge to the River Severn in the north-west area of the site via permeable paving and large attenuation pond SuDS.

Flood Risk at the Site

- 6.85 The site is partially located in Flood Zones 2 and 3. Following extensive discussions with the Environmental Agency and the City Council's Drainage Adviser, the applicant has re-designed the layout such that, as far as possible, the new dwellings are now all located in the Flood Zone 1 areas of the site, minimising the need for mitigation for loss in flood plain storage volume and demonstrating a sequential approach to site layout.
- 6.86 The only ground level raising is that associated with enabling the main access onto Hempsted Lane.
- 6.87 The surface water flow paths adjacent to the site will remain unaffected, with the water continuing to find its way to the lower ground as is the existing situation. There is no meaningful risk of surface water flooding over the parts of the site proposed for development.

Design Flood Level (Estimated Flood Level)

- 6.88 The latest version of the PPG states that the following must be taken into account when determining the design (estimated) flood level:

This is a flood event of a given annual flood probability, which is generally taken as:

- *river flooding likely to occur with a 1% annual probability (a 1 in 100 chance each year); or*
 - *tidal flooding with a 0.5% annual probability (1 in 200 chance each year); or*
 - *surface water flooding likely to occur with a 1% annual probability (a 1 in 100 chance each year),*
- plus an appropriate allowance for climate change."*

- 6.89 The applicant has used a design flood level of 11.18 m AOD which is the typical level used in this part of the city (as recommended by the EA) and is considered to be an appropriately conservative approach.
- 6.90 The surface water flood mapping shows that the surface water flooding extents are no greater than the fluvial flood extents, and so this will not impact on the design flood level.

Sequential Test

- 6.91 A detailed Sequential Test has also been prepared in support of the application. The Sequential Test includes an analysis of all sites identified within the City Plan, the JCS, the SALA Report (2019) and the latest published Brownfield Land Register.
- 6.92 The area of search, and sources of information for search, are considered proportionate. No other reasonably available sites within Flood Zone 1, capable of accommodating the proposed development have been identified. The applicant has also adopted a sequential approach to the site layout to ensure that, as far as possible, the proposed new dwellings would be located in Flood Zone 1.
- 6.93 Overall, on this basis, it is considered that the Sequential Test has been passed.

Exception Test

- 6.94 Due to the nature of the proposal (more vulnerable development on a site which includes Flood Zone 2 and Flood Zone 3 areas), the proposal must pass the Exception Test in all regards. It is considered that the Exception Test has been passed in all respects.

Impact of the Development on Flood Risk Elsewhere

Loss in Floodplain Storage Volume

- 6.95 By re-designing the development and adopting a sequential approach to site layout, the applicant has now minimised the raising of ground levels below the design flood level. The ground level raising still present here is that associated with creating safe and viable access on to Hempsted Lane.

- 6.96 In order to mitigate against this loss in flood plain storage volume, the applicant has designed an acceptable compensatory storage scheme.

Surface Water Management

- 6.97 The current proposals involve:

Draining an eastern portion of the site to a surface water sewer on Hempsted Lane with the majority of the site draining via an attenuation basin. The Drainage Adviser has confirmed that the proposals and associated discharge rates are acceptable.

SuDS

- 6.98 A condition is recommended to ensure that the water quality objectives for the main drained network are met.

Maintenance

- 6.99 Gloucester City Council no longer adopts SuDS features in public open space. The applicant's proposal here is:

Based on the current design, it is proposed that most of the elements will be offered initially to Severn Trent Water. If adoption by STW is not possible, it is proposed that a private management company would maintain those elements that they do not.

- 6.100 A detailed drainage and SuDS maintenance plan will be required to be submitted for approval by way of a condition.

- 6.101 Overall, the Drainage Adviser, Environment Agency, Lead Local Flood Authority and Severn Trent are now satisfied with the revised details submitted and have raised no objection to the proposed development subject to the inclusion of conditions.

Ecology

- 6.102 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.

- 6.103 The site consists mainly of bare ground, with some species-poor grassland and scrub, scattered trees and boundary hedgerows and drainage ditch. The 2021 permission 21/00358/FUL allowed for the demolition of buildings, remediation and earthwork level changes, and these works are underway.

- 6.104 Waterbodies within 250m of the site were assessed for great crested newts (GCN). These were the drainage ditch on the boundary and a pond 60m outside the site. eDNA surveys did not detect GCN, despite the species being recorded in the past. We accept that a search area of 250m rather than 500m was appropriate in this case since the development footprint does not contain particularly favourable terrestrial habitat (ref. Natural England's GCN Method Statement for EPS Licence Application – Instructions tab 'Geographical limits of survey').
- 6.105 The most recent reptile surveys did not record reptiles, only common toads, but a small population of grass snakes was recorded in 2020.
- 6.106 47 bird species were recorded in breeding bird surveys, with 23 potentially breeding on site, including five species of conservation concern. Birds are likely to use the site for nesting and foraging.
- 6.107 A number of trees were assessed as having negligible to low bat roosting potential. Foraging and commuting bats were recorded, including pipistrelles, noctule and greater horseshoe.
- 6.108 Previously, a lesser horseshoe bat maternity roost was identified in one of the buildings and hibernation roosts in subterranean structures. A bat house was built under a Natural England EPS licence as mitigation for the demolitions.
- 6.109 Dormouse tube surveys in 2020 and September and November 2022 did not detect this species. The dormouse surveys are continuing into 2023 and a final report with the results is to be submitted.
- 6.110 No evidence of otter or water vole was identified on the drainage ditch, but these species cannot be ruled out.
- 6.111 There is potential for hedgehog to be present on site.
- 6.112 The site supports a badger main sett. Several other badger setts (annexe and outlier) have already been closed under licence as part of previously permitted works.

Impacts, Mitigation and Enhancements

- 6.113 The land for the development would result in the loss of grassland, scrub and some scattered trees. The boundary vegetation would be retained.
- 6.114 The Preliminary Ecological Assessment (PEA) has recommendations to mitigate impacts on retained habitats and protected species. These include measures to protect trees and woodland and the boundary habitats during construction. Precautionary mitigation is recommended to avoid harm/disturbance to amphibians, reptiles, nesting birds, bats, otters, water voles, hedgehogs and badgers. A sensitive lighting scheme is advised during construction and operational phases to minimise impacts on bats.
- 6.115 The Ecological Adviser considers that the mitigation measures proposed to be appropriate.
- 6.116 A number of ecological enhancements are recommended, including native grassland planting, native scrub, tree and woodland planting, provision of attenuation features of value for wildlife and enhancement of the riparian corridor with potential for floodplain habitats. This would maintain and enhance habitats on site for species, including for foraging/commuting bats in accordance with the bat license Method Statement. Specific features for species include refugia for amphibians and reptiles, bird and bat (including owl) boxes and gaps in boundary fencing and hedgehog homes for hedgehogs.

- 6.117 The Ecological Adviser is satisfied that these enhancement measures to be appropriate and it would result in a net gain in biodiversity of 22.88% for habitats and 2.91% for hedgerows, with the potential for the hedgerow % gain to be increased if new native hedgerows could be planted internally. A BNG Management Plan and Landscape and Ecological Plan (LEMP) will need to be prepared together with the full landscaping plan to ensure the long-term delivery of BNG on site in accordance with the framework prescriptions sent out in the submitted Framework Landscape Ecological Plan (FLEP). The Ecological Adviser has advised that this can be satisfactorily conditioned.
- 6.118 The applicant has confirmed that wildlife 'gaps' will be provided at the base of enclosed fencing. A condition requiring full details of the fencing plans to include such gaps is recommended.

Designated Sites

- 6.119 The Shadow Habitat Regulation Assessment (HRA) reports that Cotswold Beechwoods Special Area of Conservation (SAC) is 7km south-east of the site, Severn Estuary SAC/Special Protection Area (SPA)/Ramsar site is over 11km away (functionally linked land of Alney Island Local Nature Reserve (LNR) is 700m north) and Walmore Common SPA/Ramsar site is 7km south-west. The development, in combination with other new residential development in the area, has the potential to impact on these sites. The potential impacts would be changes to hydrological regime/water levels/water quality, and disturbance from additional recreation pressure from the residents of the development within the sites.
- 6.120 The Shadow HRA concludes that only minor potential impacts would be anticipated, and with mitigation in place, the integrity of the sites would be maintained, Proposed mitigation measures are the production of a Construction Management Plan (CEMP) with pollution prevention measures, and the provision of Home Information Packs (HIP) to residents of the new development with information on how to avoid impacting nearby sensitive sites, including specific information on the three European sites, and promoting alternative locations for recreational activities.
- 6.121 The Ecological Adviser and Natural England have confirmed that they have no objection to the application subject to the inclusion of conditions,

Contaminated land

- 6.122 The NPPF seeks to ensure that sites are suitable for the proposed use in respect of risks from contamination. Policy SD14 of the JCS requires that developments do not result in exposure to unacceptable risk from existing or potential sources of pollution and incorporate investigation and remediation of any contamination.
- 6.123 The ground investigations identified significant contamination in the form of hydrocarbons in the soil and groundwater associated with the former fuel storage tanks. The site wide remediation strategy comprises the removal of all above and below ground structures together with remediation. These works have been undertaken as part of the permission for the demolition and remediation of the site (21/00358/FUL), with additional information including a remediation Verification has been submitted in support of the current application.
- 6.124 The Contaminated Land Adviser considers that the verification works have generally been undertaken in line with current guidance and good practice for contaminated land risk assessment and also the approved remediation strategy and verification plan and has raised no objection to the application subject to the inclusion of conditions.

Waste minimisation

- 6.125 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.

- 6.126 The applicant has demonstrated waste minimisation matters have been considered. Gloucestershire County Council as the Minerals and Waste Authority has raised no objection to the application subject to the inclusion of a condition to secure waste minimisation measures.

Open Space, Recreation, Education and Community Facilities

- 6.127 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.

- 6.128 The proposed development would provide significant open space on-site together with a children's play area. The applicant has agreed to provide the full contributions requested in respect of off-site formal sports provision, allotments, education and libraries. These contributions will be secured by a S106 Agreement as set out in Section xx below.

Energy Efficiency / Sustainability

- 6.129 An Energy Statement has been submitted in support of the application. It is proposed to adopt a 'fabric first' approach to construction. This refers to high levels of insulation, enhanced ventilation and airtight houses to reduce the energy demand. Enhancing the thermal performance of the building is more cost effective than providing renewable energy, with more reliable CO₂ savings for the long-term life cycle of the building.
- 6.130 It is also proposed that the dwellings would have the use of an air heat pump system alongside smart metres and controls to help manage energy use.
- 6.131 It is also proposed to incorporate water efficiency measures including a wastewater heat recovery system and limiting water usage through flow restrictors.
- 6.132 The proposed strategy will provide a 42.79% carbon reduction over a development built to comply with the CO₂ targets under the latest revision of the Building Regulations, Part L1A 2013. This also represents a 55.09% energy demand reduction.
- 6.133 All houses would be provided with electric vehicle charging points and cycle storage facilities.

Economic considerations

- 6.134 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.
- 6.135 An Employment and Skills Plan (ESP) has been submitted in support of the application setting out a commitment to providing work experience placements, skilled trade apprenticeships, community engagement, training, qualifying the workforce and training plans.
- 6.136 In addition to working alongside the Social Value team to deliver this plan the applicant has also committed to joining Constructing Excellence Gloucestershire as a corporate member to offer our support and resources to assist the wider construction industry within the locality.

- 6.137 There is also a commitment to engage with local construction industry providers such as Accxel to ensure that Lioncourt Homes is able to directly positively impact employability and long-term career opportunities in the area. The City Growth and Delivery Manager has reviewed the ESP and confirmed that it is acceptable and in accordance with City Plan Policy B1 and recommended that the implementation of the EPS is secured by condition.

Planning Obligations

- 6.138 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.

- 6.139 This is reflected in Policy INF6 of the JCS which provides that where the need for additional infrastructure and services is expected, the local planning authority will seek to secure appropriate infrastructure, which is necessary, directly related, and fairly and reasonably related to the scale and kind of the development proposal. Similarly, a Section 106 agreement is the mechanism for providing affordable housing in compliance with Policy SD12. The requirements for S106 contributions arising from the proposal are set out below:

Affordable housing

As set out above the proposal for affordable housing is:

- 20% on site Affordable Housing (14 units)

Open space

As set out above the proposal for open space is:

- Contribution of £322,807 for off-site formal sport provision
- On-site Public Open Space to include:
 - Provision of a LEAP
 - Details of a Management Company
 - Open Spaces works specification

Allotments

A contribution of £8,997.25 towards the provision of allotments

Libraries

A contribution of £13,720 is proposed to library provision, specifically towards additional library resources at Gloucester Library.

Education

A contribution of £246,546.55 is proposed for secondary school provision in the Gloucester Secondary Planning Area.

Self-build units

The provision of 3 self-build units.

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

Conclusion

- 6.141 The applicant has worked constructively with Officers to overcome a number of site-specific issues to bring forward the development of a brownfield site for housing.

6.142 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, heritage considerations, materials, ecology, flooding, highway safety implications, impact upon the amenity of any neighbours and the local area; the proposal is acceptable and accordingly it is recommended that planning permission be granted.

7.0 **RECOMMENDATION OF THE HEAD OF PLACE**

7.1 That, the grant planning permission is delegated to the Planning Development Manager subject to the conditions set out below and the completion of a Section 106 agreement to secure the following:

- 20% on site affordable housing units (20%)
- A contribution of £322,807 towards off-site formal sport provision
- On site POS provision to include a LEAP, details of a Management Company and open spaces works specification.
- A contribution of £8,997.25 towards the provision of allotments
- A contribution of £13,720 is proposed to library provision, specifically towards additional library resources at Gloucester Library.
- A contribution of £246,546.55 is proposed for secondary school provision in the Gloucester Secondary Planning Area.
- The provision of 3 self-build units.

Condition 1

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

Reason

Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Condition 2

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

- Site Location Plan - GLHL-PL-001
- Planning Layout Colour - GLHL-PL-002.0 Rev A
- Context Plan - GLHL-PL-002.1 Rev A
- Developable Area Plan - GLHL-PL-002.2 Rev A
- Boundaries Plan - GLHL-PL-004 Rev A
- Affordable Housing Plan - GLHL-PL-005 Rev A
- Schedule of Accommodation - GLHL-PL-006 Rev A
- Storey Heights Plan - GLHL-PL-007 Rev A
- Adoptions & Management Plan - GLHL-PL-008 Rev A
- Parking & Cycle Storage Plan - GLHL-PL-009 Rev A
- Electric Vehicle Charging Plan - GLHL-PL-011 Rev A
- Refuse Plan - GLHL-PL-012 Rev A
- Site Sections - GLHL-PL-070.3 Rev A
- Site Sections - GLHL-PL-070.4 Rev A
- Site Sections - GLHL-PL-070.5 Rev A
- Site Sections - GLHL-PL-070.6 Rev A
- Site Sections - GLHL-PL-070.7 Rev A
- Proposed House Type Floor Plans & Elevations Pack - GLHL-PL Rev A
- Engineering General Arrangement - LCH_HLG-ENG-100 Rev C

- External Works Layout Sheet 1 of 3 - LCH_HLG-ENG-110 Rev C
- External Works Layout Sheet 2 of 3 - LCH_HLG-ENG-111 Rev C
- External Works Layout Sheet 3 of 3 - LCH_HLG-ENG-112 Rev C
- External Works – POS Levels - LCH_HLG-ENG-113 Rev D
- Private Drainage Layout Sheet 1 of 3 - LCH_HLG-ENG-120 Rev C
- Private Drainage Layout Sheet 2 of 3 - LCH_HLG-ENG-121 Rev C
- Private Drainage Layout Sheet 3 of 3 - LCH_HLG-ENG-122 Rev C
- Surface Water Area Plan - LCH_HLG-ENG-140 Rev A
- Gully Catchment Plan - LCH_HLG-ENG-145 Rev B
- Highway Drainage and Contours Plan - LCH_HLG-ENG-150 Rev C
- Flood Routing Plan - LCH_HLG-ENG-160 Rev C
- Long Sections – Notes - LCH_HLG-ENG-200 Rev A
- Long Section Sheet 1 of 4 - LCH_HLG-ENG-201 Rev A
- Long Section Sheet 2 of 4 - LCH_HLG-ENG-202 Rev A
- Long Section Sheet 3 of 4 - LCH_HLG-ENG-203 Rev A
- Long Section Sheet 4 of 4 - LCH_HLG-ENG-204 Rev A
- Manhole Schedules - LCH_HLG-ENG-210 Rev A
- Section 104 Plan - LCH_HLG-ENG-230 Rev C
- Road Construction Details Sheet 1 of 2 - LCH_HLG-ENG-250 Rev B
- Road Construction Details Sheet 2 of 2 - LCH_HLG-ENG-251 Rev A
- Manhole Construction Details - LCH_HLG-ENG-260 Rev -
- Headwall Construction Details - LCH_HLG-ENG-270 Rev A
- Headwall Construction Details - LCH_HLG-ENG-271 Rev A
- Headwall Construction Details – S30 - LCH_HLG-ENG-272 Rev A
- Control Chamber Construction Detail - LCH_HLG-ENG-280 Rev A
- Control Chamber Construction Detail – S108 LCH_HLG-ENG-281 Rev A
- Control Chamber Construction Detail – S1104 - LCH_HLG-ENG-282 Rev -
- Balancing Pond Construction Details - LCH_HLG-ENG-290 Rev B
- Cellular Storage Construction Details Sheet 1 of 3 - LCH_HLG-ENG-295 Rev –
- Cellular Storage Construction Details Sheet 2 of 3 - LCH_HLG-ENG-296 Rev -
- Cellular Storage Construction Details Sheet 3 of 3 - LCH_HLG-ENG-297 Rev -
- Flood Compensation Details - LCH_HLG-ENG-620 Rev C
- Flood Risk Assessment - GLHL-ENG-111.2 Rev 6
- Outfall Connectivity Plan - 230223 - LCH-HLG-OCP-001

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

Reason

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

Condition 3

No occupation of the development approved by this permission shall be commenced until the flood storage works as set out on drawing RACE/LCH/HLG/ENG_620 Rev C dated August 2022 have been completed. The scheme shall be implemented in accordance with the approved programme and details.

Reason

To alleviate the increased risk of flooding.

Condition 4

The development hereby permitted shall not commence until a detailed design, maintenance and management strategy and timetable of implementation for the surface water drainage strategy presented in the Flood Risk Assessment/Drainage Strategy [GLHL-

PRELIM-ENG-111.2-FRA6 Rev 6, dated 16/2/23] has been submitted to and approved in writing by the Local Planning Authority. The submitted strategy 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. In particular, it should be ensured that all vehicular areas meet the CIRIA C753 water quality mitigation indices requirements, and that the default route for flows in the western catchment are through, rather than around, the basin. 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.

Condition 5

The development hereby permitted shall not commence until a satisfactory onward flow route has been achieved for the surface water outfall serving the western drainage parcel. In particular, the culvert shown on the outfall connectivity plan (ref LCH-HLG-OCP/001) shall be fully cleared and the ditch to each side of this shall be graded to suit over a suitable chainage.

Reason

To ensure that there is a satisfactory flow route from the surface water outfall serving the western parcel of the development site, to mitigate the risk of flooding.

Condition 6

The development hereby permitted shall not be brought in to use/occupied until a Flood Warning & Evacuation Plan (FWEP) has been submitted to and approved in writing by the Local Planning Authority. The details submitted shall include (but not be limited to) proposals for flood warnings and associated site-specific actions, process for review to take account of changes to flood risks, roles and responsibilities, signage and emergency access/egress. The plan shall be implemented in accordance with the approved details before the development is first brought into use and thereafter for the lifetime of the development.

Reason

To ensure that the development remains safe for its users over the lifetime of the development.

Condition 7

The development hereby permitted shall not commence 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 before the development is brought into use and thereafter for the lifetime of the development.

Reason

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

Condition 8

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Parts 1 to 4 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Part 4 has been complied with in relation to that contamination.

1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with Environment Agency's 'Land Contamination Risk Management' (LCRM).

2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must accord with the provisions of the EPA 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Part 3.

5. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'LCRM' – Land Contamination Risk Management.

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 off-site receptors.

Condition 9

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.

Condition 10

Prior to the commencement of development, a Construction Waste Management Plan must be submitted to and approved in writing by the Local Planning Authority. The management plan must detail the sustainable waste management compliance and assurance requirements to be maintained on the site during development including site preparation. The management plan must include as a minimum the following information:

- a) Classification of all waste including hazardous waste according to current legislative provisions;
- b) Performance measurement and targets for minimising waste disposal and increasing waste recycling set against estimated waste forecasts;
- c) Reporting of project performance on quantities and options utilised;
- d) Measures to minimise waste generation;
- e) Opportunities for material re-use and waste recycling;
- f) Provision for the segregation of waste streams on the site that are clearly labelled;
- g) Licensing requirements for disposal sites;
- h) An appropriate audit trail encompassing waste disposal activities and waste consignment notes;
- i) Measures to avoid fly tipping by others on lands being used for construction;
- j) Measures to provide adequate training and awareness through toolbox talks; and
- k) Returns policies for unwanted materials.

All details shall be fully implemented as approved unless the Local Planning Authority gives prior written permission for any variation.

Reason

To ensure the effective implementation of waste minimisation and resource efficiency measures at the construction stage of development in accordance with Policy SD3 of the adopted Gloucester, Cheltenham, Tewkesbury Joint Core Strategy and Core Policy WCS2 – Waste Reduction of the adopted Gloucestershire Waste Core Strategy.

Condition 11

Prior to the commencement of above ground development, an Occupation Waste Management Plan must be submitted to and approved in writing by the Local Planning Authority. The Occupation Waste Management Plan must include full details of the provision made for waste and recycling storage by occupants. The waste and recycling storage provision shall be provided in accordance with the approved details prior to first occupation of the development unless the Local Planning Authority gives prior written permission for any variation.

Reason

To ensure the effective implementation of waste minimisation and resource efficiency measures at the occupation stage of development in accordance with Policy SD3 of the adopted Gloucester, Cheltenham, Tewkesbury Joint Core Strategy and Core Policy WCS2 of the adopted Gloucestershire Waste Core Strategy.

Condition 12

No development shall take place until there has been submitted to and approved by the Local Planning Authority in writing, a comprehensive scheme of landscaping in accordance with the principles set out in the Framework Landscape and Ecological Management Plan (FLEMP, prepared by Harris Lamb, dated 21st February 2023), 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 together with full details of the proposed Local Equipped Area for Play (LEAP).

Reason

In the interests of visual amenity.

Condition 13

Notwithstanding the submitted details the development hereby permitted shall not be occupied until hard landscape works have first been installed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These details shall include details of all hard-surfacing materials proposed and proposed finished levels or contours.

Reason

In the interests of visual amenity.

Condition 14

All planting, seeding, or turfing in the approved details of landscaping for the residential development and/or the approval of reserved matters for landscaping in respect of the employment development shall be carried out in the first planting and seeding season following the occupation of the respective building(s) or completion of the respective developments, whichever is the sooner. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason

In the interests of visual amenity.

Condition 15

No development shall take place until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP 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, as well as those for protected species. All Ecological enhancements outlined in the LEMP shall be implemented as recommended in the LEMP and the number and location of ecological features to be installed shall be specified.

Reason

To ensure proper provision is made to safeguard protected species and their habitats.

Condition 16

The trees/hedgerows to be removed shall be replaced during the first planting season following removal by trees/hedgerows of a species, size and in locations that have first been submitted to and approved in writing by the Local Planning Authority. This will be in the form of heavy standard nursery grown trees to create the total minimum canopy cover of 361.1m². Any replacement trees/hedgerows which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5-year period.

Reason

In the interests of visual amenity and the character and appearance of the area. In accordance with the NPPF, Policy INF3 of the JCS and Policy E4 of the Gloucester City Plan.

Condition 17

Before the first use/occupation of the development hereby permitted, full details of proposed tree/hedgerow planting shall be submitted to and approved in writing by the Local Planning Authority. The details shall include location, species and sizes, planting specifications, maintenance schedule, provision for guards or other protective measures. The details shall include the tree pit design and location, type and materials to be used for hard landscaping including specifications.

All planting shall be carried out in accordance with the approved details in the first planting season following the completion or first occupation/use of the development, whichever is the sooner. The planting shall be maintained in accordance with the approved schedule of maintenance. Any trees or plants which, within a period of five years from the completion of the planting, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason

To ensure adequate provision for trees/hedgerows, in the interests of visual amenity and the character and appearance of the area.

Condition 18

No development including demolition, site clearance, materials delivery, or erection of site buildings, shall start on the site until measures to protect trees/hedgerows on and adjacent to the site have been installed in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.

These measures shall include:

- I. Temporary fencing for the protection of all retained trees/hedgerows on and adjacent to the site whose Root Protection Areas (RPA) fall within the site to be erected in accordance with BS 5837(2012) or subsequent revisions (Trees in Relation to Design, Demolition and Construction). Any alternative fencing type or position not strictly in accordance with BS 5837 (2012) shall be agreed in writing by the local planning authority prior to the start of development. The RPA is defined in BS5837(2012).
- II. Construction Exclusion Zone (CEZ): The area around trees and hedgerows enclosed on site by protective fencing shall be deemed the CEZ. Excavations of any kind, alterations in soil levels, storage of any materials, soil, equipment, fuel, machinery or plant, site compounds, cabins or other temporary buildings, vehicle parking and delivery areas, fires, and any other activities liable to be harmful to trees and hedgerows are prohibited within the CEZ, unless agreed in writing with the local planning authority.

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.

Reason

To ensure adequate protection measures for existing trees/hedgerows to be retained, in the interests of visual amenity and the character and appearance of the area.

Condition 19

Where excavations or surface treatments are proposed within the root protection areas (RPA) of retained trees and hedgerows, full details shall be submitted to and approved in writing by the local planning authority before any development starts. The RPA is defined in BS5837:2012. Details shall include the proposed locations of excavations and/or surface

treatments, proposed methods & specifications of excavations and/or surface treatments and any post excavation remedial works. All excavations or surface treatments shall be carried out in accordance with the approved details.

Reason

To prevent damage to or loss of trees.

Condition 20

No removal of trees/scrub/hedgerows shall be carried out on site between 1st March and 31st August inclusive in any year, unless otherwise approved in writing by the Local Planning Authority.

Reason

To ensure that the nature conservation interest of the site is protected.

Condition 21

No development shall take place until a Construction Ecological Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include, but not be limited to the measures detailed in the submitted Preliminary Ecological Appraisal, (Harris Lamb, ref. PE0020, October 2022), any additional measures required as a result of the dormouse surveys and following:

- Risk assessment of potentially damaging construction activities including provisions for protected species,
- Identification of 'biodiversity protection zones' including (but not exclusively) hedgerows and mature trees,
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements),
- The locations and timing of sensitive works to avoid harm to biodiversity features (e.g., daylight working hours only starting one hour after sunrise and ceasing one hour after sunset),
- The times during construction when ecological or environmental specialists need to be present on site to oversee works,
- Responsible persons and lines of communication,
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similar person,
- Use of protective fences, exclusion barriers and warning signs; and
- Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

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

Reason

To ensure proper provision is made to safeguard protected species and their habitats.

Condition 22

No development shall take place until details of external lighting related to the construction and operational phases has been submitted to and approved in writing by the Local Planning Authority. The details shall clearly demonstrate that lighting will not cause excessive light pollution or disturb or prevent bat species using key corridors, forage habitat features or accessing roost sites. The details shall include, but not be limited to, the following:

- i. A drawing showing sensitive areas and/or dark corridor safeguarding areas.
- ii. Description, design or specification of external lighting to be installed including shields,

- cowls or blinds where appropriate.
- iii. A description of the luminosity of lights and their light colour including a lux contour map.
 - iv. A drawing(s) showing the location and where appropriate the elevation of the light fixings.
 - v. Methods to control lighting control (e.g., timer operation, passive infrared sensor (PIR)).

All external lighting shall be installed in accordance with the specifications and locations set out in the approved details. These shall be maintained thereafter in accordance with these details.

Reason

To ensure proper provision is made to safeguard protected species and their habitats.

Condition 23

No development shall take place until full details of the updated dormouse survey results, together with details of any necessary mitigation, enhancement measures and a copy of any mitigation licence that may be required shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure proper provision is made to safeguard protected species and their habitats.

Condition 24

No development shall take place until a Biodiversity Net Gain (BNG) and Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include:

- An updated GNG assessment, including plans indicating the areas of pre- and post-development habitats used in the calculations, and the full Biodiversity Metric.
- The management and monitoring prescriptions to ensure long-term delivery of BNG on site in accordance with the framework prescriptions set out in the submitted Framework Landscape Management Plan (FLEMP).
- Details of the management period, which shall be for a minimum period of five years following the commencement of construction, with a period of 30 years for BNG and include a monitoring regime to ensure habitats establish well and that wildlife features remain in good condition.
- The habitat enhancements for foraging / commuting bats detailed in the bat licence Method Statement
- The provision of rough grassland for reptiles and amphibians, a permanent pond and any additional measures required as a result of the dormouse surveys.
- plans showing locations and extent of all habitats and wildlife features, and a timetable of activities.
- Details of a Responsible Person / organisation and the method by which the protection of retained and created habitats and open spaces will be secured.
- Details to demonstrate that the BNG proposed in the BNG assessment has been achieved.

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

Reason

To ensure proper provision is made to safeguard protected species and their habitats.

Condition 25

The proposed 3 metre wide wildlife corridor along the southern boundary shall be provided

in accordance with the details set out the Natural England Bat License and shall be maintained for the lifetime of the development.

Reason

To ensure proper provision is made to safeguard protected species and their habitats

Condition 26

Prior to first occupation, a Homeowner Information Pack (HIP) setting out the location and sensitivities of the Cotswold Beechwoods Special Area of Conservation, Severn Estuary SAC/SPA/Ramsar Site and Walmore Common SPA/Ramsar site shall be submitted to and approved in writing by the local planning authority. The HIP shall include but not be limited to reference to the sensitivities of the sites, messages to help the new occupiers and their families enjoy informal recreation at the site and how to avoid negatively affecting it, alternative locations for recreational activities and off-road cycling and recommendations to dog owners for times of year dogs should be kept on lead when using the site (i.e., to avoid disturbance to livestock). Two copies of the HIP shall be provided to all future residents prior to occupation of each dwelling.

Reason

In the interests of biodiversity.

Condition 27

Notwithstanding the details submitted no dwelling shall be occupied boundary fences/walls have been installed in accordance with details that have first been approved in writing by the Local Planning Authority. The details shall include a plan indicating the positions, design, materials and type of boundary treatment to be erected including details of the wildlife gaps at the base of all boundary fences, full details of the proposed retaining walls to the open space and a timetable for implementation.

Reason

To ensure adequate provision for privacy and in the interests of visual amenity.

Condition 28

The development hereby permitted shall not be occupied until the proposed emergency access and footpath link to Honeythorn Close have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The approved access shall be maintained for the lifetime of the development.

Reason

To ensure that the development remains safe for its users over the lifetime of the development.

Condition 29

The development shall be carried out in accordance with detailed drawings of the proposed windows and doors, at a minimum scale of 1:5 with moulding profiles at full size, including elevations and sections, which have first been submitted to and approved in writing by the Local Planning Authority and the fitted joinery shall be in accordance with the approved drawings.

Reason

It is important to protect and maintain the character and appearance of the area in which this development is located.

Condition 30

The development hereby permitted shall be carried out in accordance with detailed drawings of the proposed dormer windows, at a minimum scale of 1:10, with full size moulding profiles at a minimum scale of 1:5, which have first been submitted to and approved in writing by the Local Planning Authority and the dormer windows shall be constructed in accordance with the approved drawings.

Reason

It is important to protect and maintain the character and appearance of the area in which this development is located.

Condition 31

The development hereby permitted shall be carried out in strict accordance with details of the proposed roof lights. The roof lights shall be flush fitting, a drawing of which, at a minimum scale of 1:5 which has first been submitted to and approved in writing by the Local Planning Authority, and the roof lights shall be installed in accordance with the approved drawings.

Reason

To safeguard the character and appearance of this building of special architectural or historical interest.

Condition 32

Notwithstanding the details submitted no work above floor plate level shall be carried out until samples of the following proposed materials have been submitted to and approved in writing by the Local Planning Authority:

- Bricks
- roof tiles and slates
- reconstituted cills and lintels
- rainwater goods

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.

Condition 33

Prior to commencement of any development within a Construction (and demolition) Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include (but is not limited to):

- 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

Development shall take place only in accordance with the approved CEMP.

Reason

To protect existing and proposed properties from the impacts of short-term exposure to noise, vibration, light and dust nuisance.

Condition 34

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.

Condition 35

The construction phase for the development hereby approved shall comply with the measures set out in the submitted Employment and Skills Plan.

Reason

In the interests of delivering local employment and skills training opportunities in accordance with Policy B1 of the Gloucester City Plan 2011-2031.

Note 1

If there are trees in neighbouring properties that could be affected by the proposed development. In the interest of good neighbour relationships, it would be helpful to consult with your neighbour on the proposed works if you have not already done so. TCR2022

Care will be required to minimise damage to the trees through the development activities such as ground compaction and root severance. You have a legal duty to exercise reasonable care in carrying out any works that may impact adjacent trees. Further information is available on [Guide-to-Trees-and-the-Law](#)

Note 2

This planning permission is pursuant to a planning obligation under Section 106 of the Town and Country Planning Act 1990.

Person to Contact: Caroline Townley (396780)



Planning Application: | 22/01041/FUL

Address: | Old Hempsted Fuel Depot
Hempsted Lane Gloucester

Committee Date: | 2nd May 2023