

GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

Committee:	Planning
Date:	1 st August 2023
Address/Location:	Land off Matson Lane, Gloucester
Application No:	22/00627/FUL
Ward:	Matson, Robinswood & White City
Expiry Date:	27 th August 2022
Applicant:	Gloucester City Homes
Proposal:	Construction of 9 no. residential apartments, change of use of existing School Lodge building to a community use (Use Class F2), open space, landscaping, SUDS, amended vehicular access, car parking and associated works.
Report by:	Adam Smith
Appendices:	Site location plan Site layout plan

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site comprises an area of land to the south east of Matson Lane extending from the edge of Matson Lane to the north west, to the boundary with the Cranwell Close residential properties to the south east. To the north east of the site is a residential property, then further east Taylor House which appears to be a supported housing complex, with a GP surgery adjoining on the plot. To the south west is Matson Park, notably at the northern edge a substantial pond used by a local angling club. The site itself comprises of an area of rough hardstanding and School Lodge and its garden on what is broadly the north west half of the site, and an area of trees and low level vegetation to the south east half. School Lodge is a two storey brick building historically associated with the nearby Grade 2* listed Matson House, close to the Matson Lane frontage of the site.
- 1.2 The application is for the construction of a block of flats of 2 storey height, comprising of 9 1-bed flats, and the conversion of the Lodge building to a community use. It should be noted that the Council is also considering a further, more recent proposal for the use of the Lodge building (see the history section below), and therefore its proposed use in this application may be out of date. Nevertheless the proposal in this application needs to be determined on its merits as submitted. The flat block would be sited broadly in the middle of the site, with a car park next to Matson Lane in the north western part. Vehicular access would be taken from the same position as existing, but with the access narrowed down, so as to reduce the carriageway width for pedestrians to cross. Although the application site red line area extends further to the south east towards Cranwell Close, no building works are proposed in this area and the existing vegetation and pathways would remain.
- 1.3 The existing overgrown garden of the Lodge would be reduced back to provide the space for the car park and pedestrian access. The fence line to the west of the site access at Matson Lane would be cut back to allow for a visibility splay. North of the Lodge the existing path access to the park by the pond would be retained, as would the stone pillars demarking the earlier driveway to Matson House.
- 1.4 There is a public right of way running broadly northwest/southeast through the site, connecting Matson Lane and the park at either end. In the proposal a realigned public pathway would link

round the south west of the proposed block of flats, and connect to the existing footpaths to the south east. This would represent a slight diversion of the right of way (though still running through the site from Matson Lane to the park), formalising it broadly along the south west edge of the site. To the north east of the flat block an area would be enclosed by close boarded fencing to provide an associated amenity space. The proposed flat block is designed with frontages to either end as well as the longer south west facing side. Proposed materials are a red brick, with soldier course detailing, grey standing seam cladding detail and grey roof tiles, dark grey window and door frames. A refuse and recycling store is proposed close to the Matson Lane frontage off the car park. A cycle parking store is proposed in the ground floor of the building accessed from the rear garden. No alterations are proposed to the Lodge building. A bat house is proposed at the south western boundary between the car park and the pond, close to the Lodge. New planting is proposed at various points around the site.

1.5 The application is referred to the Planning Committee because a s106 agreement is recommended and because the City Council is the owner of land within the site and objections have been received.

2.0 RELEVANT PLANNING HISTORY

19/01110/FUL	Proposed development of 10 residential units (including 3 storey building comprising 9no. 1 bedroom flats, and conversion of the existing curtilage listed lodge (curtilage to Grade 2_ listed building) to 1no. 2 bedroom house), open space, landscaping, sustainable drainage system, car parking and associated works.	Withdrawn prior to determination	
19/01084/DSUF	Footpath diversion*	Pending	
19/01080/LBC	Internal and external works to curtilage listed lodge (curtilage to Grade 2 listed building)	Withdrawn prior to determination	
19/01202/FUL	Proposed steel container to provide welfare facilities and storage for members of the Matson Anglers Society.	Not proceeded with	
23/00106/FUL	Change of use of existing lodge building into Cafe at ground floor (Use Class E) and Short Stay Holiday Accommodation unit (Use Class C1) at first floor with ground floor access included, to include the refurbishment of the existing fabric and single storey extension to rear.**	Pending	
23/00107/LBC	Internal and external works to Grade 2.* listed building, associated with conversion of existing lodge building into Cafe and Short Stay Holiday Accommodation, to include the refurbishment of the existing fabric and single storey extension to rear.	Pending	
23/00316/DSUF	Public footpath to be stopped up and in substitution an alternative highway be created over the land.	Pending	

*19/01084/DSUF is effectively replaced by 23/00316/DSUF because it is a pre-cyber incident case to which we have had no access to case files. 19/01084/DSUF technically remains pending because the applicant has not withdrawn it but in practice is being addressed through the later application.

3.0 RELEVANT PLANNING POLICY

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

3.2 **National guidance**

National Planning Policy Framework (NPPF) and Planning Practice Guidance

3.3 **Development Plan**

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

Relevant policies from the JCS include:

- SP1 - The need for new development
- SP2 – Distribution of new development
- SD3 – Sustainable design and construction
- SD4 – Design requirements
- 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 **Development Plan**

Gloucester City Plan

Gloucester City Plan (“City Plan”) was adopted January 2023 and forms the development plan alongside the JCS. The City Plan will deliver the JCS at the local level and provides policies addressing local issues and opportunities in the City.

Policies:

- A1 – Effective and efficient use of land and buildings
- A6 – Accessible and adaptable homes
- C1 – Active design and accessibility
- C3 – Public open space, playing fields and sports facilities
- D1 – Historic environment
- D2 – Non designated heritage assets
- D3 – Recording and advancing understanding of heritage assets
- E1 – Biodiversity and geodiversity
- E3 – Green/blue infrastructure
- E4 – Flooding, sustainable drainage, and wastewater
- E7 – Trees, woodlands and hedgerows
- F1 – Materials and finishes
- F2 – Landscape and planting
- F3 – Community safety
- F6 – Nationally described space standards
- G1 – Sustainable transport and parking
- G2 – Cycling
- G3 - Walking
- G7 – Water efficiency

3.5 **Other Planning Policy Documents**

Gloucester Local Plan, Second Stage Deposit 2002

Regard is also had to the 2002 Revised Deposit Draft Local Plan. This has been subjected to two

comprehensive periods of public and stakeholder consultation and adopted by the Council for development control purposes. The following “day-to-day” development management policies, which are not of a strategic nature and broadly accord with the policies contained in the NPPF, should be given some weight:

SR2: Playing fields and recreational open space

3.6 **Supplementary Planning Guidance/Documents:**

SuDS Design Guide 2013

Waste Minimisation in Development Projects SPD 2006

Designing safer places SPD 2008

Gloucester City Council Open Space Strategy 2021-2026

Townscape Character Assessment: Gloucester June 2019

All policies can be viewed at the relevant website address:- national policies:

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

Gloucester City policies:

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

4.0 **CONSULTATIONS**

- 4.1 The **Highway Authority** initially objected but have since confirmed that the alteration to the access arrangement, seen in draft and as now formally submitted, resolves their concerns. The formal comments of the Highway Authority, including any required conditions, are awaited and will hopefully be advised to the Committee in late material papers.
- 4.2 The **Conservation Officer** raises no objection overall and recommends approval.
- 4.3 The **City Archaeologist** raises no objection subject to conditions to secure approval of a written scheme of archaeological investigation and its implementation.
- 4.4 The **Civic Trust** considers acceptable.
- 4.5 The **Tree Officer** seeks sufficient tree mitigation. An off site contribution alongside the on site mitigation is acceptable; the Open Spaces team has agreed that the off site planting sum is sufficient for the proposed mitigation.
- 4.6 The **Open Spaces Team** raised no detailed comments but confirmed that they would undertake the vegetation works required in the park where straddling the boundary with the park and the site.
- 4.7 The Council’s **Ecology consultant** raises no objection overall subject to conditions. They consider the bat mitigation is acceptable, they welcome the biodiversity net gain proposal, and they agree that with mitigation the proposal would not have an adverse effect on the integrity of the Cotswold Beechwoods SAC. They propose conditions to secure; the bat roosting features in perpetuity; construction methods including a pre-works bat survey; an update of the bat inspection of the trees if necessary; a bat-sensitive lighting scheme; a habitat management plan; residents’ information pack about the Cotswold Beechwoods and alternative recreation opportunities. Also to secure direct footpath links to the park as part of the Beechwoods mitigation.
- 4.8 **Natural England** raises no objection subject to the provision of the direct footpath link from the site to Matson Park, and provision of a residents’ pack of information about the sensitive local

sites and minimising impact.

- 4.9 The **Public open space consultant** raises no objection in principle and recommends that the hard landscaping materials, and the rain garden and hedge planting are secured by condition, and also recommends alternative shrub planting and tree species.
- 4.10 The **Drainage Officer** raises no objection subject to conditions to secure a detailed drainage strategy.
- 4.11 **Severn Trent Water** raises no objection subject to conditions to secure a detailed drainage strategy.
- 4.12 The **Contaminated Land consultant** raises no objection.
- 4.13 The **Environmental Health consultant** raises no objection.
- 4.14 The **County Council (education & libraries)** has not commented.
- 4.15 The **Housing Strategy and Enabling Officer** considers the 9 units would assist delivery of housing supply but objects that the mix is not in accordance with need and would not create a mixed and balanced community. They also seek clarity over acceptable car and cycle parking and details on compliance with accessible and adaptable homes policy. They also object over the absence of private functional external amenity space for each unit. They seek to condition ground floor units to Building Regulations M4(2) standard plus 1 ground floor unit to M4(3) standard if granted.
- 4.16 The **Waste Team** raises no objection but set out the storage and collection requirements for the applicant's reference.
- 4.17 The **Public Rights of Way Team** (County Council) raises no objection subject to the diversion being formalised via application and no obstruction of a footpath to occur.
- 4.18 The **Ramblers Association** raises no objection subject to the right of way being legal diverted.

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1 Neighbouring properties were notified and site and press notices published. Three objections have been received which may be summarised as follows:

Building on a conservation area

Loss of trees

Impacts on wildlife and environment

Extent of development

Extent of notifications

No objection to building on the land as long as it is what the area needs – the proposal is not.

Objects to 1 bedroom flats being built on the land. Matson needs 3 or 4 bedroom houses not 1 bedroom flats.

Shouldn't be any buildings built here.

Scale of development. Out of place and crammed.

Overlooking neighbouring gardens.

Overlooking the school.

Something needs to be done to stop fly tipping and disposal of drugs. Should be 2/3 houses not flats.

Further reaching effects on economic and environmental developments in the surrounding areas.

Unfair for people who go to the pond to fish

One of the representations refers to an online petition on change.org titled 'stop Matson lake development', which at last checking refers to having 114 signatures.

5.2 The full content of all correspondence on this application can be viewed on:
<http://www.gloucester.gov.uk/resident/planning-and-building-control/Pages/public-access.aspx>

6.0 OFFICER OPINION

6.1 *Legislative background*

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Local Planning Authority to determine planning applications in accordance with the Development Plan, unless material considerations indicate otherwise.

6.2 Section 70(2) of the Town and Country Planning Act 1990 (as amended) states that in dealing with a planning application, the Local Planning Authority should have regard to the following:

- a) the provisions of the development plan, so far as material to the application;
- b) any local finance considerations, so far as material to the application; and
- c) any other material considerations.

6.3 The development plan consists of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS), the Gloucester City Plan and the partially saved 1983 City of Gloucester Local Plan.

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

- Principle
- Benefits of the proposal
- Heritage
- Design, layout and landscaping
- Housing mix
- Traffic and transport
- Residential amenity and environmental health
- Drainage and flood risk
- Contaminated land
- Environmental sustainability
- Ecology
- Economic and regeneration considerations
- Planning obligations

6.5 *Principle – residential development*

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

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

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

benefits, when assessed against the policies in this Framework taken as a whole.

The NPPF 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..).'

- 6.7 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 6 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.
- 6.8 Policy SP1 of the JCS sets out the overall strategy concerning the amount of development required, and Policy SP2 sets out the distribution of new development. These two policies, combined with Policy SD1 on the economy, provide the spatial strategy for the plan. This strategy, together with its aims, is expressed in relevant policies throughout the plan and will be supported by forthcoming district plans and neighbourhood plans
- 6.9 Specifically relating to residential development Policy SD10 of the JCS states that housing in the City area will be allowed
- At sites allocated within the development plan and district plan
 - On unallocated sites on previously developed land in the existing built up areas of Gloucester City
 - It is infilling within the existing built up areas of the City of Gloucester
 - It is for affordable housing on a rural exception site
 - It is brought forward through community right to build orders
 - There are other specific exceptional/circumstances defined in a district plan.
- 6.10 In terms of the broad principles of development, while the site is not allocated, it is within the built up area of the City in a sustainable site with access to local facilities and would boost the supply of homes in a sustainable location. Excepting the School Lodge building the site is not previously developed land however the main issue in this regard is considered to be the loss of public open space which is addressed later in the report. Where this is satisfied there is considered to be no in-principle objection against SD10.
- 6.11 **Principle – loss of Public open space**
Despite the rough hardstanding appearance of the north east part of the site, the proposals would be constructed on public open space. The site is designated public open space in the 2002 Plan and in the 2023 City Plan. Policy SR2 'Playing fields and recreational open space' of the 2002 Second Deposit Local Plan remains relevant and opposes proposals involving loss of playing fields, formal and informal recreational open space and their ancillary facilities unless one of four criteria are met, relating to; development securing retention and improvement of available facilities; alternative provision of equivalent or better recreational standard in terms of quantity and quality is made available; a clear long term excess of provision in the area can be shown to exist; or the proposal is for an indoor sports facility, which would provide sufficient community benefit to outweigh the loss.
- 6.12 City Plan Policy C3 protects existing public open spaces from redevelopment unless the following criteria are met;
1. for public open spaces, an assessment demonstrated the site is of low value and of poor quality, with no opportunities for improvement and is surplus in terms of all functions that open space can provide.
 2. (is for playing fields and sports facilities);
- If the criteria above cannot be met:

3. The open space can be replaced by alternative provision of an equivalent or better quality and quantity in an accessible and appropriate location; or
4. The proposal is ancillary development that would enhance existing facilities and not reduce or prejudice ongoing use; or

The proposal affects land that is not suitable, or is incapable of forming an effective part of an open space and its loss would not prejudice ongoing use of the remainder.

- 6.13 Paragraph 99 of the NPPF sets out that existing open space should not be built on unless;
- a. an assessment has been undertaken which has clearly shown the open space to be surplus to requirements; or
 - b. the loss from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - c. the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
- 6.14 The Council's Open Space Strategy identifies the site as part of Matson Park, which is assessed overall as having low site quality, but high community and biodiversity value. The strategy also notes there being very few or no similar spaces nearby (within 10min walk). The analysis cites Matson Park as a space with high community value, high scarcity and high indices of multiple deprivation where sites should be prioritised for improvement and investment, to update existing facilities or provide new features. The analysis notes excellent mature trees, lake/stream, play features but worn out paths, etc, and that the site requires a well thought out management plan and investment in infrastructure, while preserving and enhancing the natural habitat.
- 6.15 The site is also known by the Council to experience anti-social behaviour problems and has been marked for disposal. Given the nature and condition of the north east part of the site where the buildings and car park would be constructed it contributes only modestly to the function of the park and its loss would not prejudice use of the remaining part. While the loss of public open space would rarely be considered acceptable as a matter of principle, given the relative use-ability of this area for recreation and the associated anti-social behaviour issues, it is considered that qualitative improvements to the wider public open space, funded by a contribution from this application, would be an appropriate approach to compensate for a physical loss of space that would be caused, and this contribution could assist with some of the reported deficiencies in the Open Space Strategy. Equally the replacement of the problematic area and introduction of a use that would lead to increased natural surveillance of the immediate area would be a benefit in terms of designing out crime and the perceived safety of the nearby parts of the park. The proposal would not address the policy requirements above for replacement in terms of quantity, obviously a net loss of space would be caused. However it would not substantially harm the key points noted in the strategy for this open space and could assist in addressing the deficiencies mentioned.
- 6.16 There is no standardised method for the Council calculating a mitigation scheme for loss of public open space. The Council does have an Supplementary Planning Document on new housing and open space. This is to deliver appropriate public open space (POS) alongside new development or secure funds for provision in lieu. Securing such sums for this scheme would allow qualitative improvements to the park commensurate with the scale of scheme. This would ensure the development did not create an additional unmet demand, and in practice given schemes of this size rarely deliver a POS contribution, it would represent a sum for qualitative improvements that is considered to be fairly related in scale and kind to the development. A financial contribution of £7587.63 has been agreed as mitigation for the loss of open space and it is proposed that this would fund qualitative improvements to Matson Park. The Council's public open space consultant advises that this could fund a range of improvements including improving play equipment, upgrading footpaths, improving pitches, adding informal sports features, seating, or planting works.

- 6.17 The proposals do not directly comply with criteria a or b of paragraph 99 of the NPPF (albeit an informal assessment might conclude the land is surplus to requirements, and furthermore the proposal could result in equivalent quality by virtue of the financial sum offered, just not in terms of quantity given the physical loss of the land). Furthermore the proposal would not involve loss of sports pitch or formal play provision which are noted to be under provided for in the Open Space Strategy. Given the context of the proposal and the site conditions and local issues, this is considered to be a policy conflict of limited significance. The mitigation package and the benefits to natural surveillance of the park are considered to outweigh the harm associated with this conflict, and as such the alternative recreational provision would outweigh the loss of the current use and comply with criterion c. Similar conclusions apply against City Plan Policy C3 and 2002 Second Deposit Local Plan Policy SR2 in terms of limited utility and mitigation by funding for alternative provision/improving existing facilities while not prejudicing the use of the remaining open space.
- 6.18 Overall, while normally the loss of public open space would rarely be considered acceptable, given the relative use-ability of this area and the associated anti social behaviour issues, in the context of a financial contribution to mitigate the demand of the new development for open space by enabling qualitative improvements, allied with the modest improvements to the park detailed by the applicant and commented on further later in the report, the loss of designated public open space is considered to be satisfactorily mitigated. The benefits and measures assessed to mitigate this should be secured by s106 agreement and conditions as appropriate.
- 6.19 The scheme also proposes paths which rely on City Council land to link the paths within the site with the existing path network in the park. A contribution to secure this is discussed below and would contribute modestly to the park deficiencies in the path network.
- 6.20 **Principle – community use**
The uses proposed for the Lodge building would represent social and community infrastructure and JCS Policy INF4 deals with this. Policy INF4 sets out in relation to new community infrastructure that this should be centrally located to the population it serves and be easily accessible on foot and bicycle, and to have the potential to be well served by public transport. Flexible, multifunctional facilities are encouraged. The NPPF advocates ensuring an integrated approach to considering the location of housing, economic uses and community facilities and services, and planning positively for the provision and use of community facilities such as meeting places, cultural buildings and other local services to enhance the sustainability of communities.
- 6.21 The site is at the edge of the denser areas of housing in the locality but still close by to many households and immediately opposite the primary school. Given the network of paths it would be easily accessible on foot and cycle, while there are bus routes along Matson Avenue/Norbury Avenue around 220m to the north east. The facility would be modest in scale. The applicant has said that the community facility would be multi-purpose and have an ancillary café, serving the Matson community, including the fishing community using the pond and would be open to visitors in general. (Note – the later application 23/00106/FUL expands on this but is not under consideration here and the proposals should be determined on their merits as they stand, even if it appears likely that a more recent, alternative proposal is more likely to be pursued). The building would be managed by the local community group ‘Together in Matson’. They have provided information on their aims as a community group including offering young people and other members of the community a safe place and constructive activities, offering support and advice, and responding to identified community needs.
- 6.22 As such the site is considered an appropriate location relative to the community and the proposal would provide a multifunctional shared space that maximises benefits to the community given its modest size, and as such is compliant with Policy INF4. It is considered that this element of the proposal would comply with the policy context for community use.

6.23 ***Benefits of the proposal***

The proposal would lead to several benefits;

- delivering housing in line with the government's objectives of boosting housing delivery;
- provide a community use;
- increasing activity and natural surveillance in the area;
- improve the environs of the park and provide enhanced linkages;
- contribute to securing the future of a heritage asset (School Lodge).
- formalise an unconstrained accessible footpath link through the site

6.24 ***Heritage***

The 1990 Listed Buildings and Conservation Areas Act requires at section 66(1) that in considering whether to grant planning permission for development which affects a listed building or its setting, the Authority shall 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. In terms of heritage the NPPF requires Authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality, and the desirability of new development making a positive contribution to local character and distinctiveness. Great weight should be given to the conservation of the designated heritage asset; the more important the asset the greater the weight should be. Any harm or loss should require clear and convincing justification; substantial harm to or loss of assets of the highest significance such as scheduled monuments should be wholly exceptional. Tests are set out if 'substantial harm' or 'less than substantial harm' to a designated heritage asset are identified. The NPPF requires appropriate desk-based assessment and where necessary a field evaluation to assess possible impacts on archaeology. It also requires developers to record and advance understanding of the significance of any heritage assets to be lost in a manner proportionate to their importance and the impact, and to make this evidence publicly accessible.

6.25 Policy SD8 of the JCS sets out that heritage assets and their settings will be considered and enhanced as appropriate to their significance. Development should aim to sustain and enhance their significance and put them to viable uses consistent with their conservation whilst improving accessibility. Proposals that secure the future conservation and maintenance of heritage assets and their settings that are at risk through neglect, decay or other threats, also those that bring vacant or derelict heritage assets back into appropriate use, will be encouraged.

6.26 Policies D1 and D2 of the City Plan reflect the guidance in the NPPF and JCS in respect of designated and non-designated heritage assets respectively. Policy D1 sets out that proposals must conserve the character, appearance and significance of designated and non designated heritage assets and sets out a list of criteria. Furthermore that great weight will be given to the conservation of designated heritage assets regardless of the level of harm, which should require clear and convincing justification. Policy D2 sets out that development affecting non designated assets or their setting should protect and where appropriate enhance its significance. Where harm is likely the scale of impact and significance of asset will be considered, and sets out criteria for proposals. Policy D3 requires developers to record and advance the understanding of the significance of a heritage asset prior to or during development where development would reveal, alter or damage it.

6.27 ***Built heritage***

The School Lodge building is historically associated with Matson House which is nearby to the south west. Matson House is a grade 2* listed building built c1575. The Lodge dates from the early to mid 1800s and was formerly an entrance lodge for the main house. The driveway that connected the two buildings no longer exists; the remaining stone piers next to Matson Lane mark the drive entrance. The Lodge is curtilage listed by association with the main house. The

applicant's heritage analysis concludes that given its condition and the loss of the drive, the Lodge, as part of the last phase of improvements undertaken at Matson House is considered to make only a small positive contribution to its significance. Furthermore that the Lodge has fallen into disrepair and its restoration and the prospect of ongoing sensitive usage and maintenance would improve the contribution it makes to the significance of Matson House.

- 6.28 The proposed new build flat block has now been reduced down to two storeys following Conservation Officer feedback on the earlier application for a 3 storey building. It would be around 22m away from the Lodge at their closest points. It would be perceived in some views of the Lodge, notably from Matson Lane, and alter these views in so far as they allow interpretation of the Lodge as an isolated entrance marker to the historic estate. However it would not alter any key views of Matson House itself nor significantly change any designed views from the house. The substantial vegetation in the vicinity serves a significant screening function in that regard. The applicant concludes that the overall impact of the application on built heritage would be 'less than substantial' and at the lower end of this grading.
- 6.29 The Conservation Officer considers that because of its location the new build flat block would inevitably impact on the setting of the curtilage listed School Lodge and on the wider setting of the grade 2* listed Matson House and its grade 2 stable. The harm is between the lower end and middle of less than substantial harm.
- 6.30 *Archaeology*
Archaeological trenching has been undertaken and has demonstrated the presence of archaeological remains of possible early medieval date within the site. Similar remains and evidence for a Roman settlement have been found nearby. As such groundworks associated with the development could damage or destroy heritage assets.
- 6.31 Provided a written scheme of investigation for archaeological remains is secured by condition, the City Archaeologist is happy for development to proceed. The impacts can therefore be satisfactorily mitigated and the above policy would be complied with for buried heritage.
- 6.32 *Heritage conclusions*
There would therefore be less than substantial harm to heritage assets. In accordance with the NPPF and Section 66(1) of the 1990 Listed Building and Conservation Areas Act, special regard and great weight have been given to the asset's preservation in the assessment. The harm is not substantial and in contributing to the potential for the Lodge's future security the proposals also lead to a benefit to it. The public benefits set out earlier including the provision of housing, improving the environs of the park and contributing to addressing a local issue are considered substantial. It is therefore considered that the public benefits outweigh the harm identified. The Conservation Officer's conclusions concur that the benefits are greater than the harm caused to the setting of the listed buildings. The requirements of Section 66 of the 1990 Listed Building and Conservation Areas Act are satisfied, the proposals comply with the NPPF, and while there is some conflict with the local plan policy context which requires proposals to conserve the significance of heritage assets (and there being harm in this instance), the public benefits are considered to outweigh this harm.
- 6.33 **Design, layout and landscaping**
The NPPF states that good design is a key aspect of sustainable development, and sets out criteria for decision making including ensuring that developments are visually attractive, sympathetic to local character and history while not preventing or discouraging appropriate innovation or change, establish/maintain a strong sense of place, optimise the potential of the site to accommodate an appropriate amount and mix of development, and create safe, inclusive accessible places.
- 6.34 JCS Policy SD4 sets out requirements for high quality design, including responding positively to

and respecting the character of the site and surroundings, and being of a scale and materials appropriate to the site and setting. Design should establish a strong sense of place and have appropriate regard to the historic environment. Policy SD10 seeks housing of the maximum appropriate density compatible with good design, the protection of heritage assets, local character and compatible with the road network.

- 6.35 Policy A1 of the City Plan includes requirements for development to achieve overall improvements to the built and natural environment, be of suitable scale and not have a significant adverse impact on character or the street scene, provide appropriate bin storage and create and support healthy living conditions. Policy C1 requires development to meet the highest possible standards of accessible and inclusive design. Policy E7 requires biodiversity net gain on site (or a suitable alternative) if there is unavoidable significant adverse impact on trees, woodland or hedgerows, and tree protection measures during development. Policy F1 requires high quality architectural detailing, external materials and finishes that are locally distinctive, and developments to make a positive contribution to the character and appearance of the locality. Innovative modern materials will be encouraged where they strongly compliment local distinctiveness. Policy F2 requires hard surfacing, boundary treatments and planting to be appropriate to the location, and incorporate existing natural features where possible, and ensure adequate space for trees to mature. Policy F3 requires development to be designed to ensure that community safety is a fundamental principle.
- 6.36 The proposals have been amended to reduce the scale from 3 to 2 storeys from the earlier scheme. There is a mix of building types and scales in the immediate vicinity and the two storey scale now proposed is considered appropriate and the change is welcomed. The use of a red brick with modern cladding is also considered appropriate; there are a variety of materials used locally, with the Lodge as the closest reference point having a red/orange brick. The waste storage building is a less attractive addition at the site entrance but has to be there due to the collection requirements and would avoid a proliferation of bins around the entrance, and proposed in a stained black timber cladding so should hopefully be a recessive feature into the background vegetation when seen at the site frontage.
- 6.37 The revised design, now incorporating active frontage and windows facing north west to the car park, south west to the public footpath and beyond to the immediate north part of Matson Park. and south east to the existing footpaths through the near edge of the park, is also welcomed, providing a more attractive public-facing built frontage and significantly benefitting natural surveillance of the immediate surroundings.
- 6.38 The footpath would be lit by the proposed external lighting to the flat block. This is an existing pedestrian route, but the lighting and the immediate natural surveillance would aid the attraction of this route and perception of safety. The footpath route has also been improved by marking the way in a change in surface materials through the car park. The link through the site by the Lodge to the existing path alongside to the pond would also be retained.
- 6.39 *Soft landscaping/trees*
The proposals would result in a loss of 3 category B trees and removal or part removal of 5 category C tree groups or hedges. This is a modest loss in the context of the substantial tree cover on and adjacent to the site and the retained tree cover along the site edges and in the south eastern part. Furthermore the loss would be compensated for by the planting of four new trees adjacent to the car park and in the park, within the red line, plus the biodiversity net gain proposals also include a payment for planting of a species rich hedge and 3 trees in the adjacent park outside the red line. The works overall would not harm the landscaped character of this site or the northern part of the park. The retained tree cover would serve to give a mature, greened, and attractive context to the development and maintain the heavily planted character of the surroundings. Provided tree protection measures are secured by condition as well as a detailed landscaping plan and its implementation, the proposal would comply with the above policy

context.

6.40 The trees and overgrown area towards the northeast boundary was previously proposed to be fenced off and the applicant confirmed in discussions that they would maintain the area and are happy to accept a condition to this effect. In the later revisions the fencing has been removed and the area appears more naturally to be a part of the site. As such this area should not end up as 'left over land'. Furthermore the landscaping proposals have been improved with hedgerow planting along the edges and additional native species proposed along the northern boundary where required. The works to pare back the vegetation at the south western edge of the site bordering the park to benefit natural surveillance from the flats into the open space would not be harmful to the landscape character of this part of the park and have been subject to detailed discussion with the Council's landscape and open space consultant. The detailed comments of the consultant about the planting specification could be dealt with under condition.

6.41 *Landscape and visual impact*

The site was designated as a landscape conservation area in the second deposit 2002 Local Plan and the associated policy sought to prevent development where it would detract from the designated area's landscape qualities and character. This designation and policy is now superseded and a new approach to landscape considerations has come forward in national and local policy. Policy SD6 of the JCS sets out the requirements for considering the landscape impact of new development and stresses the importance of reference to the Landscape Character assessments which are a key factor in design of developments and assessing their impacts. The policy seeks to protect the landscapes of highest quality and those most sensitive to new development.

6.42 The site is outside the areas examined in the JCS landscape characterisation assessment and sensitivity analysis as the most sensitive areas. The applicant has however submitted a landscape visual impact assessment. The submitted assessment concludes that the development would be entirely in keeping with the local landscape character and would not result in any material landscape or visual effects. Its recommendations include planting to the south west edge (in front of the new flat block) as a planting edge to aid the landscape context. As already noted the vegetation screening is also a factor in the heritage considerations in relation to the visual connection with Matson House. However there are competing issues here as the anti social behaviour problems experienced in this locality should ideally be addressed as part of this proposal in the interests of designing out crime and appear to be an underlying aspiration of the project to do something with this land. Increased natural surveillance of the immediate area in front of the flats is considered to be a significant benefit in this regard (and strongly encouraged by the landscaping and open space consultant who knows the park well) and it is considered to outweigh the modest harm arising from sensitively opening up views of the flat block within the context of the enclosed northern part of the park and the setting of Matson House. It is not considered that the limited opening up of the vegetated edge of the park here and partial views of the building would cause harm to the character of the area sufficient to outweigh the design benefit of the improved surveillance from vegetation reduction. Overall it is considered that the revised landscape proposals for this edge strike an appropriate balance between natural surveillance, landscape character and heritage impact. The applicant has confirmed that they would seek input from an arboriculturist to advise on crown lifting and thinning out this section of vegetation. As the area of vegetation here straddles the site boundary I have discussed with the Open Spaces Team and they are happy with undertaking works to the City Council land here to complete the exercise.

6.43 *Housing mix*

Policy SD11 seeks an appropriate mix of dwelling sizes, types and tenures to contribute to mixed and balanced communities. Development should address the needs of the local areas set out in the local housing evidence base including the most up to date Strategic Housing Market Assessment (SHMA). It also requires housing to meet and where possible exceed appropriate

minimum space standards, and be accessible and adaptable as far as compatible with local context and other policies. Policy A6 of the City Plan requires 25% of units to be to Building Regulations requirement M4 (2) – accessible and adaptable dwellings (“Category 2”), and 4% of any affordable housing component to be to Building Regulations requirement M4 (3) - wheelchair user dwellings (“Category 3”).

- 6.44 The unit sizes proposed are influenced by the fact that the development is solely for flatted accommodation, and a scheme for large houses would likely affect the viability of the scheme and reduce the density achieved on the site.
- 6.45 The Housing Strategy Team considers that proposing solely 1 bedroom units does not meet current housing need, with the Matson area lacking larger family housing. The applicant has responded to this criticism and noted that they are an affordable housing provider and have discussed housing need across the city with the Housing Team on multiple occasions. The applicant has been clear, that in bringing forward difficult, brownfield sites the delivery of a policy compliant mix on every site is often impossible. They consider a broader view should be taken therefore on how developments, including the applicant’s developments across Gloucester, collectively address housing need and not individual sites. Site constraints have led to the current design. Furthermore that in terms of accessibility, the removal of internal bin store has allowed them to achieve a larger more accessible unit to M4(3) standards.
- 6.46 The City Plan proposes a range of enhanced standards for residential accommodation. Policy A6 requires 25% of units to be to Building Regulations requirement M4 (2) (accessible and adaptable dwellings; “Category 2”). The applicant has asserted that the ground floor flats achieve M4(2) standard. This would be 4 of the 9 so would meet the 25% policy requirement.
- 6.47 Policy A6 also requires 4% of the affordable housing component to be to Building Regulations requirement M4 (3) - wheelchair user dwellings (“Category 3”). None of the units are offered as affordable housing through planning and the scheme is below the 10 unit threshold to require this. Nevertheless the alteration to the layout to remove the waste store from inside the building has allowed an enlarged flat 2 as an M4(3) unit and this is welcome.
- 6.48 While the concerns raised in responses to this application about the profile of housing needed in the ward are acknowledged, the Council needs to consider the scheme brought forward by the developer and presumably they consider it likely to be occupied in short order. It is acknowledged that the Housing Strategy team considers that there are higher-priority needs in the ward that development of this site could address. While that would be an ideal option from their perspective the applicant has declined to do so and the application now needs to be determined as it stands. At this small scale of development it is not considered that the proposal would cause significant detriment to the profile of housing delivery brought forward overall in the area (e.g. in the context of the hundreds of units in the Winneycroft Lane developments further southeast in Matson). It would also provide a modest contribution to housing need, in the context of the lack of a 5 year supply and the clear statement in the NPPF of the government’s objective of significantly boosting the supply of homes. Lack of private amenity space is an acknowledged negative aspect, though with upper floor flats balconies would be the only option and are not part of the design. There is however a garden to rear and Matson Park is immediately adjacent. Overall while provision of a solely 1-bedroomed scheme is a negative aspect of the proposal when considered strictly against the housing needs assessment, at the scale of provision it would not significantly compromise housing delivery overall. It is considered to be a negative aspect of the development of limited weight and is not considered to be of such substantial harm to outweigh the benefits of the scheme.
- 6.49 **Traffic and transport**
The NPPF requires that development proposals provide for safe and suitable access for all and that development should only be prevented or refused on transport grounds where the residual

cumulative impacts of development are severe. Policy INF1 of the JCS requires safe and accessible connections to the transport network, and sets out that permission will be granted only where the impact of development is not considered to be severe. Policy G1 of the City Plan sets out that in all development on street space designed and allocated for pedestrians, cyclists, mobility users and deliveries, and bus stops and bus priority measures, will be prioritised over the parking of private vehicles. It also sets out the approach to car and cycle parking levels. Policy G2 requires all developments to provide safe and secure access by cycle. Policy G3 supports development that protects and enhances convenient, safe and pleasant walking environments, and improvement of walking routes to sustainable transport hubs. New public realm development should reflect pedestrians being at the top of the road user's hierarchy. Proposals that disrupt walking desire lines, reduce the pedestrian legibility or reduce pedestrian connectivity will not generally be supported. Policy A1 requires adequate off-street parking, access, and covered and secure cycle storage.

6.51 At the time of writing the Highway Authority's updated comments are awaited, although the Highways Officer has informally indicated that their previous concerns are resolved, and the following section is based on that feedback. Their formal position will hopefully be reported in late material papers.

6.51 *Accessibility*

The site is in a sustainable location with a range of facilities, and walking, cycling and public transport routes, in the vicinity. Bus stops for routes to the city centre are within 300 and 440m to the north east. A school, shops and doctor's surgery are all within 500m.

6.52 *Access*

Vehicular access would be off Matson Lane which has a temporary 20mph speed limit when signalled by the warning lights, given the presence of the school opposite. There are footways on both sides of the road. There are double yellow lines on the opposite side of the road and to the west of the entrance on the nearside. The access would be provided in the same position as the existing entrance, but adapted such as to narrow it down. This design gives some protection to pedestrians and emerging/entering vehicles would need to slow to use the access. The application site has been altered to now include the wedge of land inside the park at the Matson Lane boundary that is required to achieve the full visibility splay. This can be secured by condition. The amended scheme addresses the refuse collection requirement (given the car park area would be private) by siting a bin store adjacent to the Matson Lane access so on-road collection can take place. In terms of maintenance access to the park via the current site, I am advised by the Open Space team that there is a second access to the park for maintenance vehicles. Given the likely high pedestrian movements, a road safety audit has been undertaken and, and has been considered by the Highway Authority. No outstanding issues are raised by the proposals. The Highway Authority has indicated that the access design is suitable.

6.53 *Trip generation*

The application sets out that the development would generate up to 2 vehicle movements (2 way) in both AM and PM peaks, and a total of 18 2 way movements throughout the day. This would not be a significant impact on the highway. The Highway Authority has considered the location being in close proximity to the school and the raised crossing point.

6.54 *Car parking*

9 spaces are proposed (including 2 electric vehicle spaces), plus a further 2 spaces (for visitors to either the residential or the community use) as disabled access spaces close to the Lodge. The Highway Authority has indicated that the quantum of parking is suitable.

6.55 *Cycle parking*

5 stands (10 spaces) are shown in the storage room for the flats. The applicant has relocated the access to the cycle store to the rear off the garden area rather than the public path and the

provision is now considered to be suitable secure and attractive to use by residents. The Highway Authority has also indicated that this provision is suitable. No cycle parking is currently shown for the Lodge. The applicant has previously shown 3 stands which is considered reasonable provision given the size, but following discussions about the best place to site them for natural surveillance and encouraging use they have asked for this to be dealt with subsequently. It is also potentially part of discussions in the later updated applications for the Lodge by the community group. There is sufficient space available and it is considered that requiring provision by condition is reasonable.

6.56 *The public footpath*

Public footpath SM/39 Gloucester runs between Matson Lane at its north western end, south east through Matson Park and ends close to Marlestone Close. The north west end of this footpath runs through the site. The proposed flat block would in effect obstruct the current alignment of the footpath although it is difficult to translate the exact route on the map when compared to on the ground. The effect of development on a public right of way is a material consideration in the determination of planning applications. There is a separate procedure to the planning application for diversion or extinguishment of rights of way and the planning decision does not mean that a footpath diversion order will always be approved. Section 257 of the Town and Country Planning Act 1990 grants powers to Local Planning Authorities to make public path orders for the diversion or stopping up of footpaths, bridleways or restricted byways, if they are satisfied that it is necessary to do so in order to enable development to be carried out. The NPPF sets out that decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users. The NPPG sets out that public rights of way form an important component of sustainable transport links and should be protected or enhanced. The Defra Rights of Way Circular 1/09 sets out the need for adequate consideration of the rights of way before the decision on the planning application is taken, if an alternative way is to be provided it should link via highway to the original, for continuity.

6.57 The proposal would retain the same basic position of the route and its onwards connections. While the preference for a footpath route ideally may be a soft landscaped or open space pathway away from vehicular traffic, at present it goes through a hardstanding area understood to be used ad hoc for parking anyway, and the proposed arrangement would formalize the route. Changes in the revised plans to open out the corner around the building and distinguish the route through a change in surface materials through the car park are welcomed. The footpath would run slightly closer to the retained Lodge building, if planning permission were granted and implemented. It is understood that this building may have been a dwellinghouse previously, while the proposal for it in this application is for a community use, and furthermore there is now a new application to use it for a café and holiday let. It is not considered that the new route would have a significant adverse impact on occupants in any of these potential uses, nor would they adversely affect the route in its changed alignment. The new route would continue to provide the same exit points at either end, and would not make it significantly more convoluted. Overall it would retain an adequate right of way. Neither the PROW team at the County Council nor the Ramblers raised an in-principle objection to the application and a formal application for its diversion is pending. As such consideration has been given to the rights of way in determining this application. It is necessary to divert the footpath to enable the development to take place. There are no significant negative impacts of the proposed footpath diversion.

6.58 *Traffic and transport conclusion*

Based on discussions about the scheme and the last informal feedback of the Highway Authority, subject to conditions the proposal would not lead to a severe residual impact on the highway and would comply with the above policy context in terms of traffic and transport.

6.59 ***Residential amenity and environmental health***

The NPPF sets out that decisions should ensure development is appropriate for its location taking into account effects of pollution on health and living conditions, and should mitigate and

reduce to a minimum adverse impacts from noise, and avoid noise giving rise to significant adverse impacts on health and quality of life. It also requires planning decisions to sustain and contribute towards compliance with relevant limit values or national objectives for pollutants. Furthermore it seeks to ensure that new development integrates with existing businesses and facilities – which should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Policy SD14 of the JCS requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants. Policy SD14 of the JCS also requires development to cause no unacceptable levels of pollution with respect to national and EU limit values. Policy C5 of the City Plan requires that in areas near schools development which reduces tree cover, hedges and other vegetation will be expected to make provision for a net gain in vegetation onsite/within the buffer zone.

6.60 *Impact on neighbouring occupants*

Existing residential properties in the vicinity of the application site are the following:

6.61 *Cranwell Close*

These are two storey properties to the south east of the site, with rear gardens to the rear side of the properties. There would be a 40m separation at the closest point of the proposed building to the boundary of the neighbouring residential garden, and 48m to the neighbouring house itself. At this distance and given the scale, orientation and tree cover between, the proposed development would not cause harm by virtue of overlooking, overbearing, overshadowing or loss of light effects.

6.62 *The Rectory (residential property to northeast)*

This property is at least 22m away from the proposed building, to the north east of it. The boundary with its garden would be around 8.5m away. There is a substantial line of tree cover along the shared boundary that would be retained. The tree survey shows most of these trees in the adjacent property although it appears from visiting the site and from the Council's property mapping that the occupants have erected their own fence inside this line. With this tree line in between, the development would be substantially screened from this neighbouring property anyway. It is not considered that the development would be overbearing. It is possible that views could be afforded from the upper floors of the proposed development towards this neighbouring property including to the rear edge of its garden and these upper floor windows are to the main living spaces of the flats here. However, any views are likely to be substantially inhibited by the boundary tree cover. Furthermore, the neighbouring garden is large, and the overall effect on privacy is not likely to be of significant harm. No objection has been received from residents on such matters. While the proposed development is to the south/south west of the neighbouring garden, given the scale of development, boundary vegetation and the size of the neighbouring garden, any effect due to overshadowing is likely to be limited and not significantly harmful to living conditions. At the separation distance and with the boundary vegetation it is not likely to cause harm by loss of light. The external lighting plan shows the light spill decreasing to 1.0 lux well before the house itself and with the tree cover a significant amenity impact is unlikely.

6.63 *Taylor House*

It appears from the Council's mapping data that this is a communal residence with a separate flat. There would be around 31m separation distance between the buildings. The proposed building would be around 10m from the shared boundary. There appears to be a car park area to the rear side of the Taylor House site. Given the separation, orientation, boundary vegetation and use of the adjacent land, the proposal would not cause harm by overlooking, overshadowing, loss of light or overbearing impacts.

6.64 No other residential properties would be adversely affected by the proposals. A representation mentions impact on people who go to the pond to fish but it is not clear what this impact would be. The reuse of the Lodge would appear to provide an associated convenience for those people visiting the pond.

- 6.65 *Construction works*
Given the nature of the proposed works and their proximity, the residents of these premises could be affected by disturbance from construction, so a standard hours of work condition is recommended.
- 6.66 *Air quality*
The site is in the 'schools 50m air quality buffer zone' on the City Plan proposals map. Policy C5 is applicable and requires the development to provide a net gain in vegetation onsite/within the buffer zone. The proposed tree mitigation set out above would address this. No air quality objection is raised.
- 6.67 *Future residents*
Policy F6 of the City Plan relates to Nationally described space standards and the application complies with these. The properties are all 1 bedroom 2 person flats, and are all above the overall floorspace standard for units. The properties also comply with the associated bedroom sizes and storage requirements. There do not appear to be any nearby uses or local circumstances that would lead to unacceptable living conditions for future residents on this site, including the proposed new use of School Lodge.
- 6.68 Overall subject to conditions the proposals would create an acceptable living environment for future residents, and not harm the living conditions of other residents in the vicinity or cause any other significant environmental harm. The proposal complies with the above policy context.
- 6.69 ***Drainage and flood risk***
The NPPF requires that development is directed to the areas at lowest risk of flooding, that new development should take the opportunities to reduce the causes or impacts of flooding, should not increase flood risk elsewhere and take account of climate change. Policy INF2 of the JCS reflects the NPPF, applying a risk based sequential approach, requiring new development to contribute to a reduction in flood risk and requiring the use of sustainable drainage systems. Policy E4 of the City Plan sets out a similar approach to making development safe, avoiding an increase in flood risk, the sequential and exception tests, requiring Sustainable Drainage Systems, incorporating climate change considerations, facilitating benefits to watercourses and floodplains, maintaining a buffer strip for maintenance and ecology.
- 6.70 According to the Environment Agency flood map the site is within Flood Zone1, the lowest risk. As such no sequential test is needed and there are no concerns about flood risk. Similarly the surface water flood mapping does not indicate any significant risk.
- 6.71 *Drainage proposals*
Separate foul and surface water systems would be provided. The surface water system would include permeable paving with storage as part of the car park, with a restricted outfall to the adjacent pond that the Drainage Officer advises is acceptable (it is understood that the Council has agreed to this arrangement subject to an annual service charge – this would be outside the planning application). Rain gardens would be used to pick up roof drainage, with an outlet pipe to the permeable paving. Water quality aspirations would be met by the SuDS proposal. The broad strategy is considered acceptable subject to re-evaluating the proposed discharge rate. It is recommended that the usual condition to secure approval of the detailed drainage design is used to also require details of remedial works to the pond edge given the apparent poor state of the timber edging. In terms of foul drainage the proposals is to discharge to the sewer south east of the site.
- 6.72 Subject to conditions to secure final details of the foul and surface water drainage, the proposals would comply with the above policy context.

6.73 **Contaminated land**

The NPPF requires decisions to enhance the environment by remediating and mitigating contaminated land where appropriate, and ensure that a site is suitable for the proposed use taking account of ground conditions and any risks, and that after remediation as a minimum the land should not be capable of being determined as contaminated land. Responsibility for securing a safe development rests with the developer/landowner. Policy SD14 of the JCS requires that development does not result in exposure to unacceptable risk from existing or potential sources of pollution, and incorporate as appropriate the investigation and remediation of any contamination.

6.74 The contaminated land consultant does not anticipate a ground contamination issue with the proposal given the historical records. The proposal would comply with the above policy context.

6.75 **Environmental sustainability**

The NPPF supports the transition to a low carbon future and contributing to reductions in greenhouse gas emissions. It expects developments to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption. Policy SD3 of the JCS requires all developments to demonstrate how they contribute to the principles of sustainability by increasing energy efficiency. Proposals will be expected to achieve national standards. The NPPF and the JCS encourage electric vehicle charging points although they are now picked up by Building Regulations. Policy G7 of the City Plan requires proposals to demonstrate that the estimated consumption of wholesome water per dwellings should not exceed 110 litres per person per day. Part G of the City Plan also sets out that applications should demonstrate that all reasonable techniques have been used to adapt to and mitigate the effects of climate change, and strongly encourages energy efficient measures and for applications to supply an Energy Statement.

6.76 The submitted report sets out that the scheme is proposed to achieve very low carbon emissions through the use of good fabric performance and Air Source Heat Pumps to supply space heating and domestic hot water. Also the use of upgraded materials and increased insulation thickness and enhanced glazing, with low energy fittings and smart meters installed on all properties. Water consumption would be reduced through use of efficient water fittings and a water consumption target of 120 litres/bedspace/day will be followed. The report claims 'excellent' results with very low carbon emissions and that the apartments pass Building Regulations and therefore complies with Policy SD3. Electric vehicle charging would also be provided for the two accessible units closest to the Lodge.

6.77 There are therefore some commitments to sustainability measures. Policy SD3 requires proposals to demonstrate how they contribute to the aims of sustainability by increasing energy efficiency, and will be expected to meet national standards. On that basis, there would be no conflict with Policy SD3 and reasonable techniques have been used to mitigate climate change effects. A condition is proposed to secure compliance with the water efficiency requirement.

6.78 In terms of waste minimisation the application includes a statement with basic proposals. If permission is granted a detailed waste strategy can be worked up with the contractor for the construction phase so it is recommended that further details are secured by condition for the various elements of the development. Subject to this the proposals would comply with the policy requirements.

6.79 **Ecology**

The NPPF requires development to minimise impacts on and provide net gains for biodiversity. Policy SD9 of the JCS similarly requires the protection and enhancement of biodiversity in the area. City Plan Policy E1 requires the conservation of biodiversity and providing net gains. Potential adverse impacts on natural environment assets must be avoided or satisfactorily mitigated. Policy E6 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 where these effects cannot be mitigated. Policy E7 requires biodiversity net gain on site (or a suitable alternative) if there is unavoidable significant adverse impact on trees, woodland or hedgerows. Policy E3 requires development to contribute to the provision, protection and enhancement of the green/blue Infrastructure Network. The Government intention to require a minimum of 10% Biodiversity Net Gain has been enacted into law and the provisions are expected to come into force later in 2023.

- 6.80 The ecological appraisal sets out that there are no rare, scarce or protected habitats in the site. Other than the bat roost (see further below), historical use of the fishing lake by otter (no evidence otters still using the lake) and use of buildings and vegetation by breeding birds, there is no evidence or likelihood of the site being used by protected species. The pond is unsuitable for great crested newts and are likely absent – Natural England’s risk assessment tool shows it to be highly unlikely. The report proposes various mitigation measures during works, and provision of bird and bat boxes and habitat improvement. Overall there would be no significant cumulative effects.
- 6.81 Building and tree assessments for bats, and an emergence survey of the Lodge were undertaken in late 2022. These confirmed the Lodge is a roost for lesser horseshoe and whiskered bats, plus soprano and common pipistrelle bats were recorded foraging around the site. A single minor common pipistrelle day roost was recorded in the Lodge in 2019, which was not recorded during the 2022 survey but assumed still present. This is considered to be of ‘local’ importance, while both the lesser horseshoe and whiskered bats are a rare species and these roosts are considered to be of ‘County’ importance. Given the disturbance that would take place, mitigation is required and is proposed as a bat house to the south east of the Lodge building between the pond and car park, suitable specified and at a location thought to be a flight line. It is proposed in blockwork and is unlikely to be a particularly attractive structure, although it would be somewhat screened by the Lodge and by vegetation, and the blocks are specifically chosen to encourage bats to hang on them. Further mitigation by way of bat boxes, a precautionary survey prior to works starting, and any new lighting being sensitively designed, is proposed. The re-use of the building is desirable and as such there are no realistic alternatives to these effects with lower impact if that is to be achieved. With the mitigation there would be no net harm to the protected species and no long term impacts on the species.
- 6.82 The Council’s ecology consultant has reviewed the proposals and confirms that the proposed mitigation will suffice for the species identified as likely to roost on the site. The bat roosting features should be secured in perpetuity, and suitable construction methods including a pre-works bat survey and the bat-sensitive lighting scheme should be secured. These can be dealt with by conditions.
- 6.83 *Biodiversity net gain*
A biodiversity net gain report has been submitted which proposes a gain of 30.7% habitat units and 3.8% hedgerow units, through various on and off site planting and improvement measures. A management plan could be required by condition to secure management of these features. Because not all impacts could be mitigated on site, this proposal includes a financial contribution of £2500 to fund 30m of species-rich hedge and 3 trees in the adjacent park. The Council Ecologist welcomes the net gain and recommends a management plan. The BNG report references invasive plant species so it is recommended that the usual condition is added for its eradication.
- 6.84 *Habitats Regulation Assessment*
While the proposal is modest in scale there is an internationally designated nature conservation site approximately 3.5km from the site; the Cotswold Beechwoods Special Area of Conservation (SAC). Natural England has raised concerns about the impact of residential development within the City and wider area on these protected sites individually and cumulatively, and provides

comments where the City Council assesses the effect of projects on these sites under Habitats Regulations Assessments.

- 6.85 In this scenario a Habitats Regulations Assessment screening is undertaken to consider any significant impacts on those sites, which concluded that the further stage of an 'Appropriate Assessment' is required. A shadow assessment has been submitted. While the site is 3.5km from the Cotswold Beechwoods SAC directly, the public rights of way into the SAC are around 4.6km and the applicant suggests it is unlikely that residents would make regular use of the Beechwoods by this means. The development includes car parking provision however and access via car is quite possible. The applicant sets out that alternative recreational opportunities exist in close proximity to the site including Matson Park immediately adjacent and Robinswood Hill Country Park and that these are likely to absorb most of the day to day activities. Furthermore the loss of open space associated with the application is unlikely to deter use of these alternatives.
- 6.86 The assessment includes the provision of paths from the development into Matson Park as a mitigation measure to formalise direct links and make these attractive to use. The application site does not accommodate all of the land necessary to link in these paths and as already noted above, the provision of paths in the park has been recorded as a negative in the open space assessment. A contribution of £1650 has therefore been agreed to fund the tying-in of these paths to the existing paths on the GCC land. The application also proposes mitigation by provision of residents' information packs about impacts on the Beechwoods.
- 6.87 The Council's ecology consultant has endorsed this analysis and advises that with the mitigation of footpath connections to the adjacent park and information packs the development would not have an adverse effect on the integrity of the SAC. Natural England has been consulted on the Appropriate Assessment and raises no objection provided the path link and the residents' pack are secured. These can be dealt with by a s106 contribution and by a condition, respectively.
- 6.88 Subject to conditions the proposal is considered to comply with the above policy context and legislation.
- 6.89 **Economic and regeneration considerations**
The construction phase would support employment opportunities. Therefore the proposal would have an economic benefit of itself. 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, and the scheme would assist in this. 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.
- 6.90 **Planning obligations**
Planning legislation and the NPPF provide that planning obligations should only be sought where they meet all of the following tests:
- Necessary to make the development acceptable in planning terms;
 - Directly related to the development; and
 - Fairly and reasonable related in scale and kind to the development.
- 6.91 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. 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. The requirements for S106 contributions arising from the proposal are set out below.

6.92 **Open space**

The proposal involves an area of public open space and as above, given the general presumption against its loss via development a financial contribution of £7587.63 is offered as mitigation to fund improvements to Matson Park. The loss of POS in isolation would not be policy compliant so the contribution is necessary to make the development acceptable in planning terms. As the basis is the scale of development proposed and based on the SPD calculations it would represent a sum for qualitative improvements that is fairly related in scale and kind to the development. It is directly related to the loss of the POS that the development would cause, and would fund improvements in the immediate vicinity.

6.93 **Path linkages**

As above, to formalise the linkages between the development and Matson Park to provide the most convenient recreation space, a financial contribution of £1650 is agreed to deliver the missing link of the pathway network, as required in the applicant's habitats regulations assessment. This contribution is considered to be necessary in order to make the development acceptable in habitat impact planning terms, directly related to the development in so far as it is based on the impact of residents of the building in question, and fairly and reasonably related in scale and kind to the development being based on the cost of the works proposed where undertaken by the Council.

6.94 **Biodiversity net gain planting contribution**

A financial contribution of £2500 is agreed to fund 30m of species rich hedge and planting of trees in the adjacent Matson Park for biodiversity net gain. This contribution is necessary to meet biodiversity net gain requirements offered by the applicant. It is directly related because it is quantified relative to the scheme impact, which also shows that it is fairly and reasonably related in scale and kind.

6.95 **S106 contributions summary**

In summary the contributions required are:

A financial contribution of £7587.63 as open space mitigation to fund improvements to Matson Park.

A financial contribution of £1650 to deliver the missing link of the pathway network between the development and the existing path.

A financial contribution of £2500 to fund biodiversity net gain in the adjacent Matson Park.

Related monitoring fees for the above.

6.96 **Other issues raised in representations**

The issues of the principle of building on the site, loss of trees, impacts on wildlife, the reference to considering the site as a conservation area, design and scale, amenity impacts, and housing provision, have all been addressed already. In terms of the extent of development, this comment appears to relate to an earlier version of the development with houses also proposed on the land to the south east part of the site. No houses are proposed; it appears that the applicant moved away from this scheme following the consultation. In terms of the extent of notifications, the Council is required to notify properties on adjoining land which it has done. Five Cranwell Close properties were notified; the ones opposite the south eastern edge of the site. Other neighbouring properties were also notified and, as above, site and press notices were also published.

6.97 **Conclusion**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. The proposals have been assessed against development plan policies within this report.

- 6.98 As identified the proposals would provide benefits including delivering housing in line with the government's objectives of boosting housing delivery, providing a community use, increasing activity and natural surveillance in the area, and helping secure the future of a built heritage asset.

The proposal would acceptably mitigate its effects on drainage, climate change and ecology, and would preserve amenity and the character of the built environment. It is also considered that the proposal would not cause a severe residual impact on the highway network based on the Highway Authority's' informal feedback. These are issues of neutral weight.

In terms of potential disbenefits the proposals would cause less than substantial harm to heritage, which in terms of buried archaeology can be mitigated, and which overall has been concluded to be outweighed by public benefits. The proposals would lead to a loss of open space but this can also be mitigated subject to securing the s106 terms. Also the proposal would provide only 1 bedroom properties which is a negative impact of limited weight and considered to be outweighed by public benefits.

- 6.99 In terms of the NPPF paragraph 11 d of the NPPF is applicable and sets out that in applying the presumption in favour of sustainable development the authority should grant permission unless
- The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; while there are heritage assets in the site and potential impacts on paragraph 181 habitats given the assessment above the Framework does not provide clear reasons for refusal.
 - or
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; the adverse impacts of granting planning permission can be mitigated to an extent that they would not significantly and demonstrably outweigh the benefits.

Overall the adverse impacts of the development would not significantly and demonstrably outweigh the benefits. The proposal complies with the NPPF.

- 6.100 In terms of the legislative requirements for heritage impact, the Planning (Listed Building and Conservation Areas) Act 1990 imposes requirements in relation to considering whether to grant planning permission for development which affects a listed building or its setting, as set out earlier in the report. Great weight has been given to the impacts on designated (and any undesignated but equivalent significance) heritage assets. As above the development would cause less than substantial harm to heritage, which has been concluded to be outweighed by public benefits. The requirements of Section 66(1) of the Listed Buildings and Conservation Areas Act are satisfied.
- 6.101 In terms of local policy there is broad compliance with the Joint Core Strategy, the City Plan and partially saved 1983 Plan as the development plan other than the conflicts noted that are of limited concern and outweighed by the benefits, and with the supplementary planning documents.
- 6.102 For the reasons explained in this report it is considered that the proposals are in general compliance with the development plan. When considering all of the relevant material considerations in the balance, it is considered that the public benefits of the scheme outweigh the

identified harms, including the less than substantial harm to heritage assets. It is therefore considered that planning permission should be granted subject to conditions and s106 agreement/s.

7.0 **RECOMMENDATION OF THE PLANNING DEVELOPMENT MANAGER**

7.1 Subject to the receipt of updated formal comments from the Highway Authority, either:

1. If the Highway Authority raises no objection in principle, grant planning permission subject to the completion of a legal agreement/s to secure the terms set out at paragraph 6.95 of this report, the below conditions and additional conditions to address any necessary highways matters with the Planning Development Manager given delegated authority to determine any such conditions;
2. If the Highway Authority raises objection, delegated authority be given to the Planning Development Manager to determine the application.

7.2 **Condition 1**

The development hereby permitted shall be begun before the expiration of 3 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 drawings on the following plans except where otherwise required by conditions of this permission:

Site location plan – 5591-P-01 Rev. D

Proposed site layout – 5591-P-1000 Rev. Y

Soft landscaping plan – 5591-P-1500 Rev. G

Hard landscaping plan – 5591-P-1800 Rev. F

Proposed lighting layout – 70062229-1300-01 Rev. P03 *Note Condition 17

Bin store: Plans and elevations – 5591-P-250 Rev. B

Flats

Proposed floor plans – 5591-P-2000 Rev. F

Proposed elevations – 5591-P-7000 Rev. F

Reason

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

Condition 3

Notwithstanding the submitted details, construction of the following elements of the development shall take place only in accordance with specifications and samples of their appearance, as well as scaled elevations/plans showing their use across the building/site, that have been submitted to and approved in writing by the Local Planning Authority in advance of use:

- a. All facing materials to walls of buildings and new structures within the site;
- b. Roofing material to buildings and new structures within the site;
- c. New windows and doors to buildings including scaled sections showing reveal depths;

- d. Hard surfacing materials.

Reason

To ensure a satisfactory appearance to the development and preserve the character and appearance of the area and the setting of the listed building.

Condition 4

Notwithstanding the submitted details, any new boundary treatments or means of enclosure shall be implemented only in accordance with scaled drawings of their location, form, appearance and materials that have been submitted to and approved in writing by the Local Planning Authority in advance of use.

Reason

To ensure a satisfactory appearance to the development and preserve the character and appearance of the area and the setting of the listed building.

Condition 5

Prior to the commencement of any above ground construction of a building a detailed methodology for the landscaping works to the existing vegetation at the boundary of the development site and the adjacent park (to south west of the proposed flat block) shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping works shall be undertaken concurrently with the development construction and completed prior to the fifth occupation of a flat within the development, unless an alternative timetable for completion of the works is agreed to in writing by the Local Planning Authority.

Reason

These works are a key component of the benefits of the development for natural surveillance and required alongside the development or soon thereafter if there is a legitimate reason for delay such as an ecological impact.

Condition 6

Notwithstanding the submitted details, prior to any above ground construction of a building, details of soft landscaping works including tree, hedge and shrub planting, rain gardens, and maintenance works for the vegetation along the north east edge of the site, (comprising of a scaled layout plan, planting specification including with respect to trees the size of specimen at the time of planting, tree pit details and any below ground mechanism to accommodate trees alongside utilities) shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment. The current submitted details are not appropriate to the site and positions and require amendment.

Condition 7

The approved soft landscaping details shall be carried out in full concurrently with the development and shall be completed no later than the first planting and seeding season following the completion of the building works. The planting shall be maintained in accordance with the approved details for a period of 5 years following implementation. During this time any trees, shrubs or other plants which are removed, die, or are seriously damaged shall be replaced during the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year maintenance period.

Reason

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

Condition 8

The 4 no. ground floor flats shall comply with the discretionary Building Regulations as set out in Approved Document M(4)2 (access to and use of buildings) of the Building Regulations 2010 (or any amended or equivalent replacement standard) in relation to accessible and adaptable dwellings.

Reason

To achieve the required standard in the City Plan and provide for accessible and adaptable units.

Condition 9

No development shall be commenced on the site nor shall any machinery or material be brought onto the site for the purpose of development until full details of adequate measures to protect trees on the site that are to be retained and trees on adjoining land have been submitted to and approved in writing by the Local Planning Authority, These shall include:

(a) Fencing. The protective fencing design must be to specifications provided in BS5837 2012 or subsequent revisions, unless agreed in writing with the Local Planning Authority. A scale plan must be submitted and approved in writing by the Local Planning Authority accurately indicating the position of protective fencing. No development shall be commenced on site or machinery or material brought onto site until the approved protective fencing has been installed in the approved positions and this has been inspected on site and approved in writing by the Local Planning Authority. Such fencing shall be maintained during the course of development.

(b) Tree Protection Zone (TPZ). The area around trees enclosed by protective fencing shall be deemed the TPZ. Excavations of any kind, alterations in soil levels, storage of any materials, soil, equipment, fuel, machinery or plant, citing of site compounds, latrines, vehicle parking and delivery areas, fires and any other activities liable to be harmful to trees and hedgerows are prohibited within the TPZ, unless agreed in writing with the Local Planning Authority. The TPZ shall be maintained during the course of development to the external parts of the building that requiring scaffolding or other mobile or fixed access equipment.

Reason

To ensure adequate protection to existing trees and to retain habitat, in the interests of the character and amenities of the area and protecting biodiversity. This is required prior to commencement of development given the harm that may be caused by initial works.

Condition 10

Construction and demolition work and the delivery of materials shall only be carried out between 0800 hours to 1800 hours Monday to Friday, 0800hours to 1300hours on Saturdays and no construction or demolition work or deliveries shall take place on Sundays or Public/Bank Holidays.

Reason

To safeguard the amenities of the area.

Condition 11

Prior to commencement of any development a Construction 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 parking
- c. Storage, loading and unloading areas for materials and plant
- d. Dust mitigation measures
- e. Noise and vibration mitigation measures
- f. Measures to protect ecological interests.

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

Reason

To protect the environment and ecological assets.

These details are required pre-commencement due to the potential impacts of the first phase of works.

Condition 12

Prior to full implementation of an associated approved footpath diversion or a temporary closure of the public footpath being approved by the authorised public body, no obstruction of the existing public footpath through the site shall be caused during the construction period.

Reason

To maintain the public right of way.

Condition 13

Prior to commencement of any approved use, a scheme for biodiversity enhancement, including incorporation of permanent bat roosting features and measures such as nesting opportunities for birds shall be submitted to and approved in writing by the Local Planning Authority. This shall include a habitat management plan for at least a 30 year period. It shall include delivery of the biodiversity net gain proposals (set out in the CSA Environmental Biodiversity Net Gain Plan ref. CSA/4243/04 January 2023 and the associated Biodiversity Metric 3.1 Rev. A excel sheets other than the measures funded by s106 agreement contributions). The approved details thereafter shall be implemented concurrently with the development or to any approved alternative timetable, and retained and maintained for their designed purpose, in accordance with the approved scheme. This shall include, but is not limited to, the following details:

- i. Plans showing locations and extent of all existing and proposed habitats and wildlife features;
- ii. Description, design or specification of the type of feature(s) or measure(s) to be undertaken;
- iii. Materials and construction to ensure long lifespan of the feature/measure;
- iv. When the features or measures will be installed and made available.

Reason

To provide mitigation and net gains for biodiversity.

Condition 14

If development has not commenced by 1st August 2023 (i.e. within 12 months of the bat survey inspection of the two false acacia trees (G38a, G38b)), an update bat inspection by a licensed ecologist shall be undertaken prior to any development other than site securing. The findings of the bat inspection along with a detailed plan of any proposed mitigation measures and timescale for their implementation relative to the rest of the development shall be submitted to and approved in writing by the Local Planning Authority prior to any development other than site

securing. Any subsequent development shall be undertaken only in accordance with the approved survey and mitigation measures.

Reason

To suitably protect any bats from development impacts.

Condition 15

Bat mitigation measures shall be undertaken in accordance with the mitigation section of the submitted CSA Environmental Bat Survey Report Rev. B 06/04/2023, the February 2023 CSA Environmental Bat Mitigation Plan CSA/4243/102 and the tree retention as per the approved soft landscaping plans (unless any revisions are proposed as part of the licensing process with Natural England in which case the amended details shall be submitted for approval by the Local Planning Authority in advance of commencing those works) and shall be fully implemented prior to any other works to the Lodge building or its immediate surroundings within a 10m radius of the edge of the building. The bat mitigation measures shall be maintained for the lifetime of the development. The EPS mitigation licence for bats and the bat sensitive lighting scheme shall be sent to the Local Planning Authority for approval prior to commencement of works other than site securing.

Reason

To suitably protect any bats from development impacts.

Condition 16

Construction works shall adhere to the sensitive methods of working set out in the mitigation section of the submitted CSA Environmental Bat Survey Report Rev. B 06/04/2023 including a pre-works bat survey.

Reason

To suitably protect any bats from development impacts.

Condition 17

Notwithstanding that submitted with the application external lighting to the development shall only be implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The details shall follow the recommendations outlined in the submitted CSA Environmental Bat Survey Report Rev. B 06/04/2023 and include, but are not limited to the following:

- i. A drawing showing sensitive areas and/or dark corridor safeguarding areas;
- ii. Description, design or specification of external lighting to be installed including shields, cowls or blinds where appropriate;
- iii. A description of the luminosity of lights and their light colour 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)).

Reason

To suitably protect any bats from development impacts.

Condition 18

No development shall commence other than site securing until works have been undertaken in accordance with a detailed method statement for the removal/eradication of invasive species on the site that has been submitted to and approved in writing by the Local Planning Authority and a validation report for those works has subsequently been submitted to and approved in writing by

the Local Planning Authority. The method statement shall include proposed measures to prevent the spread of invasive species during any operations such as mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981.

Reason

To protect the amenity of the local area by dealing with invasive species. This is required pre-commencement given the prospect for any development works inadvertently causing the spread of the species or otherwise inhibiting its eradication.

Condition 19

No demolition, tree removal or any other clearance works likely to impact upon nesting birds shall take place between 1st March and 31st August inclusive within any year unless a survey (by a suitably qualified ecologist) to assess the nesting bird activity on the part of the site to be developed during this period and a scheme to protect the nesting bird interest on the site have first been submitted to and approved in writing by the Local Planning Authority and then implemented as approved.

Reason

In the interests of the preservation of biodiversity.

Condition 20

An information pack setting out the location and sensitivities of the Cotswold Beechwoods Special Area of Conservation, how to avoid negatively affecting them, details for becoming involved in ongoing conservation of nature conservation sites, alternative locations for recreational activities and off road cycling, recommendations to dog owners for the times of year that dogs should be kept on a lead when using sensitive sites (i.e. to avoid disturbance to nesting birds), and details of public transport links and foot/cycle paths to encourage the use of other modes of transport to the car shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any residential dwelling within the development and thereafter two copies of the approved information pack shall be issued to each new residential occupier prior to the occupation of each respective new dwelling. The information pack shall be produced as set out in Section 4.23 of the submitted Shadow HRA by CSA Environmental 2022.

Reason

To mitigate adverse effects on the integrity of the Cotswold Beechwoods as a result of the development.

DRAINAGE

Condition 21

Notwithstanding the submitted details, no development shall commence other than demolition, site securing or an approved programme of archaeological works until a detailed design and timetable of implementation for the surface water drainage strategy presented in the Drainage Strategy ref. 9529/REP05 November 2022, and modified as set out below, 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. 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 occupied for any of the uses hereby approved. In particular:

- a) the permissible discharge rate shall be re-evaluated based on the existing impermeable area served by positive, on-site drainage (subject to a maximum rate of 4.7 l/s);
- b) care shall be taken not to damage the existing outfall pipe from the pond (not shown on applicant's drawings) which is likely to pass through the development site;
- c) design details shall include those for the proposed new outfall and surrounding pond edge including any required remedial works plus existing overflow;
- d) where the detailed design incorporates a non-infiltration method of surface water disposal, then percolation tests are required to demonstrate that soakaways are not viable.

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 22

The development hereby permitted shall not be occupied for any of the uses hereby permitted until a Sustainable urban Drainage Strategy (SuDS) management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime, has been submitted to and approved in writing by the Local Planning Authority. The approved SuDS maintenance plan shall be implemented in full in accordance with the approved details for the lifetime of the development.

Reason

To provide for the continued operation and maintenance of sustainable drainage features serving the site and to ensure that the development does not result in pollution or flooding, to improve water quality at point of discharge.

Condition 23

The development hereby permitted shall not be occupied until a drainage scheme for the disposal of foul water flows has been implemented in accordance with details to be submitted to and approved by the Local Planning Authority in advance.

Reason

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

Condition 24

All units hereby permitted shall be designed with water efficient fittings and appliances such as to not exceed an estimated consumption of 110 litres of wholesome water per person per day.

Reason

To reduce water consumption and improve water efficiency to the benefit of the water cycle and environment.

Condition 25

No development shall commence other than site securing or an approved programme of archaeological works until a Waste Minimisation Statement for the Construction Period has been submitted to and approved in writing by the Local Planning Authority. The Waste Minimisation Statement shall include details of the types and volumes of construction waste likely to be

generated and the existing demolition waste including measures to minimise, re-use and recycle that waste, and minimise the use of raw materials. The development shall be carried out in accordance with the approved Waste Minimisation Statement.

Reason

In the interests of waste minimisation. This is required pre-commencement given the impacts are likely to commence immediately upon development starting.

Condition 26

No demolition or development shall start within the application site other than site securing until a written scheme of investigation of archaeological remains, including a timetable for the investigation, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording.
- b. The programme for post investigation assessment.
- c. Provision to be made for analysis of the site investigation and recording.
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
- e. Provision to be made for archive deposition of the analysis and records of the site investigation.
- f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason

To make provision for a programme of archaeological mitigation, so as to record and advance understanding of any heritage assets which will be lost.

This is required pre-commencement given the prospect of early development phase works impacting on buried heritage assets.

Condition 27

All development shall take place in accordance with the Written Scheme of Investigation of archaeological remains approved under Condition 26. This condition shall not be discharged until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 26, provision has been made for the analysis, publication and dissemination of results and archive deposition has been secured.

Reason

To make provision for a programme of archaeological mitigation, so as to record and advance understanding of any heritage assets which will be lost.

Condition 28

The cycle parking provision within the block of flats shown on the approved plans shall be installed and made available for use prior to the first occupation of a residential unit within the block of flats.

Reason

To give priority to cycle movements by ensuring that adequate cycle parking is provided, to ensure that opportunities for sustainable transport modes are taken up.

Condition 29

Notwithstanding that shown on the submitted plans, cycle parking provision for at least 4 cycles for users of the Lodge at a secure location shall be installed and made available for use prior to first occupation of the Lodge for the use hereby approved in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason

To give priority to cycle movements by ensuring that adequate cycle parking is provided, to ensure that opportunities for sustainable transport modes are taken up, and in the interests of the visual amenities of the area.

*****PLUS Highways conditions necessary to make the development acceptable; to be added following receipt of the Highway Authority's formal consultation response.**

Note

This permission is associated with a legal agreement dated xxxxx

Note

This permission does not approve any diversion of the public footpath. A separate diversion order must be secured and the development should not be started until the necessary order has come into effect.

Person to Contact: Adam Smith (396702)

Planning Application: | 22/00627/FUL

Address: | School Lodge, Matson Lane

Committee Date: | 1st August 2023

