

APPLICATION NO: 21/02832/OUT	OFFICER: Mrs Lucy White
DATE REGISTERED: 15th January 2022	DATE OF EXPIRY: 16th April 2022/Agreed Extension of Time 20 th November 2023
WARD: St Marks	PARISH:
APPLICANT:	Chester West & Chester Borough Council
AGENT:	Mr Simon Firkins
LOCATION:	Lansdown Industrial Estate Gloucester Road Cheltenham
PROPOSAL:	Outline application for the redevelopment of the northern part of Lansdown industrial estate for up to 215 dwellings with associated access roads, parking and public open space following the demolition of the existing buildings. All matters reserved except for access.

Update to Officer Report

1. OFFICER COMMENTS

- 1.1. Further to the published officer report, a full schedule of suggested planning conditions and informatives is provided at the end of this report. Discussions are on-going in respect of applicant/officer agreement over the pre-commencement conditions. Members will be updated on this as soon as possible.

- 1.2. An updated list of Heads of Terms for the s106 Agreements is now agreed between the parties, as set out at the end of the report.

- 1.3. The Environment Agency has responded but offers no comment on the merits of the proposed development. Their response received on 11th January 2024 reads as follows:

I've checked back on the consultation that we received for this at the time and it was determined that this is not an application we would make bespoke comments on as it does not feature in our checklist for consultation. This is because the site is in Flood Zone 1, and I also note it is not an EIA application. Accordingly, we made no response. This is in accordance with our consultation arrangements that we have written to your Council about previously.

To assist, I can provide the following Informatives:

- *For our flood risk comments please refer to our Area Flood Risk Standing Advice.*
- *For contaminated land matters, you are advised to seek the comments of your Environmental Health Officer or Contaminated Land Officer, with reference to our 'Development Guidance' sheet.*
- *For foul drainage matters, you are advised to seek the completion of the 'Foul Drainage Assessment Form' for your consideration.*

Page 2

- *For Pollution Prevention and any consent requirements (separate to planning) you are advised to refer to our 'Development Guidance' sheet which includes pollution prevention advice relating to specific activities.*

I trust that the above confirms our position.

- 1.4. For the avoidance of doubt, the following paragraphs/sections of the officer report are amended to include reference to the public realm/heritage enhancements within the s106 Heads of Terms, as follows:-

Paragraph 6.121 - Obligations are also included to secure the implementation of the proposed public realm and heritage enhancements and interpretation within the retained southern half of the industrial estate, and the implementation and delivery of proposed development under applications 21/02828/OUT and 23/00728/FUL alongside the construction of the subject larger residential scheme.

Paragraph 6.163 – 7. Obligations to secure the implementation (and details) of the proposed public realm and heritage enhancements for the industrial estate. The proposed enhancements shall be in general accordance with the indicative proposals set out in the 'Lansdown Public Realm & Heritage Vision' dated April 2023.

Paragraph 7.13 – Implementation of the proposed public realm and heritage enhancements

CONDITIONS/REFUSAL REASONS

- 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 (including demolition works) and the development shall be carried out as approved.

Reason: To accord with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 Application(s) for approval of the reserved matters must be made not later than the expiration of three years from the date of this decision.

Reason: To accord with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 The outline planning permission hereby granted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To accord with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 4 Applications for approval of reserved matters shall be in substantial accordance with the submitted Parameter Plan and Framework Strategy (drawings LDR-AHR-MP-XX-DR-A-93-103 and LDR-AHR-MP-XX-DR-A-93-104) with the exception of ridge/storey heights of buildings adjacent to the railway line (south east site boundary), which in this location shall be a minimum of 2.5 storeys in height. Any proposed building heights above 2.5 storeys in this location shall be considered and approved by the local planning authority through relevant reserved matters applications, but in any event, shall not exceed five storeys in height within any part of this location.

Reason: In the interests of the character and appearance and of the area, the amenities of neighbouring land users and to ensure the development accords with the required principles and standards of urban design, having regard to adopted policies D1 and SL1 of the Cheltenham Plan (2020) and adopted policies SD4 and SD14 of the Joint Core Strategy (2017).

- 5 Applications for approval of reserved matters shall be in general accordance with the design principles of the (revised) Illustrative Masterplan ref LDR-AHR-MP-XX-DR-93 106 P04 in respect of the following only:-

a) incorporation of hedgerow planting within areas of public open space (but not restricted to the precise location shown on Drawing LDR-AHR-MP-XX-DR-93 106 P04

Reason: In the interests of the character and appearance of the area and to ensure the development accords with the required principles and standards of urban design, having regard to adopted policy D1 of the Cheltenham Plan (2020) and adopted policies SD4 of the Joint Core Strategy (2017).

- 6 The development hereby permitted shall provide no more than 215 dwellings.

Reason: To limit the terms of the permission in the interests of the character and appearance of the area.

- 7 The first reserved matters applications required by Condition 1 shall be accompanied by a Phasing Plan, giving details of the phasing and timing of the development, including the timing and phasing of all demolition works. The development shall be carried out in accordance with the approved Phasing Plan unless any variations have first been approved in writing by the local planning authority.

Reason: To ensure the development is delivered in an appropriate manner.

- 8 Prior to the submission of the first reserved matters application, a Housing Mix Statement for the open market housing shall be submitted to the local planning authority for approval. The Statement shall set out an appropriate mix of dwelling sizes, types and tenures to be provided on site that will contribute to a mixed and balanced housing market. The Statement shall address the needs of the local area having regard to the Council's current local housing evidence base. The development shall be implemented in accordance with the approved Statement.

Reason: To ensure the development meets the identified housing needs of the area in accordance with adopted policies of the Joint Core Strategy (2017)

- 9 The reserved matters required to be submitted and approved under Condition 1 shall include:

(i) details of the design, form and architectural features of the dwellings

Page 4

- (ii) details of the industrial heritage references incorporated into the design of the development
- (iii) details of external facing or roofing materials (including physical samples of materials where requested and garage door materials/finishes)
- (iv) details of windows and external doors (including garage doors)
- (v) details (to include elevation drawings) of the position, design, materials and type of boundary walls, fences and any other means of boundary enclosure
- (vi) details of cycle storage facilities for each dwelling;
- (vi)i details of refuse and recycling storage for each dwelling
- (viii) details of solar PV panels (location, design/specification)

Reason: In the interests of the character and appearance of the area, having regard to adopted policy D1 of the Cheltenham Plan (2020), adopted policy SD4 of the Joint Core Strategy (2017) and sections 12 and 16 of the NPPF (2023).

- 10 Prior to the commencement of development (excluding demolition and site clearance works), full details of the surface water drainage scheme shall be 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 submitted Flood Risk Assessment and Drainage Strategy prepared by Origin 3 (dated 22nd December 2023). The SuDS Strategy must include a detailed design, a timetable for implementation, and a full risk assessment for flooding during the groundworks and building phases with mitigation measures specified for identified flood risks. The SuDS Strategy must also demonstrate the technical feasibility/viability of the 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 approved scheme for the surface water drainage shall be implemented in accordance with the approved details before the development is first put in to use/occupied for residential purposes.

The surface water drainage scheme shall be implemented strictly in accordance with approved details.

Reason: To ensure sustainable drainage of the development, having regard to adopted policy INF2 of the Joint Core Strategy (2017). Approval is required upfront because the design of the drainage is an integral part of the development and its acceptability.

- 11 Prior to the commencement of development (excluding demolition and site clearance works), full details for the treatment, routing and disposal of foul water (including pollution control and monitoring measures) for the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details.

Reason: To ensure suitable foul drainage of the development, having regard to adopted policy INF2 of the Joint Core Strategy (2017). Approval is required upfront because the design of the drainage is an integral part of the development and its acceptability.

- 12 No part of the development shall be brought in to use/occupied for residential purposes until a SuDS management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime, has been submitted to and approved in writing by the Local Planning Authority. The approved SUDS management and maintenance plan shall be implemented in full in accordance with the approved terms and conditions.

Reason: To ensure sustainable drainage of the development, having regard to adopted policy INF2 of the Joint Core Strategy (2017).

- 13 Prior to the commencement of development and as part of the Reserved Matters application(s) submitted pursuant to condition 1, plans showing (i) the existing and proposed ground levels of the site and existing ground levels of adjacent land, (ii) details of the slab levels of the proposed buildings and (iii) ridge heights of the proposed buildings and ridge heights of existing buildings on land adjacent to the site (including dwellings located opposite the site on the north side of Rowanfield Road), shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented strictly in accordance with the agreed details.

Reason: To ensure a satisfactory relationship between the proposed development and adjacent buildings and land, having regard to adopted policies D1 and SL1 of the Cheltenham Plan (2020) and adopted policies SD4 and SD14 of the Joint Core Strategy (2017). Approval is required upfront to allow the impact of the development to be accurately assessed.

- 14 Prior to the commencement of development, a site investigation and risk assessment shall be carried out to assess the potential nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11 and shall include:

- a) a survey of the extent, scale and nature of contamination
- b) an assessment of the potential risks to:
 - human health
 - property (including buildings, crops, livestock, pets, woodland and service lines and pipes)
 - adjoining land
 - ecological systems
 - groundwaters and surface water
 - archaeological sites and ancient monuments
- c) an appraisal of remedial options to mitigate against any potentially significant risks identified from the risk assessment.

Where remediation is required, a detailed remediation scheme to bring the site to a condition suitable for the intended use shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2a of the Environmental Protection Act (1990) in relation to the intended use of the land after remediation.

The site investigation, risk assessment report, and proposed remediation scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any 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 receptors in accordance with adopted policy SD14 of the Joint Core Strategy (2017).

- 15 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 and development shall be halted on that part of the site affected by the unexpected contamination. An investigation and risk

Page 6

assessment must then be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11 and a remediation scheme, where necessary, also submitted. Following completion of measures identified in the approved remediation scheme, a verification report shall be submitted to and approved in writing by the Local Planning Authority before development can recommence on the part of the site identified as having unexpected contamination.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with adopted policy SD14 of the Joint Core Strategy (2017).

- 16 Prior to first occupation (for residential purposes) of any part of the development hereby permitted, the proposed vehicular access via Rowanfield Road shall be laid out and constructed in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a safe and suitable access to the development is provided and maintained in the interests of highway safety, having regard to adopted policy INF1 of the Joint Core Strategy (2017) and section 9 of the NPPF.

- 17 Notwithstanding the submitted details shown on drawing 05400-SK-007-P2, no part of the development shall be occupied until the following highway improvements/offsite works have been constructed in full and in accordance with details which shall have been first submitted to an approved in writing by the local planning authority.

1. Active Travel Connection/Pedestrian and Cycle link to Roman Road (as shown on Drawing Nos 05400-SK-007-P2 and LDR-AHR-MP-XX-DR-A-93-104)

Reason: To ensure the safe and free flow of traffic onto the highway, having regard to adopted policy INF1 of the Joint Core Strategy (2017), and Section 9 of the NPPF (2023).

- 18 No dwelling shall be occupied until:
(i) the carriageway(s) providing access from the public highway to that dwelling has been completed to at least binder course level and the footway(s) to surface course level and in accordance with the approved plans; and
(ii) the car/vehicle parking area, visitor parking and turning space associated with that dwelling (including garages and car ports where proposed) have been completed in accordance with the approved plans.

The access, parking (including garages) and turning areas shall thereafter be kept free of obstruction and available for the access, parking and turning of vehicles associated with the development.

Reason: To ensure that safe and suitable access is provided and maintained in the interests of highway safety, having regard to adopted policy INF1 of the Joint Core Strategy (2017), and Section 9 of the National Planning Policy Framework (2023).

- 19 The vehicular access hereby permitted shall not be brought into use until the existing vehicular accesses to the site (other than that intended to serve the development) have been permanently closed in accordance with details which shall have first been submitted to and agreed in writing by the Local Planning Authority.

Page 7

Reason: In the interests of highway safety having regard to adopted policy INF1 of the Joint Core Strategy (2017) and Section 9 of the National Planning Policy Framework (2023).

- 20 Prior to first occupation of the development, details of the arrangements for future management and maintenance of the roads/streets within the development shall be submitted to and approved in writing by the local planning authority. The roads/streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.

Reason: To ensure that safe and suitable access is provided and maintained in the interests of highway safety, having regard to adopted policy INF1 of the Joint Core Strategy (2017) and Section 9 of the National Planning Policy Framework (2023).

- 21 All proposed houses shall be provided with one electric vehicle charging point. Within any car courts/parking areas associated with flats/apartments, provision shall be made for 1 active electric vehicle charging point in every 10 parking spaces and passive provision provided to the equivalent of 1 electric vehicle charging point per dwelling served by the car court. The details of the appearance, location and type of electric vehicle charging point shall have been submitted to and approved in writing by the local planning authority prior to the commencement of any above ground development. The electric vehicle charging points shall be installed prior to the first occupation of the dwelling(s) to which it relates and shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging points shall be of the same specification or a higher specification in terms of charging performance.

Reason: In the interests of sustainable development and the reduction of carbon emissions, having regard to Section 9 of the NPPF (2023) and the Council's Climate Change SPD (adopted 2022).

- 22 No dwelling shall be occupied until secure covered cycle storage for that dwelling has been provided and in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. The cycle storage shall thereafter be retained available at all times for such use in accordance with the approved details.

Reason: To ensure the adequate provision and availability of cycle parking, so as to ensure that opportunities for sustainable transport modes have been taken up, having regard adopted policy INF1 of the Joint Core Strategy (2017) and section 9 of the NPPF (2023).

- 23 Prior to their installation, a scheme for the provision of fire hydrants (served by mains water supply) shall be submitted to and agreed in writing by the Local Planning Authority. No dwelling shall be occupied until the fire hydrant serving that property has been provided in accordance with the agreed scheme.

Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire, having regard to adopted policy INF6 of the Joint Core Strategy (2017).

- 24 Prior to the commencement of development or if relevant, prior to the commencement of each phase of the development, a Construction Traffic Environmental Management Plan (CTEMP) shall be submitted to and approved in writing by the Local Planning Authority. The approved CTEMP shall be adhered to throughout the site preparation,

Page 8

demolition and construction periods unless the Local Planning Authority gives prior written permission for any variation. The plans/statements shall include but shall not be restricted to:

- 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);
- Advisory routes for construction traffic;
- Types, size and numbers of construction related vehicles anticipated daily including arrangements to receive abnormal loads or unusually large vehicles;
- Any temporary access into the site;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud and dust being carried onto the highway;
- Measures for the control of noise, dust and other air borne pollutants during works of demolition and construction;
- Wheel washing facilities;
- Arrangements for turning vehicles;
- Measures for the control of site lighting (required for safe working or for security purposes);
- Arrangements to receive abnormal loads or unusually large vehicles; and
- Methods of communicating the CTEMP to staff, visitors and neighbouring residents and businesses.

No construction works and/or ancillary operations which are audible at the site boundary shall be carried out on site outside the following hours:

Monday to Friday - 8am to 6pm

Saturday - 8am to 1pm

There shall be no working on Sundays or Public or Bank Holidays. Deliveries to, and removal of plant, equipment, machinery and waste from, the site shall only take place within the permitted hours detailed above.

Reason: In the interests of highway safety and to safeguard the amenity of occupiers of neighbouring properties, having regard to adopted policy SL1 of the Cheltenham Plan and adopted policies SD14 and INF1 of the Joint Core Strategy (2017). Approval is required upfront because without proper mitigation the works could have an unacceptable highway impact during construction.

- 25 No development shall take place until a Site Waste Management Plan (SWMP) has been submitted to and approved in writing by the Local Planning Authority. The SWMP shall include:

- Information on the type and amount of waste likely to be generated prior to and during the construction phase;
- Details of the practical arrangements for managing waste generated during construction in accordance with the principles of waste minimisation; and
- Details of the measures for ensuring the delivery of waste minimisation during the construction phase.

The approved SWMP shall be adhered to throughout the demolition and construction period.

Reason: To ensure the effective implementation of waste minimisation in accordance with the Gloucestershire Waste Core Strategy. Approval is required upfront because without proper mitigation the works could have an unacceptable highway impact during construction.

- 26 As part of the Reserved Matters application(s) submitted pursuant to condition 1, a Waste Minimisation Statement (WMS) shall be submitted to and agreed in writing by the Local Planning Authority, The WMS shall include provision within the residential development of on-site storage receptacles for recycling a range of materials as specified by the Waste Collection Authority, at identified locations and appropriate to the number of residential units proposed; and suitable accessing arrangements for recycling/waste collection vehicles.

No dwelling shall be occupied until the provisions set out in the approved WMS that are relevant to that dwelling have been implemented in full. All of the approved measures shall thereafter be maintained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In accordance with Gloucestershire Waste Local Plan Policy W36 relating to waste minimisation.

- 27 No piling activities shall be carried out at this site until a full pile method statement has been submitted to and approved in writing by the Local Planning Authority. The method statement must assess and include full details of the noise and vibration impact from the piling operations on the nearest residential property, dates and times of piling and details of monitoring measures. All piling activities shall be carried out in accordance with the approved details.

Reason: To safeguard the amenity of adjacent properties and the general locality, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policy SD14 of the Joint Core Strategy (2017).

- 28 The development hereby approved shall be carried out at all times (including during all ground and vegetation clearance works) and thereafter maintained in accordance with the recommendations and mitigation measures for protected species as outlined in the (All Ecology Walkover) Ecology report dated March 2022.

Prior to the commencement of development (including any demolition works), the required bat surveys of the two buildings identified within the above ecological report shall be submitted to and approved in writing by the local planning authority . The development shall be carried out in accordance with the agreed details. Should roosting bats be present, then evidence of a Natural England bat licence should also be submitted to the local planning authority prior to commencement of development/demolition works on site.

Reason: To safeguard important ecological species and to ensure the development contributes to the conservation and enhancement of biodiversity within the site and the wider area during the construction and operational phases of the development, having regard to adopted policy SD9 of the Joint Core Strategy (2017).

- 29 Prior to the commencement of development (including site clearance works), a Landscape and Ecological Management Plan (LEMP), covering a 30 year period, shall be submitted to and approved in writing by the local planning authority. The LEMP shall set out and expand upon the proposed ecological enhancement measures and management and maintenance measures outlined within the (All Ecology) Ecology report dated March 2022 and the subsequent LPA reviewed bat report(s). The LEMP shall also be in accordance with the reported Biodiversity Net Gain (BNG) calculations set out in the (All Ecology) Biodiversity Net Gain Preliminary Design Stage Report BNG dated September 2023 and shall include an updated BNG spreadsheet that confirms positive BNG.

Page 10

In addition to the approved LEMP, prior to first occupation of the relevant dwellings/buildings, hedgehog tunnels shall be installed within the bases of some garden or other boundary fences and in accordance with details which shall have been first submitted to and approved in writing by the local planning authority.

The development hereby approved shall be carried out at all times (including during all ground and vegetation clearance works) in accordance with the approved LEMP and BNG details.

Any modifications to the approved LEMP, for example as a result of requirements of a protected species license, must be submitted to and agreed in writing by the Local Planning Authority and prior to the implementation of any modifications.

Reason: To safeguard important ecological species and to ensure the development contributes to the conservation and enhancement of biodiversity within the site and the wider area during the construction and operational phases of the development, having regard to adopted policy SD9 of the Joint Core Strategy (2017).

- 30 As part of the Reserved Matters application(s) submitted pursuant to condition 1, an Environmental Noise Impact Assessment shall be submitted to and approved in writing by the local planning authority. The noise impact assessment shall consider the following:-

1. The noise and environmental impacts of the railway line on any adjacent proposed residential units
2. The noise and environmental impacts of adjacent industrial/commercial units on the future occupiers of the proposed dwellings
3. Details of façade/fenestration and boundary treatment specifications/mitigation.

Any approved noise mitigation measures shall be installed in full prior to first occupation of the affected properties and retained thereafter for the lifetime of the development.

Reason: To safeguard the amenity of adjacent properties and the general locality, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policy SD14 of the Joint Core Strategy (2017).

- 31 The submission of details required by Condition 1 shall include full details of a hard and soft landscaping and boundary treatment scheme for both the residential and open space elements of the proposed development. The scheme shall include (but shall not be limited to) the following:

1. A written specification of all tree, shrub, hedgerow and other planting categories; describing the species, sizes, spacing, densities and planting numbers;
2. Details of any retained trees, hedgerow and other ecological features;
3. Details of hard surfacing materials;
4. Details of the phasing of implementation of all proposed hard and soft landscaping;
5. Details of any proposed aquatic planting for any SuDS features proposed;
6. Details of hard and soft boundary treatments (including details of materials and elevation drawings where relevant);
7. Details of biodiversity net gain (BNG), in accordance with Defra's Biodiversity Metric 4.0;
8. A detailed Landscape and Tree Management and Maintenance Scheme (LTMMS) (for the short, medium and long term - 5, 10 and 30 years), based on the principles set out in the approved LEMP.

All hard and soft landscaping and boundary treatments shall be implemented and maintained in accordance with the approved details (including the approved LTMMS),

and in accordance with a timetable agreed with the local planning authority. Any trees, hedgerows or other plants which, within a period of 10 years from the date that they were planted, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season (October to March) with others of the same size or species unless otherwise first agreed in writing by the local planning authority. Any pruning works shall be carried out in accordance with BS 3998:2010 (or any standard that reproduces or replaces this standard).

Reason: In the interests of the character and appearance of the area, having regard to adopted policies D1, GI2 and GI3 of the Cheltenham Plan (2020), and adopted policies SD4 and INF3 of the Joint Core Strategy (2017).

- 32 Prior to the commencement of above ground works (excluding site clearance, utilities and drainage works), full details of the external lighting scheme, shall be submitted to and approved in writing by the local planning authority. The details shall include but shall not be limited to the following:

- a. the position, height and type of all external lighting (including any security lighting and other lighting fixed externally to buildings);
- b. the intensity of lighting and spread of light as a lux contour plan (including horizontal and vertical components);
- c. lighting calculations and assessment;
- d. measures to minimise light spill/pollution;
- e. measures to minimise the effects of lighting on protected wildlife species (notably bats);
- f. the periods of day and night (throughout the year) when such lighting will be used and controlled for construction and operational needs.

The development shall be carried out in accordance with the details approved.

Reason: To safeguard the amenity of adjacent properties and the general locality and to safeguard important ecological species and to ensure the development contributes to the conservation and enhancement of biodiversity within the site and the wider area during the construction and operational phases of the development; having regard to adopted policy SL1 of the Cheltenham Plan (2020), adopted policies SD9 and SD14 of the Joint Core Strategy (2017).

- 33 Details of a scheme for Public Art within the area(s) of public open space shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be installed within six months following the completion of the development or in accordance with a timetable previously agreed in writing by the local planning authority.

Reason: To allow provision of public art in accordance with the public realm objectives of adopted Policy SD4 of the JCS, having regard to the Cheltenham Public Art Strategy (2017) and the site's industrial heritage.

- 34 Prior to first occupation of the development, details of a Homeowner's Information Pack resource providing information on recreation resources in the locality shall be submitted to and approved in writing by the Local Planning Authority. The pack should reference (off site) local and regional recreation opportunities.

Each household shall be provided with an approved Homeowner Information Pack on first occupation.

Reason: To assist in mitigating any impacts the proposed development may cause to designated landscape areas having regard to Policy BG1 of the Cheltenham Plan,

Policy SD9 of the Joint Core Strategy (2017) and guidance set out at section 15 of the NPPF (2023).

- 35 The details to be submitted for approval as part of the Reserved Matters application(s) pursuant to condition 1, shall include an updated Energy and Sustainability Statement. The statement shall demonstrate an improvement on the energy efficiency of the scheme over and above the Building Regulations in place at the time of the Reserved Matters application(s) submission and shall include (but shall not be restricted to) the following information:

- a. details of the methods used to calculate predicted annual energy demand and associated carbon emissions;
- b. measures to reduce impact on climate change (including consideration of heat proofing, construction techniques, building fabric, solar gain, natural lighting, shading, orientation, water retention, flood mitigation and landscaping).
- c. details of non fossil fuel/renewable heating solutions
- d. details of solar PV panels

The development shall be carried out in accordance with the details approved.

Reason: In the interests of reducing carbon emissions, having regard to adopted policies adopted policy SD3 of the Joint Core Strategy (2017) and guidance set out in Cheltenham Climate Change SPD (2022).

- 36 No dwelling/building hereby permitted shall be connected to mains gas supplies for the purposes of domestic hot water or space heating.

Reason: To ensure that the development contributes towards the mitigation of Climate Change, having regard to Strategic Objective 6, policies SD3 and INF5 of the Joint Core Strategy (2017) and the guidance set out in Cheltenham Climate SPD (adopted 2022).

- 37 No dwelling shall be occupied until dog bins have been located at access points to neighbouring footpaths.

Reason: To promote healthy communities in accordance with policies SD9 and SD14 of the Joint Core Strategy (2017).

- 38 No demolition works shall commence on site until a contract has been signed to carry out works in accordance with a redevelopment scheme for which reserved matters planning permission, pursuant to Condition 1, has been granted.

Reason: To ensure that premature demolition does not result in harm to the character and appearance of the locality and an unsightly gap in the street scene in accordance with Policy D1 of the Cheltenham Plan (2020), Policy SD4 of the JCS (2017) and national guidance set out within the NPPF (2023).

- 39 Details of a scheme of interpretation for the industrial heritage of the application site (which shall include, but not limited to, details of the location, content and design of interpretation boards to provide the public with a better understanding of the site's industrial heritage) shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be fully implemented prior to the completion of the development.

Reason: In the interests of local industrial heritage and conservation, having regard to Section 16 of the NPPF (2023).

INFORMATIVES :-

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, the authority sought revisions to the illustrative layout of the proposed development and additional information on existing and future employment use within the site and wider industrial estate; in the interests of protection of important ecological species and the long term employment use of the Lansdown Industrial Estate.

Following these negotiations, the application now constitutes sustainable development and has therefore been approved in a timely manner.

- 2 The development hereby approved includes the carrying out of work on the adopted highway. The applicant/developer is advised that before undertaking work on the adopted highway they 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 should be made with the Highway Authority's Legal Agreements Development Management Team at highwaylegalagreements@gloucestershire.gov.uk allowing sufficient time for the preparation and signing of the Agreement. The applicant/developer will be required to pay fees to cover the Council's 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.

- 3 All new streets must be tree lined as required in the National Planning Policy Framework. All proposed street trees must be suitable for transport corridors as defined by Trees and Design Action Group (TDAG). Details should be provided of what management systems are to be included, this includes root protections, watering and ongoing management. Street trees are likely to be subject to a commuted sum.
- 4 The development hereby approved and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). The applicant/developer is advised to contact the Highway Authority's Network Management Team at Network&TrafficManagement@gloucestershire.gov.uk before undertaking any work, to

discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions. Contact should be made a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.

- 5 Drainage arrangements shall be provided to ensure that surface water from driveways and/or vehicular turning areas 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.
- 6 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" which sets out:

Constructors should give the utmost consideration to their impact on neighbours and the public when:-

- 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.

Draft Heads of Terms: Lansdown Industrial Estate (V3)**Owner and Applicant**

Cheshire West and Chester Council

Applicant's Solicitor

Forsters LLP
31 Hill Street
London
W1J 5LS
Telephone: +44 20 7863 8535
Mobile: +44 79896 90477
Email: ella.jones@forsters.co.uk

Title Number

GR161376

Application reference number and description

21/02832/OUT - Outline application for the redevelopment of the northern part of Lansdown Industrial Estate for up to 215 dwellings with associated access roads, parking and public open space following the demolition of the existing buildings. All matters reserved except for access.

Subject to viability and the application of the relevant parts of the CIL Regulations and paragraphs of the NPPF, the applicant is agreeable to:

- Provision of affordable housing [currently 40 on site affordable units and to be finally determined by **full review** of Viability Assessment at detailed planning stage]
- Provision of public open space to be confirmed at detailed planning stage
- Contribution to off-site improvements to local green space/recreational facilities, subject to an identified need and proportionate contributions
- Contribution to education [£650,722] to be reviewed depending on the precise number and mix of units applied for at detailed planning stage
- Contribution to libraries [£42,140] to be reviewed depending on the precise number and mix of units applied for at detailed planning stage
- 'Implementation and delivery of the public realm and heritage enhancement works in respect of the retained Southern portion of Lansdown Industrial Estate. The works shall be in general accordance with indicative 'Lansdown Public Realm &

12 ROYAL CRESCENT, CHELTENHAM, GLOUCESTERSHIRE GL50 3DA T: 01242 231575

 @SFPLANNINGLTD INFO@SFPLANNING.CO.UK WWW.SFPLANNING.CO.UK

Page 16

Heritage Vision' dated April 2023. (The approval of the detail of these works will follow and will also be subject to further stakeholder engagement).

In addition, it is anticipated the following clauses will need to be included in some form in the S106 agreement

1. The implementation of planning permission reference 21/02828/OUT (including the creation of the pedestrian and cycle 'link' through to Roman Road which is also proposed as part of application reference 21/02832/OUT) and planning permission 23/00728/FUL alongside the implementation of planning permission reference 21/02832/OUT.
2. Appropriate trigger points relating to the implementation of planning permission 21/02832/OUT and the implementation of planning permissions 21/2828/OUT and 23/00728/FUL; for example restricting occupation of a certain number of dwellings under planning permission 21/02832/OUT before completion of 23/00728/FUL and 21/2828/OUT and the provision of the 'cycle and pedestrian link' in application 21/2828/OUT.
3. Above (2) also being subject to the Lansdown Artists' Studios securing appropriate funding to enable occupation of the property under planning permission 23/00728/FUL.
4. A full review mechanism to reassess Viability in light of changing costs, market conditions and any confirmed CIL liability, vacant building credit (VBC) and any other viability related considerations upon granting of consent for detailed design by either approval of reserved matters or full planning permission.