

Planning Committee Update: 22/01107/OUT (Tewkesbury Application Number) and 22/01817/OUT (Cheltenham Application Number)

Planning Conditions

Following the publication of the Committee Report, officers have continued to liaise with the applicant and County Highways Authority regarding recommended planning conditions.

Following these discussions, amendments to the conditions are recommended as follows:

Condition 5 – Reserved Matters and Timing of Submission

It is recommended that condition 5 is amended to allow the applicant additional time to submit reserved matters applications in the event that there is a delay in the completion of DCO M5 Junction 10 Improvement Works Scheme. This is considered reasonable by officers, given the restrictions in the quantum of development that are imposed by recommended conditions 35 and 43, and the inter-relationship with the DCO delivery timescales.

It is recommended that condition 5 is amended to state:

“No part of the development shall take place on a particular phase, subphase, or development parcel until full details of the layout, scale, appearance and landscaping within the phase, subphase, or development parcel (hereinafter called “the reserved matters”) have been submitted to and approved in writing by the local planning authority. Application for approval of the reserved matters for the first phase as identified by the phasing plan required under Condition 4 shall be made to the local planning authority no later than the expiration of TWO years from the date of this permission and the last application for reserved matters approval shall be made no later than SIX years beginning on the date of this permission unless there is a delay to the completion of the J10 Improvement Works Scheme. If the J10 Improvement Works Scheme is not completed by a date FOUR years from the date of this permission, then a further TWO years will be added to the deadline for the submission of the last reserved matter.”

Condition 10 – Open Space

It is recommended that condition 10 is amended to allow for phasing of the delivery of open space within each sub-phase to allow for the tailoring of delivery to take account of ongoing construction works within each phase, to be agreed by the Local Planning Authorities.

It is recommended that condition 10 is amended to state:

“Each application for the approval of reserved matters shall include the following details for each phase that includes open space provision within that application:

- a. Open spaces, including on-site SANG;*
- b. Locations, specifications and product literature relating to street furniture including signs, seats, bollards, planters and refuse bins;*
- c. Whether public access will be permitted to such land; ~~and~~*
- d. Details of measures to promote ecological interests and biodiversity; and*
- e. An open space phasing plan showing how the delivery of the open space will be phased and completed as part of that phase of development.*

The open space provision shall be implemented in accordance with the details agreed as part of the reserved matters approval for that phase. The open space shall be completed and available for use in accordance with the approved open space phasing plan and shall be permanently maintained and retained for such amenity purposes thereafter.”

Condition 28 – Hours of construction

The applicant has advised that there are occasions during a construction process where there is a benefit to the community that some works are undertaken outside of the specified hours as they would cause less disruption. It has been agreed that a mechanism be included in the planning condition whereby any works outside of the specified hours can be agreed by the planning authority. It is therefore recommended that condition 28 is amended to states:

“During the construction phase (including demolition and preparatory groundworks), no machinery shall be operated, no process shall be carried out, and no deliveries shall be taken at or dispatched from the site outside the following times: Monday-Friday 8.00-18.00, Saturday 8.00-13.00, nor at any time on Sundays, Bank or Public Holidays, unless otherwise agreed in writing by the local planning authority.”

Condition 41 – Off-Site Active Travel

A typographical error has been identified in condition 41 and should read Blaisdon Way. It is recommended that condition 41 is amended to state:

Prior to commencement of the 190th dwelling the active travel measures detailed on;

*205369-PD29.3 I – Old Gloucester Road – Active Travel Link (Pilgrove Way to Blaisdon Way)
205369-PD29.4.E – Old Gloucester Road – Active Travel Link (Blaisdon Way to Hayden Road)
21185-009-P10- Springbank Area. 21185-018-P02 – Henley Road to Marshland Road [applicant to confirm who is delivering this]*

Shall be implemented in full and made available for use

Condition 47 – Delivery of Works

To allow for the phased delivery of odour mitigation works it is recommended that condition 47 is amended to remove reference to ‘wider allocation residential areas’ to state:

“Prior to first occupation of any dwelling, the LPA shall be provided with evidence that a contract for the odour mitigation works at the Hayden Wastewater Treatment Works (WwTW) has been let which removes the primary school site- from the 2.5 OU/m3 isopleth as shown in ‘Odour impact assessment of Hayden WwTW’ (Ref: WESTCHEL23A_Version_V6_FINAL), and a timeline for the works to be completed has been provided, which demonstrates how the mitigation works will be completed prior to the occupation of the 200th dwelling. The works shall be completed in accordance with the agreed timeline unless otherwise agreed in writing by the Local Planning Authority.”

Condition 49 – Validation of Works

It is recommended condition 49, is amended to a trigger of 201 dwellings to allow for the completion of 200 dwellings by condition 48. It is recommended condition 49 is amended to state:

“Upon completion of odour mitigation works at Hayden WwTW, and prior to the occupation of 201 dwellings, the ‘Odour impact assessment of Hayden WwTW’ (Ref: WESTCHEL23A_Version_V6_FINAL) must be updated to compare the assumptions made regarding odour mitigation works against monitored olfactometric sampling data. Providing the olfactometric sampling results do not change the conclusions of the odour impact assessment, further construction of the development(s) can commence, up to the post-mitigation (amended) 2.5 OU/m3 isopleth. The results of the new olfactometric sampling, alongside details of the completed odour mitigation works, must be submitted to and agreed by the Local Planning Authority prior to occupation of dwellings, except those excluded by Condition 48 above.

If olfactometric sampling results suggest that any development areas previously deemed acceptable for their end-uses are no longer acceptable (i.e. odour concentrations would remain above 2.5 OU/m3 following the odour mitigation works), a report detailing further odour assessment(s), further abatement at the WwTW, and/or the redesigning of the development shall be submitted to and agreed by the Local Planning Authority prior to occupation of dwellings, except those excluded by Condition 48 above.”

Additional Representations

An additional representation has been received from Gloucestershire Ramblers stating:

“It is noted in the ES Addendum - Travel Plan part 1 s 4.5.4 that no PROWS are to be diverted. It should be noted that:

-All PROWs should be in green corridors and away from estate roads (Defra Circular 1/09 section 7.8)

-Paths should be 3m width (2m plus 0.5m either side to any boundary)

-Surfaces should where possible have a grass surface with stone substrate and suitable drainage

-Gates rather than styles used.”