

## TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

<b>Committee:</b>	Planning
<b>Date:</b>	20 October 2020
<b>Site Location:</b>	Land at Lawn Road Ashleworth Gloucester Gloucestershire GL19 4JS
<b>Application No:</b>	20/00487/FUL
<b>Ward:</b>	Highnam With Haw Bridge
<b>Parish:</b>	Ashleworth
<b>Proposal:</b>	Erection of 3 No. detached dwellings and the demolition of a Gymnasium building (Use class D2).
<b>Report by:</b>	Bob Ristic
<b>Appendices:</b>	Site location plan Site layout plan Elevations
<b>Recommendation:</b>	Permit

### 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1. The application site is located on the southern side of Lawn Road and to the west of its junction with Foscombe Lane. The application site comprises a narrow, triangular parcel of land with an access track running along its northern edge, which serves a barn/commercial building to the southwestern end of the site, which benefits from a lawful development certificate for use as a Class D2 Gym.
- 1.2. The site is broadly triangular in shape and widens to its southern end. The northwestern boundary comprises a post and rail fence and separates the site from a disused paddock which is in separate ownership. The eastern boundary is screened by a hedge, beyond which is a recent development of 35 dwellings at Rectory Close.
- 1.3. The application seeks full planning permission for 3 detached chalet style dwellings with detached single bay garages set to the southern part of the site and backing onto the development at Rectory Close. **(See site layout and elevation plans)**
- 1.4. The dwellings would front onto the existing access drive running along the northern part of the site and each property would have two off street parking spaces, electric vehicle charging points and cycle storage for 2 bikes per dwelling. A further visitor parking space and turning area would be provided to the east of the dwellings.

- 1.5. The application also proposes the demolition of the barn building to the western part of the site which benefits from a Lawful Development Certificate for the 'change of use of an agricultural building and associated land to a Class D2 Gymnasium use' however this use/conversion has not commenced.

## 2.0 RELEVANT PLANNING HISTORY

- 2.1 The application site has been subject to a number of planning applications. The most recent of which are summarised below:

20/00178/CLP - Certificate of lawfulness for the proposed change of use of an agricultural building and associated land to a Class D2 Gymnasium use – Permitted April 2020

17/00585/FUL - The construction and use of 4 dwellings (2 x semi detached & 2 x detached) and associated development including garages and improvements to internal access road – Refused September 2017. The reasons for refusal are set out below:

*1. The proposed development conflicts with saved Policy HOU4 of the Tewkesbury Borough Local Plan to 2011 - March 2006 in that the site lies outside any recognised settlement in a location where new housing is strictly controlled and it is not essential to the efficient operation of agriculture or forestry.*

*2. The proposed development, by reason of its siting, design and layout fails to respect the local context and would harm the character and appearance of the area which is designated as a Landscape Protection Zone. As such the proposed development fails to take the opportunities available for improving the character and quality of an area and the way it functions and is contrary to the National Planning Policy Framework, saved Policy LND3 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and emerging Policy SD5 of the Proposed Main Modifications Version Joint Core Strategy (2017).*

*3. The application has failed to demonstrate that safe and suitable access can be achieved to serve the development. The proposal therefore conflicts with saved Policy TPT1 Tewkesbury Borough Local Plan to 2011 - March 2006.*

A subsequent appeal was dismissed in September 2018.

- 2.2 The adjoining land to the southeast of the site has been subject to a number of planning applications which are summarised below:

19/01227/OUT - Outline application for up to 42 dwellings including access and associated works (all matters reserved for future consideration) – Delegated Permit August 2020

17/00783/APP - Application for the approval of reserved matters (appearance, landscaping, layout, and scale) pursuant to outline planning application no.15/00965/OUT as allowed under appeal no. APP/G1630/W/16/3150236 for the erection of 35 dwellings – Approved December 2017

15/00965/OUT - Development of up to 35 dwellings on land off Nup End, Ashleworth with all matters except for "access" reserved for future consideration – Refused December 2015, Subsequent appeal allowed.

### **3.0 RELEVANT POLICY**

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

#### **National guidance**

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

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

3.3. Policies: SP1, SP2, SD3, SD4, SD6, SD9, SD10, SD11, SD14, INF1, INF2,

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

3.4. Policy LND3

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

3.5. Policies: RES1, RES2, RES3, RES4, RES5, RES13, LAN2, NAT1, ENV2, TRAC1, TRAC9

3.6. Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)

3.7. The First Protocol, Article 1 (Protection of Property)

### **4.0 CONSULTATIONS**

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

- No housing need
- Site is unsuitable
- Adverse impact on highway safety
- Gym has not been implemented
- Applicant has cleared hedges/verges not in ownership
- Drainage problems in village
- Low water pressure in village
- Proposed to make this application easier
- Similar application dismissed
- Part of barn/gym in separate ownership

4.2. **Highways Authority** – No objection subject to conditions.

4.3. **Urban Design Officer** – No objections.

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

4.5. **CPRE** – Object, Intrusion into landscape, not a Service Village, has already undergone an extension, roads unsuitable for commuting, poor wi-fi, habitat loss.

4.6. **Ecology Adviser** – No objections subject to conditions.

### **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. 16 letters of representation have been received. The comments raised are summarised as follows:

- Previous application for 4 dwellings refused
- Would encroach on open countryside
- Site is higher than road and adjoining houses
- Recent development has increased Ashleworth by 17%
- Would harm cohesion
- Would not add to mix of housing
- Limited visibility from site onto road/safety of road users
- Traffic in village has increased from recent development
- No turning areas
- Limited public transport
- Increase in noise pollution
- Impact on wildlife
- Site and hedgerows cleared in nesting season
- Overdevelopment of site
- Loss of outlook/view
- Rectory close is at a lower level
- Risk of flooding
- No demand for housing
- Loss of light and privacy, overshadowing, overbearing to new houses backing onto site
- Services in village are under strain
- Gym proposed to make this application easier
- Part of drive not in applicant's ownership
- Access point will be altered
- Visibility would be over third-party land
- In favour of smaller developments
- Allow village to grow slowly so infrastructure can cope

## **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. 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.
- 6.3. 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).
- 6.4. 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. The settlement boundary to Ashleworth was previously defined by the Tewkesbury Borough Local Plan to 2011; however that has not been carried forward following the adoption of the JCS.
- 7.3. Policy RES3 of the Pre-submission Tewkesbury Borough Plan 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.
- 7.4. The application site is principally green-field land which 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**

- 7.5. Whilst the proposal is contrary to Policies SP2 and SD10 of the JCS and Policy RES3 of the emerging Borough Plan, the Council cannot presently demonstrate a 5-year supply of deliverable housing sites. The Council's current position that a 4.33 years supply of housing can be demonstrated. 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.
- 7.6. 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 (the 'tilted balance') is engaged as per paragraph 11d of the Framework.

### **Landscape impact**

- 7.7. 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 Tewkesbury Borough 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.
- 7.8. The application site comprises a broadly triangular sliver of land with an existing access track running along its northern edge while the land part of the defined Landscape Protection Zone it is well contained by existing boundary planting and development. The dwellings would be set a significant distance from the river and as a result of their constrained scale, extent of development and proposed landscaping to the eastern part of the site, there would be no direct harm the visual amenity of the river environment.
- 7.9. However, while the site includes an access track and building to its western end the prevailing character of the site is that of an undeveloped green field. As a result, some harm would arise from developing a site within the open countryside and the proposed development would further urbanise this part of the village. The applicant has proposed additional hedgerow planting to the northern boundary of the site and additional tree and shrub planting through the remainder of the land. This could provide some mitigation and would need to be weighed in the planning balance.

### **Design and layout**

- 7.10. 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.

- 7.11. 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.
- 7.12. It is noted that a previous scheme for 4 dwellings was refused at the site and subsequent appeal dismissed, however the recent development at Rectory Close had not been completed at that time and its current urbanising influence on the site is significant. The current application proposes a reduction in the number and scale of dwellings
- 7.13. The proposed development would back onto the recently completed development at Rectory Close and would front onto the access drive which would replace the existing track. It is considered that the proposed dwellings would be of a constrained scale with an eave's height of 4.4 metres and ridge height of 8 metres and notwithstanding the elevated position, would have an acceptable relationship with the dwellings at Rectory Close. Furthermore, the application proposes the removal of a tired block-built building to the western part of the site.
- 7.14. The Council's Urban Design Officer has advised that the form and layout of the proposal would fit with the built form and appearance of the recently developed site at Rectory Close. Accordingly, it is considered that the proposal would be of an acceptable design and this would be a neutral factor in the planning balance.

#### **Residential amenity**

- 7.15. 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.
- 7.16. The application site adjoins the existing residential development at Rectory Close and the proposed layout would have a 'back-to-back' relationship with these properties. Residents have raised a number of objections including loss of privacy, loss of light/overbearing impacts, noise and loss of outlook.
- 7.17. The proposed dwellings would be of a constrained height and are set away from the site boundaries and rear gardens to adjoining properties. The proposed development would be set to the northwest of these gardens and considering the separation, scale and orientation would not result in demonstrable harm from loss of light or overshadowing.
- 7.18. While the existing boundary planting and fencing would afford some screening the presence of the new development would be apparent when viewed from the dwellings at Rectory Close. However, it is considered that the proposed development would be designed laid out in an acceptable manner so as not to result in any adverse impacts in terms of overlooking or overbearing impacts. The submitted drawing indicates opportunities for further planting within the proposed gardens which would serve to filter views of the development and could be secured by an appropriately worded landscaping condition.

- 7.19. It is considered that the proposed dwellings would have an acceptable relationship with adjoining development and would not result in demonstrable harm to the living conditions of the occupiers of these properties.

### **Biodiversity**

- 7.20. 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.
- 7.21. The application is supported by an Ecological Appraisal, which comprised a Preliminary Ecological Appraisal and Preliminary Roost Assessment (bats). The report advises that the site is of limited habitat value and that the development would not adversely impact upon protected species. Furthermore, it identifies a number of opportunities to create improved habitats and increase biodiversity. These recommendations could be secured by condition.
- 7.22. The assessment has been reviewed by the Council's Ecological Adviser who is in agreement with the findings and raises no objections subject to conditions to secure appropriate precautionary measures and ecological enhancements. The proposed impacts of the development are considered to be acceptable and this would be a neutral factor in the planning balance.

### **Drainage and flood risk**

- 7.23. 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.
- 7.24. The site is located within Flood Zone 1 and is therefore at a low risk from flooding. Concerns have been raised with regards to water supply and drainage in the village. Severn Trent Water have been consulted on the application. Their observations are awaited and will be reported at Committee.

### **Highway safety and Accessibility**

- 7.25. 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.
- 7.26. Regarding accessibility, a number of objections have been received on the basis that there are limited services and facilities within Ashleworth, which would increase the impact on traffic and highway safety. Ashleworth is not designated as a rural service village in the JCS, however it does benefit from a reasonable level of services which include a post office, village shop, village hall/community centre, primary school, public house, sports pitches and play area which are within walking distance of the site.



- 7.27. Whilst there were no objections to the sustainability of the location, the previous application at the site was refused on highway safety grounds. Since this application and subsequent dismissed appeal, a lawful development certificate has been granted for the use of an existing building at the site as a gym. While this is yet to be implemented, it nevertheless represents a fall-back which would make use of and if implemented could significantly intensify the existing site access.
- 7.28. The current application seeks to remove the gym use and make improvements to the junction with Lawn Road to facilitate the proposed residential development. The application has been supported by a Technical Highway Note and associated traffic and speed surveys. The details have been assessed by the County Council Highway Officer who has advised that the potential gymnasium use (which did not exist at the time of the original dismissed appeal) represents a significant change in the material circumstances. It is advised that if the gym use were to be implemented it could attract up to 33 vehicle trips a day using the present access. In contrast the proposed residential development of 3 dwellings would generating 14 vehicle trips per day, which when considered with the proposed alterations to the site access would have a positive benefit on the highway network.
- 7.29. The Highway Officer considers that the current proposal would be served by a 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 principally for commuting and shopping, and needs to be weighed in the planning balance.

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

- 7.30. 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.
- 7.31. 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.
- 7.32. 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.
- 7.33. Infrastructure requirements specifically related to the impact of the development will continue to be secured via a Section 106 legal agreement. The proposed development as a result of its scale would not draw any requirements for S106 contributions.

## **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 housing (albeit a limited number) would provide a 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. These benefits would attract moderate weight in favour of granting permission given 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. There would be an adverse impact on the landscape by virtue of development upon a green field site however the impact is limited due to the scale of the development and contained nature of the site. The landscape impact would be tempered by the proposed removal of an existing building to the western end of the site and potential gym use. The development would also be reliant on the use of the private motor vehicle for all but basic services. While a bus service does operate from the village services are however limited.

### **Neutral**

- 8.6. The proposed development would be of an appropriate design, density and layout for the site. Furthermore, and subject to compliance to conditions, the proposal would not raise any residential amenity issues in terms of a loss of light, outlook, overbearing impacts and privacy. The proposal has demonstrated that a suitable access could be achieved and the development would not have a severe residual cumulative impact on the highway network. The proposal would be acceptable in terms of 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 upon a discrete field parcel which adjoins existing residential development. While not identified as Service Village future occupiers would have access to services and facilities available in the village and would support their viability. More significantly the Council's housing policies are currently out of date and the weight that can be afforded to them is reduced. While there would be some harm to the natural environment this would be limited. As a result, it is considered that the harms identified do not significantly and demonstrably outweigh the benefits of delivering further housing. It is therefore recommended that the application is permitted subject to the following conditions:

### **CONDITIONS:**

1. The works hereby permitted shall be begun before the expiration of five years from the date of this consent.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved drawing nos.21720/12, 13 and 14, received by the Local Planning Authority on 7th September 2020 and any other conditions attached to this permission and 21720/11A, SP01, SP02, SK02 REV.D and SK03, received by the Local Planning Authority on 7th September 2020 and any other conditions attached to this permission.

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

3. Notwithstanding the submitted details, no construction works shall take place above slab level until precise details and where appropriate samples of the following have been submitted to and approved in writing by the local planning authority. The works shall thereafter be carried out in accordance with the approved details and shall be similarly maintained there after:-

- External facing and roofing materials,
- Details including profile and colour of the window frames and doors and their reveals.
- Details of any colour tinting to glazing
- Details of all boundary treatments and enclosures

Reason: To ensure a high-quality finish to the development in the interest of the visual amenities of the area.

4. No above ground works shall take place until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and the scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

5. No dwelling hereby permitted shall be occupied until precise details of the landscaping to development have been submitted to and approved in writing by the Local Planning Authority. The Landscaping shall be implemented in accordance with the approved details no later than the first planting season following the completion of the development. The landscaping shall thereafter be maintained for a period of 5 years. If during this time any trees, shrubs or other plants are removed, die, or are seriously diseased these shall be replaced during the next planting season with others of similar size and species unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year maintenance period.

Reason: Interest of the visual amenity of the area.

6. No dwelling shall be occupied until the car/vehicle parking area and turning spaces shown on the approved plan 21720/11A has been completed and thereafter the areas shall be kept free of obstruction and available for the parking of vehicles associated with the development for the duration of the use.

Reason: To ensure that there are adequate parking facilities to serve the development constructed to an acceptable standard.

7. No dwelling shall be occupied until covered and secure storage for a minimum of 2 no. cycles (as shown on drawing no.21720/11A) have been made available to serve that dwelling and those facilities shall be maintained for the duration of the use.

Reason: To ensure the provision and availability of adequate cycle parking.

8. No construction works shall take place until visibility splays are provided from a point 0.6 metres above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 20.9 metres to the left and 29 metres to the right measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6 metres from the edge of the carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of the land so formed which would obstruct the visibility described above.

Reason: In the interests of highway safety.

9. The development hereby permitted shall not be first occupied until each individual plot driveway access visibility splays have been provided from a point 0.6 metres above carriageway level at the centre of each individual plot access and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 15 metres in each direction measured along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of the land so formed which would obstruct the visibility described above.

Reason: In the interests of highway safety.

10. The development hereby permitted shall not be first occupied until the proposed dwellings have been fitted with an electric vehicle charging point. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and Manual for Gloucestershire Streets. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging points shall be of the same specification or a higher in terms of charging performance.

Reason: To promote sustainable travel and healthy communities.

11. No dwelling hereby permitted shall be occupied until the vehicular access has been laid out and constructed in accordance with the approved plan SK02 Revision: D with the first 10 metres of the proposed access road, taken from the carriageway edge of the public road surfaced in bound material, and shall be maintained thereafter.

Reason: In the interest of highway and pedestrian safety, and to ensure vehicles are able to pull clear of the adopted highway and avoid becoming an obstruction to oncoming traffic.

12. The development hereby permitted shall be carried out strictly in accordance with the recommendation set out in the Focus Environmental Consultants Ecological Appraisal Ref. No.1958 Dated May 2020. If any protected species are found during the site preparation, demolition or construction phases of the development, works shall cease immediately and a suitably qualified ecologist shall be consulted.

Reason: To ensure that the development does not adversely impact protected species.

13. Prior to the first occupation of the development hereby permitted, the ecological enhancements set out in the Focus Environmental Consultants Ecological Appraisal Ref. No.1958 Dated May 2020 shall be implemented and thereafter maintained for the duration of the use.

Reason: To provide a net gain in biodiversity

14. No external lighting shall be installed upon the building or within the site unless otherwise agreed in advance by the local planning authority.

Reason: To ensure that any external lighting does not adversely impact protected species and the rural character of the area.

15. Prior to the first occupation of any of the dwellings hereby permitted, the 'gymnasium building' as highlighted on drawing no.21720/11A shall be demolished, rubble removed and the land re-instated in accordance with details to be submitted and approved under Condition 6 (landscaping) above.

Reason: To conserve the visual amenity of the area.

16. Prior to the commencement of built development precise details of the existing and proposed ground levels and proposed finished floor level (including a datum point outside of the site) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: These details will require further consideration in order to minimise the visual impact of the development.

#### **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.

2. This permission does not imply any rights of entry to any adjoining property nor does it imply that the development may extend into or project over or under any adjoining boundary.