



Appeal Decision

Inquiry held 6 - 8 September 2022

Site visit made on 7 September 2022

by Jonathan Price BA(Hons) DipTP MRTPI DMS

an Inspector appointed by the Secretary of State

Decision date: 29/9/2022

Appeal Ref: APP/U1620/W/22/3296510

Land at Hill Farm, Hempsted Lane, Gloucester, Gloucestershire GL2 5LA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Gladman Developments Limited against Gloucester City Council.
 - The application Ref 20/00315/OUT is dated 26 March 2020.
 - The proposed development is for the erection of up to 185 dwellings with public open space, structural planting and landscaping, surface water flood mitigation and attenuation and vehicular access point from Hempsted Lane, with all matters reserved except for means of vehicular access.
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Decision

1. The appeal is allowed and outline planning permission is granted for the erection of up to 185 dwellings with public open space, structural planting and landscaping, surface water flood mitigation and attenuation and vehicular access point from Hempsted Lane, with all matters reserved except for means of vehicular access at land at Hill Farm, Hempsted Lane, Gloucester, Gloucestershire GL2 5LA, in accordance with the terms of the application Ref 20/00315/OUT, dated 26 March 2020, subject to the conditions set out in the schedule attached to this decision.

Preliminary Matters

2. The original planning application was validated by the Council on 29 April 2020. A cyber incident in late 2021 disabled the Planning Public Access System, meaning that the Council was unable to access the representations made prior to this occurrence. The standard appeal notification letter was adapted and sent to surrounding addresses with the aim of recapturing these previous representations, along with seeking any further comments that interested parties might wish to provide. A similar exercise was undertaken with all statutory consultees.
3. As set out in the description above, the application was made in outline with all detailed matters reserved for later consideration, apart from access. I have dealt with the appeal accordingly. The original proposal had been for up to 245 dwellings. This had been the subject of further discussion with the Council and subsequently reduced to up to 215 dwellings and, most recently, up to 185. The revised Development Framework Plan drawing no. CSA/6036/103 Rev D (DFP Revision D) provides for the up to 185 dwellings, and the appeal has been considered on this basis.

4. The appellant and landowner provided to the Inquiry an engrossed planning obligation, by means of a Unilateral Undertaking (UU) made to Gloucester City and Gloucestershire County Councils under section 106 of the Town and Country Planning Act 1990. Both Councils had provided Community Infrastructure Levy (CIL) compliance statements justifying the obligations made. A certified copy of the UU was submitted at the close of the event and the obligations are discussed later in this decision.
5. So far as relevant to this appeal, the statutory development plan comprises the Joint Core Strategy¹ (JCS) and the Gloucestershire Waste Core Strategy (GWCS)². Whilst not part of the adopted development plan, a number of saved policies from the 2002 Second Stage Deposit City of Gloucester Local Plan (SSD) are used by the Council to advise development management decisions. Where relevant, these are attributed some weight in this decision.
6. Another material consideration is the emerging Gloucester City Plan (GCP). Once adopted, this will support the JCS by providing more detailed development management policies and site allocations specific to Gloucester City Council's administrative area. The GCP was the subject of examination hearing sessions held in May and June 2021. The Examining Inspector found the GCP to be legally compliant, to have met the duty to co-operate and capable of being made sound subject to main modifications. Consultation on these main modifications took place between 16 May - 4 July 2022 and the responses have been passed to the Examining Inspector for consideration. The emerging GCP is at an advanced stage and so, where relevant to this appeal, its policies are given significant weight.
7. The National Planning Policy Framework³ (the Framework) is also a material consideration of great importance to this decision.

Background and Main Issues

8. Because the appeal was over the Council's failure to determine the application, the proposal was reported to its Planning Committee on 5 July 2022. This was to ascertain what the local planning authority's decision would have been, had it been in a position to make one. The Committee resolved that the decision would have been to refuse planning permission for eight putative reasons for refusal (PRfR). Since this Committee resolution, the Council had continued to engage with the appellant over these PRfR. The outcome was that, by mid-August, the Council no longer sought to defend any of these as grounds for dismissing the appeal. The PRfR nonetheless provide the basis for identifying the main issues in this case.
9. PRfR 1 relates to the appeal site not being allocated for housing and in general conflict with the spatial strategy for new development provided by JCS policies SP1, SP2 and SD10. This conflict is not a matter of dispute and is addressed in a final planning balance, as to whether material considerations indicate the appeal should be determined otherwise than in accordance with development plan policy.
10. The obligations made in the UU address the Council's PRfR 2, 4, 7 and 8 by securing the required 20% affordable housing, meeting local play and sports'

¹ Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 5 Adopted December 2017

² Adopted 21st November 2012

³ As most recently updated on 20 July 2021.

needs, mitigating highway impacts and contributing towards community and education facilities respectively.

11. PRfR 3 concerned a failure to demonstrate that the living conditions of prospective occupiers of the scheme would be acceptable with respect to odour from the nearby Netheridge Sewage Treatment Works (NSTW) and thus not prejudicial to its future operation. PRfR 5 was over a failure to adequately address the risk of flooding within and around the site. PRfR 6 related to a failure to adequately address impacts on ecology and biodiversity, including protected species. Although the appellant has subsequently provided the evidence to satisfy the Council that PRfR 3, 5 and 6 have been addressed, these issues remain matters of concern to interested parties.
12. The Council had found harm both to the character and appearance of the area and the significance of Hempstead Conservation Area (HCA) as a designated heritage asset. However, neither were found to substantiate a further PRfR. Nevertheless, both harms are reflected in interested party concerns and were identified as main issues in the appeal, so as to determine their weight in the planning balance.
13. On the basis of the foregoing, the main issues are:
 - whether the proposal would provide acceptable living conditions for future occupiers, with particular regard to odour, and/or constrain the future operation of NSTW; and
 - the proposal's effects on the risk of flooding in and around the site;
 - on biodiversity;
 - and on the character and appearance of the area, including the landscape setting of Hempsted village and the HCA.
14. In addition to these main issues, other interested party concerns are considered, including access matters and foul drainage.

Site description and proposal

15. The site comprises some 12.2 hectares of agricultural land contained within three irregularly shaped fields. These lie immediately beyond the southern extent of development in Hempsted village, which is contiguous with and comprises a segment of the urban area of Gloucester. The northern site boundary runs up to Hempstead Lane, the back gardens of a stretch of housing along its southern side and a bridleway continuing west of these. From its highest point at the north, the site slopes to a southern site boundary that follows a ditch. Beyond this is the level flood plain to Hempsted Brook with mainly open countryside beyond, containing the NSTW.
16. To the east, the site is bound by the A430 Secunda Way, with commercial development and the built-up part of Gloucester to the other side. A public right of way runs along the eastern edge of the site and connects to another that follows Hempsted Brook. The western site boundary adjoins Rea Lane; a narrow rural road, with open countryside including the River Severn floodplain to its other side. Access to the development is taken from Hempsted Lane at a point near to its junction with the A430 Secunda Way. DFP Revision D shows this access running through the site and serving areas of housing within the

central part of the site, adjacent to the existing built limits of the village. This housing is encased by a large swathe of green infrastructure which also occupies the lower, southern parts of the site.

Reasons

Odour

17. The appeal site falls wholly within a *cordon sanitaire* defined around the NSTW in the 2002 SSD, in which Policy FRP.12 states that development likely to be adversely affected by smell from the Netheridge works will not be permitted. The revised *cordon sanitaire* in the emerging GCP excludes the corners of the appeal site the furthest from NSTW, although the housing shown in DFP Revision D falls within this zone.
18. Having originally followed the wording of SSD Policy FRP.12, emerging GCP Policy C6 has since been the subject of a main modification. This states that planning permission will be granted for development within the *cordon sanitaire* where it can be clearly demonstrated through a robust odour assessment that, firstly, users/occupants of the proposed development will not be adversely affected by odour nuisance and, secondly, the introduction of the proposed use will not adversely affect the continued operation of the NSTW.
19. With the long-standing delineation of a *cordon sanitaire*, the Council has clearly been cognisant of odour as a factor influencing future housing growth, both in respect of residential living conditions and the future operation of the NSTW. Following the submission of the planning application, this proposal had thus been the subject of a sequence of odour reports and assessments made respectively by the appellant and the Council. This had culminated in the appellant's most recent assessment of July 2022⁴ and the main parties agreeing to a specific Statement of Common Ground (SoCG) in respect of odour⁵.
20. Based on this SoCG, and the evidence given to the Inquiry by the main parties' specialists, I am satisfied that the sequence of reports provides a robust multi-tool approach to the assessment of the odour impacts of the NSTW on this proposal. This assessment accords with Institute of Air Quality Management Guidance. Furthermore, the sampling and testing was carried out during the unprecedented heatwave in July 2022; circumstances leading to elevated odour emissions from the NSTW and thus a particularly robust modelling of these.
21. Although odour is to a degree a subjective matter, I am nevertheless satisfied the up to three odour unit⁶ concentration provides an appropriate benchmark to determine acceptability of potential impacts when using dispersion modelling results. Excluding housing from the three odour unit contours modelled would, I agree, facilitate acceptable living conditions for new residents within the appeal site. The DFP Revision D incorporates a buffer zone which is determined by the furthest incursion of the three-odour unit contour into the appeal site. Outside this buffer, I am satisfied with the agreed position of the main parties that residential occupiers would unlikely be adversely affected by odour

⁴ Gladman Developments Limited Hill Farm, Gloucester Odour Assessment Update – Wardell Armstrong July 2022

⁵ Statement of Common Ground in respect of Odour dated 1 September 2022 between Wardell Armstrong LLP on behalf of Gladman Developments Limited and Phlorum Limited on behalf of Gloucester City Council.

⁶ 3ouE/m3 as a 98th percentile 1-hour average concentration

nuisance associated with the normal operation of the NSTW. This situation would then be unlikely to prejudice the continued operation of this facility.

22. I have considered the evidence of interested parties regarding odour. This included details tabled at the Inquiry by the Hempsted Residents Association. This evidence included the numbers and dates of odour complaints collected by the Council's Community Wellbeing Team, with a schedule of postcodes and a map of locations. However, none of this provides detailed evidence over the level or origin of odour and thus offers little effective challenge to the more thorough evidence produced by the appellant.
23. Subject to a condition securing the exclusion of housing from the odour buffer zone, the proposal would avoid a high risk of future occupiers being subject to unacceptable living conditions in regard to odour and thus the likelihood of complaints constraining the future operation of the NSTW. Therefore, in respect of the issue of odour, the proposal would satisfy JCS policies SD4(iii) and SD14, GWCS Policy WCS11, SSD Policy FRP.12 and emerging GCP Policy CS6.

Flood risk

24. The appellant had provided additional technical details such that, subject to appropriate planning conditions, the Council no longer sought to defend its fifth PRfR. This was over the proposal's failure to demonstrate that the development of the site would not increase the risk of flooding within the site or elsewhere. The Inquiry was provided a Technical Note⁷ by the appellant over surface water drainage and its author and the Council's drainage advisors attended the round table session at the Inquiry covering this issue.
25. The appeal site slopes southwards from the built-up settlement edge to where it levels out at the Hempsted Brook floodplain. The photograph submitted by Hempsted Residents Association shows the normal operation of this floodplain, when it sometimes contains standing water which extends to the southern parts of the appeal site. However, this lower part of the appeal site is proposed for green infrastructure, accommodating public open space, recreational facilities and flood storage and no uses more vulnerable to harm from occasional flooding. The more vulnerable residential parts of the scheme would be restricted to the upper area of the site, which is at a low risk from flooding.
26. The site is relatively impermeable and a sustainable drainage system (SuDS) would be provided to mitigate the increased level of overland run-off associated with a housing development. This would replicate natural processes and include swales and a detention basin to attenuate the rate of surface water discharge off the site and into Hempsted Brook. The SuDS would provide betterment through attenuating surface water run-off, reducing the site's contribution towards any flooding downstream, improving water quality and providing multi-functional areas beneficial to both residential amenity and as wildlife habitat.
27. The evidence demonstrates that, subject to further details that might be addressed by conditions, the proposal would be capable of being provided satisfactory means of surface water drainage that would not increase the risk of flooding in and around the site. It would thus comply with JCS Policy INF 2, emerging GCP Policy E6 and the Framework, insofar as these concern such matters.

⁷ By Enzyco dated 11 August 2022.

Biodiversity

28. It is evident that, as primarily arable farmland, the appeal site holds little intrinsic biodiversity value beyond that contained in the surrounding hedgerows. The area is part of wider countryside used for movement and foraging, by species such as deer, barn owls and various kinds of bat, but is not itself of high ecological value. The earlier PRfR had related mainly to the need for further protected species surveys in relation to bats, badgers and great crested newts. The Council had otherwise generally supported the scheme, based on the potential for the large area of green infrastructure to provide new wildlife habitat and a net gain to biodiversity. Subject to conditions, the Council's outstanding concerns have subsequently been addressed and its final position is set out in ecology comments submitted to the Inquiry dated 8 August 2022.
29. The conditions include adherence to an approved Construction Ecological Management Plan (CEMP). This would be to mitigate for any impacts on protected species during construction and to safeguard against any indirect effects on nature conservation sites, such as from water or air pollution. Through detailed measures, the proposal can potentially deliver in excess of the statutory 10% Biodiversity Net Gain (BNG) and this can be assured through a condition requiring adherence to an agreed Landscape and Ecological Management Plan (LEMP). The scheme would avoid any material harm to biodiversity and be capable of delivering a net gain in this regard. Therefore, the proposal would comply with JCS Policy SD9 and emerging GCP Policy E2 in respect of biodiversity protection and enhancement.

Character and appearance (landscape and heritage)

i) Landscape effects

30. The appeal site is not covered by any designation that might confer a special degree of landscape protection. It therefore does not comprise a 'valued landscape' where paragraph 174 of the Framework would require protection or enhancement in a manner commensurate with any statutory status or identified quality defined in the development plan. Instead, this paragraph requires recognising the intrinsic character and beauty of the countryside and considering how this proposal might contribute to and enhance the local environment.
31. Prior to this proposal, the Council had commissioned a number of landscape studies which assessed the character of the landscape and its sensitivity to development. The most relevant is the Landscape Analysis of Potential Development Sites undertaken by WSP in 2013. This had identified only the eastern corner of the appeal site as suitable for development, due to it being close to the main A430 and the existing residential and commercial parts of Gloucester.
32. However, through DFP Revision D, this proposal limits the housing to the upper parts of the site that lie adjacent to the existing built-up area along Hempsted Lane and provides extensive buffers of green infrastructure around these residential parts and within the lower portions of the site. Although the 2013 study had not identified the western part of the appeal site for development, I consider the current proposal provides an equally suitable approach in landscape terms. This is through restricting housing to where it would comprise

a continuation of that existing, thus avoiding a stark incursion of development into the countryside. The buffer of green infrastructure would comprise 60% of the appeal site, helping the expanded village to blend into the landscape and providing a clearly defined and defensible boundary to the further outward extent of residential development.

33. The earlier DFP for 215 dwellings had been subject to a Landscape and Visual Impact Assessment⁸ (LVIA) prepared by the appellant in accordance with the relevant professional guidelines⁹. I have had regard to the LVIA and the evidence subsequently provided to the Inquiry by the respective landscape consultants of the two main parties. On the basis of this evidence and from my visit to the site, it is clear that the proposal would have an adverse effect on the landscape character of the site itself. This is by development encroaching beyond its present limits and reducing the extent of open countryside lying on the edge of the Gloucester conurbation. This would be most evident in views entering Gloucester from the adjacent section of the A430 Secunda Way, from the footpath running to the southern side of the site and from Rea Lane to the west. Beyond these more immediate vantage points, the proposal would cause little visual harm to the wider landscape.
34. The adverse visual and landscape impacts of the proposal would result in moderate harm on completion. Subject to suitable reserved matter details over design, layout and landscaping, there is the potential for this to reduce to a minor degree of harm on maturation of the planting within the built-up scheme and in its outer buffer of green infrastructure. Overall, it is considered that a scheme can come forward at the reserved matters stage which would be acceptable in terms of landscape impact, subject to an appropriate level of mitigation. Consequently, in respect of landscape and visual effects, I find this outline proposal to accord with JCS policies SD4 and SD7 and emerging GCP Policy E1.

ii) Heritage effects

35. The HCA encapsulates the historic core of this hill top settlement which, whilst partly absorbed within the suburbs of Gloucester, retains its distinctive rural character and separate identity. This includes the classic English village scene preserved around St Swithun's church, which retains a sense of tranquillity and leafy ambience closer in character and identity to the more rural settlements further to the south and west of Gloucester than its adjacent suburbs. This historic core, with the church and adjacent listed buildings at Hempsted House and Church Farm, lies adjacent to countryside to the west and open views across the Severn Valley. However, the appeal site lies to the south of the HCA and is separated by more recent housing development, which insulates this historic core from the visual impacts of this proposal.
36. The narrow Rea Lane, with open countryside to either side, runs from the south into the HCA and this entry to the village retains a strong rural character. Whilst not visible from the HCA, by replacing open farmland adjacent to Rea Lane with housing, the proposal would erode the undeveloped, rural setting of the historic village core and detract from its significance as a heritage asset. This brings the proposal into a degree of conflict with JCS Policy SD8 and

⁸ Prepared by CSA Environmental on behalf of Gladman Developments Ltd Report No: CSA/6036/03 May 2022

⁹ Guidelines for Landscape & Visual Impact Assessment', produced jointly by the Institute of Environmental Assessment and the Landscape Institute (GLVIA 3rd edition 2013)

emerging GCP Policy D1, insofar as these require a consideration of heritage assets in the assessment of development proposals.

37. I agree with the Council that the undeveloped, rural character of the appeal site makes a positive contribution to the wider setting and significance of the HCA and that the resulting loss of this would result in harm. However, the degree of harm would be limited due to a lack of intervisibility between the appeal site and the HCA. The harm to the significance of the heritage asset would be less than substantial and towards the lower end of such a range. It is on this basis that such harm is taken forward to a final planning balance.

Other Matters

Foul drainage

38. Foul drainage from the development would connect to the public sewer running along Hempsted Lane, at the nearest point adjacent the site entrance. The relevant statutory undertaker, Severn Trent Water (STW), had previously confirmed there to be ample capacity within the sewer network to accommodate the flows from the originally proposed 245 dwellings. Confirmation of this had been in response to interested party concerns over sewage overflow in some gardens in High View, served by the same foul drainage network. There had been a request for a condition governing the foul drainage connection from this proposal, to take this directly to NSTW rather than via the connection point proposed. The appellant gave a detailed rebuttal over the need for such a condition in closings. On the basis of this, I am satisfied that such a condition would not meet the test of necessity, particularly given that STW has statutory duties and powers to separately ensure adequate foul drainage arrangements for new developments at nil detriment to existing users.

Highways and access

39. Subject to conditions and obligations, which include improved crossing points along Hempsted Lane, the implementation of a Travel Plan and a new cycle/footway link to the A430, the local highway authority (LHA) is content with the proposals. The only detailed matter forming part of this outline application is the new access to the development onto Hempsted Lane. The details shown in drawing number P19105-00-03A meet current access standards, including road width, visibility splays (based on actual vehicle speeds) and junction spacing. There would be a further fine tuning of these details at the delivery stage, including any required through the Road Safety Audit process.
40. The scheme has been the subject of a Transport Assessment (TA), with further technical details provided during negotiations with the LHA. Factoring in background growth and committed development in the area, the TA found the amount and distribution of new trips arising from this proposal, most recently reduced to 185 dwellings, would be accommodated within existing highway network capacity, including that of the signalised junction from Hempsted Lane onto Secunda Way.
41. Interested parties were concerned over the additional traffic running into the village along Hempsted Lane. This is a historic road but of reasonable width for two-way traffic and with footways to at least one side from Secunda Way.

Where there is on-street parking or reduced widths, this dampens average traffic speeds and, accordingly, Hempsted Lane can accommodate the further development without adverse highway safety impacts.

42. Other than in the exceptional instance of a road closure, most vehicular traffic would enter and leave the site from Secunda Way. Beyond the proposed site entrance, Hempsted Lane would have the capacity to safely accommodate the additional use engendered by this proposal. There would be enhancements to this through the crossing points at Court Close and Hinton Close provided through this scheme. Paragraph 111 of the Framework states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Neither circumstance would arise as a result of this proposal.
43. The Framework also advises that significant development should be focused on locations which are sustainable, through limiting the need to travel and offering a genuine choice of transport modes. In assessing specific applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be taken up, given the type of development and its location.
44. Hempsted itself has a limited range of services, including a post office and convenience store and a primary school that is currently over-subscribed. The scheme would help support the village shop, post office and primary school. However, the appeal site is on the edge of the Gloucester conurbation, of which Hempsted forms a part, where there are a wide range of services and facilities accessible from this site, including by public transport, walking or cycling. Even if places are unavailable at the Hempsted school, there are a good range of other primaries within the acceptable two-mile walking distance of the appeal site. The proposal would provide a new pedestrian and cycle connection to the A430 Secunda Way. Here there are crossing points to the other side, providing access to a pedestrian/cycle route into the city centre alongside the canal. There are bus stops on Secunda Way which provide access to a reasonably frequent service to the city centre.
45. Subject to relevant conditions and obligations, the scheme would integrate suitably with its wider surroundings, provide safe and legible connections via walking, cycling and public transport and benefit from adequate on and off-site transport infrastructure, so as not to have an unacceptable impact on highway safety nor a severe impact on the network. There would be no conflict with JCS policies SD4, INF1 and INF6, or the Framework, in these regards.

Education

46. Interested parties had raised concerns regarding the lack of pupil capacity at Hempsted primary school. However, I rely on the position of Gloucestershire County Council, as local education authority. This is addressed in its consultation response of 30 May 2022. It explains why in this case a secondary 11-16 education phase contribution is required, but not one for the Hempsted Primary school and the Linden Primary Planning area the scheme impacts upon.
47. This recognises that the nearest primary school in Hempsted is regularly over-subscribed but that there is forecast space in the wider planning area, where

there are 11 primary schools within the acceptable two-mile statutory walking distance of this proposal. The response notes that there are a number of developments expected to produce a significant cumulative yield which would be applied to some of the schools listed and the wider Gloucester area, where the Council would expect to allocate spare capacity on a first come first served basis. It would appear to me that, through other development contributions, there is the capacity to accommodate the primary place demand from this proposal and so the County Council education planners seek only developer funding for secondary provision in this case.

Pipelines

48. I am satisfied that fuel pipeline apparatus would be unaffected by the proposed development and could be accommodated, with relevant easement distances, within the open space in DFP Revision D.

Noise

49. The appellant identified noise from traffic as an impact on the scheme¹⁰. Some of the dwellings would require mitigation measures to ensure satisfactory noise levels internally and within gardens. The eventual layout and distance to Secunda Way would determine the extent of noise mitigation required. This could be provided in various ways, including construction measures, glazing specification, ventilation, fencing and the siting of homes and garden areas. Such measures could be governed by a condition and addressed at the detailed design stage. This would ensure the proposal complies with JCS policies SD4 and SD14, in terms of a noise environment that afforded satisfactory residential living conditions.

Living conditions of existing residents

50. In bringing about change, from open farmland to housing, it is inevitable the development will impact upon existing residential living conditions. A limited number of residential properties immediately adjoin the site, notably on Rea Lane and the southern side of Hempsted Lane. On Rea Lane, the properties would be separated from the housing by an open space buffer shown on DFP Revision D. Some rear and side gardens on Hempsted Lane would abut directly onto the appeal site. However, separation distances, window positions, dwelling heights and site levels can be determined at the reserved matters stage to address outlook, privacy and access to daylight/sunlight for existing dwellings.
51. Through reserved matters approval, a detailed scheme could avoid material harm to the living conditions of surrounding residential occupiers and, in this respect, satisfy JCS policies SD4 and SD14 and emerging GCP Policy A1.

Habitats Regulations Assessment

52. The appellant submitted a technical report¹¹ to inform an assessment of this proposal under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations), to which I have had regard.

¹⁰ Gladman Developments Ltd Land at Hempsted Lane, Gloucester Noise Assessment Report Wardell Armstrong January 2020

¹¹ Gladman Developments Ltd Land off Hempsted Lane, Gloucester Ecological Impact Assessment Wardell Armstrong May 2022 – Appendix 8

53. This report considers the potential for likely significant effects (LSE) from this proposal on Cotswold Beechwoods Special Area of Conservation (SAC), Walmore Common Special Protection Area (SPA)/Ramsar site and Severn Estuary SPA/SAC/Ramsar site, in-combination with other development proposals and allocations. This has been informed by evidence¹² underpinning the emerging GCP, as well as visitor surveys and recreational mitigation strategies.
54. I agree with the report's conclusion that there would be no direct impacts on any European sites and, due to distance, no indirect impacts due to either noise or lighting. The Stage 1 assessment screened out LSE as a result of changes to air quality, water quality and water levels, as well as recreational impacts on Walmore Common SPA and the Severn Estuary SAC/SPA/Ramsar site.
55. A pathway for LSE was identified for Cotswold Beechwoods SAC, relating to an increase in recreational pressures from this proposal in-combination with the site allocations set out in the emerging GCP and neighbouring authorities' plans. In the absence of a wider mitigation strategy, which is currently being developed by the Council, a precautionary approach was adopted and appropriate measures assessed against emerging GCP Policy E8.
56. Mitigation will comprise the public open spaces shown in DFP Revision D, which can be used by new and existing residents. This would offset any increased recreational pressure on Cotswold Beechwoods SAC. Subject to the provision of this on-site recreational open space, deliverable through a combination of reserved matters, conditions and obligations, I am able to conclude the proposal would have no adverse effects on the integrity of any surrounding European sites.

Planning Obligations

57. The obligations made in the UU include providing 20% of the residential development as affordable housing. Financial contributions to the City Council are secured towards local sports provision. There is an obligation to pay a fee to the City Council towards monitoring the UU. Financial contributions to the County Council are secured towards improved crossing points along Hempsted Lane, library facilities, secondary education and, similarly, a monitoring fee. There is an undertaking to pay a deposit or bond to assure the carrying out of the required Travel Plan and a separate fee for monitoring this. Lastly, there is an obligation covering the provision and future management of the on-site public open space and amenity areas, including the informal open space, landscaping, a local equipped area for play (LEAP), a neighbourhood equipped area for play (NEAP), a Multi-Use Games Area (MUGA) and outdoor gym equipment.
58. I have considered the obligations made against the tests set out in paragraph 57 of the Framework and Regulation 122(2) of the CIL Regulations 2010. The CIL compliance statements provided have assisted me with this process. The obligations made in the UU each meet the required tests and I consider them to be a) necessary to make the development acceptable in planning terms, b) directly related to the development and c) fairly and reasonably related in scale and kind to the development.

¹² Habitat Regulations Assessment Revised Screening and Appropriate Assessment Report, Enfusion, 2019

The Benefits of the Scheme

59. The development would provide up to 148 market and 37 affordable dwellings. This would support the Government's general objective to boost the supply of housing. To this end, paragraph 74 of the Framework requires local planning authorities identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing, which in this case would be measured against the requirement set out in the JCS.
60. The main parties have agreed the components of housing land supply. These are the minimum JCS requirement of 718 dwellings per annum for 2011 – 2031, a 5% buffer applied in line with Framework paragraph 74, lapse rates and windfall allowances as set out in the JCS and a shortfall of 1,975 dwellings accrued since the plan start date. On this basis, the main parties agree that, for the purposes of this current appeal, the Council can demonstrate a maximum deliverable housing land supply of 4.41 years. I agree this represents a significant shortfall of at least 569 dwellings. The benefits of the scheme towards helping to meet this shortfall, and thus boosting housing supply and addressing affordability, are thus given significant weight.
61. Further to this, the 20% affordable housing secured through the UU would help the estimated 30% of Gloucester households unable to buy a home on the market. This is an additional social benefit to which I attach a further degree of significant weight, particularly given the appellant's track record for the delivery of homes approved within a relatively short period.
62. The scheme would provide quite significant benefits to the local economy, which derive mainly from the construction works and future household expenditure. This is rather than from New Homes Bonus, CIL and Council Tax receipts, which generally mitigate the proposal's effects and reflect an increased demand on public services.
63. There would be moderate environmental benefits available to the wider community from water quality and run-off betterment and the BNG. The ample open space and green infrastructure provided by the scheme, including the provision of a LEAP, NEAP and MUGA, provide benefits that overflow to the wider community and which provide further moderate social benefits.

Overall Planning Balance

64. Where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, in this case the HCA, paragraph 202 of the Framework requires this be weighed against its public benefits. There are significant public benefits deriving from this scheme, as outlined above. The level of heritage harm would be towards the lower end of a scale of less than substantial and very clearly outweighed by these public benefits.
65. Paragraph 11 of the Framework establishes the presumption in favour of sustainable development. Under footnote 8, the lack of a five-year housing land supply deems the policies most important for determining this appeal out-of-date. This would mean allowing the appeal unless, under paragraph 11 d i., the application of Framework policies that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Under footnote 7, such Framework policies include those relating to designated heritage assets. However, because the scheme's public benefits would

outweigh the less than substantial harm to the HCA, following the application of paragraph 202 of the Framework, this would not amount to a clear reason for dismissing this appeal.

66. Therefore, it is the so-called tilted balance in paragraph 11 d ii. which applies, meaning allowing the appeal unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework policies taken as a whole. The adverse impacts specifically addressed in the Council's original PRfR have largely been overcome, apart from that derived from a conflict with the spatial strategy contained in JCS policies SP1, SP2 and SD10.
67. Policy SP1 establishes the housing requirements for the three constituent authorities for the plan period of 2011-2031, which for Gloucester is at least 14,359 new homes to be delivered within existing urban areas and urban extensions. Policy SP2 distributes this housing, with at least 13,287 dwellings of Gloucester's need to be met within its administrative boundary. Policy SD10 then applies to areas outside the urban area of Gloucester and restricts housing on non-allocated land such as this appeal site. Because on adoption of the JCS there had been an acknowledged shortfall in housing supply against its requirements, now even greater, Policy REV1 required an immediate partial review to address this. This has been delayed and is now caught up as part of a full JCS review, which remains at an early stage.
68. I find there to be limited harm from the conflict with the JCS spatial strategy. This is due to the appeal site being immediately adjacent to Gloucester, which along with Cheltenham is the focus for growth in Policy SP2, and thus well-related to it both physically and through accessibility to the wide range of services and facilities provided. Furthermore, the proposal would help address the JCS housing land supply shortfall and support the housing requirement for Gloucester within the administrative boundary of the city.
69. The adverse impacts of allowing the appeal are confined in this case to the setting aside of a generally preferred plan-led approach to large-scale housing provision and a less than decisive degree of landscape and heritage harm. These would be insufficient to significantly and demonstrably outweigh the benefits identified, when assessed against the Framework policies as a whole. The Framework's presumption in favour of sustainable development therefore applies which, as a material consideration, would indicate this appeal be decided otherwise than in accordance with the development plan.

Conditions and conclusion

70. The conditions suggested by the Council meet the tests set out in paragraph 56 of the Framework. I consider them to be necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. I have applied these, along with the reasons given, with some minor amendments, mainly for improved clarity and succinctness. Subject to these conditions, and for the reasons set out above, I conclude that the appeal should be allowed.

Jonathan Price

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Guy Williams of Counsel, instructed by Christien Lee of Gladman Ltd.

He called

Christien Lee BSc (Hons) MCD MRTPI (Gladman) - planning policy and balance

Nigel Weeks BSc F.Con.E of Stirling Maynard – highways

Clive Self MA (Urb Des) Dip LA CMLI of CSA Environmental – landscape

Lorna Goring BSc Hons PGDip (Building Conservation & Regeneration) ACIfA, of Wardell Armstrong – heritage

Greg Chamberlain BSc (Hons), MSc, MCIWEM, C.WEM, CEnv, CSci of Wardell Armstrong – ecology

Malcolm Walton BSc MCIEH AMIOA of Wardell Armstrong – odour

Matt Travis BSc (Hons), MSc, MCIWEM, C.WEM, CEnv, CSci of Enzygo – drainage

Victoria Richardson, Assistant Planner of Gladman Ltd. – conditions

FOR THE LOCAL PLANNING AUTHORITY:

Ruchi Parekh of Counsel, instructed by Jeremy Patterson, Principal Planning Lawyer at One Legal - Gloucestershire

She called

Paul Instone BSc(Hons) DipTP MRTPI - Director, Applied Planning Ltd. - planning policy and balance

Stephen Hawley, Highway Development Management Team Leader at Gloucestershire County Council – highway and access matters

Stuart Ryder BA (Hons) CMLI - Director of Ryder Landscape Consultants Ltd. – landscape

Ullin Jodah McStea MSc in the Conservation of Historic Buildings - Principal Conservation Officer Gloucester City Council – heritage

Dr Paul Beckett BSc (Hons) MSc DPhil CSci MCIEEM MIEEnvSc MIAQM MEWI, Director of Phlorum environmental consultancy – odour

David Lesser BSc (Hons) FDSc, Sustainable Drainage Engineer, Gloucestershire County Council – drainage

Nick Chadwick MEng CEng MICE, Environmental Consultant to Gloucester City Council – drainage

Gary Spencer LLB(Hons), Town Planning Solicitor, Gloucester City Council – planning obligations

Bridgette Boucher FCILEx, Senior Lawyer – Team Leader, Gloucestershire County Council – planning obligations

INTERESTED PARTIES:

Councillor Paul Toleman Gloucester City Council

Rob Mills Hempsted Residents Association (HRA)

Grant Bowden HRA

Alan Lomax Local resident

S Pritchard Local resident

DOCUMENTS SUBMITTED AT THE INQUIRY (ID)

ID 1 Opening submissions on behalf of the appellant.

ID 2 Opening submissions on behalf of the Council.

ID 3 Hempsted Residents Association's photograph of flooding at the lower part of the appeal site and either side of the adjacent water course.

ID 4 Hempsted Residents Association's photograph of on-street car parking leading up to the primary school entrance.

ID 5 Hempsted Residents Association's photograph of on-street car parking adjacent to the post office.

ID 6 Results dated 14 July 2022 of a Freedom of Information request by Hempsted Residents Association to Gloucestershire County Council over S106 developer contributions made in this area.

ID 7 List of suggested conditions agreed between the Council and appellant.

ID 8 Schedule and location point map of odour complaints compiled by Hempsted Residents Association.

ID 9 Response by Severn Trent Water dated 12 August 2022 to email from the Council dated 6 July 2022 regarding foul drainage arrangements for the proposal.

ID 10 Email from Severn Trent Water replying to that from the Council of 8 August 2022, confirming latest odour assessment to be robust.

ID 11 Screenshots of Facebook pages associated with odour reporting in Hempsted.

ID 12 Appellant's photograph of Hempsted Residents Association site notice in place in April 2022 requesting details of odour complaints.

ID 13 CIL Compliance Statements prepared by Gloucester City Council and Gloucestershire County Council.

ID 14 Copy of engrossed UU and accompanying summary of obligations.

ID 15 Certified copy of UU dated 8 September 2022.

ID 16 School Places Strategy 2021 – 2026 Gloucestershire County Council March 2021.

ID 17 Closing submissions on behalf of the Council.

ID 18 Final submissions on behalf of the appellant.

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale, hereinafter called "the reserved matters", shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved. *Reason: The application is in outline only and the reserved matters referred to in the foregoing condition will require further consideration.*
- 2) Application for the approval of the reserved matters shall be made to the local planning authority before the expiration of two years from the date of this permission. *Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.*
- 3) The development hereby permitted shall be begun either before: (i) the expiration of two years from the date of this permission, or (ii) before the expiration of one year from the date of approval of the last of the reserved matters to be approved, whichever is the later. *Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.*
- 4) The development hereby approved shall be carried out in accordance with the following approved plans: Location Plan ref. GM10710-020; Proposed Site Access Arrangements ref. P19105-00-03A. *Reason: To define the scope of the permission.*
- 5) The development hereby permitted shall provide no more than 185 dwellings and no dwellings shall be located in the odour zone hatched blue in plan CSA/6036/107. *Reason: To define the scope of the permission and to secure acceptable residential living conditions.*
- 6) Notwithstanding the submitted Design and Access Statement and Development Framework Plan, prior to the submission of any reserved matters a Design Principles Document (DPD) shall be submitted to and approved in writing by the local planning authority. The document shall include the following:
 - (a) the principles for determining the design, form, heights and general arrangements of external architectural features of buildings;
 - (b) the principles of the hierarchy for roads and public spaces;
 - (c) the potential arrangement of car parking;
 - (d) the principles for the design of public realm;
 - (e) the principles for the layout of green infrastructure, including access to public open space, location and general arrangements of play area.

All reserved matters shall accord with the approved DPD. *Reason: To guide subsequent reserved matters applications in order to achieve a high quality of design.*
- 7) The first reserved matters application submitted pursuant to condition 1 shall include the submission of a Market Housing Mix Statement to the local planning authority for its written approval, setting out the dwelling sizes, types and tenures to be provided on site. It will address the needs of the local area and of older people, as set out in the local housing evidence base, including the most up-to-date Strategic Housing Market

Assessment. The development shall be implemented in accordance with the approved Market Housing Mix Statement. *Reason: To contribute to mixed and balanced communities and a balanced housing market.*

- 8) Notwithstanding the submitted details, the reserved matters submitted pursuant to condition 1 above shall include details of existing and proposed ground levels and finished floor levels of the buildings relative to the boundaries of the application site. The development shall be carried out in accordance with the approved details. *Reason: To protect the amenity of neighbouring properties and to ensure that the proposed development does not have an adverse effect on the character and appearance of the area.*
- 9) Any reserved matters submitted pursuant to condition 1 relating to appearance shall include details of the materials to be used in the construction of the external surfaces of any building. Development shall be carried out in accordance with the approved details. *Reason: In the interests of visual amenity.*
- 10) The reserved matters submitted pursuant to condition 1 shall provide full details of both hard and soft landscaping and shall include the following:
 - (a) positions, design, materials and type of boundary treatments to be erected;
 - (b) hard landscaping materials;
 - (c) a plan showing details of all existing trees and hedges on the site. The plan should include, for each tree/hedge, the accurate position, canopy spread and species, together with an indication of any proposals for felling/pruning and any proposed changes in ground level, or other works to be carried out, within the canopy spread;
 - (d) a plan showing the layout of proposed tree, hedge, shrub, ornamental planting and grassland/wildflower areas;
 - (e) a schedule of proposed planting, noting species, planting sizes and proposed numbers/densities;
 - (f) a written specification outlining cultivation and other operations associated with plant and green grass establishment;
 - (g) a schedule of maintenance, including watering and the control of competitive weed growth, for a minimum period of five years from first planting;
 - (h) a timetable or sequencing plan detailing the phased implementation of the landscaping scheme.

The planting shall be maintained in accordance with the approved schedule of maintenance. Any trees or plants which, within a period of five years from the completion of the planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. No dwelling hereby permitted shall be occupied until all hard landscaping and boundary treatment related to that dwelling has been completed in accordance with the approved details. *Reason: In the interests of visual amenity.*

- 11) Prior to the commencement of the development hereby approved, including all preparatory work, a scheme for the protection of the retained trees and hedgerows in accordance with BS 5837:2012, including a Tree Protection Plan (TPP) and an Arboricultural Method Statement (AMS), shall be submitted to and approved in writing by the local planning authority. The TPP and AMS should include details of the following:
- (a) location and installation of services/utilities/drainage;
 - (b) details of construction within the root protection area of, or that may impact upon, any of the retained trees;
 - (c) specifications for the installation of boundary treatment works;
 - (d) a specification for protective fencing to safeguard trees during construction phases and a plan indicating the alignment of the protective fencing;
 - (e) a specification for scaffolding and ground protection within tree protection zones;
 - (f) tree protection during construction indicated on a TPP and construction plan and construction activities clearly identified as prohibited in this area;
 - (g) details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well as concrete mixing and use of fires.

All works shall be carried out in accordance with the approved details.

Reason: To prevent existing trees from being damaged during construction work and to preserve the amenities of the locality.

- 12) No demolition or development shall start within the site of the proposal hereby approved until a Written Scheme of Investigation (WSI) of archaeological remains, including a timetable for the investigation, has been submitted to and approved in writing by the local planning authority. The WSI 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 WSI.

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

- 13) All demolition and development shall take place in accordance with the WSI. This condition shall not be discharged until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the WSI approved under condition 12, 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 may be lost.*
- 14) The development hereby approved shall not be occupied until visibility splays are provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 47 metres in each direction measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6 metres from the edge of the carriageway. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above carriageway level. *Reason: In the interests of highway safety.*
- 15) The development hereby approved shall not be occupied until the site access works shown on drawing P19105-00-03A have been constructed and completed. *Reason: To ensure the safe and free flow of traffic onto the highway.*
- 16) Notwithstanding the details submitted, the development hereby approved shall not commence until drawings of access for pedestrians and bicycles onto Hempsted Lane and A430 Secunda Way have been submitted to and approved in writing by the local planning authority and no dwelling shall be occupied until those works have been constructed in accordance with the approved details. *Reason: To ensure the safe and free flow of traffic onto the highway.*
- 17) Before first occupation, each dwelling hereby approved shall have been fitted with an Electric Vehicle Charging Point (EVCP) that complies with a technical charging performance specification, as agreed in writing by the local planning authority. Each EVCP shall be installed and available for use in accordance with the agreed specification unless replaced or upgraded to an equal or higher specification. *Reason: To promote sustainable travel and healthy communities.*
- 18) No individual dwelling hereby approved shall be occupied until sheltered, secure and accessible bicycle parking has been provided for it in accordance with details which shall first be submitted to and approved in writing by the local planning authority. The bicycle parking shall thereafter be maintained for this purpose. *Reason: To promote sustainable travel and healthy communities.*
- 19) None of the dwellings hereby approved shall be occupied until a Travel Plan has been submitted to and approved in writing by the local planning authority. The Travel Plan shall thereafter be implemented and updated as approved. *Reason: To promote sustainable forms of access to the development and reduce private motorised vehicle movements.*
- 20) Prior to commencement of the development hereby permitted details of a Construction Management Plan (CMP) shall be submitted to and approved in writing by the local planning authority. The CMP shall include:

- a) 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);
- b) any temporary access to the site;
- c) locations for loading/unloading and storage of plant, waste and construction materials;
- d) methods of preventing mud and dust being carried onto the highway;
- e) arrangements for turning vehicles;
- f) arrangements to receive abnormal loads or unusually large vehicles;
- g) a highway condition survey;
- h) methods of communicating the CMP to staff, visitors and neighbouring residents and businesses.

The approved CMP shall be adhered to throughout the construction period of the permitted development. *Reason: In the interests of highway safety.*

- 21) Floor levels should be set a minimum of 300mm above the 1% Annual Exceedance Probability (AEP) Fluvial 50% AEP Tidal model flood level including the 70% climate change allowance of 11 m above Ordnance Datum (Newlyn). *Reason: To protect the development from flooding.*
- 22) There shall be no temporary storage of any materials, including soil, within that part of the site liable to flood, as defined by the ground level of 10.5m Above Ordnance Datum (Newlyn) (mAOD(N)). Nor shall there be any dwellings located, or permanent raising of ground levels on ground below the 11m AOD(N) contour shown on the ground level survey drawing referenced Topo_01_2D within Appendix 1 of the Enzygo Flood Risk Assessment dated December 2019. *Reason: To ensure that there will be no increased risk of flooding to other land/properties due to impedance of flood flows and/or reduction of flood storage capacity.*
- 23) The intercept swales along the northern boundary of the site shall be fenced off from property gardens and shall be maintained as designed for the lifetime of the development. Accordingly, these should be included on the surface water drainage/SuDS management and maintenance plan. *Reason: To ensure the intercept swales fulfil their intended function for the lifetime of the development.*
- 24) The development hereby permitted shall not be commenced until detailed plans for surface water drainage works have been submitted to and approved in writing by the local planning authority. The information submitted shall be in accordance with the principles set out in the Technical Note by Enzygo dated 11 August 2022 (ref CRM.1132.021.HY.R.002.A - Outline Drainage Strategy). The submitted details shall include:
 - information about the design storm period and intensity;
 - methods employed to delay and control the surface water discharged from the site;
 - measures taken to prevent pollution of the receiving groundwater and/or surface waters;

a timetable for implementation.

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

- 25) Prior to the occupation of any dwelling, surface water drainage works shall have been implemented in accordance with details that have been approved in writing by the local planning authority under condition 24. Implementation will include the provision of a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. *Reason: To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding for the lifetime of the development.*
- 26) Notwithstanding the details submitted, any reserved matters submitted pursuant to condition 1 shall be accompanied by details of the proposed disposal of foul water flows. No dwelling hereby approved shall be first occupied until the foul water drainage scheme for that dwelling has been implemented in accordance with the approved details. *Reason: This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.*
- 27) Prior to the commencement of development, a Construction Ecological Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The CEMP shall include consideration of the retained stream (including SuDS to avoid polluting the stream), pond, hedgerows and trees, nesting birds, bats (including bat sensitive lighting plan showing lux levels), badgers, great crested newts, common toads, hedgehogs, water voles and otters. All works shall be carried out in accordance with the approved CEMP and a copy shall be given to the contractors on site to ensure that everyone is aware of the requirements to protect wildlife and habitats. *Reason: In the interests of biodiversity.*
- 28) Prior to the commencement of development, a Landscape Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority. The LEMP shall expand on the enhancement measures outlined and recommended in Section 7 of the Ecological Impact Assessment dated May 2022 prepared by Wardell Armstrong, and shall include details of:
- a) a monitoring regime for a minimum period of ten years to ensure habitats establish well and animal shelters remain in good state;
 - b) the person(s)/organisation responsible for created habitats;
 - c) habitat enhancements for water voles, bats, birds, reptiles, amphibians and hedgehogs;
 - d) the means to demonstrate at least a 10% Biodiversity Net Gain.
- All works shall be carried out in accordance with the approved LEMP. *Reason: In the interests of biodiversity.*
- 29) Prior to first occupation, a Homeowner Information Pack (HIP) setting out the location and sensitivities of the Cotswold Beechwoods Special Area of

Conservation (SAC) and Cotswold Commons & Beechwoods Site of Special Scientific Interest shall be submitted to and approved in writing by the local planning authority. The HIP shall include reference to the sensitivities of the sites, messages to help the new occupiers and their families enjoy informal recreation at the site and its local environment and how to avoid negatively affecting it. Two copies of the HIP shall be provided to each household prior to the occupation of each dwelling.

Reason: In the interests of biodiversity.

- 30) No development including site preparation shall commence until a detailed site waste management plan (SWMP) has been submitted to and approved in writing by the local planning authority. The SWMP shall include:
- a) the specific types and amount of waste materials forecast to be generated during site preparation and construction phases;
 - b) measures to minimise waste, maximise on-site re-use and recycling and recycling of any wastes unusable on-site and to reduce the overall amount of waste sent to landfill;
 - c) the proportions of recycled content used in construction.

The SWMP shall be implemented as approved. *Reason: To ensure waste minimisation and resource efficiency measures in accordance with adopted Gloucestershire Waste Core Strategy: Core Policy WCS2 – Waste Reduction and adopted Minerals Local Plan for Gloucestershire Policy SR01.*

- 31) No development above-ground shall commence until full details of the provision made for facilitating the management and recycling of waste generated during occupation have been submitted to and approved in writing by the local planning authority. This shall include details of the appropriate and adequate space and infrastructure to allow for the separate storage of recyclable waste materials. These details shall be implemented as approved. *Reason: To ensure waste minimisation and resource efficiency measures in accordance with adopted Gloucestershire Waste Core Strategy: Core Policy WCS2 – Waste Reduction.*
- 32) No development shall take place until details of the mitigation measures to achieve compliance with BS8233:2014, over recommended internal and external noise levels for occupiers of the new dwellings, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details, with mitigation measures completed to any dwellings prior to occupation. *Reason: In the interests of residential amenity.*
- 33) Prior to commencement of any development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The CEMP shall include
- a) site access/egress;
 - b) staff/contractor facilities and travel arrangements;
 - c) dust mitigation;
 - d) noise and vibration mitigation;

e) mitigation of the impacts of lighting proposed for the construction phase;

f) measures for controlling leaks and spillages, managing silt and pollutants;

g) plans for the disposal and recycling of waste.

Development shall take place only in accordance with the approved CEMP. *Reason: To protect existing and proposed properties from the impacts of short term exposure to noise, vibration, light and dust nuisance.*

- 34) During the construction phase (including preparatory groundworks), no machinery shall be operated, no process shall be carried out and no deliveries shall be taken at or dispatched from the site on Sundays, Bank or Public Holidays or outside the following times: Monday-Friday 0800-1800, Saturday 0800-1300. *Reason: To protect the living conditions of surrounding residents.*
- 35) No development shall commence until an Employment and Skills Plan (ESP) has been submitted to and approved in writing by the local planning authority. The ESP shall be adhered to throughout the implementation of the development and to the timetable agreed. *Reason: To create learning and employment opportunities for local people.*
- 36) A scheme for detailed site investigation shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. The scheme shall be designed to assess the nature and extent of any contamination and shall be led by the findings of the preliminary risk assessment (Phase I Geo-Environmental Report ref. CRM.1132.021.HY.R.002.A). The investigation and risk assessment scheme shall be compiled by competent persons and designed in accordance with the most recent land contamination risk management published by Government. The detailed site investigation and risk assessment shall be undertaken in accordance with the approved scheme and a written report of the findings produced and approved in writing by the local planning authority prior to the commencement of development. *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 receptor.*
- 37) Where the site investigation required by condition 36 identifies remediation is required, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be submitted for approval to the local planning authority. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. Following the completion of the measures identified in the approved remediation

scheme a validation report that demonstrates the effectiveness of the remediation carried out must be produced and shall be approved by the local planning authority prior to the occupation of any dwellings. *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.*

- 38) Any contamination found during construction not previously identified must be reported in writing to the local planning authority immediately. An investigation and risk assessment shall then be undertaken and where necessary a remediation scheme prepared to the written approval of the local planning authority. Following the completion of any measures identified in the approved remediation scheme, a validation report shall be prepared to the written approval of the local planning authority prior to the occupation of any buildings. *Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.*
- 39) Prior to the occupation of any dwelling within a phase or area of reserved matters, details of external lighting to public areas shall be submitted to and approved in writing by the local planning authority. The details shall include:
- a) light sensitive areas and/or dark corridor safeguarding areas
 - b) a description, design or specification of external lighting to be installed including shields, cowls or blinds where appropriate;
 - c) a description of the luminosity of lights and their light colour including a lux contour map;
 - d) the location and where appropriate the elevation of the light fixings;
 - e) methods to control lighting control, such as timer operation and passive infrared sensors.
- All external lighting shall be installed and thereafter maintained in accordance with the specifications and locations set out in the approved details. *Reason: In the interests of character and appearance and biodiversity.*
- 40) The development shall be carried out in such a way that 25% of all dwellings are constructed to Building Regulations Category M4(2) standard, and 5% of all affordable dwellings are constructed to Category M43(b) standard. *Reason: To ensure that the development meets the identified need in the area.*
- 41) The development hereby permitted shall ensure all dwellings meet Nationally Described Space Standards. *Reason: To ensure that the development meets the identified need in the area.*
