

**Hardwicke Planning Group - Review of Planning Application - S.18/2420/DISCON -  
Discharge of conditions 6,12,23 and 38 of S.15/1498/VAR - Land At Colethrop Farm  
Bath Road Hardwicke Gloucester**

- 1 The application is for discharge of conditions 6, 12, 23 and 38 of S.15/1498/VAR.
- 2 Reserved matters submission S.18/2321/REM is awaiting approval to increase the height of the 3 metre bund to 5 metre and 6 metres dependent on the location. This is a reserved matters application therefore any pre-commencement conditions placed in the original application (S.11/1124/REM amended by S.15/1498/VAR) must be complied with prior to commencing works. It is therefore necessary to discharge those conditions from the noise bund permission.
- 3 Hardwicke Parish Council Planning Group reviewed the application and supporting evidence as of 2<sup>nd</sup> December 2018.
- 4 **Hardwicke Parish Council supports the discharge of conditions 6,12, and 38 of S.15/1498/VAR against submission S.18/2321/REM.**
  - 4.1 **It supports the discharge of condition 23 if the amendments recommended are made; if not then Hardwicke Parish Council cannot support the discharge.**
  - 4.2 **Hardwicke Parish Council have concerns on highway safety when using heavy duty earth movers on a rural lane. It requests that Local Highways specialists be added to the list of standard consultants before discharging these conditions.**
- 5 The recommendation is predicated on the following evidence

**Background**

- 6 There are numerous planning applications for the site.
  - 6.1 S.09/1692/VAR Variation of conditions 13, 20, 32, 33, 34, 39, 51 & 52 of permission S.06/1429/OUT to allow alternative phasing of the development to facilitate commencement of development without constructing the A38 junction.
  - 6.2 S.10/0109/DISCON Discharge of Conditions 1, 7, 10, 11, 13, 17, 30, 31, 32, 33, 34, 36, 37, 38, 42, 43, 48 and 53 of Application S.09/1692/VAR.
  - 6.3 S.10/0161/DISCON Discharge of conditions 51 and 52 of approved application S.09/1692/VAR.
  - 6.4 S.10/0266/DISCON Discharge of conditions 53 and 55 of approved application S.09/1692/VAR.
  - 6.5 S.10/1743/REM Application for reserved matters for the second stage of the noise bund and associated haul route.

- 6.6 S.10/2077/FUL Erection of gate piers and wall (revised plans received 27/10/10).
- 6.7 S.10/2429/REM Revised application to previously approved reserved matters application S.09/2273/REM relating to minor changes to layout and house designs on part of Phase 1.
- 6.8 S.11/1124/REM Approval of reserved matters for revisions to phase 1 noise bund following permission S.09/1692/VAR.
- 6.9 S.13/2187/REM Approval of reserved matters for details of the phase 1 neighbourhood equipped area for play (NEAP) following permission S.09/1692/VAR.
- 6.10 2013/2879/EIAS Request for Screening Opinion under Regulations 5 and 8 of the Town and Country Planning (Environmental Impact Assessment) Regulation 2011 for Phase 2 of Hunts Grove, including 580 dwellings, public open space, allotments, sport facilities and associated infrastructure.
- 6.11 S.14/1552/REM Approval of reserved matters for details of appearance, landscaping, layout and scale in relation to Phase 2a of the development comprising 50 dwellings following outline permission S.09/1692/VAR (additional information received)
- 6.12 S.14/2909/DISCON Approval of details reserved by condition in relation to S.09/2273/REM.(Condition 2)
- 6.13 S.14/2910/DISCON Discharge of Condition 28 of S.09/1692/VAR
- 6.14 S.15/0939/MINAM Non material amendment to planning application S.09/1692/VAR
- 6.15 S.15/0940/DISCON Discharge of Conditions 10 (Phasing Scheme) ,32 (CEMP) and 34 (Hydrology) of Planning Permission S.09/1692/VAR
- 6.16 S.15/1498/VAR Variation of Conditions - 1, 2, 5, 6, 9, 10, 11, 13, 15, 16, 18, 20, 21, 24, 25, 26, 27, 30, 31, 32, 33, 36, 37, 38, 39, 40, 41, 42, 43, 44, 49, 51, 52, 53, 55 - From S.09/1692/VAR
- 6.17 S.16/0584/DISCON Discharge of conditions 13 (Noise assessment), 14 (Noise WHO), 30 (Treatment, reuse and recycling- soil), 31 (Treatment, reuse and recycling - demolition), 32 (CEMP) Parts A - D and F-J, 33 (Drainage), 36 (Highway), 37 (Temporary car parking and accommodation), 38 (Fencing), 51 (Environmental Assessment), 52 (Renewable Energy) from permission S.09/1692/VAR.
- 6.18 S.16/2392/MINAM .....
- 6.19 S.17/0363/DISCON Discharge of condition 8 from S.13/2774/FUL

- 6.20 S.17/0448/DISCON Discharge of condition 7 from S.13/2774/FUL.
- 6.21 S.17/0449/DISCON Discharge of condition 5 (Implementation and ongoing management of Landscaping) from S.13/2774/FUL.
- 6.22 S.17/0597/MINAM Minor amendment to Ref. S.14/1552/REM - changes to the material for the private footpaths and the joining of garages to plots 1 & 2.
- 6.23 S.17/1677/MINAM The following amendments to be approved; A change in roof materials to various plots Amendments to roof pitch to 3no house types Chimney positions to be revised.
- 6.24 S.17/2143/REM Reserved matters approval is sought for the major open space within Phase 2, to the east of Hunts Grove. The reserved matters include full details of the proposed works including earthworks, pedestrian accesses, layout of the NEAP, details of proposed furniture and play equipment and proposed hard and soft landscaping.
- 6.25 S.17/2193/REM Application for the approval of reserved matters (appearance, landscaping, layout and scale) for on-site infrastructure relating to the construction of part of the main access road into Phase 2 of the wider strategic development.
- 6.26 S.17/2263/REM Approval of reserved matters (appearance, landscaping, layout and scale) for on-site infrastructure including construction of drainage infrastructure, associated surface water attenuation features, and areas of landscaping, public open space and a footpath/cycleway along the southern boundary of Shorn Brook.
- 6.27 S.17/2642/REM Reserved matters submission pursuant to Condition 1 of permission S.15/1498/VAR for parking, landscaping and associated infrastructure (parcels 22-25 and 26B)
- 6.28 S.17/2701/REM Application for the approval of reserved matters for the construction of the noise bund identified as Phase 2 on the 'Noise Bund Phasing Plan' (Drawing Reference FSE91314E/199) approved under planning permission S.15/1498/VAR.
- 6.29 S.17/2834/DISCON Discharge of condition six from permission of the application S.15/1498/VAR.
- 6.30 S.17/2849/REM Application for the approval of reserved matters (appearance, landscaping, layout and scale) for the erection of a two form entry primary school within Phase 2 of the wider strategic development from S.15/1498/VAR
- 6.31 S.18/0199/DISCON Discharge of conditions 26 and 37 from permission S.15/1498/VAR.

- 6.32 S.18/0212/DISCON Discharge of condition 23 part (e) Construction Environmental Management Plan for parcel R20A and R21 of planning permission S.15/1498/VAR
- 6.33 S.18/0238/DISCON Discharge of condition 23 from permission S.15/1498/VAR.
- 6.34 S.18/0394/DISCON Discharge of conditions 12 (Contaminated Land), 23 (CEMP), 25 (Drainage water courses), 34 (Chemical storage tanks), 37 (Sustainable energy scheme) and 38 (Trees) from Planning Application S.15/1498/VAR
- 6.35 S.18/0480/DISCON Partial discharge condition 6 (archaeology) from S.15/1498/VAR.
- 6.36 2018/0758/EIAS Town and Country Planning (Environmental Impact Assessment) Regulations 2017: Request for scoping opinion.
- 6.37 S.18/0778/DISCON S.15/1498/VAR - Conditions: 10 - Noise, 12 - Contaminated Land, 21 - Accessibility, 24 - SUDS, 26 - New access, 38 - Trees
- 6.38 S.18/0954/DISCON Discharge of condition 6 - Archaeology, condition 36 - Fire Hydrants, condition 37 - Sustainability Energy Scheme report for parcels R20/21
- 6.39 S.18/1231/DISCON Discharge of conditions 4, 6 and 8 of S.17/2289/REM.
- 6.40 S.18/1507/DISCON Discharge of condition 2 - Landscape and ecological management plan from permission S.17/2143/REM.
- 6.41 S.18/2103/MINAM Minor Amendments in S.17/2143/REM 1- Gates (6437\_200A), 2- Neap Play area (64327\_200A), 3- Pocket park (6437\_201POS) 4- Play trail (5835\_102) 5-Secondary Footpath Widths (6437\_101,6437\_102,6437\_103,6437\_104)
- 6.42 S.18/2223/MINAM Application for non-material amendment to permissions
- 6.43 S.09/1692/VAR and S.14/1552/REM.
- 6.44 S.18/2321/REM Amendments to noise bund constructed pursuant to Reserved Matters approval S.11/1124/REM
- 6.45 S.18/2420/DISCON Discharge of conditions 6,12,23 and 38 of S.15/1498/VAR
- 6.46 S.18/2465/REM Construction of a substation.

### **Observations/Comments/Compliances**

7 S.15/1498/VAR Conditions

7.1 Condition 6 states that '*...6. No development shall take place within areas of archaeological interest as agreed in writing by the Local Planning Authority until the*

*Applicant, their agents or successors in title, has implemented a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and agreed in writing by the Local Planning Authority.*

*Reason: To ensure that heritage assets are properly investigated and recorded....'*

7.1.1 The evidence submitted includes *Archaeological Project Design* (January 2010) . that has been accepted by the Archaeology specialist meeting condition 6 requirements.

7.2 Condition 12 states that '*...12. No development shall start within each particular phase not until a scheme to deal with contamination of land, controlled waters and/or ground gas has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved scheme. The scheme shall include all of the following measures, unless the Local Planning Authority dispenses with any such requirement specifically in writing:*

- *17.1 A Phase 1 site investigation report carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environmental risk assessment, undertaken in accordance with BS 10175:2001 Investigation of Potentially Contaminated Sites – Code of Practice.*
- *17.2 A Phase II intrusive investigation report detailing all investigative works and sampling on-site, together with the results of the analysis, undertaken in accordance with BS 10175:2001 Investigation of Potentially Contaminated Sites – Code of Practice. The report should include a detailed quantitative human health and environmental risk assessment.*
- *17.3 A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation should be stated, such as site contaminant levels or a risk management action, and how this will be validated. Any ongoing monitoring should also be outlined. No deviation shall be made from this scheme without prior written approval from the Local Planning Authority.*
- *17.4 If during the works contamination is encountered which has not previously been identified, then no further works shall be carried out (unless otherwise agreed in writing by the Local Planning Authority) until the additional contamination has been fully assessed and an appropriate remediation scheme submitted to and approved in writing by the Local Planning Authority.*
- *17.5 A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show that the site has reached the required clean-up criteria shall be included, together with the necessary documentation detailing*

*what waste materials have been removed from the site.*

*Reason: To protect amenity...'*

7.2.1 Hunts Grove Development Ground Investigation Report dated April 2008 is submitted in the evidence. The evidence has been accepted by the Contaminated Land Officer meeting condition 12 requirements.

7.3 Condition 23 states that '*...23. Prior to the commencement of development of each phase, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. All construction works shall thereafter be carried out in accordance with the approved plan. The plan shall cover the following areas;*

*(a) Details of the earthworks for each phase, comprising: the proposed excavation, grading and mounding of land areas including the levels and contours to be formed; details of the treatment, recycling and re-use of soils and demolitions arisings*

*(b) Details of the nature, type and quantity of materials to be imported onto the site.*

*(c) Methods for the protection of drainage ditches and water bodies within the site (both existing and newly created) from pollution during construction works.*

*(d) Pollution prevention and control measures during the construction phase including:*

*(i) facilities for the storage of fuels, oils and chemicals:*

*(ii) surface water drainage arrangements for interception, settlement and treatment of contaminated surface water run-off;*

*(iii) measures to ensure there is no polluting discharge from haul roads and disturbed areas;*

*(e) Habitat protection and enhancement to avoid harm to breeding birds and other protected species, with appropriate monitoring of agreed Mitigation and Biodiversity Objectives. Monitoring will be carried out in accordance with a scheme of ecological monitoring to be submitted and approved by the Local Planning Authority in relation to specific measures proposed within each development phase. The applicant shall submit a monitoring report annually for the first four years following completion of development of each phase and thereafter at periods to be agreed in writing by the Local Planning Authority. The monitoring report will identify any further measures required to meet Biodiversity Objectives which if required, shall be implemented in accordance with a programme of works to be agreed by the Local Planning Authority. The remedial*

*measures shall be fairly and reasonably related in scale and kind to the proposed development.*

*(f) Site access and haul routes including times of operation;*

*(g) Site establishment and topsoil management;*

*(h) Mitigation of construction noise;*

*(i) Construction site works hours;*

*(j) Location of principal service route corridors*

*k) measures to prevent mud, dirt and other deleterious materials from the site being deposited on the highway, with all vehicles using such facilities prior to leaving the site.*

*(l) details of temporary car parking and accommodation for site operatives*

*(m) details of security fencing*

*Reason: To protect the environment and amenity..’.*

7.3.1 Hunts Grove - Noise Bund Enlargement Construction Environmental Management Plan (CEMP) dated 5<sup>th</sup> November 2018 is submitted with the evidence. Without the amendments below the evidence cannot be accepted as meeting the requirements of condition 23.

7.3.2 Paragraph 5.4.7 and 5.4.8 of the CEMP states that ‘...*The survey, **if required**, will incorporate a photographic record as appropriate. This would be followed by a further condition survey with highway officers with a further photographic record covering the same extents at the end of construction activities, in order to identify and agree any remedial works reasonably attributable to construction activities.*

*5.4.8 The extent of the survey, **if required**, is to be agreed...’*

7.3.2.1 The level of risk fro damage to Haresfield Lane is very high. The size of vehicles and the weights involved must be close, if not over the design limit of the lane. For this reason we request that the ‘...if required..’ statements are removed to make the inspections mandatory.

7.3.3 Paragraph 5.5.4 states that ‘...Wheel wash facility to be used (as necessary) for vehicles leaving site...’.

7.3.3.1 Experience with HG phase 1 construction demonstrates the need for this aspect to be strictly monitored. Haresfield Lane is often used as a 'rat-run' making it busy for its role. Any excessive mud on the lane will dramatically increase the hazard to routine traffic.

7.3.4 Paragraph 5.6.2 states that '*...A contractor compound within the development will be provided as far as practical away from residential streets and restricting contractor parking on local roads;...*'

7.3.4.1 Parking in this rural part of Hardwicke area is restricted. Failure to provide adequate onsite parking will result in vehicles parking on verges causing more damage than that caused by the task itself. We request that the term '*...as far as practical...*' is removed as past experience has shown developers to use such a term to minimise their responsibilities.

7.4 Condition 38 states that '*...38. Prior to the commencement of each development phase (as defined under the phasing scheme plan submitted and approved pursuant to Condition 10), the following details shall be submitted to the Local Planning Authority for approval:*

*a) A plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point of 1.5m above ground level, exceeding 75mm, showing which trees are to be retained and the crown spread of each retained tree.*

*b) Details of the species, diameter (measured in accordance with paragraph (a) above) and the approximate height and assessment of the general state of health and stability of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply.*

*c) Details of any proposed pruning of any retained tree or any tree on land adjacent to the site.*

*d) Details of any proposed alterations in existing ground levels and the position of any proposed excavations within the crown spread of any retained tree or of any tree on land adjacent to the site, or within a distance from any retained tree or any tree on land adjacent to the site, equivalent to half the height of that tree.*

*e) Details of the specification and positioning of fencing and of any measures to be taken for the protection of any retained tree from damage before or during the course of the development. In this condition, retained tree means an existing tree that is to be retained in accordance with the plan referred to in paragraph (a) above.*

*f) Details of the service and foul and surface water drainage layout, such that it will provide for the long-term retention of the trees.*



*g) a scheme (hereinafter called the approved protection scheme) which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, including trees which are the subject of a tree preservation order currently in force. The development shall be carried out in accordance with the approved details.*

*Reason: To protect the existing trees...'*

7.4.1 Hunts Grove - Noise Bund Enlargement Construction Environmental Management Plan (CEMP) dated 5<sup>th</sup> November 2018 is submitted with the evidence.

7.4.2 Paragraph 7.8.1 states that '...Table 1 sets out the control measures to protect the important ecological features that have been identified on and/or adjacent to site. They have been identified through a series of surveys that were undertaken in support of the development design and planning submission.

The results of these surveys are included within the Ecology Chapter of the Environmental Statement, Chapter 12.

7.4.3 Paragraph 7.8.2 states that '*...Tree protection measures for all retained trees across the entire site are set out in Tyler Grange's 'Findings of BS5937 Tree Quality Survey and Method Statement' dated 6 September 2017...*' The document is not provided in the evidence therefore cannot be evaluated.

7.4.4 The submitted CEMP and the surveys in the Ecology chapter of the Environmental Statement for the site meets the requirements of condition 38.