

## TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

<b>Committee:</b>	Planning
<b>Date:</b>	21 July 2020
<b>Site Location:</b>	Land Off Rectory Close Ashleworth Gloucester GL19 4JJ
<b>Application No:</b>	19/01227/OUT
<b>Ward:</b>	Highnam With Haw Bridge
<b>Parish:</b>	Ashleworth
<b>Proposal:</b>	Outline application for up to 42 dwellings including access and associated works (all matters reserved for future consideration)
<b>Report by:</b>	Mr Adam White
<b>Appendices:</b>	Site location plan Site survey Proposed access x2 Illustrative layout plan
<b>Recommendation:</b>	Delegated permit

### 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1. The application site measures approximately 1.9ha and is located immediately adjacent to the recent housing development completed off Nup End/Lawn Road to the north west of Ashleworth (**see attached site location plan**). The site comprises part of a single agricultural field and is currently accessed off an existing farm track located on the north western boundary.
- 1.2. There is a public right of way running along the eastern boundary of the site, beyond which there are a number of existing dwellings and a sheet metal fabrication business. The site boundaries are generally formed by mature hedgerows and trees with open countryside beyond to the south and west. The site is also located within a Landscape Protection Zone as designed by the Tewkesbury Borough Local Plan to 2011.
- 1.3. The application is in outline form and proposes the erection of up to 42 dwellings, including 40% affordable housing and associated infrastructure. As originally submitted, the application proposed access to be determined at outline stage. However, for the reasons set out elsewhere in this report, access is now proposed to be dealt with at the reserved matters stage, along with matters relating to layout, appearance, scale and landscaping.

## **2.0 RELEVANT PLANNING HISTORY**

- 2.1. In December 2015, the Council refused outline planning permission for up to 35 dwellings on the adjacent side immediately to the north east (Ref: 15/00965/OUT). The application was primarily refused on the basis of its location and landscape impact. The application was also refused for a number of technical reasons, which related to the lack of a signed Section 106 Agreement. The application was subsequently allowed on appeal in September 2016 (Ref: APP/G1630/W/16/3150236). In November 2017, a reserved matters application for 35 dwellings pursuant to the outline permission (Ref: 17/00783/APP) was approved by the Council and the development has since been built out.

## **3.0 RELEVANT POLICY**

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

### **National guidance**

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

### **National guidance**

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

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

- 3.4. Policies: SP1, SP2, SD3, SD4, SD6, SD8, SD9, SD10, SD11, SD12, SD14, INF1, INF2, INF3, INF4, INF6, INF7,

### **Tewkesbury Borough Local Plan to 2011 - March 2006 (TBLP)**

- 3.5. Policy LND3

### **Tewkesbury Borough Plan 2011-2031 Pre-submission Version (July 2019)**

- 3.6. Policies: RES1, RES2, RES3, RES4, RES5, RES12, RES13, DES1, HER2, HER4, LAN2, NAT1, NAT3, ENV2, RCN1, RCN2, TRAC1, TRAC2, TRAC3, TRAC9
- 3.7. Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)
- 3.8. The First Protocol, Article 1 (Protection of Property)

## **4.0 CONSULTATIONS**

- 4.1. **Ashleworth Parish Council** object for the following reasons:

- There has been no engagement whatsoever with the Parish Council or other local organisations regarding this application.
- The proposed plan does not protect or enhance our natural environment and it does not improve biodiversity.
- The rate of development is not sustainable in terms of the village infrastructure and facilities.
- The affordable housing will not be affordable and any local need that may exist will not be met by the proposed development.
- There are insufficient school places.
- The village sewer network is unable to cope with existing demand.

- The road infrastructure in Ashleworth cannot cope with traffic as it currently stands,
- There would be a harmful impact on ecology.
- Elements of the ecological appraisal are inaccurate with regard to low value feeding and foraging habitats.
- No ecology surveys have been carried out.
- The development would increase the risk of flooding in the village.
- The Landscape and Visual Appraisal Report is misleading.

4.2. **County Archaeologist** – No objections.

4.3. **Highways Authority** – No objection subject to recommended planning conditions.

4.4. **Gloucester Ramblers** – No objections.

4.5. **Severn Trent Water** – No objections subject to drainage conditions.

4.6. **Minerals and Waster** – No objections subject to a condition to secure details of the provisions for the recycling of waste.

4.7. **Environmental Health** – No objections subject to a condition to secure noise mitigation measures.

4.8. **Landscape Consultant** – the visual effects associated with the proposed development would be localised and would not materially affect the local road network or other publicly accessible vantages. The small to medium scale landscape is able to accommodate this scale of development within a robust framework of hedgerows without material harm to the wider landscape character. The development would not conflict with Policy LND3 since it would not affect the distinctive river environment.

4.9. **CPRE** – Object as Ashleworth is not a Service Village and the site is not allocated for development.

4.10. **Strategic Housing and Enabling Officer** – No objections subject to the scheme being in accordance with the recommended housing mix.

4.11. **Lead Local Flood Authority (LLFA)** – No objections.

4.12. **Gloucestershire County Council (Education and Libraries)** – No objections subject to securing contributions towards education and libraries.

## 5.0 PUBLICITY AND REPRESENTATIONS

5.1. The application has been publicised through the posting of site notices for a period of at least 21 days and through a press advertisement.

5.2. 47 letters of objection have been received. The objections are summarised as follows:

- The current development in Nup End has numerous houses which remain vacant.
- Concern that the root protection zone shown around the Willow tree close to the access is not accurate.
- There are concerns regarding the capacity of the sewerage system in Ashleworth.
- The narrow country roads are not suitable for large volumes of traffic.
- The field is a wildlife haven.
- The development is grossly out of proportion to the size of the village and amenities that support it.

- The nearby schools will not be able to support the additional housing.
- This proposal will detrimentally change the essentially rural character of the village.
- A large influx of new residents without local ties and connections may well upset the balance in what is a very cohesive and friendly community.
- The proposal runs the risk of producing more flooding in the lower part of the village due to surface water runoff.
- Ashleworth is not a sustainable location for a major housing development due to its poor accessibility to employment opportunities.
- The FRA completely fails to identify the existing ditch network.
- There are insufficient services in Ashleworth.
- There is very little employment within the area, most people must travel to work.
- No facilities for children have been provided by the first phase of building, either within the building site or locally.
- Ashleworth is not identified as a service village in the JCS and is not an area identified for development.
- Surveys for protected species have not been carried out. Surveys should be undertaken before planning permission is granted.
- A 36% - 43% population growth in such a short period of time will undoubtedly have a negative impact on this precious commodity of 'community'. Existing residents, particularly the elderly who rely on a smaller community for safety, their own confidence and familiarity with their surroundings, will feel the impact of this.
- The proposed houses are not sensitive to the local vernacular.
- The local bus infrastructure is inadequate.
- The proposal would alter the character of the Conservation Area.
- There are no pavements on the majority of the lanes leading in and out of Ashleworth.
- There has been a noticeable increase in vehicle pollution and noise.
- The bird surveys should be carried out in each of the four seasons, or at least the breeding season and winter months to gain accurate data
- The development would destroy this important breeding and feeding habitat for birds and would drive away birds from adjacent fields.
- There is little or no local housing need.
- There is no soft transition nor regard to current housing and the countryside.
- There is no provision for on-site or off-site playing pitches with changing facilities and sports facilities to meet the needs of the proposed community.
- The site is not well-contained and will not be sufficiently screened from public rights of way.
- The Landscape Strategy, in places, is inaccurate and misleading.
- The existing development dominates the landscape, even from 3 miles away as seen from Wainlodes Hill.

## **6.0 POLICY CONTEXT**

- 6.1. 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.
- 6.2. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on the Council to have special regard to the desirability of preserving listed buildings, their setting or any features of special architectural or historic interest which they possess. Section 72(1) of the Act provides that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

- 6.3. The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), saved policies of the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP), and a number of 'made' Neighbourhood Development Plans. However, there are no Neighbourhood Development Plans that are currently relevant to this application.
- 6.4. The Pre-Submission Tewkesbury Borough Plan was submitted to the Secretary of State for Housing, Communities and Local Government on 18 May 2020 for examination. On the basis of the stage of preparation it has reached it is considered that the plan can be afforded at least moderate weight. However, the weight to be attributed to individual policies will be subject to the extent to which there are unresolved objections (the less significant the unresolved objections, the greater the weight that may be given) and their degree of consistency with the NPPF (the closer the policies to those in the NPPF the greater the weight that may be given).
- 6.5. Other material policy considerations include the National Planning Policy Framework (NPPF) and its associated Planning Practice Guidance.
- 6.6. The relevant policies are set out in the appropriate sections of this report.

## **7.0 ANALYSIS**

### **Principle of development**

- 7.1. Policy SD10 of the JCS states that within the JCS area new housing will be planned in order to deliver the scale and distribution of housing development set out in Policies SP1 and SP2. Housing development will be permitted at sites allocated for housing through the development plan, including Strategic Allocations and allocations in district and neighbourhood plans. On sites that are not allocated, housing development and conversions to dwellings will be permitted on previously developed land in the existing built-up areas of Gloucester City, the Principal Urban Area of Cheltenham and Tewkesbury town, rural service centres and service villages except where otherwise restricted by policies within District plans. Policy SD10 follows that housing development on other sites will only be permitted where:
- i. It is for affordable housing on a rural exception site in accordance with Policy SD12, or;
  - ii. It is infilling within the existing built up areas of the City of Gloucester, the Principal Urban Area of Cheltenham or Tewkesbury Borough's towns and villages except where otherwise restricted by policies within District plans, or;
  - iii. It is brought forward through Community Right to Build Orders, or;
  - iv. There are other specific exceptions/circumstances defined in district or neighbourhood plans.

- 7.2. Whilst Ashleworth previously had a defined settlement boundary, as defined by the Tewkesbury Borough Local Plan to 2011; that has not been carried forward following the adoption of the JCS. Policy RES3 relates to new housing outside of the defined settlement boundaries and supports development where it consists of:
1. The reuse of a redundant or disused permanent building.
  2. The sub-division of an existing dwelling into two or more self-contained residential units.
  3. Very small-scale development at rural settlements in accordance with Policy RES4.
  4. A replacement dwelling.
  5. A rural exception site for affordable housing.
  6. Dwellings essential for rural workers to live permanently at or near their place of work in the countryside.
  7. A site that has been allocated through the Development Plan or involves development through local initiatives including Community Right to Build Orders and Neighbourhood Development Orders.
- 7.3. The application site is Greenfield land that lies outside of any defined settlement boundary and is not allocated for housing development. The site does not represent previously developed land within the built-up areas of a service village; is not a rural exception scheme; and does not represent 'infilling'. It has not been brought forward for development through a Community Right to Build Order and there are no policies in the existing Tewkesbury Borough Local Plan to 2011 which allow for the type of development proposed here. The proposal therefore conflicts with Policies SP2 and SD10 of the JCS and Policy RES3 of the emerging Borough Plan.

#### **Council's 5 Year Housing Land Supply**

- 7.4. Whilst the proposal is contrary to Policies SP2 and SD10 of the JCS and Policy RES3 of the emerging Borough Plan, it is also currently the case that the Council cannot demonstrate a 5-year supply of deliverable housing sites. It is the Council's current position that a 4.33 years supply of housing can be demonstrated. In this scenario, paragraph 11 of the NPPF states that where policies which are most important for determining the application are out of date, permission should be granted unless: i. the application of policies in the Framework that protect assets of particular importance provides a clear reason for refusing the development; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 7.5. The Framework clarifies that planning policies for housing will be judged out of date where, inter alia, the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites. Footnote 6 to paragraph 11 also clarifies which policies in the Framework provide a clear reason for refusing. There are no such policies in the Framework that provide a clear reason for refusal in this case and therefore the presumption in favour of granting permission is engaged as per paragraph 11d of the Framework. This is also known as the 'tilted balance'.

## **Landscape impact**

- 7.6. JCS Policy SD6 states that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. Proposals will have regard to local distinctiveness and historic character of different landscapes and proposals are required to demonstrate how the development will protect landscape character and avoid detrimental effects on types, patterns and features which make a significant contribution to the character, history and setting of a settlement area. Saved Policy LND3 of the Local Plan to 2011 states that within the Landscape Protection Zone, special protection is given to the ecology and visual amenity of the river environment. This is further reflected in Policy LAN2 of the emerging Borough Plan.
- 7.7. The site is located within land, which forms part of a Landscape Protection Zone as designated by the Local Plan to 2011. In terms of landscape character, according to the National Character Area Profiles, the site falls within the Severn and Avon Vales (Character Area 106). At a district level, the Gloucestershire Landscape Character Assessment (2006) includes the site within the Severn Vale Character Area. Within this, the site falls within the 'Unwooded Vale' Landscape Character Typology and more specifically, within the Ashleworth, Tirley and Forthampton Vale Landscape Character Area (SV 5B).
- 7.8. The submitted Landscape and Visual Impact Assessment (LVIA) states that the landform of the site is relatively flat and sits in contrast to the rolling landform to the west. The site is surrounded by small scale fields with mature hedgerows and hedgerow trees. Whilst there is a strong network of roads and public rights of way in the area, visibility of the site is greatly limited by the topographic concealment and vegetated containment. The clearest views into the site occur only at a very close range and from a very limited number of visual receptors. The LVIA therefore concludes that despite some predicted minor adverse effects on landscape and visual amenity during construction, the scheme would have very little visual impact on views in close proximity to the site and no perceivable impact in mid-range or long-distance views in the wider context. In terms of landscape character and visual amenity, the LVIA concludes that the proposed development would be appropriate in the landscape context.
- 7.9. Following consultation with the Council's landscape consultant, it is confirmed that the visual effects associated with the proposed development are likely to be well contained and exert a local influence only. The development would be clearly visible from the public right of way, which crosses the site, although the overall effect upon the local footpath network would be slight. Furthermore, the site exerts very little influence on the local road network and does not exert any visual influence upon the river environment to the south and west of the village. The landscape consultant noted potential wintertime views from Wagons Way, which is a well-used ancient track way. The LVIA does not directly address views from here, however, whilst the proposed development would bring the settled edge closer to the track, there would remain two intervening robust hedgerows. The landscape consultant therefore does not consider that the resulting visual effects to be material and would be negligible during the summer months. The landscape consultant concludes that the development can be accommodated without material harm to the wider landscape character. There would also be no harm to the distinctive river environment within a Landscape Protection Zone.
- 7.10. There would be some inevitable harm that would arise from developing a Greenfield site in open countryside and the proposed development would further urbanise this area of the village. This harm, albeit limited, therefore needs to be weighed in the planning balance.

## **Design and layout**

- 7.11. The NPPF sets out that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. This is now reflected in the National Design Guide, which provides planning practice guidance for beautiful, enduring and successful places.
- 7.12. JCS Policy SD4 provides that new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. It should be of a scale, type, density and materials appropriate to the site and its setting. Criterion 6 of Policy SD10 of the JCS states that residential development should seek to achieve maximum density compatible with good design, the protection of heritage assets, local amenity, the character and quality of the local environment, and the safety and convenience of the local and strategic road network. Policy RES5 of the emerging Borough Plan echoes this advice and also states that proposals on the edge of settlements should respect the form of the settlement and its landscape setting, not appear as an unacceptable intrusion into the countryside and retain a sense of transition between the settlement and open countryside.
- 7.13. Whilst matters relating to layout, appearance, scale and landscaping are reserved for future consideration, the application is supported with a Design and Access Statement (DAS) and illustrative site layout, which shows how the site could be developed. The DAS explains that the illustrative site layout has taken its principles from the adjoining site and would reflect the same architectural approach. Dwellings would be located either on the main access road or on private drives served from the access road. It explains that a new pond would be provided along with a small tract of land to the south east in order to provide access for the existing public right of way. Building heights are proposed to be 2 storeys with varying roof pitches. It is proposed that the existing mature trees and hedging on the site boundaries would be retained and enhanced.
- 7.14. Following consultation with the Council's Urban Design Officer, it is advised that the proposal is a logical extension to the existing settlement and connects well with the recently completed scheme. It is suggested that it might be more positive if the development could present a softer edge to the countryside to the south by fronting this boundary. However, given that the existing hedgerows to the site boundaries are proposed to be retained, there may not be any significant benefits of doing this; especially given that there are no long distant views to this edge of the site. It is also questioned why the access road cannot connect through to the adjoining development rather than creating a dead end. This would appear to be feasible and could be addressed at the reserved matters stage.
- 7.15. Objectors have raised concerns that the proposed development would fail to respect the character of the existing settlement and highlight the stark appearance of the recently developed site. As set out above, appearance is proposed to be reserved for future consideration, however, given that the adjoining scheme has been found acceptable in architectural terms, it would be difficult to object to a similar approach here. It should also be borne in mind that the recent development will eventually settle into its surroundings as the facing materials start to weather and the landscaping matures.
- 7.16. In conclusion it is considered that the submitted DAS and illustrative site layout demonstrates that the quantum of development proposed could be accommodated on the site in an acceptable manner. This is a neutral factor in the planning balance.



### **Residential amenity**

- 7.17. JCS Policy SD14 sets out that development should protect and seek to improve environmental quality and should not cause unacceptable harm to local amenity including the amenity of neighbouring occupants.
- 7.18. The site adjoins the existing residential development to the north east, where any potential impact on residential amenity would be more apparent. Whilst matters relating to layout and scale are reserved for future consideration, the illustrative site layout shows how the development could be designed. It demonstrates that the quantum of development could be accommodated on the site whilst having an acceptable impact on existing residential property in terms of privacy, light and outlook.
- 7.19. Regarding noise and disturbance, there is an existing light industrial business operating close to the north east corner of the site. This was previously identified as a constraint to the adjacent development and mitigation was provided in the form of an acoustic fence along the eastern boundary to the site. The submitted noise assessment points out that proposed development would be located further away than the adjacent development and therefore any noise impacts would likely be lower. However, it is proposed to mitigate any potential noise impacts from this source by extending the acoustic fence along the eastern boundary slightly. The Council's Environmental Health consultant is satisfied that the fence would be acceptable and advises that the details should be secured by way of a planning condition.
- 7.20. A number of objections have been received in respect of noise and disturbance during the construction phase. Whilst there would inevitably be a degree of noise and disturbance, this would be temporary and could be mitigated to an extent by securing a Construction Environmental Management Plan prior to a development commencing. This could be secured by way of a planning condition.

### **Housing mix**

- 7.21. JCS Policy SD11 states that housing development will be required to provide an appropriate mix of dwelling sizes, types and tenures in order to contribute to mixed and balanced communities and a balanced housing market. Development should address the needs of the local area, including the needs of older people as set out in the local housing evidence base, including the most up to date Strategic Housing Market Assessment (SHMA). This is further reflected in Policy RES13 of the emerging Borough Plan.
- 7.22. Although the matter of scale is proposed to be reserved for future consideration, the application indicates that the scheme would provide a mix of 1, 2, 3, 4 and 5 bedroom properties. It is considered that matters relating to the housing mix should be addressed at outline stage. Therefore, if Members are minded to grant planning permission, a planning condition is recommended to ensure that any housing mix proposed at the reserved matters stage is in accordance with the local housing evidence, including the most up-to-date Strategic Housing Market Assessment for the area at the time of submission. Subject to this condition, the proposal would accord with Policy SD11 of the JCS and Policy RES13 of the emerging Borough Plan.

### **Affordable housing**

- 7.23. JCS Policy SD12 sets out that on sites outside of strategic allocations, a minimum of 40% affordable housing will be sought. It follows that they should be provided on site and should be seamlessly integrated and distributed throughout the development scheme. This is also reflected in Policy RES12 of the emerging Borough Plan.

7.24. The application as submitted proposed that 40% of the dwellings would be offered as affordable. Whilst a housing mix was provided by the applicant, the Council's Strategic Housing and Enabling Officer, has recommended an alternative mix as follows:

- 4 x 1-bedroom apartments/maisonettes – Social rent
- 1 x 2-bedroom bungalow – Social rent
- 3 x 2-bedroom houses – Social rent
- 3 x 2-bedroom houses – Shared ownership
- 3 x 3-bedroom houses – Social rent
- 2 x 3-bedroom houses – Shared ownership
- 1 x 4-bedroom house – Social rent

7.25. The applicant has indicated that the mix recommended by the Strategic Housing and Enabling Officer is acceptable, which would be secured through a S106 Agreement. In light of the Council's housing land supply position, the provision of affordable housing should be seen as a significant benefit in the planning balance.

### **Biodiversity**

7.26. JCS Policy SD9 seeks the protection and enhancement of biodiversity and geological resources of the JCS area in order to establish and reinforce ecological networks that are resilient to current and future pressures. Improved community access will be encouraged so far as is compatible with the conservation of special features and interest.

7.27. The application is supported by an Ecological Appraisal, which comprised a Phase 1 habitat survey that included recording features of interest for protected species and a desk study to identify protected or notable sites, habitats or species, that could potentially be affected by the development. The appraisal notes that the site is an unmanaged, rough grassland field with hedgerow and fenced boundaries. The hedgerows vary between species-poor and species rich although most are relatively unmanaged and outgrown, giving even the species poor hedgerows some ecological value. The field itself comprises tussocky grassland with scrub and tall ruderal vegetation. There are four statutory sites designated for notable habitats and wildlife within 5km of the site, which are categorised as Sites of Special Scientific Interest (SSSI). There are several non-statutory designed sites within 2km of the site, which are categorised as either Local Wildlife Sites (LWS) or Gloucestershire Wildlife Trust Nature Reserves (GWT). The appraisal states that the habitats within the site have some site level value for specific protected species, predominantly reptiles and common amphibians. The boundary features may provide some foraging habitats and places of shelter for wildlife, although their value is suggested to be limited due to the adjacent development.

7.28. Regarding protected species, the appraisal states that the habitats within the interior of the site provide low value foraging habitat for bats. However, a mature willow at the south west corner of the site has broken limbs that may provide potential roosting features for bats. In terms of dormice, there are two thick species-rich hedgerows at the south and west boundaries of the site that provide sub-optimum habitat for dormice, as neither of these contain hazel or any climbers utilised by this species when building nests. There is a mature hazel at the northeast corner of the site, although this is at the corner of one boundary feature that has no vegetation and another that is species poor. The habitats within the site and its boundaries provide good nesting habitat for breeding birds at thick and unmanaged species-rich hedgerows. The tussocky, rough nature of the grassland also provides habitat of limited potential for ground nesting birds. In respect of mammals, the grassland present at the site is good habitat for foraging badgers and the presence of high quantities of bramble also provides a good food source in the way of blackberries. The site is accessible to badgers from the wider landscape to the south, which comprises open fields. Turning to great

crested newts, the assessment states whilst the site provides terrestrial habitat with potential for use by great crested newts, surveys of the nearest waterbodies have confirmed likely absence of this species within 250m of the site. There is also good quality habitat for reptiles and common amphibians within the site due to the rough, tussocky nature of the grassland habitat present.

- 7.29. Following initial consultation with the Council's ecology consultant, it was pointed out that the ecology appraisal recommended that further surveys should be carried out in respect of bats, reptiles, great crested newts and badgers. Further information was also requested in respect of the potential effect on European Protected Sites within the wider area. In response to this, the applicant undertook further survey work. The bat survey recorded both lesser and greater horseshoe bats at both the south and west boundary hedgerows. No dormice were recorded on the site and no ground-nesting birds were recorded during numerous site visits. No badger setts were recorded within the site or 50m from the site boundaries and no notable bird species were recorded nesting at, foraging in, or commuting through the site during the numerous site visits. With regard to great crested newts, the accessible waterbodies within 500m of the site were assessed and ranged between 'Good' and 'Poor'. The only 'Good' pond was recorded at the opposite end of Ashleworth, with Lane Road/Nup End and residential areas between it and the site.
- 7.30. In terms of mitigation, the ecological assessment sets out that this can be achieved through sensitive and considerate design, ensuring the retention and protection of existing ecological features and the creation of new green and blue infrastructure. It is further set out that additional mitigation and protection can be secured through a Construction Ecological Management Plan (CEMP) and long-term enhancements can be secured through a Landscape and Ecological Management Plan (LEMP). Both of these can be secured by way of a planning condition. Following further consultation with the Council's ecology consultant, it is considered that the proposed development would not adversely impact on any European site within the area and subject to securing appropriate mitigation, there would be an acceptable impact on protected species and their habitats. The proposal is therefore considered to be acceptable in this context, which is a neutral factor in the planning balance.

### **Arboricultural implications**

- 7.31. The application is supported by an Arboricultural Report, which considers the existing trees on and adjoining the site. It points out that the surveyed trees are predominantly growing along the site boundaries or within neighbouring land adjacent to the site. The inspection found that all of the Ash trees on and around the site are infected within Ash dieback disease and therefore their useful life expectancy is very short. The report states that eighteen trees, two groups of trees, and four hedgerows were surveyed. Of the trees surveyed, one tree was classified as Category A (high quality), two hedgerows were classified as Category B (moderate quality) and six trees were classed as Category U (not suitable for retention). The remaining trees, groups and hedgerows were classed as Category C (low quality).
- 7.32. Whilst layout and landscaping are proposed to be reserved for future consideration, the submitted plans demonstrate that the quantum of development can be accommodated on the site without requiring the loss of any trees of value. The plans show that some vegetation clearance would likely be required to the western boundary, but the hedgerows surrounding the site would be largely retained and can be enhanced if necessary. This would be addressed at the detailed design stage. The proposal is therefore considered to be acceptable in this regard. This is a neutral factor in the planning balance.

### **Drainage and flood risk**

- 7.33. JCS Policy INF2 advises that development proposals must avoid areas at risk of flooding and must not increase the level of risk to the safety of occupiers of a site and that the risk of flooding should be minimised by providing resilience and taking into account climate change. It also requires new development to incorporate Sustainable Urban Drainage Systems (SuDS) where appropriate to manage surface water drainage. This is reflected in Policy ENV2 of the emerging Borough Plan.
- 7.34. The site is located within Flood Zone 1 and is therefore at a low risk from flooding. However, due to the size of the site, the application is supported by a Flood Risk Assessment (FRA). The FRA demonstrates that flooding is unlikely to affect the site from fluvial and/or tidal sources and is at a low risk from pluvial flooding. The site is not identified as being at risk of groundwater flooding or reservoir flooding or flooding from any other sources. In light of this, it is considered that the site is not at an unacceptable risk of flooding and is acceptable in this regard.
- 7.35. Regarding surface water drainage, the FRA sets out that infiltration is unlikely to be suitable and there are no suitable watercourses that can be discharged into. It is therefore proposed to discharge into the existing drainage system via the adjacent development at a restricted rate. Should the capacity of the of the sewers on the adjacent development or the highway drain not be sufficient for the proposed flows, the FRA suggests that the discharge rate may need to be restricted further, with attenuation increased to suit, or the downstream pipes increased to suit additional capacity. Attenuation would be provided by a pond or retention basin on site and it is proposed that the surface water sewers would be adopted by Severn Trent.
- 7.36. In terms of foul drainage, the FRA points out that there is a foul sewer within the adjacent development that discharges into the Severn Trent sewer in Sawyers Rise. It is proposed that foul flows would drain via a new gravity sewer to the sewers in the adjacent development. Again, it is proposed that the sewers would be adopted by Severn Trent. The concerns regarding the capacity of the sewers is noted, however, Severn Trent do not object to the proposals subject to a condition to securing drainage plans.
- 7.37. The Lead Local Flood Authority (LLFA) have reviewed the FRA and are of the view that the applicant has demonstrated that the site has a strategy for discharging surface water and have identified what work may be required in order to discharge surface water at a rate that will not increase flood risk elsewhere. The LLFA therefore do not object to the proposal subject to a condition to secure drainage details at the detailed design stage. In light of this, it is considered that the site would be acceptable in terms of flood risk and drainage. This is a neutral factor in the planning balance.

### **Highway safety and Accessibility**

- 7.38. The Framework sets out that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making. Furthermore, development should only be prevented or refused on highways grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development are severe. JCS Policy INF1 requires that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters.

- 7.39. Regarding accessibility, a number of objections have been received on the basis that there are limited services and facilities within Ashleworth and poor public transport links. In fact, the adjacent development was previously refused by the Council partly on the basis of the site's location and the reliance on the private motor vehicle to access day-to-day facilities. Ashleworth Parish Council has also objected on the grounds that the rate of development at Ashleworth is not sustainable in terms of the village's infrastructure and facilities.
- 7.40. Whilst Ashleworth is not designated as a rural service village in the JCS, it does benefit from a reasonable level of services and facilities, relative to its size and function. Indeed, in considering the appeal on the adjacent site, the Inspector noted that Ashleworth was not categorised as a service village although it is a settlement of reasonable size with some primary and secondary service provision. These include a post office, village shop, village hall/community centre, primary school, public house, sports pitches, children's play area and a place of worship. The Inspector found that the main reason for not being designated as a service village was due to what was described in the Rural Settlement Audit as the village's poor accessibility for public transport. Although not providing many higher order facilities, the Inspector noted that the facilities available in the village would be within walking distance of the proposed dwellings. The Inspector cited paragraph 55 of the previous 2012 version of the Framework that indicated that in rural areas housing should be located where it will enhance or maintain the vitality of rural communities. The Inspector reasoned that any additional population occasioned by the proposal would assist in maintaining the existing local facilities. In addition, the Inspector also noted the close proximity of Tewkesbury and Gloucester City, which have higher order facilities and employment opportunities.
- 7.41. Whilst the concerns of the Parish Council and local community are noted, no evidence has been presented to alter the findings of the previous appeal Inspector that suggest that the existing services and facilities would be unable to cope with the additional dwellings proposed here. Indeed, as before, the additional dwellings could assist in maintaining the existing local facilities.
- 7.42. Regarding the matter of whether there were adequate public transport facilities and whether there was poor accessibility to employment facilities, the Inspector noted that the bus service at Ashleworth was limited to a two-hourly service during the day with no services in the evenings. It was also noted that whilst the service was subsidised by the County Council, the service continued to operate and there would be a further benefit from a financial contribution offered by the applicant towards the provision of bus and/or other vehicles to serve the development. It was therefore found that there were alternatives to the private car, even if limited. The Inspector also pointed out that Ashleworth is approximately 4.1 miles from Gloucester City and 6.6 miles from Tewkesbury, which have higher order facilities and employment opportunities.
- 7.43. In light of the above, the Inspector concluded that whilst Ashleworth was not a service village, the proposal, through the use of the existing facilities in the village, the relative proximity of higher order facilities and employment facilities, and the financial contribution to public transport, the location of the proposed development was acceptable. Similar to the adjacent development, this proposal would also be highly reliant on the use of the private motor vehicle to access day-to-day facilities. Given the findings of the Inspector on the adjacent development, it is considered that it would be difficult to sustain a refusal reason on that basis. Nonetheless, the reliance on the private motor vehicle weighs against the proposal in the planning balance. However, it should also be noted that mitigation is proposed by the applicant in the form of a financial contribution towards the provision of bus and/or other vehicles to serve the development. This has also been requested by the Highways Officer. The exact sum has not been finalised at this stage although it is expected to be similar to that secured on the adjacent development (pro rata) (approximately £140,000).

- 7.44. In terms of access, this was originally proposed to be dealt with at outline stage. However, as tracking has not been provided for the access, the Highways Officer has not been able to make a final determination on its design. Consequently, access is now proposed to be reserved for future consideration. Notwithstanding this, as submitted, the application proposed access to be taken from Rectory Close from within the adjacent development (**see attached plans**). The submitted Transport Statement (TS) sets out that the proposed development would generate 23 two-way trips in the AM peak (08:00-09:00) and 22 two-way trips in the PM peak (17:00-18:00). The cumulative impact of both developments would be 42 two-way trips in the AM peak and 41 two-way trips in the PM peak. Based on these figures, the Highways Officer advises that the Rectory Close/Nup End junction is satisfactory for these traffic levels and the impact on the surrounding highway network would also be acceptable. Whilst tracking has not been provided for the access, the Highways Officer is of the view that the proposed access is acceptable in principle. On that basis, the Highways Officer raised no objections to the proposal.
- 7.45. Subject to a financial contribution towards the provision of bus and/or other vehicles to serve the development, which would be secured through a Section 106 Agreement, it is considered that the proposal could be served by a safe and suitable access and the residual cumulative impact on the highway network would not be severe. However, the development would still be heavily reliant on the use of the private motor vehicle, which needs to be weighed in the planning balance.

#### **Heritage assets**

- 7.46. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on the Council to have special regard to the desirability of preserving listed buildings, their setting or any features of special architectural or historic interest which they possess.
- 7.47. Paragraph 189 of the NPPF states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 7.48. The nearest designated heritage asset to the site is Kozicot House, a Grade II listed house and Post Office, which is located approximately 130m to the east. Mailly House, a Grade II listed timber framed building, is located approximately 168m east of the site. The Grade II listed St Micheals, Nupend House and Lychgate Cottage, which previously formed a rectory, is situated approximately 150m to the north of the site. The Ashleworth Green Conservation Area is situated approximately 220m to the south east of the site.
- 7.49. There would be no intervisibility between the site between Kozicot House and Mailly House and no discernible historical associations. Similarly, there would be no intervisibility between the site and the Ashleworth Green Conservation Area and the site makes no contribution to its setting or significance. There would be some visibility between the site and St Micheals, Nupend House and Lychgate Cottage. However, these views are considered to be incidental and make a neutral contribution to the significance of the building. Following consultation with the Council's Conservation Officer, it is advised that the proposed development would not harm the setting of these designated heritage assets. The proposal is therefore considered to be acceptable in this regard.

- 7.50. Regarding archaeology, the application was supported by a Heritage Desk-Based Assessment, which identified low potential for archaeological remains to be present within the application site. However, the County Archaeologist disagreed with that conclusion. He pointed out that the wider locality is known to contain extensive archaeological remains relating to prehistoric and Roman activity and settlement and given the large size of the proposed development area, there was a high potential for significant archaeological remains to be present at this location. The County Archaeologist therefore recommended that the results of an archaeological field evaluation should be provided prior to the determination of the application.
- 7.51. The applicant has since undertaken an archaeological evaluation of the site, which included excavating seven trenches. The evaluation has identified only limited archaeological remains within the site. In light of this, the County Archaeologist advises that no further archaeological investigation or recording need be undertaken in connection with this scheme.

### **Open space and play facilities**

- 7.52. The Framework sets out that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. JCS Policy INF4 provides that where new residential development will create or add to, a need for community facilities, it will be fully met as on-site provision and/or as a contribution to facilities or services off-site. JCS Policies INF6 and INF7 support this requirement. Saved Local Plan Policy RCN1 requires the provision of easily accessible outdoor playing space at a standard of 2.43ha per 1000 population on sites of 10 dwellings or more.
- 7.53. As the application is outline form with all matters reserved for future consideration, the layout is not fixed at this stage. However, the illustrative layout shows that a sufficient level of informal open space and natural open space could be provided on site. In terms of children's outdoor play facilities, a development of this scale would generate a requirement for a Local Equipped Area for Play (LEAP). The illustrative layout does not provide for a LEAP and the constraints of the site may preclude this in any event given the size of the site and the number of dwellings proposed. If a LEAP cannot be provided on site, an equivalent off-site contribution would be required. This could be used to maintain and/or upgrade the existing play facilities at Woodpeckers play area in Ashleworth. Based on a current figure of £854 per dwelling, an off-site contribution would be £35,868, which would be secured through a Section 106 Agreement.
- 7.54. Subject to the completion of a Section 106 Agreement to secure a LEAP on-site or an equivalent off-site contribution, the proposal is considered to be acceptable in terms of open space and play/recreational facilities. This is a neutral factor in the planning balance.

### **Education and libraries**

- 7.55. JCS Policy INF6 relates directly to infrastructure delivery and states that any infrastructure requirements generated as a result of individual site proposals and/or having regard to cumulative impact, new development should be served and supported by adequate and appropriate on/off-site infrastructure and services. The Local Planning Authority will seek to secure appropriate infrastructure, which is necessary, directly related, and fairly and reasonably related to the scale and kind of the development proposal. JCS Policy INF7 states the arrangements for direct implementation or financial contributions towards the provision of infrastructure and services should be negotiated with developers before the grant of planning permission. Financial contributions will be sought through s106 and CIL mechanisms as appropriate.

- 7.56. Following consultation with the County Council, it has been advised that the proposed development would give rise to the following pupil yields and would require the following contributions to mitigate the impact:
- Pre-school: 12.60 = £190,146.00
  - Primary: 17.22 = £150,457.27
- 7.57. In terms of pre-school provision, the County Council advises that this is a relatively rural area with very limited existing provision and therefore a full contribution to extend or expand pre-school provision in the area is required. In respect of primary school provision, it is advised that Ashleworth Church of England Primary School has some spare capacity. However, a contribution is required towards the shortfall of places. The County Council cannot advise whether the school can be expanded/extended to accommodate the additional children as it is on a very restricted site. If expansion/extension is not possible, the contribution would be used at the closest school within the Primary Planning Area. It is considered that the contributions sought are justified in the context of the CIL regulations (Regulation 122) and would be secured through a Section 106 Agreement. The applicant has also confirmed acceptance of the contribution request.
- 7.58. In terms of libraries, the County Council have advised that the scheme would generate a need for library resources and a contribution of £8,232 has been sought. It is considered that the County Council has provided sufficient evidence to justify the contribution requested in the context of the CIL regulations (Regulation 122).

#### **Community Infrastructure Levy/Section 106 obligations**

- 7.59. The Community Infrastructure Levy (CIL) Regulations allow local authorities to raise funds from developers undertaking new building projects in their area. The regulations stipulate that, where planning applications are capable of being charged the levy, they must comply with the tests set out in the CIL regulations. These tests are as follows:
- a) necessary to make the development acceptable in planning terms
  - b) directly related to the development; and
  - c) fairly and reasonably related in scale and kind to the development.
- 7.60. As a result of these Regulations, local authorities and applicants need to ensure that planning obligations are genuinely 'necessary' and 'directly related to the development.' As such, the Regulations restrict local authorities' ability to use Section 106 Agreements to fund generic infrastructure projects, unless the above tests are met. Where planning obligations do not meet the above tests and restrictions, it is 'unlawful' for those obligations to be taken into account when determining an application.
- 7.61. In October 2018 the Council adopted CIL and implemented the levy on the 1st January 2019. For CIL purposes the application site falls within a 'Generic Site' and is subject to the levy for residential development currently at £207.46 per square metre on all the market elements of the proposed development.



7.62. Infrastructure requirements specifically related to the impact of the development will continue to be secured via a Section 106 legal agreement. Requests have been made by consultees to secure the following contributions:

- Affordable housing
- Financial contribution towards the provision of public transport (TBC)
- On-site LEAP or equivalent off-site financial contribution (TBC)
- Pre-school education = £190,146.00
- Primary school education = £150,457.27
- Libraries = £8,232

7.63. Subject to the confirmation of the public transport and LEAP contributions, it is considered that the above contributions are all justified and meet the statutory tests set out in the CIL regulations.

## **8.0 CONCLUSION AND RECOMMENDATION**

8.1. Section 38(6) of the Town and Country Planning Act 1990 provides that, if regard is to be had to the development plan, the determination must be made in accordance with the development plan unless other material circumstances indicate otherwise. Section 70 (2) of the Act 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.

8.2. The application site lies outside of a defined settlement boundary and is not allocated for housing development. The site does not represent previously developed land within the built-up areas of a Service Village; is not a rural exception scheme; and does not represent 'infilling'. It has not been brought forward for development through a Community Right to Build Order and there are no policies in the existing Tewkesbury Borough Local Plan to 2011 which allow for the type of development proposed here. The proposal therefore conflicts with Policies SP2 and SD10 of the JCS and Policy RES3 of the emerging Borough Plan.

8.3. However, the Council cannot currently demonstrate a five-year supply of deliverable housing sites and therefore the Council's policies for the supply of housing are out of date, in accordance with paragraph 11 of the Framework. There are also no policies in the Framework that protect assets of particular importance which provide a clear reason for refusing the development in this instance and the 'tilted balance' applies and permission should be granted unless there are any adverse impacts of doing so that would significantly and demonstrably outweigh the benefits when assessed against the policies set out in the NPPF as a whole.

### **Benefits**

8.4. The delivery of market and affordable housing would provide a significant social benefit; especially in the context of a housing supply shortfall. Furthermore, there would be economic benefits both during and post construction through the creation of new jobs and the support to existing local services and the local economy. Overall, given the scale of development, these benefits would attract substantial weight in favour of granting permission in light of the Council's housing land supply position.

## Harms

- 8.5. Harm arises from the conflict with development plan policies relating to housing, particularly JCS Policy SD10 and Policy RES3 of the emerging Borough Plan. Nevertheless, in the context of the current five year supply position, the Council's housing policies are out of date and full weight cannot currently be afforded to Policy RES3 of the emerging Borough Plan. The development would also be heavily reliant on the use of the private motor vehicle. However, this would be mitigated to a degree by the proposed financial contribution towards the provision of bus and/or other vehicles to serve the development. The judgment of the Inspector in determining the appeal on the neighbouring site is an important material consideration on this point.

## Neutral

- 8.6. Whilst the application is in outline with all matters reserved for future consideration, the supporting DAS and illustrative site layout demonstrates that the proposed quantum of development can be accommodated on the site in an acceptable manner. Furthermore, the illustrative layout does not raise any residential amenity issues in terms of a loss of light, outlook and privacy. The development would not be at an acceptable risk of flooding and appropriate drainage infrastructure can be provided. The proposal would not harm the setting of any designated heritage assets and there would be an acceptable impact in terms of archaeology. The plans demonstrate that the proposal could be served by a safe and suitable access and the residual cumulative impact on the highway network would not be severe. There would be an inevitable impact on the landscape by virtue of building on a Greenfield site. However, the impact is not considered to be localised and not unduly harmful. The proposal would also be acceptable in terms of its impact on biodiversity.

## Conclusion

- 8.7. Harm would arise though conflict with the Council's development plan policies in respect of the distribution of housing. However, whilst the site is outside of the built-up area of Ashleworth, it is located on the edge of the settlement and would have access to the services and facilities available in this location as well as the available services and facilities at the higher order settlements of Gloucester City and Tewkesbury. In any event, the Council's housing policies are currently out of date and the weight that can be afforded to them is reduced. There would be a degree of harm to the landscape, however, the level of harm is considered to be localised and limited. The development would also be highly reliant in the use of the private motor vehicle although this would be mitigated to a degree by the financial contribution towards public transport. Given the application of the tilted balance, it is considered that the harms identified do not significantly and demonstrably outweigh the benefits in this case. It is therefore recommended that **permission is delegated to the Development Manager subject to the conditions outlined below and the completion of a Section 106 Agreement to secure the following planning obligations:**

- **40% Affordable housing**
- **Financial contribution towards the provision of public transport (TBC)**
- **On-site LEAP or equivalent off-site financial contribution (TBC)**
- **Pre-school education = £190,146.00**
- **Primary school education = £150,457.27**
- **Libraries = £8,232**

## **CONDITIONS:**

1. The development for which permission is hereby granted shall not be begun before detailed plans thereof showing the access, layout, scale and external appearance of the building(s), and landscaping (hereinafter referred to as "the reserved matters") have been submitted to and approved by the Local Planning Authority.

Reason: The application is in outline only and the reserved matters referred to in the foregoing condition will require further consideration.

2. Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be begun either before:
  - (i) the expiration of five years from the date of this permission, or
  - (ii) before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

### **Design and layout**

4. The first reserved matters application submitted pursuant to condition 1 shall include the submission of a Housing Mix Statement to the Local Planning Authority for its written approval setting out how an appropriate mix of dwelling sizes, types and tenures will be provided in order to contribute to a mixed and balanced housing market to address the needs of the local area, including the needs of older people, as set out in the local housing evidence base, including the most up-to-date Strategic Housing Market Assessment for the area at the time of the submission of the relevant reserved matters. The development shall be implemented in accordance with the approved Housing Mix Statement.

Reason: To ensure that an appropriate housing mix is delivered to contribute to the creation of mixed and balanced communities.

5. The reserved matters submitted pursuant to condition 1 above shall include details of existing and proposed ground levels and finished floor levels of the buildings relative to Ordnance Datum Newlyn. The development shall be carried out in accordance with the approved details.

Reason: In the interests of amenity.

6. The details submitted for the approval of reserved matters shall include a plan indicating the positions, design, materials and type of boundary treatments to be erected. The boundary treatments shall be completed in accordance with the approved details before the buildings are occupied.

Reason: To ensure a satisfactory appearance to the development.

7. The reserved matters submitted pursuant to condition 1 shall include samples/details of the materials proposed to be used on the external surfaces of the development. The development shall be carried out using the approved materials unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development.

8. The reserved matters submitted pursuant to condition 1 shall include details of the materials proposed to be used on the surfaces of the roads, footpaths & driveways. The development shall be carried out using the approved materials unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development.

9. Any application seeking approval of the reserved matters submitted pursuant to condition 1 shall be accompanied by a Noise Assessment examining the potential noise impact resulting from night-time operation at the adjacent industrial site. This application shall include detailed noise mitigation measures within the design, layout and landscaping of the development. The approved scheme shall be fully completed before any dwelling so affected is first occupied.

Reason: In the interests of amenity.

### **Landscaping**

10. 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 the land and details of any to be retained together with measures for their protection during the course of development.

Reason: In the interests of visual amenity.

11. All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased 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.

Reason: In the interests of visual amenity.

## Highways

12. No development shall take place, including any demolition works, until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall provide for:
- 24 hour emergency contact number;
  - Hours of operation;
  - 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);
  - Routes for construction traffic;
  - Locations for loading/unloading and storage of plant, waste and construction materials;
  - Method of preventing mud being carried onto the highway;
  - Measures to protect vulnerable road users (cyclists and pedestrians)
  - Any necessary temporary traffic management measures;
  - Arrangements for turning vehicles;
  - Arrangements to receive abnormal loads or unusually large vehicles;
  - 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.

13. No dwelling on the development shall be occupied until the carriageway(s) (including surface water drainage/disposal, vehicular turning head(s) and street lighting) providing access from the nearest public highway to that dwelling have been completed to at least binder course level and the footway(s) to surface course level.

Reason: To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians.

14. The details to be submitted for the approval of reserved matters shall include vehicular parking [and turning] [and loading/unloading] facilities within the site, and the building(s) hereby permitted shall not be occupied until those facilities have been provided in accordance with the approved plans and shall be maintained available for those purposes for the duration of the development.

Reason: To ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians.

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

Reason: To ensure that safe, suitable and secure access is achieved and maintained for all people that minimises the scope for conflict between traffic and cyclists and pedestrians and to establish and maintain a strong sense of place to create attractive and comfortable places to live, work and visit.

16. Prior to first occupation, each dwelling hereby permitted shall be provided with an outside electrical socket to enable ease of installation of an electric vehicle charging point. All sockets shall comply with BS1363 (or other document which may replace or modify it) and shall be provided with a lockable weatherproof cover if located externally to the building.

Reason: To provide adequate provision for charging plug-in and other ultra-low emission vehicles.

### **Drainage**

17. No development shall commence on site until a detailed Sustainable Drainage System (SuDS) Strategy document has been provided for approval by the Local Planning Authority. This should be in accordance with the proposal set out in the applicant's submission (Flood Risk Assessment & Drainage Strategy, November 2019). The SuDS Strategy must include a detailed design and must also demonstrate the technical feasibility/viability of the drainage system using SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the lifetime of the development. The approved scheme for the surface water drainage shall be carried out in accordance with the approved details before the development is first put in to use/occupied.

Reason: To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage, flood risk and water quality in the locality.

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

Reason: To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding.

19. No building works hereby permitted shall be commenced until detailed plans for foul water drainage works have been submitted to and approved in writing by the local planning authority.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution for the lifetime of the development.

## **Waste**

20. No development shall commence until details of the provision made for facilitating the recycling of waste generated during the occupation phase have been submitted to and approved in writing by the local planning authority. Provision must include appropriate and adequate space to allow for the separate storage of recyclable waste materials and will not prejudice the delivery of the local authority's waste management targets. All details shall be fully implemented as approved unless the local planning authority gives prior written permission for any variation.

Reason: To ensure the effective implementation of waste minimisation in accordance with Gloucestershire Waste Core Strategy.

## **Ecology**

21. No development shall take place until a Construction Ecological Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include, but not limited to the following:
- a) Risk assessment of potentially damaging construction activities including provisions for protected species;
  - b) Identification of 'biodiversity protection zones' including (but not exclusively) hedgerows and mature trees;
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
  - d) The locations and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour after sunset);
  - e) The times during construction when ecological or environmental specialists need to be present on site to oversee works;
  - f) Responsible persons and lines of communication;
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similar person;
  - h) Use of protective fences, exclusion barriers and warning signs;
  - i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works;
- The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

Reason: To ensure proper provision is made to safeguard protected species and their habitats, in accordance with the guidance set out in the NPPF.

22. No development shall take place until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The LEMP shall cover the first ten years of management following the commencement of construction and enabling works. Enhancement measures should be included for existing natural habitats and created habitats, as well as those for protected species. All Ecological enhancements outlined in the LEMP will be implemented as recommended in the LEMP and the number and location of ecological features to be installed should be specified.

Reason: To ensure proper provision is made to safeguard protected species and their habitats, in accordance with the guidance set out in the NPPF.

23. Prior to first occupation, details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall clearly demonstrate that lighting will not cause excessive light pollution or disturb or prevent bat species using key corridors, forage habitat features or accessing roost sites. The details shall include, but not be limited to, the following:
- i. A drawing showing sensitive areas and/or dark corridor safeguarding areas.
  - ii. Description, design or specification of external lighting to be installed including shields, cowls or blinds where appropriate.
  - iii. A description of the luminosity of lights and their light colour including a lux contour map
  - iv. A drawing(s) showing the location and where appropriate the elevation of the light fixings.
  - v. Methods to control lighting control (e.g. timer operation, passive infrared sensor (PIR)).
- All external lighting shall be installed in accordance with the specifications and locations set out in the approved details. These shall be maintained thereafter in accordance with these details.

Reason: To ensure proper provision is made to safeguard protected species and their habitats, in accordance with the guidance set out in the NPPF.

#### **INFORMATIVES:**

1. 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 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.