

APPLICATION NO: 13/00756/FUL		OFFICER: Mrs Wendy Hopkins	
DATE REGISTERED: 10th May 2013		DATE OF EXPIRY: 9th August 2013	
WARD: Leckhampton		PARISH: Leckhampton With Warden Hill	
APPLICANT:	Martin Scott Homes		
AGENT:	David Keyte		
LOCATION:	Leckhampton Industrial Estate, Leckhampton Road Cheltenham		
PROPOSAL:	Demolition of existing buildings and residential development comprising the construction of 28 dwellings		

Update to Officer Report

1. Ecologist consultee response

- 1.1. Following on from the main report a response has been received from the County Ecologist and is reproduced below:

Submission of Further Information

This memo updates previous advice to you dated 15th July 2013 where I recommended that the above application could be determined subject to conditions, advisory notes and a S106 agreement. Since July a significant number of revised plans and documents have been submitted in connection with this application. I have therefore looked at those documents that are relevant to biodiversity matters.

The Revised Bat Roost drawing shows a very similar structure except that the access for bats is now restricted to one opening on the east facing wall (strangely labelled rear) to help direct bat movement along a particular pathway. Looking at the revised site plan it is noticed that the replacement bat roost structure (house) is now to be placed in the south west corner of the development (instead of the north west). This gives immediate access to another of the boundaries of the site. The revised soft landscape plan shows that there will be a planted embankment along the southern side of the development which the bat access entrance/exit will be orientated onto. What however appears to be missing is a planting schedule list on the soft landscape plan for this embankment adjoining or to be part of the existing southern hedgerow? This is crucial to successful bat movement and foraging to and from the new roosts(s). If the embankment is sufficiently covered with shrubs/hedgerow and trees then the new location for the bat house would be adequate. It is therefore recommended that the missing embankment planting details are sought for submission under a condition. The early construction of the bat house and its use by horseshoe bats is very important and must happen before the existing bunker roost is demolished. The full bat measures involved in this development proposal are set out in 'Mitigation and Compensation (Revision 1, October 2013' which is a strategy for bats and is also reflected in 'Document 1 Background and supporting information (Revision 1, Oct 2013)' which appears to have been drawn up for the prospective EPS licence application to Natural England. Figure 2 within the (Bat) Mitigation & Compensation (Strategy) shows the locations of the required bat house but also importantly the bat boxes and bat access panels. In regards the latter the exact bat box and panel types (all higher quality Schwegler) are confirmed which is important.

Post development safeguards are also covered including roost and boundary maintenance. Monitoring is also proposed which would also be a requirement of the proposed bat licence but still needs to be secured by a prospective planning consent too. Usefully it is intended to register the monitoring of the bat house roost with the National Bat Monitoring Programme so that it is visited in the much longer term. Ownership of the

bat house will be transferred to a reputable body such as the Gloucestershire Wildlife Trust, Bat Group or perhaps I should add the Vincent Wildlife Trust. A S106 agreement is recommended to cover certain measures which probably relates to my earlier comments on this planning application. Helpfully for planning (and licensing) enforcement (if needed) a timetable of works is included in the strategy.

Choice of lighting columns and luminaires (shrouded down lighters) is probably appropriate but a final lighting scheme showing final lighting positions and lux contours should be conditioned to ensure the measures in the (Bat) Mitigation & Compensation Strategy will be put in place correctly.

The submitted 'Annex 2' Outline Landscape Maintenance Plan compliments the soft landscape plan (drawing) and needs to be implemented through the S106 agreement. Finally to cover all the bat requirements to make this application acceptable and confirm it is compliant with the Habitats Regulations (see my previous memo) there is Annex 1 'Management of Common Areas' which I assume would be part of the S106 for this development if consented. It covers the essential maintenance requirements for bats and how this will be funded.

Revised Recommendations

My updated advice is that as part of a consent that may be able to be granted the following items should be attached:

1. Condition – The measures of the bat strategy shall be implemented in accordance with the approved document 'Mitigation and compensation (Revision 1, October 2013)' Reason - To ensure that biodiversity is conserved and in accordance with ODPM Circular 06/2005 plus National Planning Policy Framework paragraphs 109 and 118.

2. Condition – No demolition, hedgerow, tree or shrub removal shall take place between 1st March and 31st August inclusive unless a survey to assess the nesting bird activity on the site during this period has been undertaken and a method of working to protect any nesting bird interest found is established and then implemented. Reason: To ensure that wild birds building or using their nests are protected as required by law and in accordance with ODPM Circular 06/2005 plus National Planning Policy Framework paragraphs 109 and 118.

3. Condition – A small scale biodiversity enhancement scheme for nesting birds including features based on paragraph 5.12 of the Extended Phase 1 Habitat Survey dated February 2013 shall be submitted for approval by the Local Planning Authority prior to development commencing. Locations and descriptions of features will need to be specified plus any required maintenance regime to maintain biodiversity interest or use. The scheme shall be implemented as approved within three months of the occupation of the dwellings. Reason: This is in accordance with National Planning Policy Framework paragraphs 109 and 118 and also Section 40 of the Natural Environment and Rural Communities Act 2006, which confers a general biodiversity duty upon Local Authorities.

4. Condition – During the construction phase all hazardous chemicals, if left on site overnight, are to be secured and any excavations covered or designed with one sloped side or ramp in place. Also all open pipes to be capped off overnight that are larger than 150mm outside diameter.

Reason: As a precaution to ensure the site is made safe from environmental pollution and that animals including those legally protected are prevented from becoming trapped within excavations. In accordance with ODPM Circular 06/2005 plus National Planning Policy Framework paragraphs 109 and 118.

5. Condition – A final Soft Landscape Scheme based on the Soft Landscape Plan – 04 dated 04.11.2013 showing additionally and clearly a planting schedule for the planted embankment along the southern side of the site shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The plan shall be implemented as approved by the Local Planning Authority. Reason: To conserve and enhance a location of recognised nature conservation importance and in accordance with ODPM Circular 06/2005 plus National Planning Policy Framework paragraphs 109 and 118.

6. Condition – A Lighting Scheme comprising of low-level bollards and sensitively placed columns with luminaires that limit light spillage and avoid illumination of the new dedicated bat house, bat boxes, bat panels and the boundary hedgerows, shrubs and trees shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The scheme shall include a lux plan and be implemented as approved. Reason - To avoid light pollution and impact on protected species (bats) and local amenity and in accordance with ODPM Circular 06/2005 plus National Planning Policy Framework paragraphs 109 and 118.

7. Section 106 Agreement – This is probably needed for other matters too but for biodiversity it needs to cover: Ownership and long-term maintenance of the new dedicated bat house, bat boxes, bat panels and bird nesting features as set out in the bat strategy; Retention and long-term maintenance of the southern and eastern boundary hedgerow, shrubs and trees as set out in the bat strategy AND Annex 2 Outline Landscape Maintenance Plan AND Annex 1 Management of Common Areas; Operation and long-term maintenance of lighting (see also condition above which just covers the type and installation of lighting).

8. Advice Note - To assist in the strategic conservation of countywide biodiversity, all species and habitat records from the ecological work commissioned by the applicant should be copied [preferably in electronic format] to the Gloucestershire Centre for Environmental Records (GCER).

9. Advice Note – If a protected species (such as any bat, badger, reptile, barn owl or any nesting bird) is discovered using a feature on site that would be affected by the development or construction work all activity which might affect the species at the locality should cease. If the discovery can be dealt with satisfactorily by the implementation of biodiversity mitigation measures already approved by the Local Planning Authority then these should be implemented. Otherwise a suitably qualified ecological consultant should be contacted and the situation assessed before operations can proceed. This action is necessary to avoid possible prosecution and ensure compliance with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and/or the Protection of Badgers Act 1992. This advice note should be passed on to any persons/contractors carrying out the development/works. These recommendations are in accordance with the National Planning Policy Framework and ODPM Circular 06/2005 and in accordance with Section 40 of the Natural Environment and Rural Communities Act 2006 which confers a general biodiversity duty upon Local Authorities whilst exercising their functions.

- 1.2. In light of these comments and subject to the suggested conditions and securing a section 106 agreement, as outlined above, to ensure the on-going protection of biodiversity on the site the proposal accords with national and European legislation, ODPM Circular 06/2005, Local Plan Policy NE3 and paragraphs 109 and 118 of the NPPF.

2. Development viability and affordable housing

2.1. The final District Valuers Service (DVS) report on the viability of the development in respect of the level of contributions to be sought as part of the planning application is awaited. In the interests of securing a viable level of affordable housing with an acceptable tenure mix the following comments have been provided by the Housing Enabling Team. These comments shall be used to inform the DVS assessment and are reproduced below:

The site comprises of 28 dwellings, in order to be policy compliant, a minimum of 40% of total dwellings must be affordable dwellings on this site. This equates to 12 affordable housing units. Local Plan Policy also requires a mix of 70:30 rented to intermediate housing.

Having regard to local needs, we would seek the following mix of affordable dwellings on a policy compliant site:

	Affordable rented	Social Rented	Intermediate Affordable	Total
3 bed houses	5		4	9
4 bed houses		3		3
Total	5	3	4	12
	67%		33%	

If there is a viability issue on 40% affordable housing then the following would be our required mix:

Affordable Housing at 30% - 9 properties

	Affordable rented	Social Rented	Intermediate Affordable	Total
3 bed houses	4		3	7
4 bed houses		2		2
Total	4	2		9
	67%		33%	

Affordable Housing at 20% - 6 properties

	Affordable rented	Social Rented	Intermediate Affordable	Total
3 bed houses	2		2	4
4 bed houses		2		2

<i>Total</i>	2	2	2	6
	67%		33%	

Affordable Housing at 10% - 3 properties

	Affordable rented	Social Rented	Intermediate Affordable	<i>Total</i>
3 bed houses	1		1	2
4 bed houses		1		1
<i>Total</i>	1	1	1	3
	67%		33%	

2.2 Following receipt of the DVS final report this will reported to Members along with Officers' recommendation as an update or at Committee should that be necessary.