

## GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

Committee:	Planning
Date:	7 <sup>th</sup> February 2023
Address/Location:	Great Western Road yard/sidings
Application No:	22/00770/FUL
Ward:	Kingsholm & Wotton
Expiry Date:	9 <sup>th</sup> November 2022
Applicant:	Eutopia Homes
Proposal:	Residential development of 315 dwellings (comprised of apartment blocks and houses) and formation of new accesses, with associated landscaping, parking, open space and ancillary works including demolition of existing buildings
Report by:	Adam Smith
Appendices:	Site location plan   Proposed layout plan

### 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is 3.2ha and comprises an area of former railway sidings/rail depot and commercial business premises. It was previously owned by Network Rail. The site is generally flat and fronts Great Western Road on its north side, beyond which is Gloucester Royal Hospital and its multi storey car park, and east of this, a flat complex at the corner of Horton Road. Immediately north of the site on the south side of Great Western Road, adjacent to the middle part of the site, is a row of existing residential premises. East of this row, the site immediately adjoins the Great Western Road open space. The site fronts Horton Road on its east side, beyond which is an electrical supplies business and the Irish Club and its car park. The site immediately adjoins railway land to the south. The south eastern part adjoins the operational railway. The north western part adjoins the remaining sidings. Access would be maintained privately for Network Rail off Great Western Road beyond the site to the north west. Beyond the remaining sidings to the west and south west there is a therapy/respite service, a storage and distribution business and a commercial office complex.
- 1.2 While a large part of the site is empty it does include several buildings. At the eastern end there is a series of buildings formerly associated with the railway. There is a prior approval decision granted for demolition of these buildings. At the northeastern part of the site adjacent to Great Western Road there is a series of buildings associated with car repair, timber and construction businesses.
- 1.3 The proposal is for 315 residential units comprising of a mix of 228 flats and 87 houses, the formation of new vehicular accesses from Great Western Road, and associated landscaping and infrastructure.
- 1.4 The layout can be described as two phases and the applicant has indicated this on the submitted plans.

The north western part of the site would consist of 3 large blocks of flats – Blocks A, B and C, of 4-5 storeys.

The south eastern part of the site would consist of two storey houses and a single block of flats – Block D. This area would also include two areas of open space.

1.5 Vehicular accesses would be taken off Great Western Road. The main access would be broadly opposite the hospital access adjacent to its multi storey car park, roughly in the position of the existing access to the construction business. There would also be two direct accesses off Great Western Road linking to parking and servicing areas for the flat blocks. There is an existing vehicular access to the sidings off Horton Road opposite the Irish Club. This would not be used in the development. The proposed internal access road would end at the Horton Road end of the site and only pedestrian and cycle access would be provided beyond this to Horton Road.

1.6 In detail, the proposal would comprise of the following:

Northern phase:

3 blocks all between Great Western Road and the retained railway sidings to the south west;

Block A, comprising of 43 flats over 5 storeys.

Block B, comprising of 125 flats over 4 and 5 storeys.

Block C, comprising of 34 flats over 4 storeys.

Southern phase:

87 houses, comprising of;

6 rows of 2 storey houses, running broadly north south, on the north side of the internal access road and adjacent to the existing Great Western Road properties on the north side.

4 rows of 2 storey houses, running broadly east west fronting the access road on its south side, and adjacent to the railway lines to the south.

Block D at the eastern end of the site next to Horton Road, comprising of 26 flats over 4 storeys.

Areas of open space and play equipment, one at the eastern end of the site adjoining the existing Great Western Road open space at the corner with Horton Road, one adjacent to the access road broadly in the middle of the site, plus two small areas behind Block B.

Minimal levels changes are proposed, with the intention to keep them in line with the existing other than where locally levelling out – for level gardens, etc.

1.7 The application is referred to the Committee because of the scale of development and the S106 agreement proposed.

## 2.0 RELEVANT PLANNING HISTORY

There are records for various land parcels within the current site:

Current application site:

Application Number	Proposal	Decision	Decision Date
22/00323/EIA	EIA screening opinion for up to 330 residential	Not EIA	26.4.2022

	units plus infrastructure	development	
22/00482/PRIOR	Demolition of disused buildings within the Great Western rail yard	Granted	14.6.22

Land south of Great Western Road and Horton Road (south of the open space):

10/00215/FUL	Use of land as a car park for staff employed at Gloucestershire Royal Hospital, for a temporary period during the construction of the proposed multi storey car park.	Granted subject to conditions	18.05.2010
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Network Rail, Horton Road depot:  
No planning history on Uniform database.

Carlton Motors, Great Western Road:  
No planning history on Uniform database.

Jays Timber Ltd, Great Western Road:

08/00045/FUL	Erection of replacement temporary office units in association with timber yard.	Granted permission	14.02.2008
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### 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 City of Gloucester Local Plan (Adopted 14 September 1983)

The statutory Development Plan for Gloucester includes the partially saved 1983 City of Gloucester Local Plan. Paragraph 219 of the NPPF states that '*...due weight should be given*

*to (existing policies) according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).* The majority of the policies in the 1983 Local Plan are out-of-date and superseded by later planning policy including the NPPF and the Joint Core Strategy. None of the saved policies are relevant to the consideration of this application.

### 3.5 **Emerging Development Plan Gloucester City Plan**

Gloucester City Plan (“City Plan”) will deliver the JCS at the local level and provide policies addressing local issues and opportunities in the City. The examining Inspector’s Final Report, with a schedule of Main Modifications that the Inspector considers necessary to make the plan sound in order that it can be adopted by the Council, was received on 9 November 2022. Though the plan remains an emerging plan until adoption significant weight may be given to individual policies (with the recommended modifications) in accordance with paragraph 48 of the NPPF, which provides that weight may be given to relevant policies in emerging plans according to the stage of preparation, the extent to which there are unresolved objections and the degree of consistency with the NPPF.

This is the current status of policies. Subsequent to the submission of this report, on 26<sup>th</sup> January 2023 the City Plan may be formally adopted by the Council. As such the policies may have full weight of the adopted development plan at the time of the Committee’s consideration. An update will be provided as necessary in late material papers.

Relevant policies include:

- A1 – Effective and efficient use of land and buildings
- A6 – Accessible and adaptable homes
- A7 – Self build and custom build homes
- B1 – Employment and skills plans
- C1 – Active design and accessibility
- C3 – Public open space, playing fields and sports facilities
- C5 – Air quality
- C7 – Fall prevention from tall buildings
- D1 – Historic environment
- D2 – Non designated heritage assets
- D3 – Recording and advancing understanding of heritage assets
- D4 – Views of the Cathedral and historic places of worship
- E1 – Biodiversity and geodiversity
- E3 – Green/blue infrastructure
- E4 – Flooding, sustainable drainage, and wastewater
- E6 – Development affecting Cotswold Beechwoods Special Area of Conservation
- E7 – Trees, woodlands and hedgerows
- F1 – Materials and finishes
- F2 – Landscape and planting
- F3 – Community safety
- F4 – Gulls
- F6 – Nationally described space standards
- G1 – Sustainable transport and parking
- G2 – Cycling
- G3 – Walking
- G6 – Water efficiency
- G7 – Review mechanism

Site allocation SA05 – Land at Great Western Road sidings

### 3.6 **Minerals Local Plan for Gloucestershire 2018-2032 (2020)**

The adopted minerals plan for the County contains the following policies of relevance:  
SR01 – Maximising the use of secondary and recycled aggregates  
MS01 – Non-mineral developments within MSAs  
MS02 – Safeguarding mineral infrastructure

### 3.7 **Gloucestershire Waste Core Strategy 2012-2027 (2012)**

The adopted waste plan for the County contains the following policies of relevance:  
Core Policy WCS11 – Safeguarding sites for waste management

### 3.8 **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:

BE.2 – Views and skyline

OS.2 – Public open space standard for new residential development

OS.3 – New housing and public open space

A.1 – New housing and allotments

Plus partial relevance – OS.4 Design of public open space

### 3.9 **Supplementary Planning Guidance/Documents**

New housing and open space 2001

Heights of buildings SPD 2008

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** raises no objection in principle subject to securing planning obligations for Travel Plan Monitoring and a bond, and funding the controlled parking zone amendments via a Traffic Regulation Order, and subject to conditions to secure; the provision of suitable highway, and suitable means of access, prior to occupation, including emergency access construction details; closure of existing accesses prior to use of new accesses; provision of cycle parking; provision of the Travel Plan; a construction management plan; and a service vehicle management plan.

4.2 The **Conservation Officer** noted that her comments are limited as the site is not in a Conservation Area, and heritage matters raised at pre-application stage have been addressed satisfactorily. On the design, the housing is considered acceptable, but concerns are raised about the scale and massing of Block B, single aspect apartments, and the projecting balconies could be better designs with an industrial feel on an external framework.

- 4.3 The **Civic Trust** has not commented.
- 4.4 The **City Archaeologist** raises no objection subject to conditions to secure approval of below ground works including remediation, and the submission and implementation of a written scheme of investigation for further archaeological mitigation.
- 4.5 The **Housing Strategy Team** object citing absence of information to prove compliance with Policies SD11 and SD12 of the JCS and there being too many 1 bedroom units, considering the range of housing sizes to be inadequate to meet the affordable housing needs of the City and not meeting the affordable housing level.
- 4.6 The **Contaminated Land consultant** recommends the tiered contaminated land investigation/remediation condition.
- 4.7 The **Drainage Officer** raises no objection subject to conditions to secure detailed proposals for the surface water drainage system to specified standards, and a SuDS maintenance strategy.
- 4.8 The **Lead Local Flood Authority** raises no objection subject to a condition to secure approval and implementation of the detailed drainage scheme.
- 4.9 **Severn Trent Water** raises no objection subject to securing precise drainage details by condition.
- 4.10 The **Environmental Health consultant** raises no objection on dust, air quality and vibration impacts. On noise no objection in principle is raised subject to obtaining full details of the proposed glazing and ventilation products with confirmation of meeting the specifications, full details of the acoustic fence, and further details of plant to demonstrate it meets the specifications.
- 4.11 The **Ecological consultant** raises no objection subject to conditions to secure a construction environmental management plan, a landscape and ecology management plan, lighting strategies, and a residents information pack about protected ecological sites.
- 4.12 **Natural England** raises no objection subject to securing homeowner information packs regarding the Cotswold Beechwoods by condition.
- 4.13 **The Landscaping consultant** is satisfied that the principles of planting / species selection are now acceptable but wishes to see the fully detailed specification by condition.
- 4.14 **The Public Open Space adviser** provided the open space request calculated on the basis of the size of this scheme. This is set out in detail later in the report.
- 4.15 **The Waste team** does not raise an objection but made several observations including the need for collections from an adopted road and an access bay on Great Western Road for the Block A collections.
- 4.16 **The County Council development contributions team** has submitted a request for financial contributions for education and libraries. This is set out in detail later in the report.
- 4.17 **The Minerals and Waste Authority** confirmed that the additional minerals safeguarding study deals with the matter sufficiently and their earlier recommendation for a minerals resource condition is not necessary.

- 4.18 **The Tree Officer** raises no objection subject to protection measures for trees during construction.
- 4.19 **The Police architectural liaison officer** has not commented.
- 4.20 **Network Rail** has not commented.
- 4.21 **The Health and Safety Executive** (via their online consultation system) confirms that the site does not intersect a pipeline or hazard zone, and that HSE Planning Advice does not have an interest in the development.
- 4.22 **The Environment Agency** confirmed it would not give bespoke comments on controlled waters, and standard advice was provided. This is addressed later in the report. I also wrote to the EA in a non-statutory capacity for the EA's comments on the proximity of the application site to the Allstone waste and minerals site, given the EA's role in administering the environmental permit. They have recently now provided a copy of the standard permit but not commented in any detail on the matter, and provided a copy of their comments to the County Council on the latest Allstone application. These matters are also addressed later in the report.

## 5.0 **PUBLICITY AND REPRESENTATIONS**

- 5.1 Neighbouring properties were notified and press and site notices were published. A further set of notifications were given upon receipt of the amended scheme.
- 5.2 Three representations have been received, two from the same party with the latter asserting that their original comments remain. The issues raised may be summarised as follows:
- 5.3 Traffic congestion along Great Western Road/Horton Road, noting specifically the Horton Road Primary School closing time impact.  
Parking provision.  
Many members of the day-centre reablement and respite service community at Headway House travel by road, either using mobility scooters, wheel-chair adapted vehicles, taxis or private cars and it being vital that attenders continue to have unimpeded access to Headway House via their small private car park. There are concerns about impacts of additional traffic on attendees' journeys.  
Potential abuse of the Headway car park. Consider sufficient resident and visitor parking should be provided within the application scheme to prevent unauthorised parking by residents on nearby roads.  
-Access concerns – for building phase and occupation due to how busy Horton Road and Great Western Road are.
- 5.4 The application can be viewed on: [View your planning applications - Gloucester City Council](#) within the Kingsholm and Wotton ward.
- 5.5 The application also reports a public consultation was undertaken prior to the application submission in May 2022 at the Irish Club and a webinar question and answer session, advised in advance via letters to local residents (800 letters) and media outlets, plus a website providing information, an e-mail address and phone line. The applicant notes that they have considered all comments raised.

## 6.0 **OFFICER OPINION**

6.1 **Legislative background**

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

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

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

6.3 The development plan consists of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) and the partially saved 1983 City of Gloucester Local Plan. However, as outlined earlier, the 1983 Local Plan is considered to be out-of-date.

6.4 It is considered that the main issues with regard to this application are as follows.

- Principle
- Public benefits of the development
- Heritage – built heritage and archaeology
- Design, layout and landscaping
- Traffic and transport
- Housing provision
- Residential amenity / environmental health
- Drainage and flood risk
- Land contamination
- Ecology
- Sustainability
- Waste minimisation
- Economic considerations
- S106 contributions, CIL and viability

6.5 **Principle**

The NPPF requires decisions to give substantial weight to the value of using suitable brownfield land within settlements for identified needs, and promote and support the development of under-utilised buildings. Decisions should support development that makes efficient use of land. The NPPF also sets out that planning decisions should give significant weight to the need to support economic growth and productivity.



## 6.6 **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)

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..).’

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.

6.7 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. 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.

- 6.8 The site has been included in successive policy documents aspiring to its redevelopment including housing (and latterly exclusively for housing in the City Plan). Most recently, the site is part of an allocation in the draft City Plan (ref. SA05). The application site makes up most of this allocation although the allocation also includes the area of open space at the corner of Great Western Road and Horton Road which is not part of the current application site. The allocation statement includes site-specific requirements and opportunities in relation to design, open space, highways, historic environment, biodiversity, minerals and air pollution. These are all dealt with in the relevant sections below. The allocation is for approximately 300 residential dwellings. The allocation has been found sound by the City Plan Inspector. The proposed use is therefore compliant and the number of units is considered to be at the approximate quantum indicated; being at the higher end is positive for housing delivery. It is currently identified in the Council's 5 year supply position statement.
- 6.9 In the Council's Interim Adoption Railway Corridor Planning Brief 2011 the application site was part of a wider area alongside the rail lines that was the focus of the brief. This was written in the context of the policy position for the site at that time being for mixed use B1 employment and residential. It also envisaged that it would provide an integral linear community park link between the train station and Horton Rd sidings. The proposal would comply with the residential element of the brief. The brief is now over 10 years old and the policy approach is being superseded by the City Plan. The B1 employment element is not considered to be an essential element of a development scheme, not being required in the later City Plan. As such it is not considered that there is an in-principle conflict where considering this Brief.
- 6.10 In terms of the broad principles of development then, the site is subject to a well-advanced draft allocation for residential use of approximately 300 units and has been allocated for (part) residential use in previous policy statements, it is on previously developed land 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. The proposal complies with Policy SD10 in relation to the principle of development.
- 6.11 **Principle – loss of existing uses**  
The proposal would result in a loss of employment use of land, in relation to the parts of the site currently used by the three businesses fronting Great Western Road (it is noted that the application sets out (SCI) that all tenants have plans to relocate their businesses). The City Plan, JCS and 2002 Second Deposit Local Plan include policies addressing this. However, this loss has already been accepted by the City Plan allocation for residential use. Equally there would be a loss of transport infrastructure land in terms of the remaining part of the site being the former railway sidings/depot. As part of the disposal process the operator will have considered the need for its use, and again, the City Plan allocation accepts this loss. As such there is no in-principle objection in relation to the loss of existing land uses.
- 6.12 **Principle – development of adjacent land**  
Policy A1 of the City Plan requires that development does not prejudice the potential for the comprehensive development of adjacent land. This is most notably a consideration for the land to the south west – all other adjacent land is either highway, railway or already developed. This land to the south west is railway sidings and is referred to in the application as still operational. This does not therefore appear to be a development opportunity. Notwithstanding that, there is still an access to the land to the north west off Great Western Road as well as access points in the proposed development that run close to the boundary with that land. As such the proposal would not prejudice potential for comprehensive redevelopment.

6.13 **Principle – sterilisation of minerals assets**

The City Plan allocation refers to the site lying within a Mineral Consultation Area due to the recorded presence of underlying sand and gravel resources. It should be noted as the allocation is not yet adopted that the applicant has objected to the inclusion of this criteria as they consider it an unnecessary repeat of a policy in the minerals plan. The Minerals local plan is concerned with potential sterilization of mineral resources. The strategy in that plan refers to avoiding unnecessary sterilization of minerals resources by defining mineral safeguarding areas and mineral consultation areas for economically important minerals in Gloucestershire. The allocation also refers to the presence of nearby safeguarded mineral and waste infrastructure and potential incompatibility issues, which are considered to be primarily amenity issues and are addressed in that section later in the report.

6.14 The Minerals and Waste Authority policies map shows that part of the site (broadly the western half) is a mineral resource area for sand and gravel. Policy MS01 of the Minerals Local Plan sets out that non-mineral development proposals within a Mineral Safeguarded Area (MSA) will be permitted based on satisfying one of the listed criteria relating to; being exempt from safeguarding requirements as set out in the Plan; or needless sterilisation of mineral resources will not occur; or the mineral resources of concern are not economically valuable; or it is appropriate and practicable to extract minerals prior to development taking place; or the overriding need for development outweighs the desirability to safeguard mineral resources.

6.15 The site does not fall within the Plan's exemptions. JCS Policy SD3 sets out that to avoid unnecessary sterilization of identified mineral resources, prior extraction should be undertaken where it is practical, taking into account environmental acceptability and economic viability relating to both the extraction of the minerals and subsequent implementation of the non minerals development of the site. The Minerals and Waste Authority initially requested a more detailed study on the mineral potential of the site, and in line with the policy suggested a potential condition for prior extraction of minerals before redevelopment. The applicants' subsequent study on the matter identifies the type and extent of minerals resource at the site but also that a large part of the site is contaminated with any material extracted likely to require remediation or disposal rather than for sale or processing as construction aggregates. Furthermore groundwater is encountered at 0.8 to 2m below ground level and prior extraction to the base of the deposit could not be undertaken without causing groundwater inundation of the site. It would therefore be necessary to reinstate ground levels through importation of clean inert materials to progress the redevelopment (likely to comprise primary aggregates), which would render the prior extraction pointless. As such the contamination and shallow groundwater has effectively already sterilized any minerals at the site. The Minerals and Waste Authority considers that this additional study deals with the issue of potential minerals sterilization. In this light there is no conflict with the Minerals Plan, Policy SD3 of the JCS and NPPF on the matter.

6.16 Overall it is considered that the principle of the development is acceptable in this location within the City.

6.17 **Public benefits of the development**

Consideration of the likely public benefits of the scheme is relevant to the determination of this application, both in the overall balancing of the application's merits and in the context of any harm to heritage assets, whereby the NPPF advises that heritage harm should be balanced against public benefits.

- 6.18 Public benefits from the proposal are likely to include the following:
- Provision of housing.
  - Developing a suitable brownfield site for identified needs.
  - Introduction of significant population to the City, likely to be accompanied by a related increase in footfall and associated spend in the locality. This has associated social benefits as well as community safety benefits in terms of natural surveillance within the area.
  - Creation of jobs indirectly.
  - Improvement in appearance of prominent central site.

Overall these are considered to be public benefits of considerable weight.

6.19 **Heritage**

The proposal would affect heritage assets which are set out below. The buried archaeological assets and the buildings on site are non-designated. The NPPF requires that the effect of a proposal on the significance of a non-designated heritage asset should be taken into account in determining the application, and that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

6.20 ***Built heritage***

The NPPF sets out the importance of protecting and enhancing the historic environment, and conserving heritage assets in a manner appropriate to their significance. In particular, it states that in determining planning applications, local authorities should take account of 'the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation'. Furthermore that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Policy SD8 of the JCS similarly seeks to preserve and enhance heritage assets as appropriate to their significance. Policy A1 of the City Plan requires development to avoid a significant adverse impact on the streetscene and character of the locality. Policy D1 of the emerging City Plan reflects the guidance in the NPPF and JCS in respect of designated and non-designated heritage assets respectively. Policy D2 sets out criteria for dealing with non-designated assets. Policy D3 sets out requirements for recording and understanding the significance of assets where revealed, altered or damaged during proposals. The City Plan allocation Policy SA05 furthermore sets out a requirement for built heritage assessments, and notes the presence of the historic steam engine shed is a non-designated heritage asset.

- 6.21 The site is not situated in a Conservation Area and there are no listed buildings at the site nor in the near vicinity. The main built heritage consideration is that at its eastern end the site contains unlisted buildings associated with the historic rail industry use as above. There are 3 main buildings; 2 single storey brick buildings, adjacent within the middle part of the east end of the site, and 1 single storey metal framed/steel sheeting building close to the northern boundary with the residential premises. They are all in a state of disrepair. There are in addition a series of smaller buildings nearby to these 3 main buildings.

- 6.22 A heritage assessment, and a condition survey of the standing buildings, have been submitted. These set out that the site is part of the former Great Western Road/Horton Road railway depot, constructed during the mid 19<sup>th</sup> century in association with the development of the railway through the City, closing to steam use in 1966, ceasing operating for maintenance in 1990 and entirely in 2010. The standing buildings are the remaining structures; others were demolished – by the 1980s the two earliest locomotive sheds had been demolished. Of the remnants, the southern wall of building 1 is considered to be of very minor local interest, the remainder being mid 20<sup>th</sup> century; it has lost significance following earlier demolition. The structural assessment sets out that the walls are all in extremely poor and dangerous condition, the roof is not salvageable and dangerous, and not considered possible to retain or renovate them without significant works to their fabric, and could not retain the foundation and flooring if remediation is to be done properly. Very little of the older wall could be reused, while utilities and facilities would need to be introduced alongside rebuilding, and the dimensions would mean substantial alteration would be needed to subdivide for reuse, with it being difficult to identify any ready market for using the building. It is considered to have come to the end of its life.
- 6.23 A prior approval for the demolition of these buildings already exists and the heritage considerations of their loss via that process were set out in that application. There is no statutory protection of the buildings from the demolition, and they were not added to the local list. The site buildings could therefore be demolished immediately. The other commercial buildings fronting Great Western Road do not appear to be of heritage merit. In the context of this application, the wholesale loss of the low significance buildings needs to be factored into the decision, with the fall back position of already being able to demolish them. This is done in the conclusions below.
- 6.24 **Archaeology**  
This site is located in an area of archaeological interest. Roman period organic material has previously been found, and there are records of two Roman burials on land immediately to the east. The site is also situated on gravels that have elsewhere in the area produced artefacts and deposits of Palaeolithic date, and there is also the industrial remains associated with the railway. The proposal involves intrusive works that could damage or destroy assets, including extensive works to remediate and remove site material.

6.25 The heritage assessment sets out that the site has archaeological potential with Roman remains recorded to the east of the site and a Roman building nearby to the south west. Further evaluation works were subsequently undertaken at the City Archaeologist's request to assess the archaeological potential, which were inhibited by the contaminated state of the site and resulted in a lower level of evaluation than normally sought. Nevertheless the City Archaeologist has been able to provide advice and reports that gravel terraces do survive within the site, some evidence for residual Roman building material was found, and that while the site appears to be truncated it is not universally so. As such can be concluded that; palaeolithic material may survive in the site, Roman remains are likely to survive in the site, and industrial archaeological remains are present. Overall there is no in-principle objection to the proposals on archaeology grounds but conditions are necessary to make the development impacts acceptable; further archaeological mitigation is required. These conditions would secure approval of below ground works such as foundations and services, and also remediation works which are likely to be significant and potentially more intrusive than later construction works. They would also secure the approval and implementation of a further written scheme of investigation to record and advance understanding of any heritage assets that would be lost. The applicant has been made aware that as part of the works, the archaeological watching brief could become an excavation if archaeological remains are exposed, and if the contamination work extends into the gravels a geo-archaeological specialist would be needed to monitor the works. Overall therefore, there could be harm to heritage assets but this can be satisfactorily mitigated.

6.26 Overall conclusion on heritage matters:

The balancing of harm with public benefits is a policy test only for designated assets. For non designated assets the test set out in the NPPF is that the effect of a proposal on the significance of a non-designated heritage asset should be taken into account in determining the application. A balanced judgement should be made, having regard to the level of significance of the asset and the scale of any harm or loss. The scale of loss for the buildings would be wholesale, although the significance is low. There would also be less than substantial harm to non designated heritage assets. In accordance with the NPPF great weight has been given to the assets' preservation in the assessment. The harm is limited and can be mitigated in terms of buried assets, and there is a fallback position of already being able to demolish the standing assets. The public benefits set out earlier including the provision of housing are considered significant. It is considered that the public benefits outweigh the heritage harm identified anyway.

6.27 **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 will function well and add to the overall quality of the area, 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. It also sets out that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is important that decisions avoid homes being built at low densities, to ensure optimal use of sites, and furthermore that plan standards should seek a significant uplift in the density of residential development in city centres and areas well served by public transport.

- 6.28 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 requires residential development to seek to achieve the maximum density compatible with good design and the character and quality of the local environment. Policy INF3 requires development to positively contribute to green infrastructure, also setting out that proposals that would impact on trees will need to include a justification for why this cannot be avoided and should incorporate mitigation for the loss.
- 6.29 Policy A1 of the City Plan requires overall improvements to the built and natural environment, to be of a suitable scale for the site, preserve the character of the area and appearance of the streetscene, have appropriate bin storage, and create and support healthy living conditions. It requires development to make effective and efficient use of land and buildings. Policy C1 requires development to meet the highest possible standards of accessible and inclusive design. Policy C7 seeks measures to help prevent suicide and accidental falls on buildings or structures over 12m in height. 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.
- 6.30 City Plan allocation Policy SA05 notes that the site offers the opportunity for a higher density scheme near the city centre and transport hub. It furthermore sets out site specific requirements and opportunities in relation to design;
- Create a well defined built frontage to Great Western Road;
  - Create a green link between Great Western Road and the southern end of Horton Road;
  - Increase tree coverage and create a more meaningful useable open space that connects to the hospital and could be utilized by hospital visitors;
- 6.31 *Scale and density*  
The commercial office development to the west is two and three storeys in height, two storeys where closest to the site. The houses to the north edge of the site are all two storey. The hospital complex opposite to north comprises of buildings of a range of heights, notably the 3 storey emergency and outpatients blocks, the 3 storey multi storey car park and, set farther back into the hospital complex but very apparent in the site environs, the 11 storey tower block. Further east, the flat block at the Great Western Road/Horton Road junction is three storeys, as is the Irish Club building on Horton Road.
- 6.32 The City Plan allocation sets out that the site offers the opportunity for a higher density scheme near the city centre and transport hub, and this is clearly supported by national and local policy. This has been achieved in the application. The flat blocks A, B and C would be of noticeably larger scale compared with the existing commercial buildings on this part of the site and also the office and residential buildings that would be either side in the streetscene. In this context the design has been refined to stagger the buildings upwards to give more of a transition in heights.

- 6.33 Block B would be the prominent building in views north-westwards along Great Western Road and it grades down in height slightly 5 to 4 storeys to aid that transition from the 2 storey houses fronting Great Western Road, with a gap of 17m between. The mass of Block B is broken down by the design and articulation of the elevations. While the change in scale would be quite striking, across the separation distance it would not be harmful to the streetscene or character of the area, which includes several large buildings on the hospital site opposite. The proposed two storey houses in the southern phase would be of appropriate scale and blend in comfortably with the surroundings. The four storey flat block D would be perceived in the context of the neighbouring proposed two storey houses and the three storey flat blocks to north and Irish Club to east. At its proposed siting and in this context the scale would be comfortably accommodated.
- 6.34 The existing buildings along the Great Western Road frontage offer little to the current appearance of the streetscene. The development would create a new building frontage defining the edge of the street in a high quality design and at a scale that, while taller than the nearby neighbours, would not cause any significant harm to the appearance of the streetscene or character of the area. In the context, given the views they would be perceived in, the scale and form of the hospital complex in the vicinity, the desire to maximise density and efficiency of the site for residential use, and the site allocation for over 300 units, the impact of the scale of development is considered acceptable. There would be no harm to the character of the area, and the design is of good quality.
- 6.35 *Heights of buildings and views*  
Policy D5 of the City Plan seeks to protect views of the Cathedral and places of worship, and the heights of buildings SPD provides further detail on this matter; setting out local and strategic view corridors. The City Plan also includes the Local View corridors to the Cathedral and historic places of worship. The extreme north west corner of the site is within local view corridor 4 as defined in the SPD and this defines the viewpoint within the hospital grounds (although there seems to be an error in the report as it is not the view pictured in the SPD). Furthermore, the view as set out in the City Plan does not cross the application site. Given this situation I have walked the hospital site to ascertain the potential impact in this regard, and there are no prominent views of the Cathedral tower in the vicinity of the view corridor set out in these documents with trees in leaf; the current tree cover substantially blocks views towards the City Centre. It is also likely that the footpath arrangement has altered since the 2008 SPD where those view corridors were established. The applicant's DAS shows photographs with bare trees and some limited views of the Cathedral are apparent between the trees. In two of these, the site is off to the left of the view of the Cathedral and would not block the view. In the third, only the very top of the tower is visible, the rest being already obscured by buildings, and at my later visit with trees in leaf, could barely be perceived. Overall one cannot gain a good, clear view of the Cathedral tower until further west along the Great Western Road, at which point the site is off to the left of the view. In terms of other view corridors, local view corridor 2 from the elevated part of Metz Way is also in the environs of the site but the site would be so off-set to this view of the Cathedral that at the scale proposed it would not cause harm. Looking from the opposite direction, the site would be in the background of several of the local view corridors from the west of the City, however given the distance between, built form between, and the scale proposed, the development would not cause harm to these views. The site is not in the way of any of the strategic view corridors set out. As such, the current conditions are such that no harm would be caused to defined views.



6.36 *Layout and linkages*

The proposed layout manages to provide both frontage to the existing roads around the edge of the development, and to the proposed internal streets, and breaks up the built form with areas of soft landscaping. The proposal would satisfy the City Plan allocation requirement for a well-defined built frontage to Great Western Road. Blocks A and B would both front onto the road and provide good definition of the street.

6.37 The site would connect directly to the footways on Great Western Road and Horton Road. Within the site the access road provides for pedestrian connectivity. The Planning Brief envisaged a wider and more ambitious linear park through this site (albeit as part of links within a wider railway corridor area much greater in scope than the extent of this application site), while the more recent City Plan allocation refers to the creation of a 'green link' between the roads. The internal access road proposed in the application would be planted with trees, and partially adjoins, and allows a route through, the proposed pocket park in the middle of the site. While not at the aspirational level of the green link cited in the Planning Brief, the application is in a different context than envisaged at that time, and the proposal would provide for attractive, well-planted links through the site in the broad manner described in the preceding guidance, which would help provide for and encourage travel by foot within and beyond the site, where there are convenient links to local amenities, services, transport nodes and the City Centre. As such it is considered that the proposal would meet the allocation requirement for a green link between Great Western Road and the southern end of Horton Road.

6.38 In relation to linkages to the wider railway corridor area mentioned in the guidance, to the west and south west are existing operational sites that currently offer no scope for providing links. Beyond to the east, the railway triangle has been developed and the prospects of linkages with that site over the railway lines were well rehearsed in that application and are outside the current application site. On the north side, the Irish Club car park currently exists on the alignment eastwards through the railway corridor, and beyond that is the Allstone site that continues to be used for the minerals and waste activities (this commented on in further detail below). The proposal for residential redevelopment of the Allstone site has not progressed (no reserved matters application has been provided and the timescale has expired, while the submission of a further application for permanent use of this site clearly indicates no desire for residential redevelopment in the near future). Notwithstanding that, the residential application on the Allstone site appears to have included the southern part of the Irish club car park and as such might provide an option to link out to Horton Road opposite the current site. It is considered that the current application design provides for reasonable linkages to achieve this should that scheme ever progress, to the extent it is able to within its boundaries – out onto Horton Road and also through the proposed open space towards the junction to link round to Myers Road.

6.39 On detailed matters of linkages and access, the architect has confirmed a DDA compliant slope for the pedestrian link to Horton Road. The pedestrian link on the west side of the access road to the pocket park has now been widened 1m to 2m wide to be useable. The entrance area to Block D has been amended to set the cycle shelter in from the road edge and re-arrange the recess.

6.40 *Security*

The streets and open spaces would be subject to a good level of natural surveillance from the proposed units. The terraced houses have a secured accessed where only residents have use. The bike store for Block B has now been relocated into the block itself, off the Great Western Road frontage, which is considered to make this facility significantly more secure and attractive. The cycle stores would have self closing and lockable gates. The design provides for defensible space to units; 2.5m deep private space in front of units at ground floor in blocks A, B and C. There is a planted buffer in front of the terrace fronting Great Western Road. This should make an attractive frontage to the street and grant some meaningful defensible space. To Block D where flats face towards the proposed open space and Horton Road there would be a 2.3m space for resident's use, then planting beyond.

6.41 *Access*

The Building Regulations set out optional standards for enhanced levels of accessibility and adaptability and the City Plan promotes delivery of these. All units would meet Building Regulations M4(2) accessible and adaptable dwellings. 10% are designed to M4(3) standard. Units are designed to be flexible to accommodate M4(2) or M4(3) standard and there is an ability to increase the number of these wheelchair units if required. All entrances would be step free and lit, with step free access between floors via lifts. Accessible parking bays would be defined and signposted with pedestrian routes marked, lit and indicating a safe route to entrances. The application also asserts that means of escape for disabled persons are provided for. It is therefore considered that the development provides good accessibility design.

6.42 *Detailed building design*

It is evident that detailed analysis has been undertaken of the character of buildings in the vicinity, which complies with the policy approach. This has led to a well informed and considered design that would be sympathetic to the context and a positive addition to the streetscape in terms of its articulation and detailing. The design statement highlights houses and church as neighbouring sites using traditional façade material of predominantly red brick with alternate coloured brick details. It is proposal to use those materials and employ a modern take on Gloucester's character. Red brick is the predominant façade material in the area so this is proposed and also using brick patterning (a combination of those in the area and modern textured brick variations), alternative coloured brick tones, and metal cladding. A decorative brick is proposed to divide up the buildings and add interest taking inspiration from the brick patterns in the local vernacular.

6.43 The façade design of the flat blocks takes cues from Gloucester buildings. Block D would be in a similar location to the rail depot building and specifically takes design cues from that. In terms of other detailing, light grey metal balconies are proposed, grey metal window surrounds and grey zinc rain water goods. The façade design of the houses references Gloucester house types, including decorative elements and materials, visual dimensions and openings. Grey roof tiling is proposed. All these aspects are considered appropriate and should lead to a quality appearance to the development that would be modern but in character with the area.

6.44 Fall prevention measures for the taller flat blocks can be secured under condition.

6.45 *Waste collection*

The design statement sets out that bin storage is based on the Council's requirements and the layout has been tracked to accommodate the required refuse vehicle. Bin stores are proposed for each apartment block while each house would have an outdoor bin store. House occupants would either present to front or at collection points at the end of the north/south aligned roads. For Blocks B and C the collection provision is to the rear and Block B has been revised to bring the store closer to the road to minimize drag distances. The applicants have tracked a vehicle larger than the GCC collection vehicle so have demonstrated the access is achievable. The applicant has confirmed the access road to the rear of the flat blocks is to be adopted; this meets the pre-requisite for collections. In the revised plans, a service lane has been added to the front of Block A to allow the collection vehicle to back in to collect in sufficient proximity to the bin store.

6.46 *Landscaping*

The site is currently very sparse for vegetation and is mostly just overgrown. There are a small number of existing trees of modest quality (all category C or U) on and adjacent to the site. The proposal would include an extensive range of tree planting (approximately 200) that would be beneficial for the environment, and a significant improvement from the current conditions, and give the development an attractive green aspect. The streets, both at Great Western Road, and the internal access road, would be tree lined and comply with the guidance. The planting would more than compensate for the small loss of existing trees and the application proposes use of semi-mature tree planting to ensure an instant positive contribution to the environment. It would therefore meet the allocation policy criteria to increase tree coverage. Tree protection measures for the adjacent retained trees should be secured by condition. A planting proposal is provided in the application and the Council's consultant is satisfied with the principle shown, however it is recommended that the detailed planting specification is secured by condition, also the standard planting implementation and maintenance condition (it is noted that a landscape management and maintenance plan has been submitted detailing a maintenance proposal already).

6.47 Overall, subject to conditions the proposal would comply with the above policy context.

6.48 ***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.

6.49 Policy G1 of the emerging 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 G4 supports development that protects and enhances convenient, safe and pleasant walking environments, and improvement of walking routes to sustainable transport hubs. 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. City Plan allocation Policy SA05 furthermore sets out site specific requirements and opportunities in relation to highways crossings and cycle and footway links to city centre and transport hub to the west and residential development at the Allstone site to the east.

6.50 *Accessibility*

The site is centrally located with good access to local facilities that would be used by future residents, and with good accessibility for pedestrians and cyclists. The City Centre is within a reasonable walk catchment of around 500m, with continuous footway from the site. The bus station is approximately 470m walking distance from the site via the underpass (approximately 800m via London Road), providing extensive bus links to the surrounding areas. Bus stops providing for services nearby include on London Road opposite the junction with Great Western Road approximately 450m from the site which provides for multiple bus services. Route 6 Gloucester to Longlevens goes down Great Western Road and stops close to the hospital within around 200m of the site and also runs on Horton Road. Route 99 links to Cheltenham. To the south, there are multiple stops along Barton Street; at closest approximately 550m from the site. It is approximately 410m from the railway station via the underpass (approximately 800m via London Road). The other specific highways-related opportunities mentioned in the City Plan allocation are not required by the Highway Authority as necessary to make the development acceptable. The Highway Authority is satisfied that the development is well located for sustainable travel links to central Gloucester and the scheme has good permeability for sustainable travel trips.

6.51 *Access arrangements*

Great Western Road is subject to a 30mph limit and it accommodates some on-street parking bays along certain stretches. It is within Gloucester Hospital zone H parking permit zone – restricted to residents only between 0800 to 1900. These bays extend along the frontage of the row of houses, with double yellow lines on the northern side. To the west of the houses, on street parking is pay and display 0800 to 1900, with a 4hr maximum stay. At Great Western Road along the western part of the site there are double yellow lines along the far north west section, then parking spaces along the rest of the road up to the existing houses interrupted by the existing access points to the businesses. There are 4 existing access points to the site; 3 on Great Western Road associated with the existing businesses and one on Horton Road accessing the former sidings land. The level crossing is around 130m to the south of the Great Western Road/Horton Road junction.

- 6.52 The application proposes two points of vehicular access on Great Western Road to serve Blocks A, B and C. Block C would be a car free block and the new internal access road is provided up to Block C for servicing. The westernmost proposed access would be to the Block A car park, this access would be in the position of existing double yellow lines on Great Western Road. The middle access would be to a car park between Blocks A and B and to the service route extending behind Block B to Block C. This would be approximately in the position of the existing access to the timber merchants. The Transport Assessment sets out that visibility splays can be provided and allows for 2 way passing at the access. In the revised plans a service area is provided to the front of Block A which would provide access for bin collection avoiding the need for a pull in bay on Great Western Road and the loss of on street parking. The closing off of the other existing accesses could reinstate footway here.
- 6.53 Access to the remaining part of the site would be via a third access off Great Western Road, broadly in the position of the existing access to the construction company, diagonally opposite the Hospital 'tower' access, proposed as a priority arrangement. Some existing on-street parking on the south side of Great Western Road to the east of the access would need to be removed to accommodate it (though it is also double yellow lined); the highway consultant's plans show that there is potential to re-provide this on the western side of the proposed access. To the east side the applicant asserts that the access to the driveway of the adjacent 95/97 Great Western Road can be maintained. Access roads to the houses would be cul de sacs with turnings heads at the end; the Transport Assessment shows that refuse vehicle turning is possible here. The Highway Authority is satisfied with the Great Western Road accesses.
- 6.54 *Parking:*  
Manual for Gloucestershire Streets sets parking levels based on size of units, and departure from these levels is still permitted based on car free/reduced parking provision, including for residential development in city centres where consideration is given to options for access via sustainable modes, public car park provision, parking restrictions, number of linked trips and implementation of Travel Plan, and furthermore that where housing density is greater and there is a wide range of transport choices car free development will be encouraged. The City Plan sets out that development should provide parking to a level and design appropriate for the local context taking into account its accessibility, the type, mix and use of development, any parking restrictions, the availability and opportunities for public transport, car ownership levels and the need to ensure adequate provision for charging facilities.

- 6.55 The applicant has proposed a reduced level of car parking provision because the site is sustainable, this is agreed with. 145 spaces would be provided in various locations across the site, with a car parking ratio of 0.47 across the proposal as a whole. Provision is lower for the flats, with the houses mostly each being provided with a driveway space for 1 car (all houses in the northern block have 1 space on plot, the southern row of units does not have this driveway space though there is some provision between the rows). On-street spaces are noted to be to accommodate visitor parking demand and parking for houses without a dedicated space. The application indicates that they expect that the on-street spaces would be controlled via a new controlled parking zone (CPZ) to prevent use by non residents, and ensuring they can be used by visitors to properties in the site. The Highway Authority does not object to the proposed arrangements and consider that alterations to the existing controlled parking zone would be required, this should be funded through the proposals and an obligation is sought to do so. The basis is so residents would not be eligible to park on the surrounding highway and impact on existing occupants. 6 spaces are also provided for a car club; this is commented on in the travel plan measures below. It is acknowledged that concerns have been raised about parking provision. The guidance is clear that in sustainable locations close to centres and transport hubs, densities should be increased, and in the context of the climate crisis and aspirations to limit private car use, lower parking provision is considered reasonable here and the controlled parking zone system could be used as an enforcement measure in this regard. Future residents would have good opportunities to access transport hubs and local facilities via non car-borne means and the site provides a good opportunity to maximise density and reduce reliance on cars. The Highway Authority accepts and welcomes the parking provision and rationale. In terms of electric vehicle charging the Building Regulations now include requirements for this to new residential buildings, and specifications for provision.
- 6.56 *Cycle parking:*  
The City Plan requires a minimum of 1 cycle space per 1 bedroom dwelling and 2 spaces per dwelling with more than 1 bedroom. Manual for Gloucestershire Streets requires provision to be sheltered, secure and easily accessible and provision at 1 space per bedroom. The cycle parking provision for future residents would be sheltered and secure, comprising of a secure store at front of Block A for 64 cycles, plus 6 cycle stands outside for short stay (for 43 flats), two secure stores at rear of Block B for 228 cycles, plus 6 stands to front for short stay (for 125 flats); a secure store to front of Block C for 50 cycles, 5 stands to front for short stay (for 34 flats); and a covered cycle store close to the main entrance of Block D for 52 cycles, 5 stands for short stay adjacent to the building (for 26 flats). Cycle parking for the houses would be provided within the curtilage of each property (the southern row of houses includes enough space to front to accommodate cycle and refuse storage). The Highway Authority notes that cycle parking is proposed in excess of the MfGS standards, which is welcomed and would help contribute to supporting lower than expected car ownership, vehicular trip generation and parking demand.
- 6.57 *Servicing:*  
The bin store for Block A is inside the building on the Great Western Road frontage and could be collected via the service area now introduced off the access road to avoid taking out spaces on Great Western Road for a collection bay. For Blocks B and C refuse would be collected via the access road behind Block B. Tracking plans in the TS show an 11.5m long refuse vehicle; the collection vehicles measure 11 and 9.8m long so this is a robust assessment. The Highway Authority has also requested details via condition for servicing arrangements to properties.

6.58 *Highways impact:  
Trip generation*

The submitted Transport Assessment predicts vehicle peak hour trips as:  
Morning peak 41 2 way (12 arrivals/29 departures)  
Evening peak 35 2 way (23 arrivals/12 departures)

In deriving trip generation the parking levels proposed for the flats has been taken into account and factored down accordingly. The Highway Authority considers this a suitable calculation. The assessment factors in the type of trip when considering assignment to the junctions resulting in low numbers at the Great Western Road junctions with London Road and Horton Road in peak hours; around 10 trips in morning and evening peak hours or on average one trip per 6 mins at the London Road junction; around 27 trips in morning, 20 in evening peaks, or on average an additional trip every 2/3 mins at Horton Road junction. This is considered negligible in the context of existing flows and not likely to lead to any noticeable effect on the operation of junctions. Also the volumes are not be expected to have any notable effect upon queues that form when the level crossing is down. It is notable that the existing businesses currently generate vehicle movements and these would be removed from the network so the actual overall effect would be lower than above. The Highway Authority considers this is acceptable and would not generate a perceivable increase in vehicular movement on the surrounding highway network. Furthermore there would be no impact on the operation of the junctions at either end of Great Western Road; with Horton Road and London Road.

6.59 It is acknowledged that the Hospital is opposite to the north and an access is close by across Great Western Road, and there are emergency access needs. The NHS foundation trust was notified directly of the application as well as the hospital via the normal 'address point' notification, while the applicant also reports that at pre-application stage GRH was invited for a briefing and a member of staff attended the drop in session. No comments on the application have been received from the hospital. No objection has been raised by the Highway Authority on this matter either.

6.60 The Highway Authority notes that a service management statement would be required by condition to mitigate impacts associated with residential uses, and also a construction management plan to mitigate impact on surrounding roads and residents.

6.61 *Travel Plan:*

A travel plan has been submitted to reduce single occupancy car movements, reduce need to travel, support walking cycling and pub transport use, ensure residents have travel information, and encourage more active travel. Targets are set for % trips by sustainable modes. The developer would retain management, appoint a Travel Plan Co-ordinator and undertake ongoing monitoring. An initial travel information pack would be prepared for each dwelling prior to occupation. Six dedicated car club spaces are also proposed that would be available to all residents, although the applicant does not have a car club operator on board so are unable to provide site specific details at this stage. The car club would be offered as part of the package of sustainable transport measures, normally as part of the detailed Travel Plan. Residents of new dwellings would be provided with a Travel Pack upon first occupation this will include promotion of the car club and details of membership/costs associated with it. The Highway Authority notes the travel plan is suitable to push for an ambitious shift to sustainable travel modes through the 10 year monitoring period and the normal monitoring contribution is sought in relation to the Travel Plan of £10,000 for 10 years.

- 6.62 *Railway infrastructure*  
Network Rail has been consulted but has not commented. Experience suggests they are usually concerned with security and encroachment at the boundary. The application involves retention of the existing boundary treatment or erection of new palisade fence to the required height and this can be specified in a condition. The application also says that the planting proposals take into account the restrictions along Network Rail land.
- 6.63 *Highways conclusions:*  
Overall the Highway Authority supports and welcomes the principle of development. In conclusion, subject to conditions and the financial contributions to travel plan monitoring and the controlled parking zone, the proposal would not cause an unacceptable impact on highway safety or a severe impact on congestion, and would comply with the above policy context.
- 6.64 ***Housing provision***  
Policy SD11 seeks an appropriate mix of dwelling sizes, types and tenures to contribute to mixed and balanced communities, and development to 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. 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.
- 6.65 The Gloucestershire Local Housing Needs Assessment (LHNA) 2019 (Sept 20) sets out an overall need for housing for Gloucester, by bedroom numbers, of; 1 bed = 3%, 2 bed = 26%, 3 bed = 53%, 4+ bed = 18%. By comparison the application proposal is for 1 bed = 32%, 2beds = 50%, 3beds = 18% (this is a decrease in proportion of 1beds from the scheme at pre-application stage). Of the 87 houses, 43 are 2 bed/3 person, 28 are 3 bed/4 person, and 16 are 3 bed/5 person. The City Plan allocation is for 300 units, leading to large buildings to accommodate higher density flat provision in order to reach 300 units alongside 87 houses. In this context 72% of the proposed accommodation is flats, which are likely to be relatively lower bedroom-number provision compared to houses. The Housing Strategy team is concerned that there are not enough larger family homes.



- 6.66 It can be seen that the proposal errs more towards the smaller end of units than the LHNA indicates is needed across the City. This is likely to be in part a product of the central location of the site and likely attraction to the demographic. Similarly, the Council also receives applications in the outer areas that err towards larger units. It is also likely to be a product of achieving the 300 units in the allocation within the available space. More larger family homes would mean a greater land take, with meeting the 300 unit allocation leading to higher density, likely taller buildings on the remaining footprint, which could be of concern in other respects such as design. While there are obviously differences between the needs assessment and the proposal, this is the scheme brought forward by the developer for determination and presumably they consider there is a demand for these units and it would be occupied in short order. The applicant has altered their mix since the initial discussions to decrease the no. of 1 beds, so an improvement has been made to the mix in this respect. The applicant asserts that unit sizes were established on basis of local market research and affordability for purchasers and also that the proposals have considered housing need as set out in the Gloucestershire Strategic Housing Market Assessment (SHMA). The LHNA also refers to considering whether more existing family housing could be released through providing smaller homes suited to older households looking to downsize and the proposal provides accommodation in a sustainable location close to amenities that could provide for that. The scheme includes a mix of both flats and houses with about half of the site area given over to each, and in the context of its central highly-sustainable location, and the strong policy support to maximise densities, it is considered that it would strike a reasonable balance between the various factors to create a mixed and balanced community and would not cause significant detriment to the profile of housing delivery brought forward overall. While the concerns of the Housing Strategy team are acknowledged and the skew away from the exact housing need is noted as a negative aspect of the proposal, it is not considered to be of such substantial harm, relative to the benefits of the scheme, to indicate refusal.
- 6.67 Enhanced accessibility has already been commented on above in the design section. Policy A6 of the City Plan sets out requirements to deliver accessible and adaptable homes. It requires 25% of units to be to Building Regulations requirement M4 (2) – accessible and adaptable dwellings (“Category 2”). The proposal exceeds this as all units are designed to comply with category 2.
- 6.68 Policy A6 also requires 4% of the affordable housing component to be to Building Regulations requirement M4 (3) wheelchair user dwellings (“Category 3”). The application sets out that a range of units are designed to meet M4(3); they can be distributed throughout the buildings, across size, type and level to ensure choice. In terms of Category 3 units, the scheme proposes 26 affordable housing units (see viability section below) and the applicant has confirmed that they can provide at least 2 to Category 3 standard so the policy would be satisfied.
- 6.69 *National space standards*  
Following the amendments the proposals would meet the space standards and comply with City Plan policy F6.

- 6.70 Policy A7 of the City Plan requires, for schemes of 20 or more houses, 5% of the serviced plots to be offered for sale to self and custom builders. This is required if demand is identified on the Council's Self and Custom build register; at August 2022 this showed 110 expressions of interest so there is theoretical demand to engage this policy, although it is not apparent if plots on a high density central brownfield redevelopment scheme would deliver on that in-principle interest. The application scheme has been developed prior to adoption of the City Plan and does not factor in the cost and viability impacts, and logistical factors of carving off 4/5 plots for self build, while site development would involve complex contamination and potentially archaeological constraints that would need to be part of a co-ordinated mitigation. Furthermore the viability advice from the Council's consultant is that this is likely to negatively impact on a challenging viability scenario. Also, Officers support the design approach on this prominent regeneration site and give it positive weight in the recommendation. This design approach includes a layout comprised of terraces within the southern phase where the houses are, which does not lend itself to subdividing into detached bespoke designs that would subvert the design aesthetic, and would furthermore inevitably lead to a reduction in units, further impacting negatively on the viability as well as the delivery of housing, and potentially reducing numbers below the allocation figure. The failure to provide for self build plots is given negative weight in the decision, albeit in the context of a challenging scheme for viability and where negative planning impacts would otherwise accrue through compliance. In relation to these competing pressures, achieving some affordable housing is given greater weight than self build given the significant need and the viability situation. As such there are other material considerations indicating that non compliance with the policy is appropriate in this particular set of circumstances.
- 6.71 **Residential amenity / environmental health**  
The NPPF seeks to ensure that developments provide a high standard of amenity for existing and future users. 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.
- 6.72 Policy SD14 of the JCS requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants. Policy SD14 also requires development to cause no unacceptable levels of pollution with respect to national and EU limit values. Policy C5 of the emerging City Plan requires major developments to demonstrate compliance with EU limit values and achieve national objectives for air pollutants. It also seeks to avoid building configurations that inhibit pollution dispersal, minimise public exposure to pollution sources, use green infrastructure to absorb pollutants, provide infrastructure that promotes transport modes with low air quality impacts, and control dust and emissions from construction operation and demolition. Furthermore Policy A1 of the City Plan includes criteria on the living conditions of neighbours and future residents. City Plan allocation Policy SA05 furthermore sets out in respect of air quality that given the likely high density of development and the proximity of the site to existing potential sources of air pollution, applications need to demonstrate compliance with EU limit values and national objectives for air pollutants, and that development must be consistent with the Local Air Quality Action Plan.

6.73 *Impacts of the buildings themselves*

The closest residential neighbours are those on Great Western Road. These are immediately adjacent to the middle section of the site where houses are proposed to the south and are also in the vicinity of Blocks C and D proposed to the west. As mentioned above, the proposed plans show no levels changes; they are the same as the spot levels on the existing topographical survey, including around the proposed Blocks B and C, and the houses, where closest to the existing residential. The assessment of impacts is made on this basis.

6.74 *Block B*

This building would be broadly side-on to the nearest residential properties, at a separation distance of around 22m to the shared boundary (at the point of the rear garden). Given the separation distance and the relationship of the properties, it would not cause harm by overbearing or loss of light impacts.

6.75 In terms of overlooking, Block B includes windows in the south east facing end elevation at 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> floor that would face towards the rear gardens of nos. 95/97 Great Western Road; these windows would be to living rooms and bedrooms. At the top floor, the recessed flats here have a terrace on this side. The terrace is not the whole roof here and is restricted to around 3.5m deep with approximately 6.5m of roof beyond it to the building edge. The edge of the terrace would be around 30m to the boundary of the near neighbour. This would serve to dissipate any perceived impact on privacy but it is recommended that the restricted depth of terrace is secured by condition. The side windows at 1<sup>st</sup> to 3<sup>rd</sup> floors would, if unmitigated, allow for overlooking at a high level at a distance of 19-25m from the neighbouring garden. The amended design resolves this so that there are opaque glazed secondary windows to living spaces and projecting oriel-style windows to the bedrooms with transparent windows only facing front and rear within the projecting window. This would prevent overlooking from these Block B units and preserve the privacy of the existing gardens, and it is recommended that the arrangement be secured by condition.

6.76 *Block C*

This building would sit around 15.5m from the boundary with no. 93 Great Western Road and 26m from nos. 95/97 Great Western Road at the closest points, the nearest residential properties at this end of the row. In terms of overlooking impact the relationship to the boundary line would not be directly parallel but overlooking could occur from around 20m off the boundary in a fairly straight line of view from the near upper floor windows of Block C. In due course the proposed tree planting alongside the access road nearby to the garden of 93-97 could provide something of a screening effect, but this is likely to take several years and any effects would, without mitigation, take place freely in the early years of development. The windows on the side elevation which face towards the gardens of 93 and 95/97 Great Western Road at upper floors comprise of the nearest side window being to a lounge/kitchen with the next window along being to a bedroom. The amended design resolves this potential adverse impact so that there are opaque glazed windows to the side elevations. This would prevent overlooking from here and preserve the privacy for these properties, and it is recommended that the arrangement be secured by condition.

6.77 In terms of overbearing impact, there would be a separation distance of 15.5m from Block C to the shared boundary at the end of gardens, and around 30m to the area immediately behind these houses. The gardens here are relatively generous and although there would be a collective impact from the flank wall of the near end house to the south, Block C and Block B together, the siting, scale and distances are such that it is not considered that a significant overbearing effect would be caused.

- 6.78 In terms of loss of light the submitted daylight and sunlight report demonstrates that there would be no material reduction to daylight levels received at all the windows tested to the rear of the existing residential properties. These levels would meet the BRE criteria for daylight. Furthermore, it demonstrates that all windows tested would continue to receive good levels of sunlight annually and during the winter months. These levels would also continue to meet the BRE recommendations for sunlight.
- 6.79 In terms of overshadowing there would appear to be a possibility of some overshadowing in the later part of the day. The submitted report sets out the BRE guidance that for an amenity area to appear sunlit throughout the year, at least 50% of the garden or amenity area should receive 2 hours of sunlight on 21<sup>st</sup> March. If as a result of development the area does not meet this, and the area that can receive 2 hours of sun on 21 March reduces by more than 20% of its former value, then loss of sunlight is likely to be noticeable. Results show that the existing garden area of each property that receives 2 hours of sunlight on the ground on 21 March would not be reduced by 20% and therefore meets the BR criteria. It also shows the following which is useful for context; on 21 March all gardens would receive at least 5 hrs sunlight to around 50% or more of the garden area; and on 21 June existing gardens would still receive ample sunshine through the day for almost 10 hrs before shadows from proposed buildings reach a small number of buildings at 5pm. However, all the gardens would receive at least 11 hours of sunlight from the morning til 6pm to around 50% or more of garden. On 21 December, most gardens receive 1-2hrs sunlight over the course of 4hrs. Therefore the scheme complies with BRE recommendations.
- 6.80 *Houses*  
Some of the proposed houses would be sited directly behind the gardens of existing Great Western Road properties. Many of these existing properties in the middle and eastern end of the row have small gardens, some around 6m from the back of the rear wing to the end of garden. With the development in place many existing houses would retain a generally clear aspects behind their gardens (where aligned with roads or gardens in the development). In these cases the proposed houses would be visible to occupants but offset to these gardens and it is not considered that a significant overbearing impact would be caused. The application shows the edge of the proposed gardens with a buffer hedge and fence at the boundary to the existing gardens. Tree planting on the north side of the proposed rows of houses where close to the existing residential would serve to soften the impact of the proposed buildings, although the prospect of future residents felling these after the initial landscape maintenance phase limits the weight to this mitigation.
- 6.81 The most noteworthy cases of more direct impacts are nos 91, 77, 67, 69, 55, 57 and 45 Great Western Road. These existing properties would have the flank wall of a proposed unit directly behind their garden so the relative impact is likely to be greatest. The near-end proposed houses at the north ends of the rows were all gable-ended in the original design but have now all been altered to a hipped roof design to reduce the mass of the flank walls and associated impact on the neighbours' gardens. The proposed houses are 2b3p and 3b5p units; measuring 5.4m to eaves level and 8.9m (the 2b3p type) or 9.2m (the 3b5p type) to ridge. The usual guide for back to side relationships to be acceptable in new build is around 11m, although the existing conditions and restricted gardens of the Great Western Road houses should be factored in.
- 6.82 No. 91 has a garden of 15m length beyond the rear wing and there would be a further 4m separation beyond the boundary to the proposed unit's flank wall. While the end unit would clearly appear in its view, the effect at that siting and relationship would not be significantly intrusive.

- 6.83 No. 77 has a garden of around 8m deep off the rear wing (and has an outbuilding at the rear), and there would be a further 9m separation beyond the boundary to the proposed unit flank wall. Again while the new unit would be apparent from the existing property, given the overall distance and the presence of the outbuilding to rear, the effect would not be significantly intrusive.
- 6.84 Nos. 67 and 69 have gardens of around 6m length and would have a further 7m separation beyond to the proposed unit flank wall. There is also an existing tree at the rear of 69 that appears to be outside the site. The amended scheme hips the roof on the near end, thereby reducing the mass of the flank wall towards the neighbours. This is desirable, reducing the impact and it is considered acceptable.
- 6.85 Nos. 55 and 57 have gardens of 6m length and 8m separation beyond to the proposed unit flank wall. The existing context for these properties is that they have the metal shed close behind the boundary within the application site so there is an existing effect from this. Similarly, the hipped roof design is added to the near proposed unit here and is considered acceptable.
- 6.86 No. 45 has a garden of 9m length and would have a further 7.5m separation beyond to the proposed unit flank wall. At this proximity it would not be significantly overbearing and the hipped roof design is now employed here as well.
- 6.87 In terms of overlooking the house types at the northern end of the proposed rows (2b3p and 3b5p) adjacent to the existing properties' gardens have been further amended to omit the previous first floor side window to a bedroom. This removes the prospect of harming privacy by overlooking these gardens from first floor windows.
- 6.88 In terms of overshadowing and loss of light the daylight and overshadowing analysis sets out against the BRE guide that existing windows to the rear of the Great Western Road properties would continue to receive sufficient levels of daylight and would meet the recommendations in the BRE guidance. The sunlight analysis demonstrates that all existing properties would continue to receive sunlight levels that would meet the BRE guide recommendations. The overshadowing assessment demonstrates that rear gardens would receive sufficient levels of sunlight on 21 March in accordance with the BRE recommendations. On 21 June there would be ample levels of sunshine to the gardens of the existing properties and in midwinter when the sun is lower in the sky and there are fewer sunlight hours, most of the gardens would receive some sunlight throughout the day on 21 December. In terms of overshadowing the scheme complies with BRE recommendations.
- 6.89 The submitted daylight and sunlight report demonstrates that there would be no material reduction to daylight levels received at all the windows tested to the rear of the existing residential properties. These levels would meet the BRE criteria for daylight. Furthermore, that all windows tested would continue to receive good levels of sunlight annually and during the winter months. These levels would also continue to meet the BRE recommendations for sunlight.
- 6.90 There are other residential properties in the vicinity of the site but no significant harm would be caused by the proposed buildings to the living conditions of any other occupants.
- 6.91 *Removal of existing impact*  
It seems likely that the existing commercial businesses at the Great Western Road frontage would currently cause some noise and disturbance impact to the existing residents, notably at the western end the nearest business adjoins along the rear edge of several residential gardens. This would be removed and a net benefit by removing any such disturbance could occur as a result.

6.92 *Impacts of the building construction*

Given the nature of the proposed works and their proximity, the residents of the Great Western Road properties and to a lesser degree, other residential properties in the vicinity, could be affected by disturbance from construction, so a standard hours of work condition is recommended.

6.93 Overall, subject to conditions and in the context of the amendments to the development, the living conditions of residents of existing properties would not be significantly harmed.

6.94 *Future residents of the development*

The site adjoins Great Western Road on the north side and Horton Road on the east. Also the railway lines are to the south, notably in the south eastern phase the proposed houses back directly onto the railway. At the north west phase there is more separation to the operational lines, although the intervening land has railway sidings. Furthermore the Allstone waste and minerals business is located to the east of the site, notably the south west end of their operation is across Horton Road beyond the Irish Club car park, approximately 60m from the near end proposed dwelling. Therefore noise, vibration and air quality assessments have been undertaken.

6.95 *Noise*

A noise survey was undertaken, both an extended multiple day unmanned survey and manned measurements. The report acknowledges the dominance of the noise from railway and road infrastructure, and also notes from the manned observations that noise from the Allstone operations was not audible above that transport infrastructure noise. The sidings area adjacent to the south remains in use but this is infrequent and used for rail maintenance vehicles. The Council's consultant accepts the submitted reports. The buildings would need to be designed to reflect the noise environment (e.g. suitable façade and glazing specification, background ventilation so as not to rely on openable windows). These measures along with a noise fence to the southern boundary to achieve reasonable noise levels to gardens can be secured by condition. Some balconies would experience noise levels in excess of the desired levels, however in the context of the provision of shared open spaces on the site this is not considered objectionable. The report also sets out noise emission criteria for fixed plant. Again this can be secured by condition. Overall, suitable internal levels can be achieved with suitable design and the site is acceptable for residential development in terms of noise. Subject to conditions, the proposal complies with the above policy context.

6.96 *Vibration from the railway:*

Given the proximity to the railway a vibration assessment was undertaken, measured from the position of the proposed dwelling that would be closest to the rail lines, and based on train movement data and schedules. The applicant's study sets out that there is low probability of adverse comments from future residents, and that it should be possible to achieve the suggested limits with most conventional structural designs so no specific vibration mitigation measures are considered to be required. The Council's consultant considers this to be acceptable and raises no objection.

6.97 *Air quality*

As noted, the neighbouring transport infrastructure and minerals and waste uses are relevant considerations for air quality, also there is an air quality management area at Barton Street approximately 400m south of the site. An Air Quality Assessment has been submitted. The study considered four locations in the site representing the worst-case positions for future units, and addressed rail and road traffic emissions. The results indicate that the annual mean pollutant concentrations would be below the annual mean objectives and no mitigation would be needed to protect future residents from adverse air quality. Dust mitigation measures would however be needed during the demolition and construction phases and could be secured by condition. Subject to this, the site is considered suitable for residential use in terms of air quality. The application initially assessed that the Allstone stockpiling operation was likely to cease in late 2022 at the end of its latest temporary permission. Following further discussions and the submission of a further application by Allstone to the County Council for this use, a further study was undertaken in relation to possible air quality impacts on future residents of the site from operations at Allstone. This matter is also highlighted in the draft City Plan allocation policy for the site and by the County as minerals and waste Authority in their representations on this application, and is covered in further detail as follows.

6.98 *Nearby mineral and waste infrastructure*

The City Plan allocation refers to the presence of nearby safeguarded mineral and waste infrastructure and potential incompatibility issues, and sets out that sufficient mitigation measures should be put in place to avoid issues arising. Notwithstanding the recent Allstone planning application and time expiration of their previous permission, their site is allocated for these uses. The Minerals Local Plan for Gloucestershire sets out that the Land at Allstone, Myers Road is a safeguarded mineral infrastructure site for handling and/or processing and distributing recycled and secondary aggregates (the policies map defines the area as the whole of the Allstone operation including the land at the south west closest to the Great Western Road site). Also the land at Barnwood Junction, Myers Road off Horton Road is a safeguarded mineral infrastructure site for concrete batching (though not shown on the proposals map). Furthermore the Waste Local Plan sets out that Allstone is a safeguarded waste site. Policy MS02 sets out a policy for non mineral developments on or adjoining a safeguarded mineral infrastructure site. This restricts development unless the risk of incompatibility with current and future mineral related operations is sufficiently mitigated or avoided, or there is no longer a requirement to safeguard the site, or a suitable replacement site has been identified and permitted, or the overriding need for the development outweighs the desirability to safeguard mineral infrastructure.

6.99 The Waste Core Strategy safeguarded waste sites are also defined on the County's policy map as individual points noting 4 sites in this location; Myers Road / Allstone sand and gravel ltd - Physical and chemical treatment facility, Allstone Sands Gravels Aggregates Trading Co ltd - hazardous and clinical waste transfer station, Allstone Sands Gravels Aggregates Trading Co ltd - non hazardous waste transfer station, and Myers Road/Allstone sand and Gravel ltd - waste transfer station. Policy WCS11 sets out that sites for waste management use will normally be safeguarded , and proposals that would adversely affect or be adversely affected by waste management uses will not be permitted unless it can be satisfactorily demonstrated by the applicant that there would be no conflict. The Waste Planning Authority will oppose proposals for development that would prejudice the use of the site for waste management. The purpose of the policy is to reduce the potential impact of new or expanded waste facilities (which may occur if existing facilities are lost), as such the Waste plan safeguards existing and proposed waste sites from encroachment or sterilization by incompatible land uses.

- 6.100 The NPPF sets out that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. It also advises that planning decisions should assume that pollution regimes operate effectively. The focus should be on whether the proposed development is an acceptable use of land, rather than control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.
- 6.101 The Minerals and Waste Authority has commented on the application and gives no indication that there is no longer a requirement to safeguard the sites, and there is no replacement site proposed. Under the minerals Policy criteria this leaves the options of mitigating or avoiding the risk of incompatible uses, or an overriding need for the development outweighing the desirability to safeguard mineral infrastructure. In the absence of a clear assessment of the value of the safeguarded minerals and waste infrastructure to allow an assessment of the relative need, my analysis has focused on the assessment of whether the uses are incompatible and whether mitigation or avoidance measures can be employed.
- 6.102 The main issues in this regard are considered to be the potential incompatibility of residential accommodation with the nearby activities. The ‘agent of change’ principle means that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or facility could have a significant adverse effect on new development, the agent of change – the proposed residential development in this case - should be required to provide suitable mitigation. As the application has demonstrated that noise issues would be mitigated to acceptable levels, then complaints are not considered likely when looked at objectively and it is considered that the development would comply with this aspect of the allocation policy. The new Allstone application (addressed in further detail below) refers to the use of the Allstone site being controlled by planning conditions including a noise management plan and the noise report with that application concludes that their development would continue to comply with the noise conditions. The City Council’s environmental health advisors have commented on this Allstone application and are satisfied with the noise assessment confirming that noise levels at the rearrest residential receptor would be compliant with the noise conditions previously imposed by the County Council.
- 6.103 The associated air quality issues merit further consideration. Although the applicant has cited the Allstone permission for the stockpiling activities as expiring in November 2022, the residential permission for the Allstone site has never been pursued with a reserved matters application, and the submission of the new application to the County Council for permanent use of their site for the stockpiling activities indicates a clear intention to stay operational, while the Minerals and Waste Authority also raises it as a consideration in their comments. This new application is for the use of land for the crushing and screening of inert waste materials to produce secondary aggregates including retention of concrete storage, bays and covers and erection of new storage bays. The facility generates stockpiles of recycled secondary materials and these stockpiles are periodically replenished depending on sales and available materials for recycling. The application reports that Allstone have operated from the site for 11 years based on a series of temporary permissions, and they now seek to obtain permission on a permanent basis. There are therefore two sources of information and assessment of this potential impact – the Allstone application, and the Great Western Road application.



- 6.104 That Allstone application includes an assessment of dust impact and while not explicitly considering the future residential occupation of the Great Western Road site, does consider the existing gasworker cottages that are occupied and immediately adjacent to the Allstone stockpiling site and also a residential development further south west from but in the general direction of the Great Western Road site, concluding acceptable impact. The application also refers to a variety of dust monitoring and mitigation measures and concludes that the impact of the site activities on human health and dust soiling is predicted to be not significant when the mitigation measures are implemented. The City Council's environmental health advisors have commented on this Allstone application and are satisfied with the dust management plan measures to monitor and mitigate dust emissions, predicting that with these, dust should not significantly impact the nearest existing receptors. Furthermore, while the Environment Agency has not commented to the City Council in relation to Allstone on the Great Western Road application, they did comment on this Allstone application, noting; that the proposed development was in line with existing activities taking place on site under the planning and Environmental Permitting regimes; that the activities are covered by an Environmental Permit – these standard rules allow the operator to store waste at a specified location and treat it to produce soil, soil substitutes and aggregate; that the site has measures in place to mitigate noise and dust and an environmental management system; and the site has a good compliance history. The EA is satisfied on that application that there are no land use planning matters that require further EA comment. It is also noted that the standard rules with the EA permit include a provision obliging the operator to submit and act on management plans if the EA notifies them that their activities are causing pollution.
- 6.105 In addition to this a further technical note on dust effects from Allstone was submitted by the applicant. This considers the stockpiling and other elements at the near end of Allstone; the operations at the east end (understood to be the waste processing) are outside the 400m screening criteria and outside this distance the risks of dust impacts can be concluded as not significant. The analysis considers wind direction and strength and shows the dust impact is of negligible risk and the magnitude of dust effects is negligible. This is due in particular to the site's location upwind of Allstone. The proportion of winds arriving from the east and south east is very low (over an annual average). The risk of particulate matter impacts from the operations is not significant and the introduction of residents at the Great Western Road site would not adversely affect or restrict the continued and existing operations at Allstone. It also points out the gasworkers cottages in much closer proximity to, and greater risk of amenity impacts from, the Allstone site and presumes that the impacts on those residents has previously been concluded as acceptable in granting the previous Allstone permissions. The Council's environmental health consultant accepts this report and raises no objection in terms of dust nuisance. It is accepted that reasonable measures through the EA permitting and the County Council planning decisions to protect the gasworkers cottages residents may be equally considered to protect residents at the application site, and no unreasonable restrictions would be likely for the existing operator as a result of the proposed residential development at Great Western Road. The EA permit should be assumed should be assumed to operate effectively as advised by the NPPF.
- 6.106 In conclusion, from the evidence in the various assessments and the City Council consultant's review of them, it seems apparent that there is no evidence that would support the presence of the minerals and waste operations at Allstone causing demonstrable harm to future residents of the site by reason of dust nuisance. Allstone operates under an environmental permit from the Environment Agency and is obliged to control dust emissions. The proposed development is not closer to the Allstone operations than other existing residential properties that were present at the time of the previous Allstone decisions and is upwind of that site in the prevailing wind conditions. It is therefore considered that the proposal complies with the NPPF, City Plan allocation policies and the Minerals and Waste Local Plan policies in this regard.

6.107 *Health and Safety*

The site on the opposite side of Horton Road was previously a gasholder (it is now infilled) and subject to a HSE zoning system for consideration of risks to future residents via the HSE's online system. The gasholder is no longer in place; it appears from the contamination report that this was marked as such on historical mapping up to 2014. Furthermore there is now an application received (22/00843/FUL) for self storage use on this site. To verify the position I have checked the Health and Safety Executive online system and it confirms that the site does not intersect a pipeline or hazard zone, and that HSE Planning Advice does not have an interest in the development. The applicant has also undertaken their own assessment of this with the same result. As such there is no health and safety concern for future residents with regard to this neighbouring infrastructure site.

6.108 *Amenity space*

The proposed gardens to the northern group of houses are all at least 10.5m deep and 4.5m wide, which is considered at the lower end of desirable garden provision but acceptable. In the southern row most are 11-12.5m deep and all at least 4.5m wide which is considered acceptable. The boundary tapers off at the end, and the shortest garden is therefore 7.8m deep. This is undesirable but it has a generally open aspect and as an exception is accepted; there is not a significant under provision of amenity space for residents across the site. A suitable boundary treatment or landscaping would be needed at the eastern edge of the site to prevent privacy issues to gardens from the elevated Horton Road and the access ramp; the applicant is proposing a higher screen fence.

6.109 The general rule of thumb for separation between units to retain reasonable living standards is a separation distance of 21m back to back. All separations between the back to back houses are at least 21m.

6.110 It is common for flat blocks to have no amenity space, although it is desirable for mental and physical health and has become a more accepted aspiration in recent years and the pandemic's effect on lifestyles. Almost all the proposed flats have a balcony (though not on the inside of the Block B corners) and all flats have a reasonable outlook. Flats on the ground floor have a small area of external space immediately outside typically of around 1.8m deep. This would serve to give some external amenity space, improving the living environment for residents, provide for defensible space beyond the external wall, windows and would create better living conditions. The east edge of Block D has the higher level Horton Road adjacent. The applicant is proposing a hedge to be planted on the garden side of the wall to provide enclosure and limit any overlooking. Overall there is considered to be a good provision of private amenity space for future residents of flats.

6.111 Overall, subject to conditions, the proposal complies with the above policy context in terms of amenity and environmental health considerations.

6.112 **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 emerging 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, and maintaining a buffer strip for maintenance and ecology.

- 6.113 The site is in Flood Zone 1, the lowest risk, so there are no fluvial flood risk implications and the sequential test is not necessary. The proposal is categorised as a 'more vulnerable' use, which is compatible in flood zone 1. Finally in terms of flood risk, raising the levels to address surface water flooding as a precautionary measure was raised by both the Drainage Engineer and the applicant's report. The applicant has confirmed that the site levels will stay the same as existing and no land-raising is proposed. However there would be as standard a 150mm raise between the external land level and the DPC level. Levels will be gently graded back to the external levels. The Drainage Engineer raises no objection to this.
- 6.114 In terms of surface water drainage, the drainage strategy includes permeable paving and cellular tanks providing attenuation in various location as well as in oversized pipes. Soakaway drainage is not considered appropriate as shallow groundwater precludes infiltration and the site is contaminated. Rain gardens are also proposed around the apartment blocks and in the open space and there is a further tree pit option for additional attenuation area alongside the access road. There appears to be existing drainage connected to the combined sewer in Great Western Road and the proposed surface water outfall would be to the sewer here at 3 locations. The calculations are robust as they now exclude the permeable paving that would be private and at risk of removal or non-maintenance. The restricted flow rate has now been amended and is agreeable, now accounting for the required climate change adjustment. The alterations to the scheme include an attenuation tank beneath the north east open space; the applicant's consultants are satisfied that the tanks are low enough to allow for sufficient build up layer for the play space, and that root directors to the tree pits could be used to avoid damage. The applicant has also confirmed that they do not intend to offer the space to the Council for adoption, so it would not become a maintenance issue for the Council.
- 6.115 The LLFA raises no objection to the amended drainage proposals and Severn Trent Water also raises no objection in principle. Approval of the final detailed surface water drainage system would need approval by condition, in addition to a SuDS management strategy.
- 6.116 In terms of provision for foul drainage the nearest foul sewers are in Great Western Road and the applicant asserts that Severn Trent Water has confirmed that a connection can be made.
- 6.117 Subject to conditions the proposal complies with the above policy context in terms of flood risk and drainage.
- 6.118 **Land contamination**  
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.

- 6.119 The site has been a railway depot and sidings since at least the earliest mapping in 1883, and there are various potential sources of contamination across the site such as inspection pits and fuel infrastructure, as well as made ground (up to 2m below ground level), and evidence of hydrocarbons impacting soils and groundwater was reported in multiple locations. A Ground Investigation Report has been submitted. Piled foundations are likely. There would be a risk to controlled waters and human health if no measures were taken and a programme of remediation would be required. This is likely to include removal/treatment of soils, a clean cover system, and structural measures in buildings. The Council's contaminated land consultant is satisfied that the proposal should proceed subject to the staged contaminated land condition to approve and manage this process. The Environment Agency has not provided bespoke comments; their standard advice is satisfied by having our consultant review and advise on this matter. Invasive species have also been identified on site and would require removal; this should also be secured by condition. Overall subject to conditions the proposal would comply with the above policy context in terms of contamination.
- 6.120 **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, and Policy E6 restricts 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. Policy F4 covers measures to deal with gull roosting, nesting and damage.
- 6.121 The City Plan allocation Policy SA05 furthermore sets out requirements relating to; creation of bat habitat/roosts; likely presence of nationally scarce invertebrates (any loss of brownfield habitat should be mitigated through brown roofs) invertebrates survey to determine presence of important habitats for invertebrates; bat survey (building inspections (and any required emergence/re-entry surveys) if any buildings are scheduled to be removed or altered); bird survey not required (but vegetation scheduled for removal between March and August must be checked for evidence of breeding birds); and reptile survey to assess presence.
- 6.122 Both the developer and the local authority have a general duty in respect of protected species in addition to considering what planning policy sets out for the determination of a planning application. An ecological impact assessment, a net gain report and a shadow habitats regulations assessed have been submitted. Bat surveys were already undertaken and submitted as part of the demolition prior approval application for the buildings at the eastern end.

6.123 The Ecological Impact Assessment included a targeted bat survey and no evidence of roosting bats was found within the buildings, though several were deemed to have low roosting potential so emergence surveys were also undertaken, with no bats being recorded. The site has low potential for self-sustaining reptile populations but is assumed to have a small presence. It provides breeding habitat for relatively common and widespread bird species. Given the absence of local water bodies amphibians are unlikely. The nature of site vegetation makes self-sustaining invertebrate populations unlikely. No protected or notable plant species were recorded. The existing habitats would be lost but are considered to be of relatively low ecological value. The proposals include biodiverse roofs, extensive tree and other planting that would be of positive value. As such no significant adverse impact on the ecological value of the site would occur in the longer term. Overall with a series of measures there would be no likely significant adverse impacts on biodiversity. The recommendations include production of a Construction Environmental Management Plan, landscape and habitat creation and management (the application shows proposals for hedgehog boundary holes, bird and bat boxes and log piles), timing of site clearance and a precautionary approach to building demolition, and provision of new roosting opportunities for bats. The Council's ecological consultant advises that the assessments undertaken and the mitigation measures outlined are satisfactory. The measures should be secured by condition. The proposal meets the allocation requirements for bat, reptile and invertebrate surveys, creation of bat habitats/roosts, and use of brown roofs.

6.124 *Biodiversity net gain*

Biodiversity net gain is an approach that seeks to establish a measurable betterment of the natural environment from development proposals and will be enshrined in legislation in due course but is already emerging in policy and a 10% gain is generally aspired to at present. Both the NPPF and City Plan Policy E1 require applications to provide net gain for biodiversity to enhance the natural environment. In terms of ecological benefit, through the addition of the various habitats and planting, overall the applicant's biodiversity metric calculation proposes a 25% uplift and as such more than meets the 10% target. These measures and future management should be secured by condition.

6.125 *Habitats regulations assessment*

There is an internationally designated nature conservation sites approximately 6km 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 on protected sites, and provides comments where the City Council assesses the effect of projects on these sites under Habitats Regulations Assessments. A Mitigation Strategy for the Beechwoods has been produced and will provide the mitigation basis for applications in future via a per-unit payment system, but it applies only to applications submitted after 1<sup>st</sup> November 2022, so for this application a bespoke assessment was undertaken. Alney Island Local Nature Reserve (LNR) (also a Key Wildlife Site) is 1.2km away and is potentially subject to similar recreational effects from the increased visits by residents. It is considered likely to be functionally linked to the internationally designated Severn Estuary site (around 14km south west) due to the birds who frequent the area. As the Beechwoods and Estuary, and Walmore Common Special Protection Area (SPA)/Ramsar site (about 9km away), are European sites the likelihood of significant impacts arising from the proposals, and any mitigation necessary to address such impacts, has been considered.

- 6.126 A shadow HRA appropriate assessment has been submitted considering the above three sites, given the impacts could not be ruled out at the screening stage. It notes the on site proposals for recreational space and other spaces in the wider locality, and overall considers it unlikely that there would be adverse air quality, water quality or recreational impacts on the integrity of the sites (alone or in combination with other plans or projects), provided mitigation measures are in place including on site green spaces and links to nearby spaces, appropriate drainage strategy and a construction environmental management plan (together with any additional strategic mitigation payments). Also the sustainable location means use of private vehicles is less likely. The Council's ecological consultant and Natural England support this analysis. They require the Homeowner information packs to be secured by condition. Subject to this, there would be no significant harm to the designated features of these European sites.
- 6.127 *Gull nuisance*  
The proposal is potentially susceptible to nuisance from gulls, notably there are several large flat roofed buildings. The application notes that regard has been had to the Council's guidance and measures proposed include; reducing opportunities for feeding through secure waste management, pitched roofs on townhouses, easy access to flat roofs, wires and spikes where applicable, and a building management and maintenance plan to be developed. It is unclear at this stage how comprehensive these measures would be and it is recommended that full details be secured by condition.
- 6.128 Subject to conditions the proposal would comply with the above policy context in terms of ecology.
- 6.129 **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. Part G of the City plan sets out at paragraph 4.7.6 that all applications will be expected to demonstrate that all reasonable techniques have been used to adapt to and mitigate the effects of climate change, and strongly encourages all applications to supply an Energy Statement. The Plan strongly encourages energy efficient measures. Policy G6 also requires water efficiency measures.

6.130 An energy strategy has been submitted which sets out that the overall CO2 emissions reduction for the proposed development is 61.6% against Building Regulations Part L requirements of a standard dwelling. The proposals include photovoltaic panels to the roofs of all flat blocks. An integrated PV tile has now been proposed for pitched roofs which should give a higher quality appearance and is welcomed. The proposed PV panels would produce 30.2% of the development's regulated energy demand. The roofs are therefore envisaged to provide for both biodiversity and PV; this would be through a bio-solar proposal that allows the whole roof to be vegetated as well as maximising PV output (the seedmix is designed to work beneath the PV modules). The proposed heat recovery system and façade system to improve thermal comfort and minimise energy requirements would also benefit the scheme's sustainability. These measures and the contribution of renewables to the energy demand of the development are welcomed. 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. Securing the measures by condition would ensure reasonable measures are utilised to mitigate climate change effects addressing the stronger City Plan aspiration. Water efficiency measures have not been specified in the application and would require detailed design consideration that can be secured under condition in this case.

6.131 **Waste minimisation**

The NPPF sets out that sustainable development has an environmental objective that includes minimising waste. The saved Gloucestershire Waste Local Plan Policy 36 relates to waste minimisation and requires developments to include a scheme for sustainable management of waste generated from the scheme during construction and occupation.

6.132 The submitted waste minimisation statement sets out a variety of measures including prefabrication and standardisation of materials, recycled content and sustainable sourcing, waste efficiency targets and possible re-use of site material subject to further analysis of appropriateness. It is recommended that this should be firmed up once a contractor is appointed, and a further submission be required under condition to deliver these measures. For the operational life of the development the application sets out that provision is made for waste container requirements in accordance with the GCC guidance and has been commented on above. Subject to securing the measures by condition, the proposal is considered to comply with the above policy context.

6.133 **Economic considerations**

The proposals would be likely to support economic growth and the NPPF gives significant weight to such benefits. The application includes estimated economic benefits that would arise from the scheme. From construction these include; £44mil construction investment over 2 year build programme; 49 direct construction roles and indirect jobs per annum during construction; and £56.7mil economic output from jobs supported by activities at the site over 2 years. In operation these include 404 economically active residents; £1.6mil in estimated first occupation expenditure; and £10.1 mil annual household expenditure. The construction phase would support employment opportunities in the short term, and the associated benefits including those already noted earlier in the report such as associated spend in the locality, could have further positive effects. An employment and skills plan is required by the City Plan, this is proposed to be secured by condition. In light of the above, the proposal would therefore have significant economic benefit. 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 supports the case for granting permission.

#### 6.134 **S106 contributions, CIL and Viability**

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.

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 along with the open space SPD. This is reflected in Policy INF6 of the JCS which provides that where the need for additional infrastructure and services is expected, the Local Planning Authority will seek to secure appropriate infrastructure which is necessary, directly related, and fairly and reasonably related to the scale and kind of the development proposal. Similarly, a Section 106 agreement is the mechanism for providing affordable housing in compliance with Policy SD12. Policy INF7 of the JCS sets out the approach to securing developer contributions, including that if there is a concern regarding development viability, a viability assessment will be required. The requests for S106 contributions arising from the proposal are set out below. Policy G8 of the City Plan sets out that where planning policies cannot immediately be met by a development due to exceptional circumstances, a review mechanism shall be imposed for phased developments to rigorously test the ability to be policy compliant over the lifetime of the project. This is equally supported in national policy.

#### 6.135 **Community Infrastructure Levy**

The Community Infrastructure Levy Regulations set out that a planning obligation may not constitute a reason for granting permission if it provides for or funds infrastructure to be funded by CIL. The JCS partnership adopted their CIL in 2018. For 2022 the CIL rate for 11-449 dwellings is £46.40 per m<sup>2</sup>. From this scheme CIL would amount to £1.16mil based on the applicant's appraisal (this could alter if affordable housing is secured). CIL does not secure affordable housing or site-specific measures necessary to make a development acceptable. Requests for contributions listed below are made for affordable housing, public open space, education, libraries, and highways in relation to travel plan monitoring and traffic regulation orders. The yearly Infrastructure Funding Statements include those schemes or infrastructure that the Council intends may be wholly or partly funded by CIL and currently only includes highways projects (and not the specific highways-related measures above). As such none of the requested contributions provide for or fund infrastructure to be funded by CIL.



6.136 **Viability**

The NPPF advises that where up to date policies have set contribution levels from development, they should be assumed to be viable, and the weight given to any viability assessment is a matter for the decision makers having regard to the circumstances. The City Plan viability review was to show overall Plan viability, not specifics of individual sites and it drew broad conclusions about whether the Plan is deliverable in terms of viability. It indicated that the Plan would be deliverable with the full policy requirements of the JCS and City Plan. However the Plan viability analysis included testing site typologies by their size, relative value and brownfield/greenfield status and the final sensitivity testing was applied to a typology aligned with the application proposal of 300 units and showed that a 5% change in lower sales or in higher costs could make it unviable. Given the economic situation recently it is therefore not unexpected that a viability case is being promoted by the applicant in relation to the full policy levels of contributions. It should also be noted that this City Plan analysis was not furnished with full schedules of necessary enabling works or costs. As will be seen, this is a key part of the applicant's case.

6.137 It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment. The NPPF also sets out that the weight to be given to a viability case is for the decision maker, having regard to the circumstances including whether the plan and viability underpinning it is up to date and any changes in circumstances since bringing the plan into force. As above, the applicant asserts that there are reasons why the viability scenario is different for this site compared to the scenarios considered in the City Plan analysis and they therefore consider that there are particular circumstances to justify the need for a viability assessment. In this regard the applicant has set out:

- The site was assessed in the City Plan using a broad range of assumptions, whereas site-specific analysis has now been undertaken using actual cost estimates provided by third-party specialists. Variations between those are likely to be greater for technically demanding sites such as this one.
- The 'rule of thumb' rate for external works as 10% of construction costs as in the City Plan assessment is significantly lower than the new site-specific estimate by the applicant.
- A significant amount of high quality landscaped areas is proposed.
- Costs of mains services connection drainage are anticipated to be significantly higher than assumed in the City Plan report (that report noting that brownfield sites are assumed to include the necessary strategic infrastructure from their existing or previous uses).
- Enabling works at the rate in the City Plan report would be £840,000 for this site, now considered to be wholly inadequate for the site, which is heavily contaminated. They also dated from 2015. The site-specific challenges are not considered to be reflected by the general assumptions for this element in the City Plan report.

These appeared to be reasonable arguments on face value to be considered further in a detailed viability report, which the applicant subsequently provided and the Council's viability consultant has reviewed.

- 6.138 The key conclusion from the applicant's appraisal (which was revised following discussions with the Council's advisor) is that the development does not generate a positive land value, even without the provision of s106 contributions, with a key difference from the City Plan work being the significantly higher external and site enabling works sums in the site specific costs now obtained. By comparison, the enabling works costs are cited at £9,289,065 as opposed to the city plan assumptions which would work out at £840,000 (though these are later refined in the Council's consultant analysis). A negative land value of in excess of £2.58mil was put forward by the applicant, overall and viability gap of £3.98mil to their benchmark land value, using a developer's return of 17.5% of gross development value. It is worth noting furthermore that their report notes certain factors which their appraisal is optimistic about relating to sales prices and build efficiencies and therefore they indicate that these matters could play out differently and worse for viability.
- 6.139 On the basis of the evidence submitted by the applicant, they have submitted an application for a scheme that they themselves consider to be significantly unviable based on their submitted appraisal and the calculations therein including the 17.5% developer return. In this regard the applicant has asserted that they have submitted an unviable application because they are able to take a long term view on their sites as values will increase. They have stated that they are committed to Gloucester and to delivering this site. If permission is granted and development funding secured they will seek to commence remediation and bring forward the development.
- 6.140 The Council's viability consultant has reviewed the applicant's submission and the scheme, including the input of a specialist quantity surveyor given the substantial cost attributed to enabling works in the applicant's appraisal. This calculated a lower development cost than the applicant and considered that with a lower % developer return the scheme could support some affordable housing, and in this context the applicant has agreed to provide 26 affordable dwellings. This would amount to 8.25% of the total. As this does not meet the Council's policy levels of contributions, the Council's consultant recommends a viability review to consider whether the policy compliant levels of obligations can be secured over time as advocated by local and national policy.
- 6.141 **Review mechanism**  
Policy G7 of the City Plan requires that where policies cannot be immediately met by development a review mechanism shall be imposed for phased developments to ensure the ability to comply with the policies over the lifetime of the project is rigorously tested, secured by s106 agreement. This is also required by the NPPG, which sets out that where contributions are reduced below the requirements set out in policies to provide flexibility in the early stages of a development, there should be clear agreement of how policy compliance can be achieved over time. Review mechanisms are not a tool to protect a return to the developer, but to strengthen local authorities' ability to seek compliance with relevant policies over the lifetime of the project. This could be applicable to any/all of the requested terms below, depending on the amount of any sums later assessed to be viable and the Council's priorities for it. The Council's viability advisors have advised a viability review is secured and the applicant's assertions that they can take a long-term view on their sites as values increase indicate that viability ought to be reassessed to see if full or better policy compliance can be achieved over time. This sets the context for the applicant's position and the Council's options for securing any of the planning obligation requests set out in the following sections.

6.142 **Affordable housing**

The policy level of affordable housing sought is 20% of the total which would be 63 units. Vacant building credit is applicable to the site. This is an incentive for brownfield development of sites containing vacant buildings including where a vacant building is demolished to be replaced by a new building. In such situations the developer is offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the affordable housing request is calculated. A request may then be made for any increase in floorspace. For this site the credit reduces the affordable housing request to 19.2% meaning 61 units.

6.143 The applicant has agreed to provide 26 flat units in Block D. The application is not meeting the full policy level of affordable housing due to the viability case. In this scenario part 8 of Policy SD12 requires that where viability impacts on delivery of the full affordable housing requirement, developers should consider 1. Varying the housing mix and design to reduce costs; and 2. Securing public subsidy or other commuted sums to assist delivery of affordable housing. In this respect the applicant has argued that to increase the value of the development it would be necessary to significantly increase the number of units. The numbers have already increased through the city plan allocation; changed by the Inspector from 200 to 300 units. They are seeking to optimise numbers while respecting constraints. The applicant also comments on the weight given to design quality and that they have no intention of diluting the design quality inadvertently by design/quantum changes in this regard. They consider the submitted scheme creates a balanced community while providing a range of size and types of dwellings and changing the mix would adversely affect the desire to create a mixed and balanced community. These observations are generally agreed with on this specific scheme. The design quality is supported and it would be undesirable to compromise this by seeking either significant uplift in quantum well beyond the allocation amount or compromising the quality of layout or finish, similarly increasing unit numbers by more smaller units would be undesirable for the mix, which is already a concern for the Housing Team. It is also noted that the Council's viability consultant analysis has already significantly reduced the costs down from those proposed by the applicant. It is considered to be an acceptable justification under criterion i. The applicant has not responded to set out their attempts to seek public subsidy for affordable housing so this is requested in the s106 terms to require them to make endeavours to do so. This would address the policy point. It is therefore considered that the application complies with the requirements of Policy SD12 part 8.

6.144 The Council's viability analysis suggests that an amount of s106 contributions could be achieved, and the applicant has agreed to provide 26 affordable units. Given the viability scenario it is considered that this is a good level of provision for the site. Potential headroom in the viability appraisal could be used for any of the requested contributions. JCS Policy INF6 in relation to infrastructure delivery states that priority for provision will be assessed both on a site by site basis and in relation to cumulative impact. During the examination for the City Plan the Council put forward viability and infrastructure delivery papers and stated that where s106 contributions are required, in excess of £5000 per dwelling, priority will be given to achieving affordable housing policy. Gloucester has an acute affordable housing need; data from 2022 showing 5213 households waiting for affordable accommodation with 1751 households in higher need bands, with the Council accepting full statutory homeless duty for 104 of the households. The LHNA suggests that 36% of housing should be affordable products to address the need; on this basis even schemes achieving the 20% policy level would fall short of meeting housing need in the City. Providing affordable housing is therefore the priority for the Council and this is given greater weight in our assessment than the other infrastructure requirements. This is particularly the case here given the partial provision of at least some open space, and also the alternative funding sources for education. These proposed affordable housing obligations comply with the relevant tests, as securing the affordable housing provision is necessary to make the development acceptable in terms of maximising provision albeit below the policy level, is directly related to the development being units on the site and for the future residents, and fairly and reasonably related in scale and kind in securing an amount that is actually below that normally sought.

6.145 **Education and libraries**

Policy INF6 of the JCS refers to seeking appropriate infrastructure including community facilities, and early years and education. The NPPF acknowledges education as potential infrastructure required alongside development. The County Council has amended the calculation basis for their education requests recently following an earlier appeal decision. It appears that the calculations remain disputed by the development industry and there are complex arguments around the appropriate means by which to calculate how many children there would be from a given number of homes in a development and the capacity of local schools. However in a recent appeal decision in a neighbouring authority (October 2022) the Inspector concluded that while of interim status the County Council's current position statement was "sufficiently robust for the purposes of this appeal ... it seems to me the best and most up to date information available at the present time", and furthermore in relation to school capacity that the County Council's approach "I see no reason to depart from that approach". The County Council figures are therefore used in this report to state the education contribution requirement for this development.

6.146 The County Council has made the following requests for education and library contributions:

*Education*

Primary Education: £1,507,940 (to St Peters Primary School and/or the 9161920 Barton/Tredworth Primary planning area and/or other schools within the statutory walking distance. There is a demand for 83.16 places created, from 216 qualifying dwellings for education).

Secondary education (11-16): £873,018 (to Gloucester Academy and/or the 9162600 Gloucester Secondary planning area. There is a demand for 37 places created, from 216 qualifying dwellings for education).

Secondary education (16-18): No request. A demand for 13 places would be created, which could be accommodated in local schools.

Education total : £2,380,958

*Libraries*

Contribution at the rate of £196 per dwelling = £61,740 total (to Gloucester Library, to improve customer access to services through refurbishment, stock, technology and increased services).

6.147 The applicant is not offering any contributions in these regards due to the viability position. It is noted that government guidance on securing developer contributions for education notes that alternative (basic needs) funding is available for school places if viability means that the full amount can't be achieved through the planning application.

6.148 **Public open space**

The NPPF says that decisions should aim to achieve healthy, inclusive and safe places, and that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well being of communities. Policy INF6 of the JCS refers to seeking appropriate infrastructure including community and cultural facilities, health and well being facilities and sport, recreation and leisure facilities, and provision of green infrastructure including open space. Furthermore that permission will be granted only where sufficient provision has been made for infrastructure and services to meet the needs of new development and/or which are required to mitigate development impact on existing communities. Policy INF4 of the JCS sets out that where new residential development will create, or add to, a need for community facilities, it will be fully met as on-site provision and/or as an off-site contribution. Policy INF3 of the JCS refers to green infrastructure including allotments, and it requires that development contributes positively towards green infrastructure, and where new residential development will create or add to a need for publicly accessible green space this will be fully met in accordance with Policy INF4. The 'key principles' of the City Plan include protecting and enhancing the City's allotments. The City Plan also notes that they are an incredibly important resource, supporting local food growth, physical activity and health and wellbeing, with waiting lists for all existing sites, furthermore that where demand arises they will be supported. This is also noted in the context of climate change where new allotments will be provided where there is a need. Policy A.1 of the 2002 Second Deposit Local Plan sets out that permission will only be granted for new housing developments of 30 units or more that provide an allotment site to the standard of 0.2ha per 1000 residents, with commuted sums considered where on-site provision is not feasible.

- 6.149 The City Plan allocation Policy SA05 furthermore sets out that the site includes existing green space known as the Great Western Road rest gardens (note that this is in relation to the allocated site, the actual application site does not include this land), and in the requirements and opportunities list, sets out that this space should be included and expanded within the wider development to provide a functional area of open space including a Locally Equipped Area for Play, also to create a more meaningful open space that connects to the hospital and could be utilized by hospital visitors.
- 6.150 For 330 units a Locally Equipped Area of Play (LEAP) and a Multi Use Games Area (MUGA) are usually sought. The City Plan allocation specifically refers to providing a LEAP. The Open Space Strategy 2021-26 says that the Great Western Road rest garden is underused, its function is unclear and it may benefit from adjacent development of railway sidings for housing (size and facilities may increase).
- 6.151 The Public Open Space request is the below amounts of space or £1,359,392 total comprised of:  
Play = 0.45ha or £283,913  
Sport = 1.53ha or £1,075,479  
General POS = provision on site of 0.38ha considered acceptable, no off site contribution sought.

This is a reduced amount reflecting the on-site open space provision set out in the plans. The allotments request is £86,652.

- 6.152 The proposal includes the following on-site provision, which would all be managed by the applicant rather than offered for Council adoption:

- A 400sqm LEAP at the north east corner open space. This meets the LEAP requirement in the City Plan allocation. A LEAP has a minimum activity zone of 400m<sup>2</sup> so this is compliant. A direct link to the adjacent Council open space is designed into the scheme and this siting gives the opportunity for the open spaces to tie in and provide mutual benefit, with the scope for future investment in the existing space. It is in a convenient location for hospital visitors (no crossing is required by the Highway Authority as being necessary). There would be two accesses to it from the site, also from Horton Road to the east.

- A 200sqm Local Area for Play (LAP) in the central open space. This is now shown to include some play equipment. LAPs provide at least 100m<sup>2</sup> activity zone plus 5m buffer from nearest residential so this is compliant.

- 2 LAPs to the rear of Block B (100sqm and 140sqm).

The play area provision indicated on the plans would need refinement to be acceptable (e.g to provide lines of sight and to avoid ASB) and it is considered that this could be done via the s106 process. The proximity of these play areas to residential units is below the normal standards, however it is acknowledged in the Fields in Trust guidance that these can be reduced on brownfield sites where space can be tight and the Council's POS consultant is satisfied that the proposed locations for the LEAPs and LAPs are generally well located and overlooked. In terms of the requirements from a scheme of this size a LEAP is included but not a MUGA (and in the proposed layout it would be difficult to accommodate it). The nearest existing MUGA appears to be at Armscroft Park at the northern end. Armscroft Park itself is around 350m from the near part of the site in a straight line to the edge.

- 6.153 The applicants offer is therefore the above on-site provision but no further financial contributions for the residual amount to make up to the policy level request, due to the viability position. It would not therefore meet the SPD levels and there would be a deficit in overall POS provision of 2.15ha from the desired level. The applicant has declined to include the middle open space within the northern phase which would have evened out the open space provision per phase.
- 6.154 In light of the proposals and viability position the requested S106 terms in relation to public open space are therefore to require the provision of spaces shown on plan at suitable times and standards and address ongoing management. Refining the play equipment and planting could also be dealt with under the terms of the s106 and the landscaping condition.
- 6.155 These obligations comply with the relevant tests, as securing the open space provision is necessary to make the development acceptable in terms of supporting infrastructure, the environment and provision for play and activity, is directly related to the development being on the site and for the future residents, and fairly and reasonably related in scale and kind in securing that offered by the application as supporting infrastructure albeit at a level below that normally sought.
- 6.156 **Highways**  
As above, a Travel Plan monitoring contribution is necessary of £10,000 for 10 years monitoring, which is the standard approach. Also £10,000 to fund the CPZ process through a traffic regulation order necessary to exempt residents from on-street parking. These contributions are necessary to make the development acceptable in highway safety and sustainable transport terms, are directly related to the development in terms of a bespoke Travel Plan and the street car parking impacts of future residents, and fairly related being the standard monitoring fee and the costs of the TRO process cited by the Highway Authority.
- 6.157 **Other matters raised in representations**  
In terms of the representations about traffic and parking in the locality, these matters have been covered above. In terms of the potential abuse of a private car park, the owners would have the ability to prevent or penalise this as in any other case of private land where presumably this would constitute trespassing on private land. It is not considered that unsanctioned use of a private car park is inherently associated with this development proposal and the acceptability of the parking arrangements in this sustainable location has already been concluded on above.

## 6.158 **Legal agreement heads of terms**

In light of the above the agreed heads of terms are as follows:

### ***Affordable housing***

Contribution of 26 units for affordable housing and measures to secure appropriate housing provision and control mechanisms.

Obligation to make reasonable endeavours to seek and secure public subsidy funding for additional affordable housing provision.

### ***Open space***

Provision of the open spaces in the submitted plans at suitable timings, including equipping the Local Equipped Area of Play and Local Areas of Play, suitable specifications, retention and management.

A ***viability review*** programme and means to securing of any contributions as relevant pursuant to the reviews.

Payment of the ***Travel Plan monitoring*** contribution of £10,000 for 10 years of monitoring, plus associated bond, at an appropriate trigger point.

Payment of the ***Traffic Regulation Order*** contribution of £10,000 to fund the Order process to establish/alter the controlled parking zone, in order to address on street parking issues, at an appropriate trigger point.

### ***Monitoring fee***

## 6.159 **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 and guidance within this report.

6.160 Significant environmental and economic benefits would arise from the proposal, which is for a use and quantum of development allocated to this site in the emerging City Plan. As identified the proposals would provide benefits including delivering housing in line with the government's objectives of boosting housing delivery, use of a brownfield site for homes (for which the NPPF gives substantial weight) and regenerating a prominent largely vacant site with high quality design, increasing activity and natural surveillance in the area, economic benefits, and decontamination of land.

6.161 In terms of neutral effects it would preserve highway safety, the amenities of local residents, drainage and flood risk impacts, biodiversity (with a net gain also provided for) and minimise its impacts on waste generation and the climate acceptably.



- 6.162 In terms of potential disbenefits it would lead to the loss of non-designated heritage assets (that have already been accepted for demolition), and would cause less than substantial harm to archaeology (that can be mitigated). Furthermore the development would be accompanied by a below-policy-level amount of affordable housing and no associated infrastructure for education and libraries, and below policy level provision of recreation and green infrastructure (but which have been justified by a viability case in line with the local plan policy and there is potential to claw back contributions via the proposed review clause and deliver more affordable housing via public subsidy). It would not provide self and custom build plots, albeit in the context of a scheme with viability challenges and where other material considerations indicate that this would not be appropriate to the design context. It would provide a higher proportion of smaller, and fewer family sized units that desired for housing need strategy.
- 6.163 Subject to conditions and completion of the legal agreement, the proposal is considered to be broadly consistent with the relevant policies and guidance and with the development plan and other material policy considerations. The proposal need not accord with every policy and it is not unusual for policies to pull in different directions. It is in broad accordance with the Joint Core Strategy as the development plan subject to the proposed legal agreement and conditions other than the modest conflicts noted that are of limited concern, and with the relevant supplementary planning documents. The limited conflicts with the emerging (at the time of writing) Gloucester City Plan are not considered to be overriding and material considerations indicate that non-compliance is justified. There is broad compliance with the Railway Corridor Planning Brief and the modest conflicts given its age and status are not considered to be overriding.
- 6.164 Paragraph 11d of the NPPF is applicable and sets out that in applying the presumption in favour of sustainable development the authority should grant permission unless
- i) 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 potential impacts on paragraph 181 habitats given the mitigation and the assessment above the Framework does not provide clear reasons for refusal.
  - or
  - ii) 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.

It is considered that the benefits of the proposal outweigh the disbenefits. There are no NPPF policies that provide a clear reason for refusal, and the adverse impacts do not 'significantly and demonstrably outweigh the benefits'. Therefore the NPPF directs that permission should be granted.

- 6.165 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 undesignated 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 That planning permission is **GRANTED** subject to;

completion of a legal agreement/s to secure the terms set out at Paragraph 6.158 above and

delegated Authority being given to the Planning Development Manager to negotiate the s106 terms to suit;

and;

the following conditions:

## 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 plans**

Existing site plan ref. 01-0-00 PL

Existing Demolition Plan ref. 01-0-02 PL

Proposed site plan ref. 03-0-00 PL2

Proposed Phasing Plan ref. 03-0-01 PL2

Proposed site plan Northern phase ref. N-03-0-00 PL2

Proposed site plan Southern phase ref. S-03-0-00 PL2

Side wide plans:

Proposed ground floor plan ref. SW-03-1-00 PL2

Proposed 1<sup>st</sup> floor plan ref. SW-03-1-01 PL2

Proposed 2<sup>nd</sup> floor plan ref. SW-03-1-02 PL2

Proposed 3<sup>rd</sup> floor plan ref. SW-03-1-03 PL2

Proposed 4<sup>th</sup> floor plan ref. SW-03-1-04 PL2

Proposed roof plan ref. SW-03-1-05 PL2

### **Apartments**

#### **Block A**

Apartment elevations Block A ref. A-03-2-01 PL

Bay studies Block A ref. A-03-2-02 PL

Apartments sections Block A ref. A-03-3-01 PL

Block A proposed ground floor plan A-03-1-00 PL1

Block A Proposed 1<sup>st</sup> floor plan ref. A-03-1-01 PL1

Block A Proposed 2<sup>nd</sup> floor plan ref. A-03-1-02 PL1

Block A Proposed 3<sup>rd</sup> floor plan ref. A-03-1-03 PL1

Block A Proposed 4<sup>th</sup> floor plan ref. A-03-1-04 PL1

Block A Proposed roof plan ref. A-03-1-05 PL1

#### **Block B**

Block B elevations sheet 1 of 3 ref. B-03-2-01 PL1

Block B elevations sheet 2 of 3 ref. B-03-2-02 PL2  
Apartment elevations – Block B sheet 3 of 3 ref. B-03-2-03 Rev. PL1  
Apartments sections Block B ref. B-03-3-01 PL  
Block B Bay studies ref. B-03-2-04 PL1  
Block B Proposed ground floor plan ref. B-03-1-00 PL2  
Block B Proposed 1<sup>st</sup> floor plan ref. B-03-1-01 PL2  
Block B Proposed 2<sup>nd</sup> floor plan ref. B-03-1-02 PL2  
Block B Proposed 3<sup>rd</sup> floor plan ref. B-03-1-03 PL2  
Block B Proposed 4<sup>th</sup> floor plan ref. B-03-1-04 PL2  
Block B Proposed roof plan ref. B-03-1-05 PL2

### **Block C**

Block C elevations ref. C-03-2-01 PL2  
Bay studies Block C ref. C-03-2-02 PL  
Apartment sections Block C ref. C-03-3-01 PL  
Block C Proposed ground floor plan ref. C-03-1-00 PL1  
Block C Proposed 1<sup>st</sup> floor plan ref. C-03-1-01 PL1  
Block C Proposed 2<sup>nd</sup> floor plan ref. C-03-1-02 PL1  
Block C Proposed 3<sup>rd</sup> floor plan ref. C-03-1-03 PL1  
Block C Proposed roof plan ref. C-03-1-05 PL1

### **Block D**

Apartment elevations Block D ref. D-03-2-01 PL  
Bay studies Block D ref. D-03-2-02 PL  
Apartment sections Block D ref. D-03-3-01 PL  
Block D Proposed ground floor plan ref. D-03-1-00 PL2  
Block D Proposed 1<sup>st</sup> floor plan ref. D-03-1-01 PL2  
Block D Proposed 2<sup>nd</sup> floor plan ref. D-03-1-02 PL2  
Block D Proposed 3<sup>rd</sup> floor plan ref. D-03-1-03 PL2  
Block D Proposed roof plan ref. D-03-1-05 PL2

Apartment Type 0B01 ref. 05-4-00-0B01 PL  
Apartment Type 0B02 ref. 05-4-00-0B02 PL  
Apartment 1b Type 1 ref. 05-4-00-1B01 PL  
Apartment 1b Type 2 -WCA ref. 05-4-00-1B02W PL  
Apartment Type 1B02 ref. 05-4-00-1B02 PL  
Apartment Type 1B03 ref. 05-4-00-1B03 PL  
Apartment Type 1B04 ref. 05-4-00-1B04 PL  
Apartment Type 1B05 ref. 05-4-00-1B05 PL  
Apartment Type 1B06 ref. 05-4-00-1B06 PL  
Apartment Type 2B01 ref. 05-4-00-2B01 PL  
Apartment Type 2B02 ref. 05-4-00-2B02 PL  
Apartment Type 2B05 ref. 05-4-00-2B05 PL  
Apartment Type 2B08 ref. 05-4-00-2B08 PL  
Apartment Type 2B09 ref. 05-4-00-2B09 PL  
Apartment Type 2B10 ref. 05-4-00-2B10 PL  
Apartment Type 2B11 ref. 05-4-00-2B11 PL  
Apartment Type 2B12 ref. 05-4-00-2B12 PL  
Apartment 2b Type 3 ref. 05-4-00-2B03 PL  
Apartment 2b Type 4 ref. 05-4-00-2B04 PL  
Apartment 2b Type 9 – WCAf ref. 05-4-00-2B09 W PL  
Apartment Type 3B01 ref. 05-4-00-3B01 PL  
Apartment Type 3B02 ref. 05-4-00-3B02 PL  
Apartment Type 3B03 ref. 05-4-00-3B03 PL

Typical external wall detail ref. 21-5-01 PL

## **Houses**

House elevations 3b 5p type 1 ref. 03-2-01-3b5p PL  
House sections 3b5p Type 1 ref. 03-3-01-3b5p PL  
House plans 3b5p Type 1 ref. 05-4-00-3b5p PL1  
House plans 3b5p Type 2 ref. 05-4-01-3b5p PL1  
House Type 3b5p Type 2 (End of Terrace) ref. 05-4-01-3B5P PL1  
House elevations 3b5p Type 2 ref. 03-2-01-3b5p PL1  
House elevations 3b5p Type 2 End of Terrace ref. 03-2-01-3b5p PL1

House elevations 3b4p Type 1 ref. 03-2-02-3b4p PL  
House elevations 3b4p Type 2 ref. 03-2-03-3b4p PL  
House sections 3b4p Type 1 and Type 2 ref. 03-3-02-3b4p PL  
House plans 3b4p Type 1 ref. 05-4-00-3b4p PL1  
House plans 3b4p Types 2 ref. 05-4-01-3b4p PL1

House elevations 2b3p Type 1 ref. 03-2-04-2b3p PL  
House elevations 2b3p Type 2 ref. 03-2-05-2b3p PL  
House elevations 2b3p Type 3 End of Terrace ref. 03-2-05-2b3p PL1  
House sections 2b3p Type 1 and Type 2 ref. 03-3-03-2b3p PL  
House plans 2b3p Types 1 ref. 05-4-00-2b3p PL1  
House plans 2b3p Type 2 ref. 05-4-01-2b3p PL1  
House plans 2b3p Type 3 ref. 03-2-05-2b3p PL1  
House type 2b3p Type 3 (End of Terrace) ref. 05-4-02-2B3P PL1

Landscaping plan ref. 7594-PHL-SW-XX-DR-L-1000 Rev. 03

Proposed Street elevations sheet 1 of 2 ref. 03-2-00 PL1

## **Reason**

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

## **PHASING**

### **Condition 3**

The development shall be constructed in accordance with Proposed Phasing Plan 03-0-01 PL2 (or such other phasing plan as may be submitted to and approved in writing by the Local Planning Authority under this condition).

### **Reason**

To ensure that all relevant planning considerations are addressed for each phase and provide the framework for subsequent conditions.

## **DESIGN**

### **Condition 4**

Notwithstanding the submitted details, no works comprising the construction of a building above slab level shall take place until details of the construction of the following elements of that building (including cycle and waste shelters and other associated structures to the

residential accommodation), including specifications and samples of their appearance (and locations of their use), as well as scaled elevations showing their use across that building, have been submitted to and approved in writing by the Local Planning Authority:

- Cladding, render, and brickwork to walls;
- Roof materials;
- Window and door framing;
- Rainwater goods;
- Piping and ductwork for utilities if external to the building;

Construction of a building above slab level shall take place only in accordance with the approved details.

**Reason**

To ensure a satisfactory appearance to the development.

**Condition 5**

Notwithstanding the submitted plans, no hard surfacing within a phase shall be implemented until samples and scaled drawings showing their use across that phase have first been submitted to and approved in writing by the Local Planning Authority. Hard surfacing within a phase shall be carried out in accordance with the approved details.

**Reason**

To ensure a satisfactory appearance to the development.

**Condition 6**

Notwithstanding the submitted details, no new boundary treatments or means of enclosure within a phase shall be implemented until scaled drawings of their location, form, appearance and materials for that phase have been submitted to and approved in writing by the Local Planning Authority. Boundary treatments or means of enclosure within a phase shall be carried out in accordance with the approved details.

**Reason**

To ensure a satisfactory appearance to the development and amenity and safety for future occupants and to address any requirements of Network Rail.

**Condition 7**

Notwithstanding the submitted details, no street furniture within a phase shall be implemented until scaled drawings of their location, form, appearance and materials for that phase have been submitted to and approved in writing by the Local Planning Authority. Street furniture within a phase shall be carried out in accordance with the approved details.

**Reason**

To ensure a satisfactory appearance to the development and establish a good level of amenity for future occupants.

**Condition 8**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), no extension or other enlargement of a residential property including dormer windows, rooflights or outbuildings shall be constructed at any of the residential premises hereby approved except those expressly authorised by this permission.

**Reason**

To preserve the amenities of residents of nearby properties given the relationships between properties and the approved design to address these relationships, by ensuring any such development proposal is given full consideration as to its impacts on amenity through a planning application.

**LANDSCAPING**

**Condition 9**

Notwithstanding the submitted details, prior to commencement of any planting within a phase, details of soft landscaping within that phase including tree planting, ground level planting, green roofs and wall climbers (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) for that phase, 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.

**Condition 10**

The approved soft landscaping details for a phase shall be carried out in full concurrently with that phase of the development and shall be completed no later than the first planting season following the completion of the building works for that phase. The planting within that phase shall be maintained in accordance with the approved details for a period of 5 years following implementation of each phase. 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 11**

No development including demolition works shall be commenced within a phase nor shall any machinery or material be brought onto the site within a phase for the purpose of such development until full details of adequate measures to protect retained trees on the site and on adjoining land to that phase 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 to the external parts of the building that requiring scaffolding or other mobile or fixed access equipment.

(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 require 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.

### **Condition 12**

No development shall commence within the southern phase as defined on Proposed Phasing Plan ref. 03-0-01 PL2 (or such phases as may subsequently be approved on a revised phasing plan that relates to that same extent of the site) until a detailed method statement for the removal/eradication of invasive species on the site has 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. The approved method statement shall be carried out in full and adhered to throughout the course of the development.

### **Reason**

To protect the amenity of the local area by dealing with Japanese Knotweed and any other invasive species.

## **ARCHAEOLOGY**

### **Condition 13**

No development other than site securing and demolition down to ground floor slab level shall commence within a phase until a detailed scheme showing the complete scope and arrangement of ground contamination remediation works within that phase alongside a note by a qualified archaeologist setting out the potential impacts of those works on archaeological remains has been submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with the approved scheme.

### **Reason**

The site may contain significant heritage assets of archaeological interest. These details are required to ensure that disturbance or damage by foundations and related works are minimised, archaeological remains are, where possible, preserved in situ.

### **Condition 14**

No development other than site securing, demolition down to ground floor slab level and/or

ground contamination remediation works shall commence within a phase until a detailed scheme showing the complete scope and arrangement of the foundation design and ground works of the proposed development within that phase (including pile type and methodology, drains and services) has been submitted to and approved in writing by the Local Planning Authority. Development within that phase shall only take place in accordance with the approved scheme.

### **Reason**

The site may contain significant heritage assets of archaeological interest. These details are required to ensure that disturbance or damage by foundations and related works are minimised, archaeological remains are, where possible, preserved in situ.

### **Condition 15**

No demolition or excavation below ground floor slab level, ground contamination remediation works or other development shall commence within a phase until a written scheme of investigation of archaeological remains within that phase, 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.

### **Condition 16**

All demolition and development within a phase shall take place in accordance with the approved Written Scheme of Investigation of archaeological remains for that phase. This condition shall not be discharged until the site investigation and post investigation assessment for that phase has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 15, 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.

## **HOUSING**

### **Condition 17**

At least 25% of properties across the development shall be constructed to the standard set out at Approved Document M volume 1 part M4(2) of the Building Regulations (or the equivalent standard in any alternative or amended legislation as may cover the matter of



accessible and adaptable units). Should the extent of compliance be anything below the 100% of units indicated in the application but still meeting the 25% requirement, scaled plans shall be submitted to and approved in writing by the Local Planning Authority specifying the units that will comply prior to the commencement of any above-ground development other than site securing, and development across all phases shall comply with any such approved alternative details.

**Reason**

To provide for accessible and adaptable homes, and manage cross-phase provision if only certain units are to comply.

**AMENITY**

**Condition 18**

Unit 2b3p Type 3 (shown on plan ref. 19050-05-4-02-2B3P PL1 (Type 3 end of terrace)) shall be used at the northern end of the rows shown for this unit size as identified on the inset map in 2 instances on plan ref. 19050 03-2-05-2b3p Rev. PL1 House elevations – 2B 3P Type 3 end of terrace.

Unit 3b5p Type 2 (shown on plan ref. 19050 05-4-01-3B5P PL1 (Type 2 end of terrace)) shall be used at the northern end of the rows shown for this unit size as identified on the inset map in 4 instances on plan ref. 19050 03-2-01-3b5p Rev. PL1 House elevations – 3B 5P Type 2 end of terrace.

**Reason**

In the interests of clarity to preserve the amenities of the occupants of neighbouring properties to north in terms of overlooking and the impact of the flank wall.

**Condition 19**

The two roof terraces to Block B at the southeast end at 4<sup>th</sup> floor level shall be constructed solely to the southeast-ward depth extent (outer edge of the flat to the boundary railing) shown on the approved plans and shall be fully enclosed by railings at this position for the lifetime of the development to prevent occupier use of the residual part of the roof beyond.

**Reason**

To preserve the amenities of occupants of neighbouring occupants, in relation to overlooking.

**Condition 20**

The south east facing elevation of Block B and the north east facing elevation of Block C shall be constructed with obscure glazing and oriel windows to all window openings at 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> to the arrangement set out on the approved elevation drawings and the detail on page 4 of the Darling Associates Response to Planning Officer feedback October 2022 Rev. A (for the avoidance of doubt - notwithstanding this detail is shown for one block - this shall be implemented to all windows at 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> floors to both blocks) and shall be maintained as such in perpetuity. The obscure glazed windows shall be fitted with, and retained in, obscure glazing to Pilkington level 4 or equivalent and windows shall be constructed so that no part of the framework less than 1.7 metres above finished floor level shall be openable

**Reason**

To preserve the amenities of occupants of neighbouring properties.

**Condition 21**

Measures to ensure the security of, and/or safety of persons accessing, the roof of the flat block buildings A, B, C and D hereby approved shall be implemented prior to the occupation of any units within those blocks respectively in accordance with details for that building to be submitted to and approved in writing by the Local Planning Authority in advance.

**Reason**

To help prevent suicide and accidental falls.

**Condition 22**

Prior to the commencement of above ground development of any given residential building details of the façade and glazing design, and alternative means of ventilation where necessary to achieve acceptable internal noise standard, for that building shall be submitted to and approved in writing by the Local Planning Authority, to demonstrate that internal noise level criteria in the submitted Hann Tucker Associates Noise Impact Assessment Report 29454/NIA1 Rev. 3 for residential use can be achieved. No residential unit for which measures are identified as required for its façade or glazing within the approved details shall be occupied until those measures have been implemented in full in relation to that unit.

**Reason**

To secure full details of the measures in the application and their implementation, to ensure acceptable living conditions for future occupants.

Typical details are likely to be sufficient for approval of grouped unit types.

**Condition 23**

Prior to the occupation of any unit hereby permitted within the southern phase (as defined on the Proposed Phasing Plan ref. 03-0-01 PL2) an acoustic fence or fences (as may be required) shall be installed in full, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and shall be maintained as such thereafter. The scheme shall include but is not limited to; the proposed siting, extent and height of the fence/s (shown on scaled plans), construction and surface density of the fence/s.

**Reason**

To safeguard the amenities of future occupants by creating acceptable noise conditions.

**Condition 24**

The rating level of sound emitted from any fixed plant or machinery associated with the development shall not exceed background sound levels by more than 5dB(A) between the hours of 0700-2300, taken as a 15 minute LA90 at the nearest sound sensitive receptor and shall not exceed the background sound level between 2300-0700, taken as a 15 minute LA90 at the nearest sound sensitive receptor. All measurements shall be made in accordance with the methodology of BS 4142 (2014: Methods for rating and assessing industrial and commercial sound) or any national guidance updating or replacing that Standard. Where access to the nearest sound sensitive receptor property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound sensitive receptor property.

**Reason**

To safeguard the amenities of the area

**Condition 25**

Construction and demolition work and the delivery of materials shall only be carried out between 0800 hours and 1800 hours Monday to Friday, 0800hours and 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 26**

Prior to commencement of any development within a phase a Construction (and demolition) Environmental Management Plan (CEMP) for that phase 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 minimise disturbance to ecological assets.

Development of that phase shall take place only in accordance with the approved CEMP for that phase.

**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 27**

Prior to the occupation of any residential unit, details of measures to address water efficiency for that unit shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented to the unit prior to the occupation of that unit.

**Reason**

To address water efficiency. The submitted details shall aspire to the consumption of wholesome water per dwelling not exceeding 110 litres of water per person per day. Typical details for similar unit types will likely be sufficient, to deal with blocks/house types concurrently.

**ECOLOGY****Condition 28**

Prior to the commencement of any development within a phase other than site securing, a scheme of ecological mitigation for development of that phase including but not limited to the measures detailed in the submitted Burton Reid Associates Ecological Impact Assessment BR0478/ECIA/B shall be submitted to and approved in writing by the Local Planning Authority. Development of a phase shall be undertaken only in accordance with the approved ecological mitigation for that phase.

**Reason**

To preserve biodiversity.

This is required pre-commencement as the measures may be necessary to mitigate initial works of development.

### **Condition 29**

Notwithstanding the submitted details, prior to any occupations within a phase, a scheme for biodiversity and landscape enhancement, management and monitoring within that phase, including but not limited to incorporation of permanent bat roosting features, measures such as nesting opportunities for birds, and a planting scheme including species of value to wildlife, plans showing locations and extent of all habitats and wildlife features, a timetable of activities, a responsible person/organisation and method by which the protection of retained and created habitats and open spaces will be secured, and the measures outlined in the submitted Burton Reid Associates Ecological Impact Assessment BR0478/ECIA/B shall be submitted to and approved in writing by the Local Planning Authority.

The schemes for each phase shall in combination reach at least a value of 6.73 habitat units and 1.48 hedgerow units for the site as a whole in accordance with the biodiversity metric submitted with the application reports, and shall show the commitments for all phases overall, and the detailed provisions for the phase in question. The details of the scheme shall comprise but are not limited to:

- i. Description, design or specification of the type of feature(s) or measure(s) to be undertaken;
- ii. Materials and construction to ensure long lifespan of the feature/measure;
- iii. A drawing(s) showing the location and where appropriate the elevation of the features or measures to be installed or undertaken;
- iv. When the features or measures will be installed and made available.

The approved scheme shall be implemented concurrently with the development of the phase in which they are proposed to be located unless an alternative timescale is agreed in the scheme, and retained and maintained for their designed purpose, in accordance with the approved scheme.

### **Reason**

To provide net gains for biodiversity and manage provision across phases.

### **Condition 30**

Prior to the first occupation within an individual flat block (Blocks A, B, C, D on the approved plans), or of an individual house, a scheme of seagull mitigation measures for the building shall be implemented in full in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. Any management measures comprised in the approved details shall be operated for the lifetime of the development.

### **Reason**

To deal with gull nuisance issues in the interests of the amenities of the area. Typical details for house types/rows are likely to be sufficient, to enable consideration in larger groups.

### **Condition 31**

Building demolition and vegetation removal shall take place outside of the bird nesting season. If this cannot be achieved, a suitably qualified ecologist shall carry out a nesting bird check prior to work and supervise those works where required.

**Reason**

To protect biodiversity interests.

**Condition 32**

An information pack setting out the location and sensitivities of the Cotswold Beechwoods Special Area of Conservation, Severn Estuary Special Protection Area, Special Area of Conservation and Ramsar Site (and Alney Island Nature Reserve as a functionally linked area), and Walmore Common Special Protection Area, how to avoid negatively affecting them, alternative locations for recreational activities and off road cycling, and 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) shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any residential dwelling within the development and thereafter two copies of the approved information pack shall be issued to the new residential occupier within that phase prior to the first occupation of each respective new dwelling.

**Reason**

To mitigate adverse effects on the integrity of the Cotswold Beechwoods, Severn Estuary and Walmore Common sites as a result of the development.

**Condition 33**

Any external lighting to be used during the construction period for a phase or the permanent development of a phase shall be installed only in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority. The submitted details shall include their location, scale, design/specification, light spill, times of use and a note on the ecological impacts.

**Reason**

To ensure the proposed development does not have an adverse effect on the character and appearance of the area or the amenities of nearby properties or on biodiversity.

**SUSTAINABILITY****Condition 34**

The sustainability measures set out in the Energy Statement and on the approved plans (solar panels to roofs) shall be implemented concurrently with the construction of the building to which they are applied, and shall be fully operational prior to the first occupation within that building unless an alternative timetable is agreed in writing in advance by the Local Planning Authority.

**Reason**

To ensure reasonable techniques are utilised to mitigate the effects of climate change.

**CONTAMINATED LAND****Condition 35**

No development of a phase that involves intrusive works to the ground or soft landscaping at ground level, other than archaeological works or that required to be carried out as part of an approved scheme of remediation shall commence until parts 1 to 3 below have been

complied with for that phase. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until part 4 has been complied with in relation to that contamination.

#### 1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site, which has first been submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with the Environment Agency's '*Land Contamination Risk Management*' (LCRM).

#### 2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must accord with the provisions of the EPA 1990 in relation to the intended use of the land after remediation. Where undertaken on a phased basis the Remediation Scheme must specify measures to ensure that remediated phases continue to be protected from impacts from un-remediated phases.

#### 3. Implementation of Approved Remediation Scheme

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

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

#### 4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in

accordance with the requirements of part 1 of this condition, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part 2 above, and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, and submitted to and approved in writing by the Local Planning Authority in accordance with part 3 above.

#### 5. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over an appropriate time period, and the provision of reports on the same, shall be submitted to and approved in writing by the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be submitted to and approved in writing by the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

#### **Reason**

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This condition is required prior to intrusive works because there is potential for contamination to exist on the site.

### **DRAINAGE**

#### **Condition 36**

No development shall commence within a phase other than demolition, site securing, archaeological works, or remediation works, until a detailed design for the surface water drainage strategy for that phase (as presented in document ref. FRA&DS-22471-22-228 16 DECEMBER 2022) has been submitted to and approved in writing by the Local Planning Authority.

- The submitted design 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 maximum surface water discharge rate for the site for events up to a 1 in 100 year (+ 40% climate change) return period shall not exceed 8.4 l/s.
- Permeable paving attenuation within private driveways shall not count towards the total development attenuation requirement.
- The cellular attenuation units shall include demonstrable access for maintenance purposes.
- A timetable for the phased implementation of the approved scheme.

The approved scheme for the surface water drainage for that phase (including any drainage infrastructure necessary for the drainage of the phase in question but partially or wholly located in another phase) shall be implemented in accordance with the approved details.

#### **Reason**

To ensure the development is provided with a satisfactory means of drainage and thereby reducing the risk of flooding and to minimise the risk of pollution. It is important that these details are agreed prior to the commencement of intrusive development as any works on site could have implications for drainage, flood risk and water quality in the locality.

### **Condition 37**

Development within a phase shall not be occupied until a SuDS management and maintenance plan for the lifetime of the development for that phase, 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 for that phase 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 38**

No development shall commence within a phase other than any demolition, site securing, archaeological works, or remediation works, until details for the disposal of foul water within that phase have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to first occupation of any residential unit within that phase.

### **Reason**

To ensure the development is provided with a satisfactory means of drainage. These details are required pre-commencement of building works as the proposals will need to be laid out as approved as an early phase of work.

## **WASTE MINIMISATION**

### **Condition 39**

No development of a phase shall commence other than site securing or archaeological works, until a Waste Minimisation Statement for the Demolition and Construction Period for that phase 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 and demolition waste likely to be generated including measures to minimise, re-use and recycle that waste, and minimise the use of raw materials. The development of a phase shall be carried out in accordance with the approved Waste Minimisation Statement for that phase.

### **Reason**

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

## **EMPLOYMENT**

### **Condition 40**

No development shall take place within a phase including any demolition, other than site



securing, , until an Employment and Skills Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. Development of the phase shall thereafter be carried out in accordance with the approved Plan, which shall remain in force for the construction period of that phase.

The Employment and Skills Plan shall cover (but is not limited to) a variety of initiatives, including:

- Recruitment of local people
- Work trials and interview guarantees
- Pre-employment training
- Apprenticeships
- Vocational training (NVQ)
- Work experience (14-16 years, 16-19 years and 19+ years)
- School, college and university site visits
- Construction Skills Certification Scheme (CSCS) Cards
- Supervisor training • Leadership and management training
- Support with transport, childcare and work equipment
- In-house training schemes.

These initiatives shall be targeted at residents within a distance of the site to be agreed by the Local Planning Authority. Gloucester City Council will utilise the Construction Industry Training Board (CITB) National Skills Academy for Construction (NSAfc) Client Based Approach (CBA) to determine outputs for the above initiatives.

#### **Reason**

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

## **HIGHWAYS**

#### **Condition 41**

No building hereby approved shall be occupied until the access, parking and turning facilities for that building have been provided as shown within the approved plans.

#### **Reason**

To ensure conformity with submitted details.

#### **Condition 42**

No building hereby approved shall be occupied until the means of access for vehicles, pedestrians and cyclists for that building have been constructed and completed as shown on the approved site plan.

#### **Reason**

In the interest of highway safety.

#### **Condition 43**

Prior to the commencement of development details shall be submitted to and approved in writing by the Local Planning Authority of the timing of the permanent closure of existing accesses off Great Western Road and Horton Road and details of these closure works. The development shall thereafter be carried out in accordance with the approved details.

#### **Reason**

In the interests of highway safety.

**Condition 44**

Prior to the occupation of any building the cycle and bin storage facilities for that building shall be made available for use in accordance with the approved plans (subject to any details approved pursuant to other conditions of this permission), and those facilities shall be maintained for the lifetime of the development.

**Reason**

To give priority to cycle movements by ensuring that adequate cycle parking is provided, to promote cycle use and to ensure that the appropriate opportunities for sustainable transport modes have been taken up, and in the interests of the visual amenities of the area and avoid clutter on the highway.

**Condition 45**

No part of the development hereby approved shall be occupied until a Travel Plan has been submitted to and approved in writing to the Local Planning Authority that promotes sustainable forms of access to the development site. The approved plan shall thereafter be implemented and updated in accordance with its terms.

**Reason**

To reduce vehicle movements and promote sustainable access.

**Condition 46**

No development of a phase shall commence, including any demolition works, until a Construction Management Plan for highways matters for that phase has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition and construction period for that phase. The plan shall provide for:

- 24 hour emergency contact number;
- Parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Routes for construction traffic;
- Any temporary access/es to the site;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- A highway condition survey;
- Method of preventing mud being carried onto the highway;
- Measures to protect vulnerable road users (cyclists and pedestrians);
- Any necessary temporary traffic management measures;
- Arrangements for turning vehicles including a banksman if necessary;
- Booking system for deliveries, etc including seeking to ensure deliveries to the site do not correlate with school drop off and collection times;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

**Reason**

In the interests of safe operation of the adopted highway during the demolition and

construction phase of the development.

This is required pre-commencement given the impacts on the highway will commence immediately.

**Condition 47**

Prior to any occupation of a residential unit within a phase details of a service vehicle management plan for that phase shall be submitted to and approved in writing by the Local Planning Authority and approved measures implemented. The plan shall include but is not restricted to methods to ensure that impact of service vehicles is minimised at peak times of development and highway usage.

**Reason**

In the interests of safe operation of the surrounding highway network at peak times of operation.

Comprehensive details for the whole development would be acceptable and preferable.

**Condition 48**

Notwithstanding that shown on the submitted plans, no development of the southern phase (or such other phase as may subsequently be shown on a phasing plan approved under condition that includes the public open space/play area at the eastern corner of the site) shall commence other than archaeological works, remediation works and/or site securing until details of the access restrictions (bollards, gates, etc) to the paths and emergency access through this part of the site, and the dimensions and make up of the emergency access, have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented concurrently with the implementation of the public open space/play area.

**Reason**

To deal with public safety and promoting sustainable modes of transport.

**Informatives:**

**Note**

This permission is associated with a legal agreement with the City Council dated xxxxxxxx.

This permission is associated with a legal agreement with the County Council dated xxxxxxxx.

**NOTES**

**Works on the Public Highway**

The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out.

Contact the Highway Authority's Legal Agreements Development Management Team at [highwaylegalagreements@gloucestershire.gov.uk](mailto:highwaylegalagreements@gloucestershire.gov.uk) allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Councils costs in undertaking the following actions:

Drafting the Agreement  
A Monitoring Fee  
Approving the highway details  
Inspecting the highway works

Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.

### **Traffic Regulation Order (TRO)**

You are advised that a Traffic Regulation Order (TRO) is required. You must submit a plan to scale of an indicative scheme for a TRO, along with timescales for commencement and completion of the development. Please be aware that the statutory TRO process is not straightforward; involving advertisement and consultation of the proposal(s).

You should expect a minimum of six months to elapse between the Highway Authority's TRO Team confirming that it has all the information necessary to enable it to proceed and the TRO being advertised. You will not be permitted to implement the TRO measures until the TRO has been sealed, and we cannot always guarantee the outcome of the process.

We cannot begin the TRO process until the appropriate fee has been received. To arrange for a TRO to be processed contact the Highway Authority's Legal Agreements Development Management Team at [highwaylegalagreements@gloucestershire.gov](mailto:highwaylegalagreements@gloucestershire.gov).

The cost of implementing any lining, signing or resurfacing required by the TRO is separate to the TRO fees, which solely cover the administration required to prepare, consult, amend and seal the TRO.

### **Highway to be adopted**

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

Contact the Highway Authority's Legal Agreements Development Management Team at [highwaylegalagreements@gloucestershire.gov.uk](mailto:highwaylegalagreements@gloucestershire.gov.uk). You will be required to pay fees to cover the Council's costs in undertaking the following actions:

Drafting the Agreement  
Set up costs

Approving the highway details

### **Inspecting the highway works**

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

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

bond secured.

### **No Drainage to Discharge to Highway**

Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

### **Protection of Visibility Splays**

The applicant's attention is drawn to the need to ensure that the provision of the visibility splay(s) required by this consent is safeguarded in any sale of the application site or part(s) thereof.

### **Travel Plan**

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

Gloucestershire County Council has published guidance on how it expects travel plans to be prepared, this guidance is freely available from the County Councils website. As part of this process the applicant must register for Modeshift STARS and ensure that their targets have been uploaded so that progress on the implementation of the Travel Plan can be monitored.

Modeshift STARS Business is a nationally accredited scheme which assists in the effective delivery of travel plans, applicant can register at [www.modeshiftstars.org](http://www.modeshiftstars.org)

### **Construction Management Plan (CMP)**

It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to “respecting the community” this says:

Constructors should give utmost consideration to their impact on neighbours and the public  
Informing, respecting and showing courtesy to those affected by the work;  
Minimising the impact of deliveries, parking and work on the public highway;  
Contributing to and supporting the local community and economy; and  
Working to create a positive and enduring impression, and promoting the Code.

The CEMP should clearly identify how the principal contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues.

Contractors should ensure that courtesy boards are provided, and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties. This does not offer any relief to obligations under existing Legislation.

### **Extraordinary Maintenance**

The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which allows the Highway Authority to recover additional costs of road maintenance due to damage by extraordinary traffic.

Before any work is commenced upon the development hereby approved representatives of Gloucestershire County Council, as the Highway Authority and the applicant, shall carry out a joint road survey/inspection on the roads leading to this site. Any highlighted defects shall be rectified to the specification and satisfaction of the Highway Authority before work is commenced on the development hereby approved. A further joint survey/inspection shall be undertaken following completion of development hereby approved and any necessary remedial works shall be completed to the specification and satisfaction of the Highway Authority within 1 month or other agreed timescale.

**Person to Contact:** Adam Smith (396702)

Planning Application: | 22/00770/FUL

Address: | Great Western Road sidings,  
| Gloucester

Committee Date: | February 2023

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