

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

Committee:	Planning
Date:	17 August 2021
Site Location:	25 Paynes Pitch Churchdown
Application No:	20/00956/FUL
Ward:	Churchdown Brookfield With Hucclecote
Parish:	Churchdown
Proposal:	Demolition of existing dwelling and erection of five dwellings and associated access.
Report by:	Paul Instone
Appendices:	Proposed Block Plan Proposed Street Scene Plot 1 Floor Plans & Elevations as Proposed Plot 3 Floor Plans & Elevations as Proposed Landscape Proposals and Management Plan Site Sections Site Sections and Relationship of Plot 4 Tree Preservation Order (404) Plan
Recommendation:	Permit

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1. The application site relates to a large dwelling at 25 Paynes Pitch which comprises of 2 storey, 2.5 storey and single storey elements, alongside its garden and parking area. The dwelling is currently in a relatively poor state of repair. In July 2020, prior to the submission of this application, the residential garden area was cleared of nearly all its mature trees. The residential garden is bound by timber board fencing and vegetation. The residential garden slopes downwards from the southeast to north west and the level change across the residential garden is approximately 3 metres. Access and egress to 25 Paynes Pitch is currently obtained via an access track to west onto Paynes Pitch.
- 1.2. To the south of the residential garden, the application site also contains a strip of land to the south of the garden boundary. This strip of land is not within 25 Paynes Pitch ownership and it is unregistered land. This strip of land contains trees of a mixed species consisting of native and non-native trees. The trees are clearly visible to the public and have high amenity value contributing to the street scene. As the removal of the trees would have a detrimental impact on the surrounding area and loss of an important habitat, a group Tree Preservation Order (TPO 404) was made on 17th June 2020. There is also a separate TPO (Tree Preservation Order (TPO) No. 256 in the western part of the site adjacent to the existing access onto Paynes Pitch which was made on 12th January 2012.

- 1.3. The site is located within the settlement boundary of Churchdown. Besides the TPOs, the site is not subject to any landscape or heritage designations and is located within Flood Zone 1 as defined on the most up-to-date Environment Agency flood risk maps.
- 1.4. The application has been revised further to comments from planning officers and liaison with the applicant during the determination of the application and the number of dwellings reduced from six dwellings to five dwellings. There have also been amendments to the design approach.
- 1.5. The revised application is submitted in full and proposes the demolition of the existing dwelling and the erection of 5no. four-bedroom dwellings. Vehicular access/egress to the dwellings would be obtained via Dunstan Glen via a single entry point through the strip of land which is subject to TPO 404 (**see attached plan**). The existing access road to the west would be closed and become an area of landscaping/planting.
- 1.6. The proposed layout is such that the most notable trees with the group TPO would be retained and additional planting is also proposed along the southern boundary of the site. The proposed dwellings would front onto Dunstan Glen behind the area of landscaping and each dwelling would be served by three car parking spaces to the front of dwellings. There would also be one visitor space.
- 1.7. The dwellings would be two storeys and contemporary in style with a 'split pitch' roof and three of the dwellings would have side garages. The material palette of the dwellings would comprise of a mixture of Cedral Click Boarding, black and buff grey bricks.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
TPO(256)	Tree Preservation Order (Dunstan Glen, Churchdown)	Confirmed	26/01/2012
TPO(404)	Tree Preservation Order (25 Paynes Pitch)	Confirmed	17/06/2020

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 December 2017

- 3.3. Policies: SP2, SD3, SD4, SD6, SD8, SD9, SD10, SD11, SD12, SD14, INF1, INF2, INF3

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

Tewkesbury Borough Plan 2011-2031 – Pre-Submission Version (October 2019)

- 3.4. Policies: RES2, RES5, RES13, DES1, NAT1, ENV2, TRAC1, TRAC8

Neighbourhood Plan

- 3.5. Churchdown and Innsworth Neighbourhood Development Plan 2011-2031 (CINDP)
- 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. Full copies of all the consultation responses are available online at
- 4.2. <https://publicaccess.tewkesbury.gov.uk/online-applications/>
- 4.3. Churchdown Parish Council
- 4.4. Application as submitted – Object on grounds of over development/high density houses, capacity of drainage infrastructure, concerns over development of unregistered land, concerns about loss of trees hedges and wildlife habitat and associated conflict with Neighbourhood Plan.
- 4.5. Current proposals - Object - Still concern over the aesthetics, colouring and design does not match the current street scene. Concern about the proposed access to the site, members wish to restrict access such that deliveries do not take place during 7-9am and 2-4pm and that vehicle access needs to via Oldbury Orchard. There are also concerns about environmental issues and conflict with the Neighbourhood Plan and measures should be incorporated to make the development hedgehog friendly and to encourage wildlife
- 4.6. **Urban Design Officer** – No objection to the revised proposal
- 4.7. **Tree Officer**- No object subject to the imposition of conditions.
- 4.8. **County Highways Authority** – No objection subject to the imposition of conditions
- 4.9. **Drainage Officer** – No objection subject to the imposition of conditions.
- 4.10. **Ecology Advisors** – Further to the submission of bat surveys for the dwelling which is to be demolished, no objection subject to the imposition of conditions.
- 4.11. **Conservation Officer** – Whilst the existing building is historic and it is regrettable that it is to be demolished, there is no objection subject to the imposition of conditions
- 4.12. **Peoples Trust for Endangered Species** – Object aside from the loss of a not insignificant number of trees from the main plot area, the proposal will result in the loss of TPO trees and will the loss of a strip of land which has biodiversity value

<https://publicaccess.tewkesbury.gov.uk/online-applications/>

5.0 PUBLICITY AND REPRESENTATION

- 5.1. The application and the revised application have been publicised through the posting of site notices for a period of 21 days. A total of 131 objections have been raised to the original proposals (including amended plans to this scheme) and the revised proposals.

5.2. The main points of objection to the scheme are:

- Overdevelopment of the plot, the proposal is cramped and is not sympathetic of the character of the area. The design and materials do not respect the character of the surrounding area and the prevalence of parking to the front would be harmful to the street scene.
- Due to the orientation of the dwellings, the front elevation would directly overlook existing properties on Dunstan Glen and the movement of vehicles would impact on the amenity of residents.
- The proposal will result in the loss of a valuable area of trees and hedgerows on Dunstan Close which is TPO protected. These trees contribute to the character of the streetscene and the trees/hedgerows provide wildlife habitat. The local residents look after this area of land and it is cherished by the community.
- The landscaping plan in the proposal does not go far enough to redress the felling that took place in the site prior to submission of the application and there are insufficient replacement trees.
- The developers are undertaking a land grab. The land taken by the development goes beyond their Title and grabs a parcel of land which has been used for more than 37 years by the community as walkway/amenity area from Paynes Pitch to Dunstan Glen. The developers do not have a legal right to build on this land.
- The houses are small and close together and the amenity of future residents would be detrimentally impacted.
- The development will increase traffic flow in and around Dunstan Glen and Oldbury Orchard
- The historic house could be considered a non-designated heritage asset which will be lost and this should be restored. Insufficient evidence has been submitted to demonstrate that it is necessary to demolish Dunstan Lodge and it should be retained
- The plot provides scarce habitats, including for, bats, birds, foxes and hedgehogs and the proposal would result in harm to biodiversity and habitats. This will result in net loss of biodiversity and there must always be a net gain for biodiversity. The ecological assessment does not take into account the felling of mature trees prior to the submission of the application. The proposal conflicts with biodiversity policies in the Neighbourhood Plan and Policy SD9 of the JCS.
- There are bats on site and within Dunstan Glen and provision must be made for them by enhancement of native hedgerows, extensive tree planting, sensitive lighting and retaining the existing hedge/trees including on Dunstan Glen.
- Concerns how the strip of land to the east will be managed following completion of the development. This area of land contains TPO trees where branches have previously fallen off and damaged houses as well as fencing requires ongoing management.
- The excavation work would impact on the TPO trees as well as trees within boundary gardens. This is exacerbated by the overdevelopment of the site and the proximity of the buildings to neighbouring property.

- The proximity and height of the proposed dwellings would detrimentally impact on the residential amenity of existing residents by reason of overlooking, overbearing, over-dominating impacts and loss of light.
- The proposal would increase the risk of flooding and will exacerbate the volume of water that currently drains from Dunstan Lodge which produces a significant stream during any heavy rainfall.
- The, amount, size and layout of the car parking is inadequate and it would not be usable and would give rise to on-street car parking. There is already insufficient parking in Dunstan Close and delivery and refuse lorries cannot turn around. Future residents would have to reverse onto a blind spot on Dunstan Glen.
- Residents will be impacted by noise, dust and vibration and traffic during the construction phase.
- By removing the fence to the north of the walkway to Paynes Pitch and planting vegetation, the development will intrude on the narrow walkway which will impair both the practical and visual amenity of the walkway. This land has been used by the public as a footpath since 1983 the timescale conferring the status as a Public Right of Way Any permission must control the management of this area to avoid intrusion of vegetation on the footpath.
- The proposal is contrary to the development plan and the neighbourhood plan
- The development should be accessed from the existing access from Paynes Pitch to avoid the requirement for a land grab.
- The plans provide inadequate provision for the storage of bins/recycling facilities and the bin collection points would be highly visible in the streetscene.
- All vehicles/construction vehicles accessing this site must pass over the Route Protection Area (RPA) serving the TPO trees which will cause damage.
- Construction traffic will raise a significant public risk to highway and pedestrian safety and needs to be managed through an appropriate Construction Method Statement. Stakeholders are failing in their duty of care and will be liable if there are injuries arising

5.3. Six comments have been received in support of the application. The main points of support to the scheme are:

- The proposal is well planned infill development which is in keeping with the area
- There is adequate local infrastructure to service additional housing in Churchdown.
- The development will provide family homes.
- The proposal represents an efficient use of land rather than just one dwelling in the plot.
- The majority of the hedgerow will remain in place.
- The scheme is well designed to minimise the impact on neighbouring residents.
- The development will improve the quality of the area and replace an existing 'eyesore'.

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 Tewkesbury Borough Plan (TBP) has reached an advanced stage. The Examination in Public was held in February/March 2021 and the Inspector's post hearings Main Modifications letter was received on 16th June 2021. In this letter the Inspector provided his current view as to what modifications are required to make the Plan 'sound'.
- 6.4. Those policies in the Pre-submission version of the TBP which are not listed as requiring main modifications may now attract more weight in the consideration of applications, with those policies which do in the Inspector's view require main modifications attracting less weight depending on the extent of the changes required. The TBP remains an emerging plan and the weight that may be attributed to individual policies will still 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 the 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. The relevant policies are set out in the appropriate sections of this report.

7.0 ANALYSIS

Principle of development

- 7.1. JCS Policy SP2 'Distribution of New Development' states that new development will be focused at Gloucester and Cheltenham, including the urban extensions to these areas. It provides that outside Tewkesbury Town, Rural Service Centres and Service Villages, in the remainder of the rural area, JCS Policy SD10 will apply to proposals for residential development
- 7.2. Criterion 4(ii) of the JCS Policy SD10 allows for infilling within the existing built-up areas of Tewkesbury Borough's towns and villages. Infilling, in this context, is defined in paragraph 4.10.5 of the JCS as "the development of an underdeveloped plot well related to existing built development."
- 7.3. Policy RES2 of the Emerging TBP states that within the defined settlement boundaries of the Urban Fringe Settlements the principle of residential development is acceptable subject to the application of all other policies in the Local Plan.
- 7.4. The application site is located within the Residential Development Boundary of Churchdown as defined in the TBLP and the Emerging TBP and is surrounded by built up development. The proposed development therefore represents infilling within the existing built-up area.
- 7.5. The principle of housing development is therefore acceptable subject to all other material considerations and the application of policies in the Development Plan.

Five Year Housing Supply

- 7.6. As set out in the latest Tewkesbury Borough Five Year Housing Land Supply Statement published in December 2020, the Council can demonstrate a 4.35 year supply of deliverable housing sites. On the basis therefore that the Council cannot at this time demonstrate a five year supply of deliverable housing land, the Council's policies for the provision of housing should not be considered up-to-date in accordance with footnote 7 of the NPPF and in accordance with paragraph 11 of the NPPF the presumption in favour of sustainable development (the 'tilted balance') applies. The presumption is therefore that permission should be granted unless policies for protecting assets of particular importance provides a clear reason for refusing the development or any adverse impacts of permitting the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This will be assessed below.
- 7.7. Members will be aware of the recent appeal decision at Ashmead Drive in which the Inspector concluded that the Council could demonstrate a 1.82 year supply. This is principally because the Council includes advanced delivery (or 'oversupply') against annual housing requirements in its five-year supply calculations. Appeal decisions are not binding precedents, however. Officers consider that, on the context of the plan-led system, it is wrong not to take into account houses that have already been delivered during the plan period, essentially ahead of schedule, and which meet the needs being planned for in the area. Officer's advice is therefore that a 4.35 year supply can be demonstrated at this time.
- 7.8. Nevertheless, as set out above, as the Council cannot demonstrate a five year supply of deliverable housing sites, the presumption in favour of sustainable development is engaged in this case.

Procedural Matters and Site Ownership

- 7.9. The application site includes a parcel of land to the south of 25 Paynes Pitch which is not owned by the applicant and is an unregistered title. The applicant has advised that they have a right of access over this land. This parcel of land comprises an area of trees and hedgerows to the north of Dunstan Glen and outside of the boundary of the 25 Paynes Pitch which is understood to have been managed by the local residents for a number of years. The parcel of land benefits from a TPO.
- 7.10. The applicant has undertaken land registry checks, had direct contact with the former developer and undertaken legal checks but has been unable to establish the ownership. On this basis a Certificate D Notification has been submitted with the planning application.
- 7.11. An applicant does not need to own the land to apply for planning permission on it and based on the available information officers are satisfied that the correct Notifications have been served. As the applicant has a Right of Access over the land it is also considered that the development is implementable, but the lawfulness of the implementation with regard to site ownership is a matter for the applicant.

Design

- 7.12. The NPPF sets out that the creation of high quality, beautiful and sustainable buildings and places fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development. This is now reflected in the National Design Guide, which provides planning practice guidance for beautiful, enduring and successful places.

- 7.13. JCS policy SD4 states 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. Policy SD10(6) states that residential development should seek to achieve the maximum density compatible with good design, the protection of heritage assets, the character and quality of the environment, and the safety and convenience of the local and strategic road network,
- 7.14. Policy RES5 of the Emerging TBP states proposals for new housing development should, inter alia, be of a design and layout that respects the character, appearance and amenity of the surrounding area and is capable of being well integrated within it and be of an appropriate scale having regard to the size, function and accessibility of the settlement and its character and amenity, unless otherwise directed by policies within the Development Plan.
- 7.15. Policy CHIN2 of the CINP states that proposals for new development or the redevelopment of existing buildings should contribute towards the local distinctiveness of Churchdown and Innsworth. They should demonstrate high quality, sustainable and inclusive design and architecture that respects and responds positively to the best examples of the Neighbourhood Area's character.
- 7.16. The application proposes the erection of five dwellings which would be orientated such that the principal elevations face south onto Dunstan Glen. The dwellings would be accessed/egressed by vehicles from a single point and the proposed dwellings would be afforded some screening by retained/proposed trees, hedges and planting. Front gardens as well as parking spaces would be set to the front and side of the dwellings. The dwelling would be two storey structures with a 'split-pitched' roof and three of the dwellings would have recessed side garages and the material palette of the dwellings would comprise of a mixture of Cedral Click Boarding, black and buff grey bricks
- 7.17. Due to the orientation of the dwellings and the access arrangements, the dwellings would be read against Dunstan Glen which is characterised by relatively large two storey detached dwellings with front gardens and driveways with materials primarily consisting of a palette of red brick and white render. The dwellings to the east to which the proposed development would most closely relate have a staggered building line with the dwelling immediately to east, No.4 Dunstan Glen, being set back in its site behind a detached garage.
- 7.18. Officers have carefully considered the design of the proposals and the Urban Design Officer raises no objection to the revised proposals. In terms of layout, it is considered that the building line would correspond with the dwellings to the east and would respect the existing street pattern in the locality. The roof lines, separation between the dwellings and the recessed garages would also break up the perceived bulk of the dwellings. It is also considered that whilst the proposed materials are not characteristic of the immediate locality, the use of Cedral Click Boarding, black and buff grey bricks is appropriate for these contemporary style dwellings and the materials are appropriate for the type of development proposed and context of the setting.
- 7.19. Officer's note that many objections have been received raising concerns that the density of the development is too high, however the development density would be 20 dwellings per hectare and it is considered that the proposal achieves an appropriate density which is compatible with good design which results in the efficient use of land.
- 7.20. Overall officers consider that the proposal responds positively to and respects that character of the site and its surroundings and addresses the urban structure and grain of the locality in terms of layout, mass, form and materials.

7.21. In light of the above, the design of the proposal is considered acceptable.

Residential Amenity

- 7.22. Paragraph 130 of the NPPF states that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible which promote health and well-being, with a high standard of amenity for existing and future users. JCS policies SD4 and SD14 require development to enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space. Development should have no detrimental impact on the amenity of existing or new residents or occupants.
- 7.23. Emerging Policy RES5 of the Emerging TBP states that proposals for new housing development should, inter alia, provide an acceptable level of amenity for future occupiers of the proposed dwellings and cause no unacceptable harm to the amenity of existing dwellings.
- 7.24. To the north of the site are a row of chalet bungalow dwellings (121-129) Oldbury Orchard and the rear elevation of these dwellings and their back gardens face towards the application site. Due to the existing topography the finished floor level of these dwellings are currently between two and three metres lower than the existing dwelling on the application site. The application proposes to lower the levels of the site such that the level differences would be circa 1 metre. The design of Plots 2 and 3 is such that the first floor rear windows are set further back than the ground floor windows; the remaining plots do not have a staggered rear elevation. As such the minimum separation distance between the windows of the existing and proposed dwellings at ground floor level is circa 20 metres and the minimum separation distance at first floor level is circa 22.5 metres. Officers have carefully considered this relationship and taking account of the separation distance and the changes in levels it is considered that the proposal would cause no unacceptable harm to existing residents at Oldbury Orchard by reasons of overlooking, overbearing or over-dominating impact.
- 7.25. To the east of the proposed development is No.4 Dunstan Glen, which is a dwelling that is set back within its plot behind a detached garage. No.4 Dunstan Glen has two windows on the western elevation which serve an en-suite and bedroom which face towards the application site (the bedroom is served by two windows). The application has been amended further to concerns raised by officers about the proximity of Plot 1 and the resultant overbearing and over-dominating impact on the residential amenity of existing occupiers in No.4 Dunstan Glen. The applicant has amended the design of Plot 1 and has changed the massing of the dwelling such that a single storage garage is situated adjacent to the side windows (2 metres to the west) and the two storey element of the dwelling is located 4.6 metres away. The only windows facing eastwards in Plot 1 towards No.4 Dunstan Glen serve a stairway and an en-suite. **A plan showing the visual relationship with No.4 Dunstan Glen is appended to this Report.** Officers have carefully considered this relationship and due to the level difference between the units, the separation distance between the two storey elements, and subject to the imposition of a condition to secure obscure glazing in the east facing windows in Plot 1, it is considered that this relationship is acceptable. As such the proposed development would not give rise to an unacceptable impact on the residential amenity of existing occupiers of No.4 Dunstan Glen by reason of overbearing/over-dominating impact, overlooking or loss of light.
- 7.26. Turning to the existing dwellings to the south of Dunstan Glen (3, 5, 7, 9, 11 and 13), a number of objections have been received raising concerns that the proposed dwellings would impact on views from these dwellings and give rise to an overlooking and overbearing impact. Officers have carefully considered this relationship and given that the separation distance between habitable room windows is at least 30 metres, that extensive planting is proposed and existing trees retained along the southern boundary of the development, and that the

proposed dwelling would be viewed across Dunstan Glen, this relationship is considered acceptable.

- 7.27. In regard to the residential amenity of future residents, the site layout has carefully been considered to ensure that the development can achieve acceptable levels of amenity for the proposed new dwellings. In terms of external amenity space, each dwelling would be provided with adequate garden amenity area and the internal arrangements and room sizes provide adequate amenity. In terms of the arrangement of windows, the orientation and layout is such that there would be no unacceptable overlooking between the proposed dwellings, subject to the imposition of a planning condition requiring the installation in perpetuity of obscure glazing within the first floor side facing windows of the dwellings which serve en-suites, bathroom and stairway windows to prevent overlooking.
- 7.28. Overall, subject to the imposition of conditions, it is considered that the proposed development would result in acceptable levels of amenity for existing and future residents in accordance with JCS policies and the NPPF.

Trees, Landscaping and Visual Amenity

- 7.29. Policy INF3 of the JCS states that existing green infrastructure will be protected in a manner that reflects its contribution to ecosystem services including biodiversity, landscape/townscape quality and the connectivity of the green infrastructure network. Development proposals that will have an impact on hedges and trees need to include a justification for why this impact cannot be avoided and should incorporate measures acceptable to the Local Planning Authority to mitigate the loss. Policy CHIN10 of CINP states that development should ensure that development proposals will be expected, where possible, to retain hedgerows and veteran trees. This is particularly important where the loss of any such features would result in harm to or loss of irreplaceable habitats
- 7.30. The parcel of land to the south of 25 Paynes Pitch benefits from Tree Preservation Order (TPO) No. 404 which was made on 17th June 2020. The row of trees in question are of a mixed species consisting of native and non-native trees comprising of 4 no. Ash, 2 no. Sycamore, 1 No. Lawson Cypress, 5 no. Hawthorn, 1 no. Rowan and 1 no. Damson.
- 7.31. A TPO was made to protect and safeguard the group of trees as it was considered that the trees were under threat of being felled, as trees within the boundary of 25 Paynes Pitch had been cleared and it was unknown at the time what the intention was for the parcel of land subject to the TPO. The trees are subject to a group TPO as the individual category of the trees was not considered to be appropriate for a TPO and it is the group's overall impact and quality which merits protection. The TPO protects both visual amenity and valuable habitat.
- 7.32. There is also a separate TPO (Tree Preservation Order (TPO) No. 256 in the western part of the site adjacent to the existing access onto Paynes Pitch which was made on 12th January 2012. This TPO provides individual protection for two Horse Chestnuts which are not directly affected by the current building works but would be within the area of landscaping which is to be created.
- 7.33. The proposal development would front onto group TPO 404 and sites accesses, hardstanding and bin collection points would intrude into the area which is subject to the TPO. In order to facilitate the development an area of Sycamore/Rowan/Ash and an area of Hawthorn/Damson are required to be removed. All of these trees are Category C2 which are defined as 'Low Quality and Value'. Within the centre of the TPO, the trees that are to be retained include a Grade B1 (Moderate Quality and Value) Sycamore, a Grade C Lawson Cypress and a Grade C Ash. The section of hedge/shrubbery beneath the trees would also be retained but trimmed back to enable visibility splays.

- 7.34. To compensate for the loss of the trees, the application proposes the planting of new trees across the front of the site, to the front of the dwellings and within the gardens. New planting species include Hawthorn, Mountain Ash and Apple Trees. This includes the planting of extra heavy standard trees at the front of the site to give immediate visual impact and habitats. Fruit trees are also proposed to be planted in the location of the existing access to provide a 'community orchard'.
- 7.35. The Council's Tree Officer has liaised with the applicant during the determination of this application, and has agreed the trees that could be removed from the group TPO which would result in least harm, has agreed compensatory planting measures, as well as tree protection measures during the course of the development. The Tree Officer has confirmed that there is no objection to the current proposals and that the replacement planting is acceptable.
- 7.36. The applicant has suggested, and the Local Planning Authority propose, to confirm a new TPO to front of the site once the development is completed. This is to ensure that the retained and proposed trees are maintained and the group's overall value to the visual amenity of the area is secured in perpetuity.
- 7.37. In light of the above, whilst the proposed development would give rise to loss of trees within the group TPO, officers consider that the proposal is acceptable in light of the character and quality of the trees which are agreed to be removed and due to the extent and quality of the replacement planting, which will contribute to visual amenity of the street scene in the medium to longer term. As such, it is considered that the proposal is acceptable in regard to loss of trees, landscaping and visual amenity.

Biodiversity

- 7.38. Government Circular 06/05 states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. When determining planning applications, Paragraph 180 of the NPPF states if significant harm to biodiversity resulting from a development cannot be avoided through locating on an alternative site with less harmful impacts, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by, inter alia, minimising impacts on and proving net gains to biodiversity
- 7.39. Policy SD9 of the JCS seeks to protect and enhance biodiversity and establish and reinforce ecological networks. This includes by ensuring the European Species and Protected Species are protected in accordance with the law. Policy CHIN9 of the CINP states that development proposals (particularly residential developments), that incorporate into their design features which encourage local wildlife to thrive will be strongly supported. Policy NAT1 of the Emerging TBP states that proposals, where applicable will be required to deliver biodiversity net gain.
- 7.40. The application is supported by an Ecological Appraisal and an updated bat survey provided at the request as the Council's Ecological Advisors. 25 Paynes Pitch has been confirmed as an active bat roost and as such the demolition will require the prior granting of a bat mitigation development licence from Natural England. The Licence will only be granted if the Derogation Tests are passed and the Local Planning Authority has a statutory duty to consider these in the decision making process.
- 7.41. Test 1 states "*the development must demonstrate there is an over-riding public interest*". In this case, the application site is located within a sustainable location where the principle of

residential development is deemed acceptable. Furthermore, the Borough currently has a housing supply shortfall and proposed developments should be granted planning permission unless their adverse impacts 'significantly and demonstrably' outweigh their benefits. In the circumstances, the provision of dwellings in a sustainable location will help the Council meet its housing shortfall, and this is considered a demonstrable factor in the over-riding public interest.

- 7.42. Test 2 requires that there be no satisfactory alternatives to the development proposals. Guidance confirms that a proportionate approach should be adopted in considering the feasibility of alternative solutions relative to the degree of likely impact. Alternatives have been considered, including the rebuilding/conversion of the existing building. However, due to the state of deterioration of the existing building and the associated costs of re-build, the applicant has stated that the conversion of the dwelling would not be viable in financial terms meaning the delivery of housing would not be possible without the demolition of the property. In light of the context of the site and regardless of the final outcome in terms of development of this site, any proposals at the site to provide dwellings (other than the conversion of the property) would involve the demolition of the property, which would still require the same level of input from licensing and mitigation with regards to bat species at this site. It is therefore considered that there are no satisfactory alternatives other than the redevelopment of the site if the delivery of housing is to be achieved.
- 7.43. Test 3 requires that the proposals must not be detrimental to the favourable conservation of the species. In this case, the submitted ecological reports state that the site provides a small number of common and non-breeding bat species. Roost loss is therefore considered to be at the lower end of the impact scale, and mitigation for such loss is more easily achievable. As such it is advised that there would be no detrimental impact to the favourable conservation status of the bat species at this site. The Council's ecological advisors have been consulted on the application and raise no objection to the application on the basis that no evidence of hibernating bats was found in the roost, and subject to the mitigation and enhancement recommendations set out in applicant's Bat Reports being implemented. These measures include ensuring that a survey is undertaken prior to demolition, sensitive timings of works to minimise potential impacts, direct ecological supervision of licensable development activities and mitigation measures including installation bat boxes, new landscape planting to attract insects and the installation of sensitive lighting. In light of this, officers consider that the works can be undertaken with no detriment to the favourable conservation status of the bat species at this site.
- 7.44. Therefore, whilst it is necessary for Natural England to grant a licence prior to the applicant undertaking the works, officers consider that there is a reasonable prospect that the Derogation Tests will be passed.
- 7.45. In regard to other species, the applicant's ecological assessment advises that the site provides foraging opportunities for mammals such as hedgehogs, and residents have advised that hedgehogs are present. Hedgehogs are listed as a Priority Species under the Natural Environment and Rural Communities Act 2006. A number of bird species were also recorded on the site including house sparrow which is a red listed bird of conservation concern.
- 7.46. Given the known presence of hedgehogs and birds within the area and given that the proposal would result in an impact to habitats on the site, suitable mitigation and compensation measures would need to be secured within an Ecological Mitigation and Enhancement Scheme. It is recommended that a condition is imposed on the planning permission to secure these measures.
- 7.47. In conclusion, the Council's Ecological Advisor raises no objection subject to the imposition of conditions to secure the Ecological Mitigation and Enhancement Schemes and to control

external lighting. In addition, it is confirmed that it will be necessary for the applicant's ecologist to submit the bat mitigation licence to the planning authority to confirm that Natural England have granted the bat licence prior to any works proceeding. In light of the above, it is considered that there is a reasonable prospect that Natural England will grant a licence, and it is also considered that other ecological impacts can be adequately mitigated. It is therefore considered that application is acceptable in regard to ecological impacts.

Access and highway safety

- 7.48. The NPPF sets out 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.
- 7.49. Vehicular access to the proposed development would be obtained from a single vehicle access point off Dunstan Glen and pedestrian access would be obtained via a footpath adjacent to the vehicular access as well as separate footpath to the west. There would be a bin collection point at the front of the site adjacent to Dunstan Glen allowing the site to be serviced by refuse vehicles. Each dwelling would be served by three car parking spaces and in addition three of the dwellings would have garage. There is also one visitor space to the front of the site.
- 7.50. The County Highways Authority have been consulted on the application and raise no objection subject to the imposition of conditions. These include maintaining a visibility splay of 15 metres to the east and 17 metres and a 0.5m offset. This visibility splay is such that it does not detrimentally impact on those TPO Trees which are to be retained, albeit it may be necessary for lower branches to be cut when necessary.
- 7.51. Concerns have been raised by objectors regarding the construction phase of the development, should planning permission be granted and that construction vehicles within the surrounding road network would block access for vehicles and cause danger for road users.
- 7.52. The applicant has submitted a Demolition and Construction Method Statement (CMS) in support of the application. The CMS confirms that the hours of operation would be 0800 to 1800 Monday to Saturday, construction access to the site will be from Dunstan Glen and an allocated storage area would be designated to ensure the unloading process is minimal. The CMS also states that deliveries would be carefully planned, prebooked and managed on site to ensure no back up of vehicles in the adjacent roads and timed to minimise disruption to neighbours. A banksman would also be provided daily to assist deliveries and to protect cyclists and pedestrians. A total of 10 car parking spaces are proposed within the site for the use of site operatives and visitors in order to reduce the number of vehicles on the highway at any one time. A wheel washing facility would also be provided adjacent to the main site entrance gates to reduce mud going onto the public highway.
- 7.53. The County Highways Authority has reviewed the CMS and has advised that Statement has covered all the pertinent points to try and limit the impact caused by the construction process. Furthermore, Dunstan Glen and Oldbury Orchard are not considered narrow roads (4.6m and 4.8m) and are considered sufficient to allow two way working. Consequently, it is considered that the CMS provides sufficient on-site parking. As such the County Highways Authority raise no objection to the CMS and recommend a condition is imposed to ensure the construction process adheres to its provisions.
- 7.54. As such, officers consider that proposal is acceptable in regard to access and highway safety.

Drainage and Flood Risk

- 7.55. 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. This is reflected in Policy ENV2 of the Emerging TBP and the NPPF.
- 7.56. The site lies in Flood Zone 1 (lowest risk of flooding) as defined by the Environment Agency's most up-to-date flood risk maps, which comprises land assessed as having a less than 1 in 1000 annual probability of river or sea flooding (0.1%).
- 7.57. The application is supported by a Drainage Strategy and site infiltration testing indicates that infiltration is not a suitable option for surface water drainage on this site. As a result of the infiltration rates of the area, a cellular storage device is proposed to provide storm water attenuation for the restricted outfall for all storm events. This would discharge to the existing Severn Trent surface water sewer manhole, to the south of the site. The application would require Severn Trent approval for this connection.
- 7.58. The Council's Drainage Officer has been consulted on this application and advises that the impermeable areas plan and drainage plan are acceptable and raises no objection subject to conditions.
- 7.59. As such, subject to the imposition of conditions, it is considered that the proposal is acceptable in regard to flood risk and drainage.

Heritage Matters

- 7.60. Paragraph 203 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 7.61. Policy SD8 of the JCS states that development should make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment. The policy also states that: Designated and undesignated heritage assets and their settings will be conserved and enhanced as appropriate to their significance, and for their important contribution to local character, distinctiveness and sense of place.
- 7.62. The Council's Conservation Officer has been consulted on the application and advises that whilst the existing building is historic and it is regrettable that it is to be demolished, it is not considered a non-designated heritage asset. Therefore, the Officer does not object to the demolition of the building subject to a programme of archaeological building recording work including a Written Scheme of Investigation being undertaken
- 7.63. As such, the loss of the existing building is considered regrettable, but given the characteristics of the building and that it is not considered a non-designated heritage asset, this harm is minor and does not give rise to a reason for refusal in regard to relevant heritage policies.

Other Matters

- 7.64. There is an existing footpath to Paynes Pitch located to the west of the proposed houses and the western part of the site bounds this footpath. The site is currently separated from this footpath by a close boarded fence. The application proposed to remove this fence and create

a grass landscape area interspersed with the planting of five Apple Trees which it is advised could be used by the community as a 'community orchard'.

- 7.65. Concerns have been raised by objectors that these trees would overhang the footpath and restrict use for pedestrians. There are also concerns that the removal of the fence would give rise to habitat disturbance and objectors wish to see this fence retained. Officers have considered these objections but consider that the loss of the fence and the provision of a landscaped area would be beneficial and would enhance the street scene. However, the concerns of objectors are noted and it is recommended a condition is imposed to secure the management of this area in accordance with Landscape Management Schedule to ensure that the area is maintained. In terms of ecological impact, any impact arising from the removal of the fence would be managed as part of an Ecological Mitigation and Enhancement Scheme.
- 7.66. Concerns have also been raised that the bin collection point which is located behind the group TPO would be detrimental to street scene. However, officers consider that this would be adequately screened by the retained vegetation and would have limited visibility and is acceptable.

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. On the basis the Council cannot at this time demonstrate a five year supply of deliverable housing land, the Council's policies for the supply of housing are out of date. In accordance with paragraph 11 of the NPPF, the presumption in favour of sustainable development indicates that permission should be granted unless policies for protecting areas of assets of particular importance in the NPPF provide a clear reason for refusing the development proposed, or any adverse impacts of permitting the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole. There are no clear reasons for refusal arising from NPPF policies for the protection of areas or assets of particular importance in this case and therefore, it is clear that the decision-making process for the determination of this application is to assess whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.

Benefits

- 8.3. The development would contribute towards the supply of housing and help meet the objectively assessed need for housing in the Borough in an area where the principle of housing development is considered acceptable. This is of particular relevance given the fact that the Council cannot currently demonstrate a deliverable supply of housing and therefore weighs significantly in favour of the application.
- 8.4. Moderate weight is given to the economic benefits that would arise from the proposal both during and post construction, including the economic benefits arising from additional residents supporting local businesses.

Harms

- 8.5. The proposal would result in the loss of an historic dwelling, but this dwelling is not considered a non-designated heritage asset and whilst its loss is regrettable, this loss is considered a minor harm.

Neutral

- 8.6. It has been established through the submission documents that, subject to the imposition of appropriate planning conditions and the granting of a bat mitigation development licence from Natural England, that the development would not give rise to unacceptable impacts in relation to ecology, trees, flood risk and drainage, ecology, highway safety, residential amenity and design.

Conclusion

- 8.7. Taking account of all the material considerations and the weight to be attributed to each one, it is considered, the minor identified harm would not significantly and demonstrably outweigh the benefits in the overall planning balance.
- 8.8. It is therefore considered that the proposed development would constitute sustainable development in the context of the NPPF as a whole and it is therefore recommended that planning permission is **PERMITTED** subject to the conditions set out below.

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 documents:

- CS-20002 003 Proposed Site Plan
- CS-20002 06 Rev PL3 Plot 1 Floor Plans and Elevations
- CS-20002 07 Rev PL3 Plot 2 Floor Plans and Elevations
- CS-20002 08 Rev PL3 Plot 3 Floor Plans and Elevations
- CS-20002 09 Rev PL3 Plot 4 Floor Plans and Elevations
- CS-20002 10 Rev PL3 Plot 5 Floor Plans and Elevations
- CS-20002 012 Rev PL4 Site Sections as Existing and Proposed
- CS-20002 13 Rev PL3 Street Scene as Proposed
- CS-20002 12 PL0 Materials Contact Sheet
- CTP-20-478 C001 Rev E Proposed Site Plan Impermeable Areas
- CTP-20-478 C002 Proposed Drainage Strategy and Flood Exceedance Route
- 20151.502 Rev G Arboricultural Impact Assessment and Tree Protection Plan
- 20151.101 Rev C Landscape Proposals and Management Schedule
- Addendum to Arboricultural Survey, Impact Assessment and Protection Plan
TPP_V7_Addendum

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

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

3. The external building materials and surface materials shall be constructed entirely of the material details which are shown in the following plans,
 - CS-20002 003 Proposed Site Plan
 - CS-20002 06 Rev PL3 Plot 1 Floor Plans and Elevations
 - CS-20002 07 Rev PL3 Plot 2 Floor Plans and Elevations
 - CS-20002 08 Rev PL3 Plot 3 Floor Plans and Elevations
 - CS-20002 09 Rev PL3 Plot 4 Floor Plans and Elevations
 - CS-20002 10 Rev PL3 Plot 5 Floor Plans and Elevations
 - CS-20002 12 PL0 Materials Contact Sheet

Reason: In the interests of visual amenity.

4. Prior to the occupation of any dwelling hereby permitted, the finished floor levels and finished site levels shall be implemented strictly in accordance
 - CS-20002 003 Proposed Site Plan
 - CS-20002 012 Rev PL4 Site Sections as Existing and Proposed

Reason: In the interests of residential and visual amenity.

5. Prior to the occupation of any dwelling hereby permitted, the boundary treatments shall be implemented strictly in accordance with approved plan 20151.101 Rev C.

Reason: In the interests of residential and visual amenity.

6. The side facing first floor windows serving en-suites, bathrooms and stairways in all the dwellings hereby permitted shall be fitted with obscure glazing (minimum Pilkington Level 4 or equivalent) prior to occupation of the dwelling. The window shall thereafter be retained as such and not altered without the prior consent of the Local Planning Authority.

Reason: In the interests of residential amenity.

7. All planting comprised in the approved details Landscape Proposals and Management Schedule Drawing No. 20151.101 Rev C of tree/hedgerow planting shall be carried out in the first planting season following the occupation of any building or the completion of the development, whichever is the sooner. Any trees or hedgerows, which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. If any trees or hedgerows fail more than once, they shall continue to be replaced on an annual basis until the end of the 5 year period.

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

8. The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved details specified in Drawing No 20151.502 Rev G and before any development including demolition, site clearance, materials delivery or erection of site buildings, starts on the site. The approved tree protection measures shall remain in place until the completion of development or unless otherwise agreed in writing with the local planning authority. Excavations of any kind, alterations in soil levels, storage of any materials, soil, equipment, fuel, machinery or plant, site compounds, latrines, vehicle parking and delivery areas, fires and any other activities liable to be harmful to trees and hedgerows are prohibited within any area fenced, unless agreed in writing with the local planning authority.

Reason: To ensure adequate protection measures for existing trees/hedgerows to be retained, in the interests of visual amenity and the character and appearance of the area.

9. No removal of trees/scrub/hedgerows shall be carried out on site between 1st March and 31st August inclusive in any year, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that the nature conservation interest of the site is protected.

10. The areas of landscaping shall be managed in accordance with details provided in Landscape Proposals and Management Schedule Drawing No. 20151.101 Rev C.

Reason: In the interests of visual amenity and the character and appearance of the area.

11. Work shall not start on the development hereby permitted until an Ecological Enhancement and Mitigation Strategy (EEMS) has been submitted to and approved in writing by the Local Planning Authority. The EEMS shall include all measures to ensure that wildlife and habitats will be safeguarded through the entirety of the development and following completion of the development. The EEMS shall include, but shall not be limited to, the mitigation measures set out in Preliminary Ecological Appraisal and Preliminary Roost Assessment Rev 02 prepared by Focus Environmental Consultants dated 1st October 2020 and the Bat Survey Report Rev 02 prepared by Focus Environmental Consultants dated 16th February 2021. The development shall be implemented fully in accordance with the approved EEMS.

Reason: To protect biodiversity and protected species. This condition is required to be pre-commencement as there is potential for impact on wildlife upon commencement of development.

12. Prior to the installation of any external lighting for the development hereby permitted details of the lighting shall be submitted to and approved by the local planning authority. This lighting scheme shall show contour plans highlighting lux levels, to demonstrate that all bat foraging corridors and roosting features are kept dark. The development hereby permitted shall not be carried out otherwise than in accordance with the approved lighting details and the approved lighting details shall thereafter be retained for the lifetime of the development.

Reason: To protect biodiversity and protected species and in the interests of residential amenity.

13. The vehicular access hereby permitted shall not be brought into use until the visibility splays are provided from a point 0.6m 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 15 metres to the east (left) measured 0.5m offset from carriageway edge and 17m to the west (Right) measured 0.5m offset from carriageway edge. The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.

Reason: In the interests of highway safety

14. The development hereby permitted shall not be occupied until details of secure and covered cycle storage facilities for a minimum of 2 bicycles per dwelling has been made available in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To give priority to cycle movements by ensuring that adequate cycle parking is provided, to promote cycle use and to ensure that the appropriate opportunities for sustainable transport modes have been taken up in accordance with paragraph 108 of the National Planning

Policy Framework.

15. No dwelling hereby permitted shall be first occupied and the vehicular access hereby permitted shall not be brought into use until all existing vehicular accesses to the site (other than that intended to serve the development) have been permanently closed in accordance with details to be submitted to and agreed in writing beforehand by the Local Planning Authority.

Reason: In the interests of highway safety.

16. The dwellings hereby permitted shall not be first brought into use 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. 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 point shall be of the same specification or a higher specification in terms of charging performance.

Reason: To promote sustainable travel and healthy communities.

17. The dwellings hereby permitted shall not be occupied until the vehicular parking and turning facilities including driveways have been laid out and constructed in accordance with approved plan 003 Rev PL8 with the area of driveway surfaced in bound material, and shall be drained so that no surface water flows onto the adjoining highway 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.

18. The development, including any works of demolition, shall only take place in accordance with the submitted Demolition & Construction Method Statement received on 8th June 2021 and shall be adhered to throughout the construction period.

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.

19. No demolition/development shall take place until a programme of archaeological building recording work including a Written Scheme of Investigation followed by a final report has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of the affected stable building which is to be recorded to a standard equivalent to a Level 2 (descriptive record) as specified by Historic England in its publication Understanding Historic Buildings: A Guide to Good Recording Practice (2016).

Reason: In the interests of the historic environment. This condition is required to be pre-commencement as archaeological building recording work is required prior to the loss of the historic building

20. No building works hereby permitted shall be commenced until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. The information submitted shall be in accordance with the principles set out in the approved planning, design and access statement. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in The SuDS Manual, CIRIA C753 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

i. provide information about the design storm period and intensity, the method employed to delay

and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

ii. include a timetable for its implementation; and

iii. provide a 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.

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. This condition is required to be pre-commencement because the control of the impacts of the development on potential flooding of surrounding property need to be in place at the moment development commences otherwise those the surrounding properties are put at risk by the development during construction.

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. The applicant is advised that they will require the prior acquisition of a bat mitigation (development) licence and the bat licence will be required to be submitted to local planning authority prior to any works taking place.
3. The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out.

Contact the Highway Authority's Legal Agreements Development Management Team at highwaylegalagreements@gloucestershire.gov.uk allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Councils costs in undertaking the following actions:

- i. Drafting the Agreement
- ii. A Monitoring Fee
- iii. Approving the highway details
- iv. Inspecting the highway works

Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.

4. It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to "respecting the community" this says:

Constructors should give utmost consideration to their impact on neighbours and the public.

- Informing, respecting and showing courtesy to those affected by the work;
- Minimising the impact of deliveries, parking and work on the public highway;

- Contributing to and supporting the local community and economy; and
- Working to create a positive and enduring impression and promoting the Code.
-

The CEMP should clearly identify how the principle contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues.

Contractors should ensure that courtesy boards are provided and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties. This does not offer any relief to obligations under existing Legislation.

CEMP can include but is not limited to:

- A construction programme including phasing of works;
- 24 hour emergency contact number;
- Hours of operation;
- Expected number and type of vehicles accessing the site;
 - o Deliveries. waste. cranes. equipment. plant. works. visitors;
 - o Size of construction vehicles;
 - o The use of a consolidation operation or scheme for the delivery of materials and goods;
 - o Phasing of works;
- Means by which a reduction in the number of movements and parking on nearby streets can be achieved (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction):
 - o Programming;
 - o Waste management;
 - o Construction methodology;
 - o Shared deliveries;
 - o Car sharing;
 - o Travel planning;
 - o Local workforce;
 - o Parking facilities for staff and visitors;
 - o On-site facilities;
 - o A scheme to encourage the use of public transport and cycling;
- Routes for construction traffic, avoiding weight and size restrictions to reduce unsuitable traffic on residual roads;
- Locations for loading/unloading, waiting/holding areas and means of communication for delivery vehicles if space is unavailable within or near the site;
- Location for storage of plant/waste/construction materials;
- Arrangements for the turning of vehicles, to be within the site unless completely unavoidable;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Swept paths showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available;
- Any necessary temporary traffic management measures;
- Measures to protect vulnerable road users (cyclists and pedestrians);
- Arrangements for temporary facilities for any bus stops or routes;
- Highway Condition survey;
- Method of preventing mud being carried onto the highway; and
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.