

## Planning Committee

<b>Date</b>	23 April 2024
<b>Case Officer</b>	Erica Buchanon
<b>Application No.</b>	23/00275/APP
<b>Site Location</b>	Plots 3 & 4 Gloucester Business Park
<b>Proposal</b>	Reserved matters application in relation to Plots 3 and 4 for the erection of employment development of 16,481sqm (GIA), access arrangements, servicing, parking including cycle provisions, electric vehicle charging and landscape provision comprising of Class B2 and B8 development with ancillary offices, alongside discharge of pre-commencement conditions 8 and 11 to planning permission reference 11/01155/FUL.
<b>Ward</b>	Churchdown Brookfield With Hucclecote
<b>Parish</b>	Hucclecote
<b>Appendices</b>	<p><b>Amended Plans Received March 2024</b></p> <p>Post-committee Response letter from Applicant - 14<sup>th</sup> March 2024            PL003B – Site Location Plan            PL 008B – Site Sections Sheet 1            PL 33A – Unit 3.1 Proposed Elevations &amp; Sections            PL 040C – Plot 4 Site Plan            PL 045A – Unit 4.1 Elevations &amp; Sections            PL 046A – Unit 4.2 Elevations &amp; Sections            PL 140C – Landscaping 1 of 3            PL 141A – Landscaping 2 of 3            PL 142B – Landscaping 3 of 3            201A – Distances to adjoining properties            203A – Comparison building heights</p> <p><b>Original Plans</b>            11537_PL_003A Plots 3 and 4 Site Location Plan            11537_PL_030A Plot 3 Site Plan            11537_PL_040B Plot 4 Site Plan            033 Unit 3 Elevations            045 Unit 4.1 Elevations            046 Unit 4.2 Elevations</p>
<b>Reason for Referral to Committee</b>	Deferred at February Planning Committee & Parish Council objection.
<b>Recommendation</b>	Delegated Approve

## Site Location



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### **COMMITTEE UPDATE (for 23 April 2024 meeting)**

This application was deferred at the February 2024 committee meeting for a Planning Committee Site Visit to assess the size and scale of the proposal and the impact on residential amenity.

Since the February committee meeting the applicant has reviewed the proposal and revised the scheme as follows:

- Building 3.1: **Reduction in height by 2m** to 10.5m to the eaves / 12.5m to top of parapet / 13.5m to the ridge.
- Building 4.1: **Reduction in height by 1m** to 11.5m to the eaves / 13.5m to top of parapet / 14.5m to the ridge.
- Building 4.2: **Reduction in height by 1m** to 11.5m to the eaves / 13.5m to top of parapet / 14.87m to the ridge.
- It is also proposed to relocate the access to Building 4.2 further south from the signalised junction and add in a footpath to the south of Lobley's Drive

### **Consultation Responses**

The Local Highways Authority were notified of the receipt of amended drawings. Their observations are awaited. **An update will be provided at committee.**

The council's drainage adviser – has requested further information to clarify the surface water flood risk of the site, water management and Suds details. **An update will be provided at committee.**

### **Third Party Comments/Observations**

The occupiers of adjoining properties were notified of the receipt of amended plans. In response

four representation have been received and the comments are summarised below:

- Nos. 2-8 and 44,46,50,52,54,56 Martlet Way will lose all natural light
- Buildings would be significantly higher than the houses
- Would be overbearing
- Buildings remain a considerable size & out of character with the area
- Smaller buildings with bigger buffer would be more appropriate
- Parking is insufficient and workers would park in surrounding estate
- Noise from HGV's
- Noise from staff on 3am breaks, picnic benches would encourage congregation
- Pollution and disturbance
- Disturbance from existing sites
- Traffic backlog from HGV's that can't access yards
- Roads can't cope with more HGV's/congestion
- HGV damage to local roads
- Highway safety
- Impact on landscape and character of Coopers Edge
- Access onto Gambet Road insinuates it is part of the housing estate
- School and local busses stop on Gambet Road
- Impact on wildlife & newts
- Outline showed buffer and buildings set farther away

## Conclusions

While officers considered that the original application as submitted would have resulted in an acceptable development, the applicant has nevertheless revised the scheme principally to reduce the overall heights of buildings in response to member and local concerns. It is considered that these amendments are appropriate and would result in an improvement to the proposed development.

The additional objections are noted however it is considered that given the design, siting and scale, the proposal would have an acceptable impact on the living conditions of the occupiers of adjoining dwellings and the proposal is considered to be acceptable in planning terms.

## Recommendation

It is recommended that authority be **DELEGATED** to the Development Management Team Manager to **APPROVE** the application subject to no adverse observations from the Local Highway Authority and Drainage Officers, the Conditions set out below and any additional or amended Conditions following advice from consultees.

**Amended Condition 1** – (to reflect the revised drawings) and conditions set out at the end of this report.

The development hereby permitted shall be carried out in accordance with the following documents:

Drawing Number 11537\_PL\_003B Plots 3 and 4 Site Location Plan

Drawing Number 11537 PL030A Plot 3 Site Location Plan

Drawing number 11537 PL040B Plot 4 Site Plan

Drawing number 11537\_PL\_031 Unit 3 Ground Floor Plan

-Drawing Number 11537\_PL\_032 Unit 3.1 First Floor Plan

-Drawing Number 11537\_PL\_033 Unit 3.1 Elevations and Section

-Drawing Number 11537\_PL\_034 Unit 3.1 Roof Plan

-Drawing Number 11537\_PL\_041 Unit 4.1 Ground Floor Plan

-Drawing Number 11537\_PL\_042 Unit 4.1 First Floor Plan  
-Drawing Number 11537\_PL\_043 Unit 4.2 Ground Floor Plan  
Drawing Number 11537\_PL\_044 Unit 4.2 First Floor Plan  
Drawing Number 11537\_PL\_045 Unit 4.1 Elevations and Section  
Drawing Number 11537\_PL\_046 Unit 4.2 Elevations and Section  
Drawing Number 11537\_PL\_047 Unit 4.1 Roof Plan  
Drawing Number 11537\_PL\_048 Unit 4.2 Roof Plan  
Drawing Number 11537\_PL\_130 Plot 3 Landscape GA sheet 1 of 2  
Drawing Number 11537\_PL\_131 Plot 3 Landscape GA sheet 2 of 2  
Drawing Number 11537\_PL\_140 Plot 4 Landscape GA sheet 1 of 3  
Drawing Number 11537\_PL\_141 Plot 4 Landscape GA sheet 2 of 3  
Drawing Number 11537\_PL\_142 Plot 4 Landscape GA sheet 3 of 3  
Drawing Number 2663-P-12 Plot 3 Tree Protection Plan  
Drawing Number 2664-P-12 Plot 4 Tree Protection Plan

Energy and Sustainability Statement by Cudd Bentley Consulting Ltd March 2023

External Impact Lighting assessment, Document Ref: 6365-CBC-OR-RP-E-003 Revision PO3 dated 16/11/2023 by Cudd Bentley.

Noise Impact Assessment by Spectrum Plots 3 and 4 ref DP834/22259/Rev. 2 dated 09/02/2023

Ecological Mitigation and Enhancement Strategy (EMES) report (Focus Environmental Consultants, November 2023)

Preliminary Ecological Appraisal report (Focus Environmental Consultants, February 2023)

Ecological Impact assessment by Focus Environmental Consultants July 2023)

Habitat Regulations Assessment Screening Opinion report (Focus Environmental Consultants, July 2023)

except where these may be modified by any other conditions attached to this permission.

Reason: To ensure that the development is carried out in accordance with the approved plans and documents.

## **PREVIOUS REPORT TO COMMITTEE FEBRUARY 2024**

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### **1. The Proposal**

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Full application details are available to view online at:

<http://publicaccess.tewkesbury.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RRMFA9QDGCV00>

- 1.1** The application is for the approval of Reserved Matters (in relation to Plots 3 and 4) for the Erection of Employment Development of 16,481sqm (GIA), access arrangements, servicing, parking including cycle provisions, electric vehicle charging and landscape provision comprising of Class B2 (general industrial) and B8 (Storage and distribution) Development with ancillary offices. The reserved matters being considered relate to scale, appearance, layout, access and landscaping.
- 1.2** In addition to seeking approval of reserved matters, there is a requirement to submit details pursuant to Conditions 8 and 11 of the relevant consent ref 11/01155/FUL relating to drainage and landscaping as part of the reserved matters application. The relevant conditions state:

*8. The reserved matters submitted pursuant to Condition 1 shall be accompanied by a*

*sustainable drainage scheme for the relevant part of the development. The drainage scheme shall be in accordance with the approved Surface Water Drainage Strategy for the whole site (Ref: JLWi/28049/02 Enc by Mouchel Parkman dated 3rd October 2005). The approved scheme shall be completed in accordance with the approved details prior to the first occupation of that part of the development and the scheme shall be managed and maintained thereafter in accordance with the approved details.*

*11. The details of landscaping required to be submitted to and approved by the Local Planning Authority in accordance with Condition 1 above shall include indications of all existing trees and hedgerows on that part of the development and details of any to be retained together with measures for their protection during the course of development.*

- 1.3** Details in respect of these two conditions have been submitted with this application.
- 1.4** The proposal is for the erection 3 warehouses totalling approximately 17,010m<sup>2</sup> GEA of modern flexible employment floor space. The respective floor areas for each unit are Unit 3 - 4,287 square metres, unit 4.1 – 895 square metres and unit 4.2 - 7,828 square metres. For each unit, around 93% of the total area will be at ground level consisting mainly of open space suitable for a variety of employment uses, and circa 7% of the floor area will be at first floor which is proposed for ancillary office accommodation.
- 1.5** The building on Plot 3 is on a site of circa 1.1ha, which represents a site density of 42% and the buildings on Plot 4 are on a site of circa 2.9ha, which represents a site density of 43%.
- 1.6** Provision has been made for 39 car parking spaces (including 4 EV charging spaces) and 14 cycle spaces for the Unit on Plot 3.
- 1.7** Plot 4 would provide a total of 129 car parking spaces and 40 cycle spaces. This provision is split by providing 50 car parking spaces (including 6 EV charging spaces) and 16 cycle spaces for Unit 4.1, and 79 car parking spaces (including 8 EV charging spaces) and 24 cycle spaces for Unit 4.2. These car parking spaces include accessible and car share spaces proportionate to the units and the cycle spaces will be provided in a covered cycle shelter near the building main entrance, in compliance with LPA requirements.
- 1.8** The service yard areas are self-contained and sized to reflect the requirements of each building floorspace, incorporating the required number of level access loading and dock levellers and the necessary operational manoeuvring into the design, with 40 metre deep service yards.
- 1.9** Plot 4's two separate units are accessed from individual accesses for each unit formed at either end of the site from Lobleys Drive. There are two additional accesses to be formed from Gambet Road and Buccaneer Avenue to give an additional access to pedestrians, cyclists, and the employee/visitor car park to each of the units. Plot 3's service yard and non-HGV parking is located on the site's frontage to Hurricane Road with a secondary access to be formed for employees/visitors, cyclists and pedestrians from Buccaneer Avenue.
- 1.10** The proposed buildings are overall up to 15.5 metres in height to ridge level and have a footprints of circa 4,287 square metres for Unit 3, circa 4,895 square metres for Unit 4.1 and 7,828 square metres for Unit 4.2. The scale of these proposed buildings is comparable but smaller than nearby developments in Gloucester Business Park. The buildings scale, footprint and height are significantly less than those in the immediate vicinity, the footprint of the largest Unit 4.1 being approximately 2.5 times smaller than the neighbouring

Laithwaite's warehouse by comparison. Each warehouse element has a parapet height of circa 14.5 metres and lower than the ridge to reduce the perceived height and building mass along the site boundaries.

## **2. Site Description**

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- 2.1** The site forms part of the Gloucester Business Park (GBP), which was granted outline planning permission for B1, B2 and B8 development in March 1992 (ref: 88T/7689/01/01). The permission was subsequently renewed in January 2001 to allow a further 10 years for the submission of reserved matters for the remaining commercial developments on the site (ref: 01/7689/0095/FUL). In 2012 a further extension of time was granted for the submission of reserved matters applications for the remaining commercial plots up to March 2026 (ref: 11/01155/FUL). Gloucester Business Park is a strategic employment site in the region covering over 111ha of land with a variety of uses comprising a mix of office, industrial, retail and leisure. The site was formerly the factory and test airfield for the Gloster Aircraft Company until 1965 and has been established as a business park since Arlington began developing it in the 1990s.
- 2.2** The application site consists of undeveloped land known as Plots 3 and 4 situated immediately south of Lobleys Drive and east of Gambet Road, defining the southern boundary of the business park. Each plot consists of levelled vacant development land, its northern and southern boundaries feature existing landscape buffers with established trees and hedge planting. Currently there are no existing access point to either of the plots. There are existing residential properties to the rear of both plots. There are no Listed Buildings within or close to the site and the site is not located within a Conservation Area. There are no Tree Preservation Orders affecting the site. The site falls within Flood Zone 1 which is the zone at the lowest risk of flooding.
- 2.3** Plot 3 is located to the southern side of Gloucester Business Park (GBP) and comprises a 1hectare parcel of land. It is bound to the south by a footpath serving existing residential properties located off Rodmarton Close and Martlet Way. To the east the site is bounded by an existing industrial/ warehouse unit, Elite Extrusion Die Ltd, to the west is Buccaneer Avenue which leads to the north to GBP and to the south to the existing residential area. The northern boundary of the site is formed by Hurricane Road. Plot 4 is located adjacent to plot 3 on the southern side of GBP and comprises of a site of approximately 2.9hectares. The site is bound to its northern, eastern and western sides by existing roads, namely Lobleys Drive, Buccaneer Avenue and Gambet Road.
- 2.4** Plot 3 site is dominated by species poor semi improved neutral grassland. There is a tree line boundary to the north and south. Plot 4 site is also dominated by species poor semi improved neutral grassland. There is a tree line boundary to the north. A wet woodland fringe along the Wotton Brook tributary runs along the south of both plots.

### 3. Relevant Planning History

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Application Number	Proposal	Decision	Decision Date
88T/7689/01/01	Outline application for Class B1, B2 and B8 Business/industrial use and residential development on 107ha. Construction of new access roads.	Permit	10.03.1992
01/7689/0095/FUL	Variation of condition 2 of planning permission 88T/7689/01/01.	Permit	25.10.2001
11/01155/FUL	Proposed Class B1, B2 and B8 Business/industrial use (Extension to time limit for the submission of reserved matters applications for planning permission ref: 01/7689/0095/FUL as originally permitted by application ref: 88T/7689/01/01)	Permit	09.10.2012
23/00276/APP	Reserved Matters Application in relation to Plot 5 for the Erection of Employment Development of 6,773 sqm (GIA), access arrangements, servicing, parking including cycle provisions, electric vehicle charging and landscape provision comprising of Class B2 and B8 Development with ancillary offices, alongside discharge of pre-commencement conditions 5, 6, 8, 9 and 11 to planning permission reference 11/01155/FUL.	Pending	
15/01378/OUT	Development of up to 106 dwellings with associated access, public open space, landscaping and other infrastructure.	Not proceed with.	

### 4. Consultation Responses

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Full copies of all the consultation responses are available online at <https://publicaccess.tewkesbury.gov.uk/online-applications/>.

#### 4.1 Hucclecote Parish Council – Objection.

- Concern about the visual impact, size and height of the units
- Overshadowing on adjoining residential development.
- Concern expressed about additional vehicle movements and congestion at peak times.
- Wish to see photo voltaic cells on entire roofs and buildings constructed to BREEAM excellent standard.

#### 4.2 Brockworth Parish Council – Objection.

- Concern over height of buildings and proximity to residential development, causing overshadowing.
- Concern over traffic impact.
- Parish would wish to see more PV's installed as part of proposals.

#### 4.3 Environmental Health – No objection subject to the applicants submitted lighting report being implemented.

- The applicants submitted noise report is considered satisfactory subject to the

recommendations being implemented.

- 4.4 **Tree Officer** – No objection subject to implementation of applicants submitted landscape and tree planting scheme.
- 4.5 **Ecology Advisor** – No objection subject to conditions.
- 4.7 **Highway Authority**- No objections in principle - further comments awaited.
- 4.8 **Drainage Officer** - Comments awaited.
- 4.9 **Lead Local Flood Authority** – No comment.
- 4.10 **Archaeology** - No comments received.
- 4.11 **NatureSpace** – No objection subject to conditions.

## 5. **Third Party Comments/Observations**

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Full copies of all the representation responses are available online at <https://publicaccess.tewkesbury.gov.uk/online-applications/>.

- 5.1 The application has been publicised through the posting of a site notice for a period of 21 days, neighbour notification letters and the publication of a press notice.
- 5.2 30 representations have been received objecting to the scheme and raising the following concerns:-

- Increase of traffic on Lobleys Drive
- No need for the proposals, vacant warehouses on GBP.
- Proximity to residential occupiers detrimental by reason of loss of light and overbearing
- Detrimental by reason of scale and style
- Insufficient buffer for wildlife
- Noise & pollution
- Increase use of weight limited bridge over motorway using Lobleys Drive
- Loss of outlook
- Insufficient drainage in times of heavy rainfall
- Small number of PV's
- Neglect to explore alternative uses
- Effect on house prices/sales
- Negative effect on light to residential properties
- Inconsistent with existing area by reason of materials and size
- Detriment to wildlife
- Detriment to existing townscape

- 5.3 1 letter of support from the Local Economic Partnership stating

- The development proposals will provide for a good mix of much needed high quality commercial/employment space for the county in a well-established and well-connected location.
  - New jobs being created in close proximity to a large residential district providing opportunities for sustainable/active travel to work for local residents.



Commend the attention to the green / landscaped features.

## **6. Relevant Planning Policies and Considerations**

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### **6.1 Statutory Duty**

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise

The following planning guidance and policies are relevant to the consideration of this application:

### **6.2 National guidance**

National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG)

### **6.3 Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) – Adopted 11 December 2017**

- Policy SD1 (Employment -except Retail Development)
- Policy SD3 (Sustainable Design and Construction)
- Policy SD4 (Design Requirements)
- Policy SD6 (Landscape)
- Policy SD9 (Biodiversity and Geodiversity)
- Policy SD14 (Health Environmental Quality)
- Policy INF1 (Transport Network)
- Policy INF2 (Flood Risk Management)
- Policy INF3 (Green Infrastructure)

### **6.4 Tewkesbury Borough Local Plan to 2011-2031 (TBLP) – Adopted 8 June 2022**

- Policy EMP 1 (Major Employment sites)
- Policy EMP 5 (New employment development) (General)
- Policy ENV2 (Flood risk and Water management)
- Policy TRAC1 (Pedestrian Accessibility)
- Policy TRAC 2 (Cycle Network & Infrastructure)
- Policy TRAC 3 (Bus Infrastructure)
- Policy TRAC 9 (Parking Provision)
- Policy NAT1 (Biodiversity, geodiversity and Important Natural Features)
- Policy RES 1 (Housing Site Allocations)

### **6.5 Neighbourhood Plan**

None

## **7. Policy Context**

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**7.1** Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the Development Plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.

**7.2** The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), the Tewkesbury Borough Local Plan to 2011-2031 (June 2022) (TBLP), and a number of 'made' Neighbourhood Development Plans.

- 7.3** The relevant policies are set out in the appropriate sections of this report.
- 7.4** Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2023 and its associated Planning Practice Guidance (PPG), the National Design Guide (NDG) and National Model Design Code.

## **8. Evaluation**

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### **Principle of development**

- 8.1** The application site lies comprises an undeveloped parcel of land within Gloucester Business Park. The site benefits from outline planning permission for class B1, B2 and B8 business/industrial use and therefore the principle of development has already been established.
- 8.2** Gloucester Business Park is identified as a Major Employment site within Policy EMP1 of the TBLP and Policy SD1 of the JCS supports employment related development. As the site forms part of a Strategic employment site with an extant consent for development matters for consideration of the application is restricted to the specific reserved matters concerning these plots, which are details of scale, layout, appearance, access, and landscaping.
- 8.3** As well as being part of the Strategic Employment site the plots have also been identified under Policy RES1 of the TBLP as site BRO2 Nerva Meadows and allocated for residential development for 106 dwellings. Both plots were the subject of an outline application in 2015 for residential development (application no.15/01378/OUT). However, the S106 was not completed and as a result the decision was not issued.
- 8.4** Whilst the site does not benefit from any planning permissions for residential use and notwithstanding it's status as an allocated site, it should be noted that the extant outline consent of the Strategic Employment has precedence over its allocation in the plan as a potential residential site. Furthermore, it is understood that the current owners of the business park have no commercial interest in housing development and the land is not available for residential use.

### **Scale**

- 8.5** Policy SD4 of the JCS sets out requirements for scale and high-quality design to new development and Policy EMP 5 of the TBLP states that development must respect the character, scale and proportion of the proposal and the surrounding development's character. The proposed buildings comprise three units, one of which is detached (unit 3 on Plot 3) whilst the other two being in close proximity to each other (units 4.1 and 4.2 on Plot 4).
- 8.6** The heights of the existing employment buildings throughout the Business Park range between circa 16 metres to 24 metres. The proposed buildings are overall up to 15.5 metres in height to ridge level and have footprints of circa 4,287m<sup>2</sup> for Unit 3, circa 4,895m<sup>2</sup> for Unit 4.1 and 7,828m<sup>2</sup> for Unit 4.2. The proposed units are of a smaller scale to those immediately to the north, in order to respond to the specific plot locations on the edge of Gloucester Business Park. It is considered that the scheme will provide an acceptable transition between the larger scale buildings and the residential areas to the south.

- 8.7** It is therefore considered that due to the height, width and depth of the buildings they are of an appropriate scale to the Business Park and due to the location on the peripheral of the Business Park form a suitable transition from the employment site to the nearby residential properties.

### **Layout and Appearance**

- 8.8** The layout of the proposed buildings is lengthways (east/west) across the sites and would serve to provide acoustic screening from any noise created by the employment use of the sites for the nearby residential properties situated to the south of the sites. This includes the service yards of all the buildings which are located to the front (north) of the buildings with vehicular access on to Lobleys Drive.
- 8.9** The proposed scheme comprises employment style buildings consistent with the overall design of existing employment buildings on GBP. The elevations would comprise of horizontal profile metal cladding of contrasting colours. The prominent street facing end and corners to the building would include areas of glazing and the overall finish would result in buildings of an appropriately high quality and visual interest.
- 8.10** There is a varied palette of materials across the Business Park, ranging from brickwork, render, coloured composite panels and various forms of cladding. There is no prevailing character as such it is considered that the proposed materials and colour of the buildings is consistent with other buildings on the Business Park and is considered to be in accordance with Policy EMP5 of the TBLP and Policy SD4 of the JCS which requires new buildings on existing employment sites amongst other things to be of a scale and design to be compatible with the character of the existing location and its setting.

### **Landscape and Visual Impact**

- 8.11** Paragraph 135 of the NPPF highlights the importance of appropriate and effective landscaping in achieving well-designed places. This advice is reiterated in JCS Policy SD6 which requires new development proposals to ensure that the design of landscaped areas, open space and public realm are of high quality. Policy SD4 (iv) of the JCS requires that new development should ensure that the design of landscaped area, open space and public realm are of a high quality and Policy LAN2 of the TBLP requires new development amongst other things for landscaping to be appropriate to and integrated into their existing landscape setting.
- 8.12** The applicants landscape strategy in the submitted design and access statement seeks to deliver long-term landscape, biodiversity and sustainability benefits within an established employment estate. It is proposed that soft landscaping in the form of upright trees and shrub planting is provided within the site. Planting will be incorporated either side of the new service road and between car parking areas and service yards. This would provide visual interest and separation, increasing legibility for users and soften the external areas ensuring there are no large expanses of hard surfacing.
- 8.13** The Landscape strategy states that planting will be carefully selected to ensure that native species are incorporated where possible and that slow growing, low maintenance species are used. This is to enhance the biodiversity of the site and to ensure safety for pedestrian and vehicle users by avoiding planting affecting visibility in circulation areas. The existing landscape buffer on the southern boundary of the site is to be retained and enhanced to ensure compliance with wildlife legislation and provide adequate protection of habitats and species.

- 8.14** The Councils tree officer has raised no objections to the scheme subject to a standard condition to secure the implementation and maintenance of the proposed landscaping strategy. It is therefore considered that the proposed landscaping scheme which includes integrating planting into the existing landscape and the proposed new planting is of an acceptable and high quality and would be in accordance with policies SD6 and SD 4 of the JCS, policy LAN2 of the TBLP and the NPPF.

#### **Access and highway safety**

- 8.15** The NPPF at Paragraph 115 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, Paragraph 114 of the NPPF states:

“In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location.
- b) safe and suitable access to the site can be achieved for all users;
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

- 8.16** JCS Policy INF1 requires that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters. Policies TRAC1 and TRAC2 of the TBLP seek to protect and enhance pedestrian and cycle access. Policies TRAC3 and TRAC9 provide guidance on bus connectivity and parking provision.
- 8.17** As this is a reserved matters application, the highway impact is limited to the suitability of the site accesses and the internal layout as the principle of the employment land use has already been established by the granting of the outline consent. As part of the proposal the applicants are providing EV charging points, cycle stores and separate pedestrian access to encourage convenient and sustainable modes of transport.
- 8.18** The County Highways Authority has been consulted on the application and having regard to the Transport Statement and subsequent submitted technical note in June 2023 and consider that the proposal is acceptable in principle, however the Highway Authority has recommended that a condition with respect to vision splays on the non-main accesses to both plots be imposed.
- 8.19** The proposal includes separate vehicular accesses for emergency use only. The precise details of these access are being reviewed by the Local Highway Authority and the applicant to ensure they are satisfactory, and a condition is also recommended to ensure that the access is for emergency use only. **An update will be provided at committee.**

## **Residential amenity**

- 8.20** Policy SD14 of the JCS requires that new development should not cause harm to local amenity including the amenity of neighboring occupants. Policy EMP5 of the TBLP states that development should not have an unacceptable impact on adjacent property and residential amenity.
- 8.21** As a result of concerns raised by local residents and Parish Councils the applicant submitted a daylight and sunlight report. The assessment was based on the various numerical tests laid down in the Building Research Establishment (BRE) guide 'Site Layout Planning for Daylight and Sunlight: a guide to good practice, 3rd Edition' by P J Littlefair 2022. The aim of the assessment is to consider the impact of the development on the light receivable by the neighbouring properties.
- 8.22** This report was subsequently assessed by an independent specialist on behalf of the council, who have confirmed that the Daylight and Sunlight Report (Neighbouring Properties) dated 14<sup>th</sup> December 2024 adequately addresses concerns and that the assessment results indicate that there will be no significant daylight and sunlight effects on adjoining residential properties that would warrant a refusal of the planning application.
- 8.23** The applicant has submitted a noise impact assessment together with an external lighting assessment and a ground conditions contamination assessment.
- 8.24** The noise assessment states that Predicted Rating Levels from the operation of the three proposed industrial units at Plots 3 and 4 (and Plot 5 subject of a separate application) under 'typical busiest' scenarios including general site-related activities, fixed plant and indoor activity do not exceed the existing Background Sound Levels either during the daytime or night-time. The potential noise impact from the use of the premises is therefore considered to be low at the nearby noise sensitive receptors (NSR). Accordingly, the use of the proposed development without any restrictions on hours of operation would not give rise to a significant risk of disturbance for nearby residents.
- 8.25** The supporting external lighting report produced by Cudd Bentley dated 16<sup>th</sup> November 2023 notes that a combination of photocells & timeclocks could be installed to control all external lighting. The time clocks will act as a master control and be set to switch off at times when the development is not in operation. Outside of these hours photocells will control the site external lighting according to daylight levels. This would prevent nighttime lighting pollution and to comply with POL 04/L2A. Localised security lighting to the rear of units bordering with ecological amenity areas shall utilise integrated local motion control sensors to minimize the potential for un-necessary illumination of the local vegetation habitat.
- 8.26** It is therefore considered that the proposal would not harm residential amenity in terms of loss of light, overshadowing or noise and complies with the requirements of Policy SD14 of the JCS and Policy EMP5 of the TBP.

## **Drainage and flood risk**

- 8.27** JCS Policy INF2 states development proposals must avoid areas at risk of flooding, in accordance with a risk-based sequential approach that requires new development to incorporate suitable Sustainable Drainage Systems (SuDS) where appropriate to manage surface water drainage.

- 8.28** It was established during the consideration of the outline application that the site is at low risk of fluvial flooding (Flood Zone 1) and that any surface water drainage issues could be adequately addressed through an effective SUDS scheme. Planning conditions were imposed requiring a SUDS scheme for the business park as a whole, including maintenance and management details. This was conditioned with the renewed consent to be submitted as part of the reserved matters applications. (Condition 8).
- 8.29** The development is classed as 'less vulnerable' usage and the proposed development is in Flood Zone 1 and therefore a low risk of flooding and meets the Sequential Test. Therefore, the Exception test is not required.
- 8.30** The current site is classed as greenfield for the purpose of calculating drainage rates. The proposed Plot 3 development would have an impermeable area of 0.775 hectares and a permeable area of 0.250 hectares. Levels will be set where possible to follow the contours of the existing site so as to minimise the requirement for any retaining walls and adhere to best practice and building regulation design standards.
- 8.31** The total attenuation required for the site is approximately 603 cubic metres which would be provided via proposed cellular storage crates. The use of SuDS features has been considered and can be incorporated within the design.
- 8.32** The strategy is to discharge the surface water into the existing watercourse located southwest of the site. A Qbar discharge rate of 3.4 l/s has been proposed to meet LLFA requirements. A model simulation has been carried out to ensure that the site meets the proposed discharge rates on the return periods of 1, 30 and 100 year plus a 40% climate change. The site does not pose any increased flood risk to the site itself or adjacent developments and is not susceptible to flooding by other means.
- 8.33** The proposed Plot 4 development will have an impermeable area of 2.405 hectares and a permeable area of 0.420 hectares. The levels will be set to follow the contours of the existing site to minimise any surface water flooding from the new development to the drainage network and ensure that should any flooding occur, it is controlled and kept within the new development boundaries and does not affect neighbouring properties or highway land.
- 8.34** Storm water on site will be discharged into existing private sewers outside of the site boundary. Surface water will be designed to cater for storm events up to 1 in 100 Year plus 40% climate change. Foul water will also discharge into the existing highway foul sewers.
- 8.35** The total attenuation required for the site is approximately 1,624 cubic metres, it is provided via proposed cellular storage crates. The use of SuDS features has been considered and can be incorporated within the design. The strategy is to discharge the surface water into the existing watercourse located southwest of the site. A Qbar discharge rate of 9.4l/s has been proposed to meet LLFA requirements. A model simulation has been carried out to ensure that the site meets the proposed discharge rates on the return periods of 1, 30 and 100 year plus a 40% climate change. The site does not pose any increased flood risk to the site itself or adjacent developments and is not susceptible to flooding by other means.
- 8.36** While the LLFA have been consulted they have declined to comment on the application as the outline was permitted prior to their inception. The proposed drainage details are therefore being reviewed by the council's drainage engineer. **An update will be provided at committee.**

## **Biodiversity**

- 8.37** The NPPF sets out, inter alia, that when determining planning applications, Local Planning Authorities should aim to conserve and enhance biodiversity by encouraging opportunities to incorporate biodiversity in and around developments, especially where this can secure measurable gains for biodiversity. Policy SD9 of the JCS seeks to protect and, wherever possible enhance biodiversity, including wildlife and habitats. Policy NAT1 of the TBLP states that development proposals that will conserve, and where possible restore and/or enhance, biodiversity will be permitted.
- 8.38** Plot 3 has a boundary hedgerow along the eastern edge which was assessed as meeting the criteria of a habitat of principal importance under the NERC Act 2006. The wet woodland on Plot 3 and Plot 4 was also assessed as meeting the criteria as a habitat of principal importance under the NERC Act 2006. The submitted Preliminary Ecological Assessment (PEA) stated that the wet woodland habitats are due to be retained however initially the hedgerow was to be removed.
- 8.39** A Hedgerow Regulations Assessment report (Focus Environmental Consultants, June 2023) was submitted and the report concluded that the hedgerow along the eastern site boundary of Plot 3 did not meet the criteria to be considered an 'Important' hedgerow under the regulations. The submitted report has also stated that notwithstanding this, the hedgerow is now to be retained under proposed amended plans.
- 8.40** Two Bat Transect Survey Reports have been submitted for Plot 3 (Focus Environmental Consultants, September 2023) and Plot 4 (Focus Environmental Consultants, September 2023) which provides the results of bat transect and static detector surveys undertaken in April, July, and September 2023. Bat species recorded during the surveys at both Plot 3 and Plot 4 included common pipistrelle, soprano pipistrelle, a Myotis species and noctule. The most commonly recorded species at both plots were common pipistrelle bats, and activity levels were considered to be low. At Plot 3, four lesser horseshoe passes were also recorded (this species was not recorded at Plot 4). At Plot 3 and Plot 4, bat activity levels were higher at the southern site boundaries, and the Bat Transect Survey reports recommended retaining a dark corridor along the south site boundaries at both Plots, and retaining, protecting, and buffering trees along southern boundaries.
- 8.41** As such a revised External Impact Lighting Assessment (Cudd Bentley Consulting Ltd, November 2023) was submitted. The revisions removed external lighting along the south elevations of the buildings on Plot 3, thereby ensuring a dark corridor is retained along the south boundary which was found to be used by lesser horseshoe bats, and ensuring the proposed bat boxes would not be illuminated. External lighting has also been removed from the south elevation of the buildings on Plot 4, ensuring the wet woodland habitat to the south will not be illuminated.
- 8.42** In addition to the revised lighting assessment a Revised Ecology Mitigation and Enhancement Strategy (EMES) report (Focus Environmental Consultants, November 2023) has been submitted and the proposed bat box locations have been altered to ensure these features are not illuminated, with four tree-mounted bat boxes proposed along the south elevation of Plot 4. The council's ecological adviser has confirmed that the proposed locations are now suitable. These works can be secured by condition.

- 8.43** Two Great Crested Newt Survey Report reports have been submitted – one for Plot 3 and one for Plot 4 (Focus Environmental Consultants, May 2023). The reports included the results of eDNA surveys undertaken on three waterbodies (Ponds 2, 3 and 4) within 500m of the site and a positive result was returned for Ponds 3 and 4, with Pond 4 being adjacent to the Plot 4.
- 8.44** A Natural England Rapid Risk Assessment was undertaken for Plot 3 and Plot 4 and the results indicated an offence was 'Likely' for Plot 3 and 'Highly Likely' for Plot 4. The GCN Survey Report stated a Natural England Mitigation licence or inclusion within the District Licensing Scheme is required for the proposed development.
- 8.45** The applicant has opted for the District Licensing route administered by NatureSpace who have confirmed that they have received appropriate information from the applicant and have recommended necessary conditions to allow for the scheme to be permitted and appropriate licence to be secured.
- 8.46** No biodiversity net gain (BNG) data has been submitted as the original outline consent was submitted prior to the introduction of national legislation and policy in the development plan and therefore does not form part of the consideration for the reserved matters application.
- 8.47** It was noted that the application site could impact on the Cotswold Beechwoods Special Area of Conservation and as such a Habitat Regulations Assessment Screening Opinion report (Focus Environmental Consultants, July 2023) was submitted. The HRA assessment concluded that the proposed development is not considered to give rise to a 'likely significant effect' on the Cotswold Beechwoods SAC and the Council's ecological adviser has confirmed that an Appropriate Assessment is not required.
- 8.48** Subject to compliance with conditions it is considered that the application would have an acceptable impact on biodiversity.

### **Energy and Sustainability**

- 8.49** The NPPF at section 14 deals with meeting the challenge of climate change, flooding and Coastal change seeking development which increases the use and supply of renewable and low carbon energy. Policy INF5 of the JCS supports proposals where they are designed to produce net energy savings. JCS policy SD3 requires development proposals to demonstrate how development contributes to sustainability by energy efficiency and adaptable for climate change.
- 8.50** The applicants have submitted an energy and sustainability report in compliance with Policy SD3 of the JCS, explains that the recommended sustainability features for the development, which from a dynamic energy model, would allow for an 19.86% energy saving from a base (Building Regulations) Part L (2021) compliant build, and a 12.53% reduction in carbon emission is anticipated through the incorporation of Air Source Heat Pumps and passive energy efficiency measures. This exceeds the local planning requirement set out by policy and complies with Policy SD3 (Sustainable design and construction).
- 8.51** The energy and carbon savings are to be achieved through passive design, energy efficient measures incorporating design features such as energy efficient lighting, submetering of relevant areas, upgrading of 'U' values and occupancy sensing in relative areas, as well as the incorporation of Air Source Heat Pumps and 111 kW of Photovoltaic Array.



- 8.52** To reduce the energy demand of the development as well as help to conserve water resources within the local area, it is proposed that the fit-out works will provide for sanitary fittings which will be water efficient through measures such as dual flush toilets and low flow taps. The design of the proposed development will take a holistic approach to the integration of sustainable design from inception with commitment to achieve a BREEAM rating of 'Very Good' as a minimum, with the aspiration for the scheme to achieve 'Excellent' and EPC B rating. Constructed to modern standards and to provide adaptable and flexible workspace suitable for future needs, the proposal also targets reduction in carbon emissions from Building Regulation standards.
- 8.53** The development is located within Brockworth, and as such is in proximity to public transport nodes, existing bus routes as well as a range of primary local amenities such as a postal service, cash points and food outlets. These features allow for the reduction of car-based travel and transport related pollution.
- 8.54** The incorporation of these sustainability measures along with the provision of EV charging points and cycle stores allow for the proposed development to be deemed sustainable whilst targeting compliance with local and national policy.

## **9. Conclusion**

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- 9.1** The application site benefits from an extant planning permission for employment use and the principle of development is already established. This application therefore stands to be determined on the reserved matters thereto. It is considered that the submitted details, (subject to no objections being raised by the Local Highway Authority or drainage officer) are acceptable, would accord with the parameters of the extant outline planning permission and relevant policies as outlined above.

### ***Benefits***

- 9.2** The benefits of the scheme would be to provide 16,481sqm GIA across the 3 buildings contributing to the provision of appropriately sized buildings for occupiers seeking larger premises to support business growth with 70-126 FTE jobs at plot 3 and a further 211-378 FTE jobs across the 2 buildings on plot 4.
- 9.3** The location of the buildings is close to existing residential properties and would provide jobs in the local area enabling people to work and live in the area and in sustainable manner.

### ***Harms***

- 9.4** The development of the site for employment would result in a reduction of allocated housing land, however this is tempered by the fact that the land is not available for residential development, and it does not benefit from a planning permission for such use which would indicate that this was a likely prospect. This harm is therefore very limited.

### ***Neutral***

- 9.5** The site lies within the existing business park and the proposed buildings would be compatible with the area. Furthermore the proposal would have no adverse impacts on the living conditions of adjoining residents of the natural environment.

## 10. Recommendation

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- 10.1 It is recommended that authority be **DELEGATED** to the Development Management Team Manager to **APPROVE** the application subject to no adverse observations from the Local Highway Authority and Drainage Officer and any additional or amended Conditions.

## 11. Conditions

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- 1 The development hereby permitted shall be carried out in accordance with the following documents:

Drawing Number 11537\_PL\_003A Plots 3 and 4 Site Location Plan

Drawing Number 11537\_PL030A Plot 3 Site Location Plan

Drawing number 11537\_PL040B Plot 4 Site Plan

Drawing number 11537\_PL\_031 Unit 3 Ground Floor Plan

-Drawing Number 11537\_PL\_032 Unit 3.1 First Floor Plan

-Drawing Number 11537\_PL\_033 Unit 3.1 Elevations and Section

-Drawing Number 11537\_PL\_034 Unit 3.1 Roof Plan

-Drawing Number 11537\_PL\_041 Unit 4.1 Ground Floor Plan

-Drawing Number 11537\_PL\_042 Unit 4.1 First Floor Plan

-Drawing Number 11537\_PL\_043 Unit 4.2 Ground Floor Plan

Drawing Number 11537\_PL\_044 Unit 4.2 First Floor Plan

Drawing Number 11537\_PL\_045 Unit 4.1 Elevations and Section

Drawing Number 11537\_PL\_046 Unit 4.2 Elevations and Section

Drawing Number 11537\_PL\_047 Unit 4.1 Roof Plan

Drawing Number 11537\_PL\_048 Unit 4.2 Roof Plan

Drawing Number 11537\_PL\_130 Plot 3 Landscape GA sheet 1 of 2

Drawing Number 11537\_PL\_131 Plot 3 Landscape GA sheet 2 of 2

Drawing Number 11537\_PL\_140 Plot 4 Landscape GA sheet 1 of 3

Drawing Number 11537\_PL\_141 Plot 4 Landscape GA sheet 2 of 3

Drawing Number 11537\_PL\_142 Plot 4 Landscape GA sheet 3 of 3

Drawing Number 2663-P-12 Plot 3 Tree Protection Plan

Drawing Number 2664-P-12 Plot 4 Tree Protection Plan

Energy and Sustainability Statement by Cudd Bentley Consulting Ltd March 2023

External Impact Lighting assessment, Document Ref: 6365-CBC-OR-RP-E-003 Revision PO3 dated 16/11/2023 by Cudd Bentley.

Noise Impact Assessment by Spectrum Plots 3 and 4 ref DP834/22259/Rev. 2 dated 09/02/2023

Ecological Mitigation and Enhancement Strategy (EMES) report (Focus Environmental Consultants, November 2023)

Flood Risk Assessment and Drainage Strategy Report ref R300 First Issue February 2023 By Baynham Meikle Partnership Ltd

-Preliminary Ecological Appraisal report (Focus Environmental Consultants, February 2023)

Ecological Impact assessment by Focus Environmental Consultants July 2023)

Habitat Regulations Assessment Screening Opinion report (Focus Environmental Consultants, July 2023)

except where these may be modified by any other conditions attached to this permission.

Reason: To ensure that the development is carried out in accordance with the approved plans and documents

- 2** No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR112, or a 'Further Licence') and with the proposals detailed on plan "Plots 3&4, Gloucester Business Park: Impact Plan for great crested newt District Licensing (Version 1)", dated 12th September 2023.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML[1]OR112, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

- 3** No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR112, or a 'Further Licence'), confirming that all necessary measures regarding great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the planning authority and the authority has provided authorisation for the development to proceed under the district newt licence. The delivery partner certificate must be submitted to this planning authority for approval prior to the commencement of the development hereby approved.

Reason: In order to adequately compensate for negative impacts to great crested newts, and in line with section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

- 4** No development hereby permitted shall take place except in accordance with Part 1 of the Great Crested Newt Mitigation Principles, as set out in the District Licence WML-OR112 (or a 'Further Licence') and in addition in compliance with the following: - Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians. - Capture methods must be used at suitable habitat features prior to the commencement of the development (i.e., hand/destructive/night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable habitat, installed for the period of the development (and removed upon completion of the development). - Amphibian fencing and pit all trapping must be undertaken at suitable habitats and features, prior to commencement of the development.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML-OR112, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

- 5** No work shall start on the construction of the buildings hereby approved until details of floor slab levels of each new building, relative to each existing building on the boundary of the application site have been submitted to and approved in writing by the Local Planning Authority. Thereafter the new buildings shall be constructed at the approved floor slab levels.

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.

6 Prior to commencement of the development hereby permitted details of a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period. The plan/statement shall include but not be restricted to:

- Parking of vehicle 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;
- Any temporary access to 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;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Highway Condition survey;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development.

7 All planting comprised in the approved details of tree/hedgerow planting shall be carried out in the first planting season following the occupation of any building or the completion of the development, whichever is the sooner. If any trees or hedgerows, which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, these shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. If any trees or hedgerows fail more than once they shall continue to be replaced on an annual basis until the end of the 5-year period.

Reason: To ensure adequate provision for trees/hedgerows, in the interests of visual amenity and the character and appearance of the area.

8 The development hereby approved shall not be brought into use until visibility splays are provided from a point 0.6 metres above carriageway level at the centre of the accesses including emergency accesses to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 43 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 0.6 metres in height above carriageway level.

Reason: In the interests of highway safety.

9 No building hereby approved shall be brought into use until the access, parking and turning facilities (to serve that building) to the nearest public highway has been provided as shown on the approved drawings.

Reason: To ensure that a safe and convenient means of emergency access can be provided in the interests of highway safety.

- 10 The use shall not commence until details of a scheme to prevent access (by way of retractable bollards, gates or other means), by motor vehicles through the emergency access have been submitted to and agreed in writing by the Local Planning Authority. The retractable bollards, gates or other means shall then be constructed in accordance with the approved plan and remain locked permanently thereafter unless otherwise required in an emergency.

Reason: In the interest of highway safety

## 12. Informatives

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- 1 The Lead Local Flood Authority (LLFA) will give consideration to how the proposed sustainable drainage system can incorporate measures to help protect water quality, however pollution control is the responsibility of the Environment Agency
- 2 Future management of Sustainable Drainage Systems is a matter that will be dealt with by the Local Planning Authority and has not, therefore, been considered by the LLFA.
- 3 Any revised documentation will only be considered by the LLFA when resubmitted through suds@gloucestershire.gov.uk e-mail address. Please quote the planning application number in the subject field.
- 4 It is recommended that the Nature Space Best Practice Principles are considered and implemented where possible and appropriate.
- 5 It is recommended that the NatureSpace certificate is submitted to this planning authority at least 6 months prior to the intended commencement of any works on site.
- 6 It is essential to note that any works or activities whatsoever undertaken on site (including ground investigations, site preparatory works or ground clearance) prior to receipt of the written authorisation from the planning authority (which permits the development to proceed under the District Licence WML-OR112, or a 'Further Licence') are not licensed under the great crested newt District Licence. Any such works or activities have no legal protection under the great crested newt District Licence and if offences against great crested newts are thereby committed then criminal investigation and prosecution by the police may follow.
- 7 It is essential to note that any ground investigations, site preparatory works and ground / vegetation clearance works / activities (where not constituting development under the Town and Country Planning Act 1990) in a red zone site authorised under the District Licence but which fail to respect controls equivalent to those detailed in the planning condition above which refers to the NatureSpace great crested newt mi ga on principles would give rise to separate criminal liability under the District Licence, requiring authorised developers to comply with the District Licence and (in certain cases) with the GCN Mi ga on Principles (for which Natural England is the enforcing authority); and may also give rise to criminal liability under the Wildlife & Countryside Act 1981 (as amended) and/or the Conservation of Habitats and Species Regulations 2017 (as amended) (for which the Police would be the enforcing authority).

- 8** The development hereby approved may include the carrying out of work on the public highway. You are advised that before undertaking work on the public highway checking the highway ownership and management arrangement that you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out if adopted highway.
- 9** Contact the Highway Authority's Legal Agreements Development Management Team at [highwaylegalagreements@gloucestershire.gov.uk](mailto:highwaylegalagreements@gloucestershire.gov.uk) allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Council's costs in undertaking the following actions:  
Drafting the Agreement  
A Monitoring Fee  
Approving the highway details  
Inspecting the highway works
- 10** 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.
- 11** It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to "respecting the community" this says:
- Constructors should give utmost consideration to their impact on neighbours and the public
- Informing, respecting and showing courtesy to those affected by the work;
  - Minimising the impact of deliveries, parking and work on the public highway;
  - Contributing to and supporting the local community and economy; and
  - Working to create a positive and enduring impression and promoting the Code.
- The CMP 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.
- 12** In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing the to the Council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.