

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

Committee:	Planning
Date:	16 November 2021
Site Location:	Former Nortenham Allotments Land West of The A435 Bishops Cleeve
Application No:	20/00245/FUL
Ward:	Cleeve West
Parish:	Bishops Cleeve
Proposal:	Erection of 113 dwellings, provision of access, drainage, public open space, landscaping and associated works.
Report by:	Victoria Stone
Appendices:	Site Location Plan Site Layout Plan Tenure Mix Plan Overall Contextual Plan Examples of Floor Plans & Elevations x12
Recommendation:	Delegated Permit

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is located to the west of the A435 within Bishops Cleeve and to the east of the Cleevelands development. It covers an area of approximately 3.9 hectares, is irregular in shape and has been previously used as allotments, known as 'Nortenham Allotments'.
- 1.2 The parcel of land is bound by residential development to the west, allotments to the south-west, the Dean Brook to the north and the A435 to the east. The site comprises arable plots of land and grass areas and scrubland to the north and is enclosed by a dense hedge line along the northern and eastern boundaries and by a fence line along the western boundary.
- 1.3 The site falls from south to north towards the Dean Brook. Site levels are 47.70m AOD in the southern region and between 45.00m and 44.00m AOD along the northern extent by the watercourse.
- 1.4 The site is not subject to any landscape designations though part of the site, immediately adjacent to the Dean Brook, lies within Flood Zones 2 and 3. Further, a Public Right of Ways runs through the site along the eastern side.

- 1.5 The application site has been identified in the submission version of the emerging Tewkesbury Borough Plan as a potential site allocation with an indicative capacity of 85 dwellings.
- 1.6 This application is submitted in full and seeks permission for the construction of 113 dwellings and associated provision of access, drainage, public open space, landscaping and associated works.
- 1.7 The proposed development would deliver a mix of open market and affordable dwellings. Overall, 39.82% of the dwellings proposed would be 'affordable'. This equates to 45 of the 113 being affordable. The dwellings would include a mix of dwelling sizes from one bedroom to four-bedroom properties.
- 1.8 The proposed dwellings would predominantly be two storeys in height (there would be one bungalow). A palette of materials is proposed to include different bricks, render and cladding. The density would be approximately 29 dwellings per hectare.
- 1.9 A single point vehicular access to the development would be created off the A435. There would be 216 parking spaces, with an additional 24 visitor parking across the site. Two pedestrian access points are proposed along the eastern boundary to the A435. In addition, four potential pedestrian links are shown to the east of the site.
- 1.10 The submitted plans incorporate areas of green space and additional landscaping across the site, with an attenuation pond and foul water pumping station to the north of the site. A Locally Equipped Area for Play (LEAP) is proposed.
- 1.11 Since the application was first submitted, the proposal has been subject to revisions which include a reduction in the number of dwellings proposed and changes to the design approach in an attempt to address concerns raised by officers on several design matters. Following submission of the latest revised plans, additional publicity and consultations have taken place

2.0 RELEVANT PLANNING HISTORY

- 2.1 There is no relevant planning history pertaining to the site.

3.0 RELEVANT POLICY

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

National guidance

National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG) and National Design Guide (NDG)

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

- Policy SP1 (The Need for New Development)
- Policy SP2 (The Distribution of New Development)
- Policy SD3 (Sustainable Design and Construction)
- Policy SD4 (Design Requirements)
- Policy SD6 (Landscape)

- Policy SD7 (Cotswolds Area of Outstanding Natural Beauty)
- Policy SD8 (Historic Environment)
- Policy SD9 (Biodiversity and Geodiversity)
- Policy SD10 (Residential Development)
- Policy SD11 (Housing Mix and Standards)
- Policy SD12 (Affordable Housing)
- Policy SD14 (Health and Environmental Quality)
- Policy INF1 (Transport Network)
- Policy INF2 (Flood Risk and Management)
- Policy INF3 (Green Infrastructure)
- Policy INF4 (Social and Community Infrastructure)
- Policy INF6 (Infrastructure Delivery)
- Policy INF7 (Developer Contributions)

Tewkesbury Borough Local Plan to 2011 – March 2006 (TBPL)

- Policy RCN1(Outdoor Playing Space)
- Policy RCN2 (Provision of Sports Facilities)
- Policy RCN10 (Allotments)

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

- Policy RES1 (Housing Site Allocations)
- Policy RES5 (New Housing Development)
- Policy RES12 (Affordable Housing)
- Policy RES13 (Housing Mix)
- Policy DES1 (Housing Space Standards)
- Policy NAT1 (Biodiversity, Geodiversity and Important Natural Features)
- Policy NAT2 (The Water Environment)
- Policy NAT3 (Green Infrastructure: Building with Nature)
- Policy NAT5 (Cotswolds Beechwoods)
- Policy ENV2 (Flood Risk and Water Management)
- Policy HEA1 (Healthy & Active Communities)
- Policy RCN1 (Public Outdoor Space, Sports Pitch and Sports Facility Provision)
- Policy RCN3 (Allotments & Community Gardens)
- Policy COM2 (Broadband Provision)
- Policy TRAC1 (Pedestrian Accessibility)
- Policy TRAC9 (Parking Provision)

Other relevant policies/ legislation

- Human Rights Act 1998
- - Article 8 (Right to Respect for Private and Family Life)
- The First Protocol - Article 1 (Protection of Property)

4.0 CONSULTATIONS

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

4.1 Bishop's Cleeve Parish Council – Object to the application on the following grounds:

- Residential development is not acceptable in this location.
- Bishop's Cleeve has had over 1000 new homes built since 2012 with limited economic and highway infrastructure and no supporting social, educational infrastructure delivered
- Additional 113 homes would result in a further imbalance and significant pressure on existing, considerably overstretched, local services in the village.
- Development would not represent sustainable development as sufficient local service and economic infrastructure to support the housing has not been provided. The adverse impact of allowing the development would significantly and demonstrably outweigh the benefits.
- Social objective of the NPPF cannot be met – the proposed new school will not be open to all children for six years after first opening so there will be a shortfall of school places for future residents.
- Tewkesbury Borough have met the identified housing requirements, as have Bishop's Cleeve.
- Development of 113 homes on a site with a proposed allocation for 85 homes would contribute to a cumulative effect, warping the spatial strategy of the village and lead to further pressure on already overstretched services.
- Site is not sustainable as there would be no pedestrian link to the existing Clevelands development and the facilities provided there – as a consequence this would result in further use of motor vehicles from the site.
- Object to the inclusion of an open boundary to part of the allotment site – no request for this access has been received and if this was provided access would only be to a secure allotment site which has locked gates.
- Concerned about the layout, it would be harmful in terms of design – represents overdevelopment of the site area and the clustering of affordable housing would have an adverse impact upon social cohesion of future residents.
- Adequate boundary provision with the Parish Council land needs to be provided for the privacy and security of its allotment tenants.
- Concerned about the proposed location of the LEAP being so close to the balancing ponds and at one extremity of the site – not inclusive to all potential residents.
- Request the access to and egress from the development should be reviewed; all Tree Preservation Orders are observed; an archaeological assessment should take place prior to commencement of any development; expert opinion on noise and drainage is observed; consideration is given in the S106 agreement to a contribution towards playing pitches and other infrastructure at Cheltenham Road and a contribution towards the provision of allotments off-site.

4.2 Gotherington Parish Council – The site is ideal for the new primary school and the Parish Council does not support any more housing in Bishops Cleeve which is overdeveloped and congested with traffic.

4.3 Woodmancote Parish Council – Object as they consider the proposal represents overdevelopment of Bishop's Cleeve which does not have the infrastructure or services to manage the growth in population and resulting traffic. Also, they are not persuaded by the surface water flood management plan. If Tewkesbury Borough Council permit the application, they would like to see several conditions applied.

4.4 Highways England – No objection.

- 4.5 **Natural England** – Advise a Stage 2 Appropriate Assessment is needed.
 - 4.6 **Severn Trent** – No objections.
 - 4.7 **County Highway Authority** – No objection subject to conditions and financial obligations.
 - 4.8 **County Archaeologist** – No objection.
 - 4.9 **County Lead Local Flood Authority** – No objection.
 - 4.10 **County Developer Contributions Investment Team** – A contribution of £650,573.77 is required towards Primary school education provision and a contribution of £22,148 towards library provision in Bishops Cleeve.
 - 4.11 **County Public Right of Way** – If the Public Right of Way is likely to be affected by building work then the developer should seek a diversion.
 - 4.12 **County Minerals & Waste Planning Policy** – No objection subject to conditions.
 - 4.13 **Community and Economic Development Manager** – Provision of open space acceptable.
 - 4.14 **Urban Design Officer** – No objection.
 - 4.15 **Landscape Officer** – No objection.
 - 4.16 **Tree Officer** – No objection.
 - 4.17 **Ecologist** – No objection.
 - 4.18 **Strategic and Enabling Housing Officer** – Satisfied with the proposed affordable housing provision.
 - 4.19 **Environmental Health Officer (Air Quality)** – No adverse comments.
 - 4.20 **Environmental Health Officer (Noise)** – Noise Assessment appears satisfactory.
 - 4.21 **Environmental Health Officer (Land Contamination)** – Satisfied with the content of the Phase 1 Desk Study Report and the conclusions made.
 - 4.22 **Conservation Officer** – The proposal would not have a negative impact upon the setting of the built heritage assets.
 - 4.23 **Project Officer (Asset Management Team)** – The design and layout of the proposed LEAP are acceptable.
- 5.0 **PUBLICITY AND REPRESENTATIONS**

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

- 5.1** The receipt of amended plans has been publicised through the posting of a site notice for a period of 21 days. No comments have been received to the revised proposal.

The original application and first amended proposal was also publicised through the posting of a site notice for a period of 21 days. In total four representations of objection have been received.

- 5.2** The objections are summarised below:

- Land would be better suited to a new school.
- Bishops Cleeve do not need any more dwellings.
- Increase vehicular and foot traffic.
- Site should be used as green open space for the community – would offer more benefits than further housing.
- Sense of community difficult to be sustained with the ‘village feel’ being lost.
- Inaccuracies with the plans submitted
- Concerned about impact upon Dean Brook
- Harmful to wildlife on the site
- Development would compromise highway safety – not a suitable access off the A435

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 Pre-Submission TBP was submitted for examination in May 2020. Examination in Public (EiP) took place over five weeks during February and March 2021. The examining 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'.
- 6.3** A schedule of Main Modifications to the Pre-submission TBP were approved at the meeting of the Council on 20th October 2021 and is now published for consultation as the Main Modifications Tewkesbury Borough Plan (MMTBP).
- 6.4** Those policies in the MMTBP which were not listed as requiring main modifications may now attract more weight in the consideration of applications, with those policies which are subject to 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 (including as with modifications as published for consultation) 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.
- 6.6** Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2021 and its associated Planning Practice Guidance (PPG), the National Design Guide (NDG) and National Model Design Code.

7.0 ANALYSIS

Principle of development

- 7.1** The Joint Core Strategy (JCS) sets out the overarching strategy for growth throughout Cheltenham, Gloucester and Tewkesbury up until 2031. It has identified the objectively assessed need for Tewkesbury Borough and the spatial strategy to accommodate that level of development. The JCS identifies key locations for growth and sets out strategic policies to guide future development.
- 7.2** The JCS identifies a settlement hierarchy as the basis for the strategy for delivering growth targets. The JCS settlement hierarchy for Tewkesbury Borough includes Tewkesbury Town as the top tiered settlement followed by the two Rural Service Centres and then the twelve Service Villages. The Rural Service Centre and Service Village classification was informed by the JCS Settlement Audit (2017).
- 7.3** Bishops Cleeve is defined as a Rural Service Centre in the JCS and is recognised as a settlement that contains a "higher range of services and facilities". JCS Policy SP2 sets out that Rural Service Centres and Service Villages will accommodate lower levels of development to be allocated through the Borough Plan and Neighbourhood Development Plans (NDPs), proportional to their size and function, and also reflecting their proximity to Cheltenham and Gloucester and taking into account the environmental, economic and social impacts including existing levels of growth over the plan period.
- 7.4** The application site has not been allocated for housing in the JCS and therefore the criterion of Policy SD10 of the JCS applies. Policy SD10 sets out the Council's approach to housing development and states that residential development will be permitted at sites allocated for housing through the development plan. Proposals on unallocated sites will only be permitted under certain circumstances, none of which currently apply to the proposed development. The application is therefore in conflict with JCS Policy SD10.
- 7.5** Notwithstanding the above conflict with the JCS, the application site is identified in the Emerging Tewkesbury Borough Plan (TBP) as a site allocation. The site-specific Policy BIS3, provides a number of requirements that will be expected to be addressed in order to make the site acceptable, these include sufficient provision of alternative allotment space being demonstrated; all built development to be located in Flood Zone 1; a landscaped green edge to the north of the site and the provision of pedestrian and cycle connectivity with the adjacent development to the south/west. Reference will be made to these requirements in the appropriate sections of this report.
- 7.6** As stated above the Tewkesbury Borough Plan (TBP) has reached an advanced stage. The Inspector's post hearings Main Modifications letter which was received on 16 June 2021 found this site generally acceptable in principle for residential development. The Inspector did not identify any modifications to this allocation therefore the site-specific Policy BIS3 can now attract more weight in the consideration of this application. Given this, it is considered that the site is a suitable location for residential development in principle.

7.7 In terms of the quantum of development on the allocated site, Policy RES1 of the emerging TBP identifies an indicative capacity of 85 dwellings are to be provided. However, this figure is not an upper limit, in fact a Note in this policy clarifies that *'all site capacities are an approximate and detailed design proposals may indicate that greater or fewer dwellings can be accommodated on a site'*. Further, the wording of Policy SP2 of the JCS states, inter alia, that *'the rural service centres will accommodate in the order of 1860 new homes.'* Again, the wording is such that this figure should not be seen as an upper limit. Therefore, if it can be demonstrated that additional development is sustainable over and above the indicative capacity figure, then it can be considered acceptable.

Five Year Housing Land Supply

7.8 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.

7.9 Members will be aware of the appeal decision at Ashmead Drive in which the Inspector concluded that the Council could demonstrate a 1.82 year supply and the subsequent High Court judgment. The Judge found that the Gothington Inspector had not erred in law in arriving at that conclusion not to take previous oversupply into account in determining that appeal.

7.10 Appeal decisions are not binding precedents however. That the Council includes advanced delivery (or 'oversupply') against annual housing requirements in its five-year supply calculations is, in officers view, in the context of the plan-led system, the correct approach. This is because not taking into account those 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, would serve to artificially increase the plan-led housing requirement.

7.11 It is noteworthy that, in his judgment, the Judge made it clear that it was not for him to make policy, *'The question of whether or not to take into account past oversupply in the circumstances of the present case is... a question of planning judgment which is not addressed by the Framework or the PPG and for which therefore there is no policy'*. He went on- *'No doubt in at least most cases the question of oversupply will need to be considered in assessing housing needs and requirements'*.

7.12 More recently the Council has received two appeal decisions following public inquiries where the issue of 'oversupply' was also debated. In an appeal at Coombe Hill, the Inspector noted that taking into account *'past performance exceeding the annual average of the plan's requirement... seems to me to be a just approach, because it reflects reality, not a theoretical formula applied without consideration of actual outturns.'*

- 7.13** In another appeal decision for a scheme at Alderton, the Inspector arrived at a similar conclusion, saying that *'Nonetheless, in my judgement, the Council's method of taking account of an over-supply against the annual requirement is not be [sic] an unreasonable one.... To continue to require 495 homes a year when the past over-supply would indicate a lesser requirement, would, it seems to me, be to 'artificially inflate' the housing requirement. I am not convinced, having accepted this position, that the appellant's argument that the supply is as low as 2.08 years is robust.'*
- 7.14** Officer's advice is therefore that a 4.35-year supply can be demonstrated at this time. 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 therefore engaged in this case.

Access and highway safety

- 7.15** The NPPF 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. Further, 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. Policies TRAC9 of the emerging TBP state that proposals need to make provision for appropriate parking and access arrangements.
- 7.16** The application is supported by a Transport Assessment (TA) and a Travel Plan (TP). The TA establishes the suitability of the proposed vehicular access to the site, which would be provided via a Ghost Island junction onto the A435. The assessment also considers the suitability of the existing highway network to accommodate the additional traffic generated by the development, with modelling of the traffic impact at peak hours of the site. The TA sets out that the application site is well located, with good access to a range of facilities, services, bus stops and job opportunities and is therefore considered sustainable for the purposes of traffic and transportation.
- 7.17** Gloucestershire County Council have been consulted as the Local Highway Authority. Following a full assessment of the application and taking account of the changes to the parking standards set out in the recent Addendum to the Manual for Gloucestershire Streets, dated October 2021, the Highway Authority conclude that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion therefore there are no justifiable grounds on which an objection could be maintained. A number of conditions have been recommended and a legal agreement is required to secure the Travel Plan Bond and Travel Plan Monitoring Fee and a contribution of £20,000 towards improvements to the Bus Stop at Greenacres.
- 7.18** Highways England have also assessed the proposed development and conclude that the development is not considered to generate an unacceptable or severe impact on the strategic road network therefore they raise no objection to the proposal.

Design and layout

- 7.20** Section 12 of the NPPF sets out that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. It continues by stating that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Planning decisions should, amongst other things, ensure that developments will function well and add to the overall quality of the area and should be sympathetic to the local character, including the surrounding built environment. Paragraph 134 of the NPPF makes it clear that planning permission should be refused for development of poor design that fails to reflect local design policies and government guidance on design contained in the National Design Guide and National Model Design Code.
- 7.21** The National Design Guide (NDG) addresses the question of how we recognise well-designed places, by outlining and illustrating the government priorities for well-design places in the form of ten characteristics; one of which is the context. The NDG provides that well-designed development should respond positively to the features of the site itself and the surrounding context beyond the site boundary and that well-designed new development needs to be integrated into its wider surroundings, physically, socially and visually.
- 7.22** This advice is echoed in JCS policy SD4 which states 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.
- 7.23** 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.
- 7.24** The submitted Design and Access Statement (DAS) sets out that *'the overall vision for the site is to provide a mix of homes within a new and inviting development that respects the characteristics and emerging aesthetic of this area of Bishops Cleeve.'*
- 7.25** The dwellings have been designed so as to reflect the more contemporary approach of the adjacent Cleavelands development. The proposed housing would have a simple shape and form, incorporating both gable and hipped roof design, flat roof porches and chimneys. The properties would be arranged in terraces, varying in row sizes, semi-detached pairs and detached properties. On the larger row of terraces, the mass has been broken up by incorporating design features such as the use of a contrast in materials (brick and clad elements) and by having a staggered frontage. This would ensure interest would be added to the elevations. In some cases, openings would be large and articulated with rendered boxes and brick detail panels to emphasise the proportions and provide further interest in the elevation. The scheme proposes a palette of materials, to include brick, render boxes around window openings and cladding; details of which could be secured via condition. The Council's Urban Design Officer raised concerns regarding the proposed fenestration details on a number of plots. Following successful discussions with the applicant amended plans to incorporate the

recommended changes have been submitted. These are currently being reviewed and **an update will be provided at Committee.**

- 7.26** In terms of layout, dwellings would face onto the A435 in a set-back position behind a landscape band; this would provide a strong active frontage. Within the site, the housing has been positioned to provide visual frontages with defined privacy boundaries. The existing Public Right of Way has been incorporated into the design, though this is subject receiving formal permission for the diversion.
- 7.27** Access arrangements have been designed to create vehicular and pedestrian routes to enable safe navigation and movement through the site. The access road positions look to maximise the useable space within the site providing an opportunity to locate plots at focal points and create framed views from vehicular and pedestrian access points. Sections of the road within the site would be formed with a change in character and changes in material to visually reinforce the residential nature of the setting. A foot path around the northern perimeter of the site and a footpath/cycleway just set in from the eastern perimeter of the site is proposed.
- 7.28** In light of the above the scale, form and appearance of the proposed development is considered to be acceptable.
- 7.29** However, achieving well-designed places isn't just about the layout and appearance of development, the National Design Guide (NDG) states that whilst buildings are an important component of places, a place is more complex and multi-faceted than a building and good design involves careful attention to other important components of places. The NDG outlines and illustrates the Government's priorities for well-designed places in the form of ten characteristics; one of which is movement. Successful development depends upon a movement network that makes connections to destinations, places and communities, both within the site and beyond its boundaries.
- 7.30** Further to the guidance in the NDG, criterion 1(vii) of Policy SD4 states that new development should be designed to integrate, where appropriate, with existing development, and prioritise movement by sustainable transport modes. It should, amongst other criteria, be well integrated with the movement network within and beyond the development itself; provide safe and legible connections to the existing walking, cycling and public transport networks and ensure accessibility to local services for pedestrians and cyclists and those using public transport.
- 7.31** In terms of promoting healthy communities, paragraph 92 of the NPPF states that planning decisions should promote social interaction, to include opportunities for meetings between people who might not otherwise come into contact with each other – for example through street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods.
- 7.32** Despite the site's location adjacent to the wider Cleavelands development, the site is inherently poorly connected to the adjacent development. In terms of pedestrian access the plans demonstrate four points that would be provided to the edge of the land within the ownership of the applicant, three extending off the western boundary; the other from the south-west corner through the existing allotments. The applicant has indicated they would be willing to pay a contribution to cover the costs of physically delivering the connections between the application boundary and the approved foot and cycle path on the Cleavelands development however no evidence has been submitted to demonstrate the agreement of the owners of the adjoining land to create and retain new footpath links. This poor degree of connectivity in its current form with the adjoining Cleavelands

development limits the scope by which the proposal could integrate with the adjacent neighbourhood.

- 7.33** Further to the above, the emerging site-specific Policy BIS3 requires proposals on this site to provide pedestrian and cycle connectivity with the adjacent development to the south/west (Cleevelands). As detailed above, the layout shows four pedestrian connections to the Cleevelands development however as established, whilst the applicant is willing to provide a pedestrian connection no evidence has been submitted to demonstrate it is possible to secure one with the neighbouring landowner. As such this demonstrates that the proposed development would very much be seen as a separate envelope of development and any future occupiers would have to access the services and facilities in the Cleevelands development by walking along the A435 before turning down Sapphire Road.
- 7.34** In light of the above, the proposed layout and appearance of the proposed development would be appropriate to the site and its setting however due to the lack of ease of movement through its boundaries the proposal would do little to integrate itself with the existing Cleevelands development, which is a requirement of the emerging Policy BIS3 and SD4 of the JCS. This would be a failing of the scheme which must be weighed in the overall planning balance. However, the Local Highway Authority raises no objection to the development on sustainable transport grounds and the distance from the most northern point of the site to the local centre in the Cleevelands development is approximately 550 metres, which coupled with the fact there is a footpath along this part of the A435, would ensure pedestrian access to the services in the Cleevelands development is achievable.

Landscape Impact

- 7.35** The NPPF sets out that planning decisions should contribute to and enhance the natural and local environment. Policy SD6 of the JCS 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.
- 7.36** The application site is located within the setting of the Cotswolds Area of Outstanding Natural Beauty (AONB). JCS Policy SD7 (The Cotswolds Area of Outstanding Natural Beauty) and the Cotswolds AONB Management Plan (2018-2023) seek to ensure that development proposals within the setting of the Cotswolds AONB will conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities. Further to this, Policy INF3 of the JCS sets out that development proposals should consider and contribute positively towards green infrastructure, including the wider landscape context and strategic corridors between major assets and populations.
- 7.37** Whilst it is noted there would be some glimpsed views of the development from the higher parts of the Cotswolds AONB, through the proposed access and above the boundary vegetation, residential built form already represents a key characteristic within the landscape at this point. It is therefore considered that the site would not appear incongruous within the context, but it would be seen as an infill to the existing built form. Given its location and allocation there are not considered to be any wider undue impacts on the character and appearance of the landscape.

- 7.38** In terms of proposed landscaping on site, the NPPF sets out that to achieve well-designed places, planning decisions should ensure that developments, inter alia, have appropriate and effective landscaping. Policy SD4 reiterates this advice by setting out that new development should ensure that the design of landscaped areas, open space and public realm are of high quality, provide a clear structure and constitute an integral and cohesive element within the design. In addition, the emerging site-specific Policy BIS3 requires a landscaped green edge should be provided to the north of the site corresponding to, and providing visual and functional connectivity with, the green infrastructure in the adjacent Cleavelands development.
- 7.39** A full hard and soft landscaping design has been provided. The site layout ensures the retention of the existing significant trees on the site, all other existing trees would be removed. It is proposed to mitigate for the loss of these trees by including replacement trees and shrubs to enhance the landscape and visual amenity of the site. The additional tree planting is proposed throughout the development, on the site boundaries and within the street scape to define spaces and soften areas of hard surfacing where frontage parking is proposed. During the application the landscape proposals have been revised following discussions with the Council's Landscape Advisor (LA) and the Council's Tree Officer (TO). The Council's LA has reviewed the latest landscape plans and has confirmed the proposed site planting is acceptable. Revised details, in respect of a small number of proposed fencing and boundary treatments, have been submitted and currently being assessed. **An update will be provided at Committee.** The Council's Tree Officer (TO) has raised no objections to the proposed tree works.
- 7.40** During the course of the application details of the design of the proposed Locally Equipped Area of Play (LEAP) have been submitted. The details have been reviewed by the Council's Project Officer for Asset Management who has confirmed the design and layout are acceptable.
- 7.41** On the basis the outstanding and boundary treatment details can be resolved, it is considered that the proposed landscaping and public open spaces within the development would provide a suitable scheme, one which would contribute positively towards the wider landscape context.

Housing Mix

- 7.42** Policy SD11 of the JCS requires all new housing development to provide an appropriate mix of dwellings sizes, types and tenures in order to contribute to mixed and balanced communities and a balanced housing market. Development should address the needs of the local area and should be based on the most up to date Strategic Housing Market Assessment.
- 7.43** The Gloucestershire Local Housing Needs Assessment 2019 – Final Report and Summary (September 2020) (LHNA) provides the most up to date evidence based to inform the housing mix on residential applications. This report states that in Tewkesbury 3% of new market dwellings should be one bedroom properties, with 13% having two bedrooms, 54% containing three bedrooms and 29% having four bedrooms or more.

7.44 The development proposes the following market housing mix:

7 x 2 bed = 10% of total number of market housing

38 x 3 bed = 56% of total number of market housing

23 x 4 bed = 34% of total number of market housing

The proposed schedule of accommodation is considered to be broadly in line with the provisions of the LNHA. It is noted that the development would result in a slightly larger number of three and four bedroom properties at the site than the LHNA evidence suggests is required, though this would be marginal. Further, the development would fail to provide any one bedroom properties, 3% of the total number of market housing proposed would equate to the requirement for 2 x one bedroom properties at the site. It should be noted that the development would provide 3 x one bedroom affordable housing units. As such, the proposed market housing mix is not considered to be a significant deviation, nonetheless it is considered to be a failing of the scheme, albeit modest.

Affordable housing

7.45 The NPPF sets out that Local Planning Authorities should set policies for meeting affordable housing need on development sites. Policy SD12 of the JCS requires a minimum of 40% affordable housing on developments outside of the JCS Strategic Allocations; where possible affordable housing should be provided on-site and calculated requirements should be rounded to the nearest whole unit.

7.46 The proposed development would provide 45 affordable units, this equates to 39.82% of the total number of houses provided. A commuted off-site pro rata contribution of £13,996.50 to make up the 0.18% has been agreed with the Council's Housing Strategy and Enabling Officer (HSEO) and is considered to be reasonable. Subject to the commuted sum being secured via a legal agreement with the Borough Council, this would make the proposal policy compliant. The Council's HSEO has confirmed the level of affordable housing, mix and the distribution would be acceptable. This benefit should be afforded significant weight.

Residential Amenity

7.47 In respect of the impact of the development upon residential amenity, paragraph 130 of the NPPF specifies that planning decisions should ensure development creates places with a high standard of amenity for existing and future users. This advice is reflected in JCS policies SD4 and SD14 which 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.

- 7.48** A satisfactory separation distance would be maintained between the proposed dwellings on the eastern boundary of the site and the properties along Cape Ruby Close. Only one other boundary borders existing residential properties, this is the far eastern point of the site where the rear elevations of Plots 65-69 would abut the western boundary of the recently built housing development at a site known as Plot 7 and Plot 8, Cleavelands. All dwellings, other than Plot 68, would maintain a sufficient distance to ensure no unacceptable harm from overlooking would occur. Amended plans which seek to address this issue have been submitted and are under review. **An update will be provided at Committee.**
- 7.49** In respect to the amenity of future occupiers, the distances and relationship between the proposed dwellings have been assessed. Where the dwellings are sited back-to-back a distance of at least 20 metres would be maintained. In a small number of plots there is a slight discrepancy in the separation distances. Again, amended plans have been submitted to address this matter and **an update will be provided at Committee.**
- 7.50** Policy SD11 of the JCS states that new housing should meet and where possible exceed appropriate minimum space standards. Emerging Policy DES1 (Housing Space Standards) of the emerging TBP requires all new residential development to meet the Government's nationally described space standards as a minimum, to ensure that high quality homes are delivered that provide a sufficient amount of internal space appropriate for occupancy of the dwelling. Whilst this is not currently an adopted policy, the applicant has confirmed all the proposed dwellings would meet or exceed the national space standards.
- 7.51** The eastern boundary of the site borders the A435. The NPPF states at Paragraph 185 that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Policy SD14 of the JCS seeks to protect health and environmental quality and provides that development should not create or exacerbate conditions that could impact on human health.
- 7.52** A Noise Report accompanies the application which considered the potential noise impact from road traffic noise on the proposed residential units. The results indicate that, subject to appropriate mitigation, the nearby road would not cause unacceptable harm to living conditions of any future occupiers. Following review of the information, the Council's Environmental Health Officer has confirmed that the mitigation proposed would ensure suitable amenity standards for future residents. A condition securing the measures is recommended.
- 7.53** In terms of air quality, an Air Quality Assessment supports the application. The assessment indicates that annual mean air quality objectives are predicted to be met and therefore no mitigation is required. The Council's Environmental Health Officer has reviewed the assessment and has confirmed that there is unlikely to be any relevant concerns in terms of air quality.
- 7.54** On the basis the outstanding amenity concerns are resolved, it is considered the proposed development would result in acceptable levels of amenity being maintained for the existing residents and secured for future residents of the development.

Drainage and Flood Risk

- 7.55** The NPPF states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. Policy INF2 of the JCS seeks to prevent development that would be at risk of flooding and 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 emerging TBP policy ENV2. Policy BIS3 of the MMTBP requires all built development on the site to be located in Flood Zone 1 and for development to take into account appropriate locally specific allowances for climate change. Proposals should address the site-specific FRA requirements set out within the Level 2 Strategic Flood Risk Assessment (November 2017) and its associated Addendum (July 2019).
- 7.56** The Environment Agency's Flood Map indicates that much of the site lies within Flood Zone 1 (Low Risk). This is with the exception of a small area to the north of the site which encroaches into Flood Zones 2 and 3. In accordance with the requirements of the NPPF, the application is supported by a Flood Risk Assessment (FRA).
- 7.57** All built development would be located in Flood Zone 1, within the higher ground and the lower northern area would be allocated as areas of open space/green infrastructure and surface water management features. The open space provided to the north would be enhanced with appropriate trees, plants and pond to offer ecological/biodiversity enhancements. This would be in accordance with one of the requirements of the emerging Policy BIS3. The FRA concluded that the properties within the development will be at low risk from 'on-site' and 'off-site' surface water flooding and that the proposed works would not alter the existing surface water flow routes or would not aggravate flood risk in the local area.
- 7.58** In addition, a proposed Drainage Strategy to manage surface water can be found in the FRA. Following an assessment of the SuDS hierarchy, the proposed drainage for the site comprises discharging into the Dean Brook at a limiting rate via onsite attenuation. Surface water runoff would be managed for the 1:100 year + 40% climate change event in line with the policy requirements. The LLFA have reviewed the proposed drainage strategy and confirmed the details are acceptable.
- 7.59** In terms of foul water disposal, foul flows from the development would be discharged to the existing public combined sewer located to the south of the site. Due to the levels, pumping would be required. Accordingly, a new pump station will be provided within the north eastern extent of the site, with a rising main running along the eastern extent to drain into the existing public sewer. Severn Trent Water have raised no objection to the proposed means of disposing foul water.

Biodiversity

- 7.60** The NPPF sets out, inter alia, that when determining planning applications, Local Planning Authorities should aim to conserve and enhance biodiversity by encouraging opportunities to incorporate biodiversity in and around developments, especially where this can secure measurable gains for biodiversity. Policy SD9 of the JCS seeks to protect and, wherever possible enhance biodiversity, including wildlife and habitats. Emerging Policy NAT1 of the TBP states that development proposals that will conserve, and where possible restore and/or enhance, biodiversity will be permitted. Policy BIS3 requires a landscaped green edge at the north of the site which should, inter alia, provide biodiversity net gains focusing on ecological enhancements to the Dean Brook.
- 7.61** A number of Ecology Reports have been provided during the course of the application. These include an Ecological Appraisal (EA), a Bat Activity Survey (BAS), a Biodiversity Impact Assessment (BIA), a Bat Tree Inspection Survey (BTS) and a Great Crested Newt Survey (GCNS), as well as an Otter and Water Vole Survey, a Landscape and Ecological Management Plan (LEMP) and a Construction and Environmental Management Plan (CEMP). The EA concluded that the habitats present on site are of low to moderate ecological value and therefore the report identified the need for further surveys to be undertaken. The Council's Ecologist has reviewed the suite of reports submitted and raises no objections subject to a number of conditions. Gloucestershire Wildlife Trust (GWT) have also assessed the proposal and are satisfied that the site does not contain any features of high ecological value and that the site design has retained features of moderate ecological value wherever possible and that the Biodiversity Impact Plan proposes an achievable compensation package, which will more than offset impacts on these features.
- 7.62** In addition to the on-site biodiversity mitigation and enhancements, the applicant is proposing to achieve a positive biodiversity net gain through habitat creation/enhancement off-site. The off-site habitat enhancement would be achieved through working with GWT and enhancement measures for land at Blackness Banks Nature Reserve. Whilst Blackness Banks Nature reserve is not close to the development site, GWT have advised that it is within a core part of Gloucestershire's Nature Recovery Network (NRN) and one of GWT's priority areas for landscape scale working. Delivering the offsetting here will build resilience in the NRN at a site that provides an important steppingstone connecting two strategically important landscapes for biodiversity in the county. GWT have confirmed their acceptance in principle of this off-site mitigation which would enable the development to achieve 20% biodiversity net gain, which would demonstrate a commitment by the developer to going above what is required by emerging policy NAT1 and exceed what is likely to be a mandatory requirement for developments in the near future once the Environment Bill is enacted (this will be a minimum 10% requirement). The off-site enhancement measures could be secured via a s106 legal agreement.
- 7.63** Policy NAT1 of the emerging TBP states that proposals that are likely to have a significant effect on an internationally designated habits site (either alone or in combination with other plans or projects) will not be permitted unless a Habitats Regulations Assessment has concluded that the proposal will not adversely affect the integrity of the habitats site. Natural England consider the application could have potential significant effects on the Cotswolds Beechwoods Special Area of Conservation (SAC) which is a European designated site. As such, they requested further information in order to determine the significance of these impacts and the scope for mitigation and for the Council to undertake a Habitats Regulation Assessment (HRA). A shadow HRA has been submitted by the

applicant which has been reviewed by the Council's Ecologist, who concluded that based on the distance to the site and visitor trends the likelihood of new residents in the proposed development travelling to the European Site, especially on a regular basis would most likely be minimal, if not negligible. The provision of green space within the development and convenient links to the countryside are considered to mitigate the minimal potential impact, and any impacts to the European Site as a result of this development are considered likely to be negligible. Natural England have reviewed the Shadow HRA report and advise that a Stage 2 Appropriate Assessment should be undertaken describing the mitigation measures to be incorporated into the development proposal. Suitable planning condition/s may be needed to secure suitable measures. This is currently being prepared and **an update will be provided at Committee.**

Open Space, Outdoor Recreation and Sports Facilities

- 7.64** The NPPF sets out that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. JCS Policy INF4 provides where new residential development will create or add to, a need for community facilities, it will be fully met as on-site provision and/or as a contribution to facilities or services off-site. JCS Policies INF6 and INF7 support this requirement. Saved Local Plan Policy RCN1 requires the provision of easily accessible outdoor playing space at a standard of 2.43ha per 1000 population on sites of 10 dwellings or more. On this basis, assuming that the 113 dwellings would have an average 2.32 persons per dwelling, the population increase would be 262 persons. As such, there would be a resulting requirement for the provision of 0.63 hectares.
- 7.65** The proposed site layout incorporates approximately 0.62 hectares of appropriate public outdoor space. This would be delivered in the form of areas of formal and informal open space and would include a circular walk around the attenuation basin, a pathway and cycle way inset from the eastern boundary, two areas of green space within the site and a Local Equipped Area for Play (LEAP). This would be 0.01 hectare less than the policy requirement set out above however this is not considered to be a significant and demonstrable harm which would warrant refusal.
- 7.66** As mentioned previously, the site's previous use was as allotments for the community. Saved Local Plan Policy RCN10 states that allotments will generally be protected from development. Where, exceptionally, due to other overriding factors development of allotment land is proposed, this will only be permitted subject to provision of replacement allotments of comparable extent within the local area. The emerging Policies BIS3 and RCN3 of the TBP echoes this advice. In this case, the use of the site as allotments has been relinquished and alternative provision has been provided on land immediately adjacent to the west of the site. In terms of whether the new provision is comparable this is currently being reviewed by the Council's Community and Place Development Officer and **an update will be provided to Members.** It should be noted that the applicant is willing to provide an off-site allotment contribution, should it be necessary and appropriate.

Section 106 obligations

7.67 The Community Infrastructure Levy (CIL) Regulations allow local authorities to raise funds from developers undertaking new building projects in their area. Whilst the Council does have a CIL in place, infrastructure requirements specifically related to the impact of the development will continue to be secured via a Section 106 legal agreement. The CIL regulations stipulate that, where planning obligations do not meet the tests, it is 'unlawful' for those obligations to be taken into account when determining an application.

7.68 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 reasonable related in scale and kind to the development.

7.69 JCS Policy INF6 relates directly to infrastructure delivery and states that any infrastructure requirements generated as a result of individual site proposals and/or having regard to the cumulative impacts, should be served and supported by adequate and appropriate on/off-site infrastructure and services. The Local Planning Authority will seek to secure appropriate infrastructure, which is necessary, directly related, and fairly and reasonably related to the scale and kind of the development proposal. Policy INF4 of the JCS requires appropriate social and community infrastructure to be delivered where development creates a need for it. JCS Policy INF7 states the arrangements for direct implementation or financial contributions towards the provision of infrastructure and services should be negotiated with developers before the grant of planning permission. Financial contributions will be sought through S106 and CIL mechanisms as appropriate.

7.70 Requests have been made by consultees to secure the following contributions:

- £650,573.77 towards primary school education provision
- £22,148 towards additional resources at Bishops Cleeve Library
- £8,249 towards recycling and waste bin facilities
- £34,277 for the Travel Plan Bond
- £5,000 for the Travel Plan Monitoring Fee
- £20,000 towards improvements to the Bus Stop at Greenacres
- 45 on-site Affordable Housing Units
- £13,996.50 towards off-site Affordable Housing

In addition, as mentioned above, a planning obligation will also be required to secure off-site habitat enhancements to ensure bio-diversity net gain.

Further, consideration is still being given as to whether a contribution towards off-site allotment provision is required and **an update on this matter will be presented at Committee.**

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 has not been allocated for housing in the JCS and none of the exceptions listed in the policy currently apply to the proposal. Therefore, the development of this site would be in conflict with the strategic housing policies of the JCS. That said, the application site is identified in the Emerging TBP as a site allocation for housing. The Inspector's post hearings Main Modifications letter which was received on 16 June 2021 found this site generally acceptable in principle for residential development. Whilst the Main Modifications currently being consulted upon do include some minor changes to the policy, this does not affect the principle of development on the site. Given this, it is considered that the site is a suitable location for residential development in principle.
- 8.3** 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

- 8.4** The development would contribute towards the supply of housing, both market and affordable housing to 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. This is in the context of the site being included in the MMTBP.
- 8.5** 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

- 8.6** Harm arises from the poor degree of connectivity with the adjoining development which limits the scope by which the proposal could integrate with the existing built development. Very limited harm would also arise from the marginal deviation in the housing mix.

Neutral

- 8.7 It has been established through the submission documents that, subject to the imposition of appropriate planning conditions and planning obligations, the development would not give rise to unacceptable impacts in relation to landscape, flood risk and drainage, ecology, highway safety or any noise or odour pollution arising from the neighbouring road network. It is noted that at the time of writing this report there are a small number of outstanding matters which need to be resolved. Should, following the resolution of the outstanding matters, any further harm be identified, a new balancing exercise will be carried out and **an update will be provided at Planning Committee.**

Overall conclusion

- 8.8 Significant weight should be given to the provision of housing, both market and affordable, in a location where the principle of residential development would be acceptable and given the Council cannot currently demonstrate a five-year supply of deliverable housing sites.
- 8.9 Taking account of all the material considerations and the weight to be attributed to each one, it is considered, the identified harm would not significantly and demonstrably outweigh the benefits in the overall planning balance.
- 8.10 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 the grant of planning permission be **DELEGATED to the Development Manager, subject to the satisfactory resolution of the outstanding matters referred to in the report, which include changes to the design of the proposed fenestration details on a number of plots, changes to a small number of fencing and boundary treatments, changes to the layout to ensure acceptable levels of amenity for both the occupiers of the existing residential properties and future occupiers would be provided, a Stage 2 Appropriate Assessment being prepared and deemed acceptable, whether the new allotment provision is considered comparable and whether a contribution towards off-site allotment provision is required, the addition to/amendment of planning conditions as appropriate, if necessary, and the completion of an agreement to secure the heads of terms listed in paragraph 7.70 of this report.**

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. Unless where required or allowed by other conditions attached to this permission, the development hereby permitted shall be carried out in accordance with the information provided on the plans/drawings/documents detailed in the Drawing Schedule, dated 14 September 2021.

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

3. Prior to its/their installation as part of the development hereby approved, a precise specification of the materials and finish for the external walls, doors, windows and roofing proposed to be used in the construction of the new dwellings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason - To ensure the new materials are in keeping with the surroundings and represent quality design

4. The construction work on the dwellings hereby permitted shall not commence until details of existing and proposed ground levels across the site relative to the adjoining land, together with the finished floor levels of the new dwellings relative to the Ordnance Datum Newlyn have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason - To ensure the proposed development does not have an adverse effect on the character and appearance of the area or upon residential amenity.

5. Prior to the first occupation of any dwelling hereby permitted the boundary treatment shall be erected/planted, including those to be installed between the plots, in accordance with the details shown on the approved Boundary Treatment Layout Plan, drawing no. 756-103 Rev E.

Reason – To ensure the proposed development does not have an adverse effect on the character and appearance of the area or upon residential amenity.

6. No dwelling shall be occupied until the drainage scheme has been completed in accordance with the details set out in the submitted Flood Risk and Drainage Strategy, prepared by Cole Easdon Consultants Limited, dated January 2021 and submitted with this application.

Reason – To ensure the development does not exacerbate flood risk and deals with surface water and foul water disposal from the site in a sustainable manner.

7. Prior to the first occupation of any dwelling hereby permitted, a SuDS management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime, shall be submitted to and approved in writing by the Local Planning Authority. The approved SuDs maintenance plan shall be implemented in full in accordance with the agreed terms and conditions.

Reason - To ensure the continued operation and maintenance of drainage features serving the site.

8. All planting comprised in the approved details of tree/hedgerow planting shall be carried out in the first planting season following the occupation of any building or the completion of the development, whichever is the sooner. 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.

9. No development including demolition, site clearance, materials delivery or erection of site buildings, shall start on the site until measures to protect trees/hedgerows on and adjacent to the site have been installed in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. These measures shall include:

(i) Temporary fencing for the protection of all retained trees/hedgerows on and adjacent to the site whose Root Protection Areas (RPA) fall within the site to be erected in accordance with BS 5837(2012) or subsequent revisions (Trees in Relation to Design, Demolition and Construction). Any alternative fencing type or position not strictly in accordance with BS 5837 (2012) shall be agreed in writing by the local planning authority prior to the start of development. The RPA is defined in BS5837(2012).

(ii) Construction Exclusion Zone (CEZ): The area around trees and hedgerows enclosed on site by protective fencing shall be deemed the CEZ. Excavations of any kind, alterations in soil levels, storage of any materials, soil, equipment, fuel, machinery or plant, site compounds, cabins or other temporary buildings, vehicle parking and delivery areas, fires and any other activities liable to be harmful to trees and hedgerows are prohibited within the CEZ, unless agreed in writing with the local planning authority.

The approved tree protection measures shall remain in place until the completion of development.

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.

10. Where excavations or surface treatments are proposed within the root protection areas (RPA) of retained trees and hedgerows, full details shall be submitted to and approved in writing by the Local Planning Authority before any development starts. The RPA is defined in BS5837:2012. Details shall include the proposed locations of excavations and/or surface treatments, proposed methods & specifications of excavations and/or surface treatments and any post excavation remedial works. All excavations or surface treatments shall be carried out in accordance with the approved details.

Reason – To prevent damage to or loss of trees.

11. Prior to the first occupation of any dwelling hereby permitted details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

- i) A drawing showing sensitive areas and/or dark corridor safeguarding areas.
- ii) Description, design or specification of external lighting to be installed.
- iii) A description of the luminosity of lights and their light colour including a lux contour map.
- iv) A drawing(s) showing the location and where appropriate the elevation of the light fixings.
- v) Methods to control lighting (e.g. timer operation, passive infrared sensor)

All external lighting shall be installed in accordance with the specifications and locations set out in the approved details. These shall be maintained thereafter in accordance with these details.

Reason - To ensure the proposed development does not have an adverse effect on the character and appearance of the area and does not harm biodiversity within the site and the wider area.

12. No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has first been submitted to and approved in writing by the Local Planning Authority.

Reason: It is important to agree a programme of archaeological work in advance of the commencement of development, so as to make provision for the investigation and recording of any archaeological remains which may be present. The archaeological programme will advance understanding of any heritage assets which will be lost.

13. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which shall be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which shall be submitted to and approved in writing of the Local Planning Authority.

Reason – To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

14. A scheme to protect the proposed development from road traffic noise shall be implemented before any dwelling hereby permitted is occupied in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that indoor ambient noise levels in living rooms and bedrooms and external amenity areas meet the standards in BS 8233:2014 for the appropriate time period.

Reason – To ensure noise from surrounding sources (road) would not have an unacceptable impact upon the amenity of future occupiers of the dwellings.

15. No below or above ground development shall commence until a detailed site waste management plan or equivalent has been submitted to and approved in writing by the Local Planning Authority. The detailed site waste management plan must identify the type and amount waste materials forecast to be generated from the development during site preparation & demolition and construction phases and what specific measures will be employed for dealing with this material so as to: - minimise its creation, maximise the amount of re-use and recycling on-site; maximise the amount of off-site recycling of any wastes that are unusable on-site; and reduce the overall amount of waste sent to landfill. In addition, the detailed site waste management plan must clearly set out the likely proportion of recycled content that will be used in construction materials. The detailed site waste management plan shall be fully implemented as approved unless the Local Planning Authority gives prior written permission for any variation.

Reason – To ensure the effective implementation of waste minimisation and resource efficiency.

16. No above-ground development shall commence until full details of the provision made for facilitating the management and recycling of waste generated during occupation have been submitted to and approved in writing by the Local Planning Authority. This must include details of the appropriate and adequate space and infrastructure to allow for the separate storage of recyclable waste materials. The management of waste during occupation must be aligned with the principles of the waste hierarchy. All details shall be fully implemented as approved.

Reason – To ensure the effective implementation of waste minimisation.

17. No dwelling hereby permitted shall be occupied until the car/vehicle parking area (and turning space) serving that unit shown on the approved plans reference drawing 102 rev G dated March 21 has been completed and thereafter the area shall be kept free of obstruction and available for the parking of vehicles associated with the development.

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

18. No dwelling hereby permitted shall be occupied until the proposed dwelling has 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 specification in terms of charging performance.

Reason: To promote sustainable travel and healthy communities.

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the garage/car parking space(s) hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles associated with the residential occupation of the property and ancillary domestic storage.

Reason: To retain garage/car space for parking purposes.

20. No dwelling hereby approved shall be occupied until sheltered, secure and accessible bicycle parking serving that unit has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority and thereafter the approved cycle parking shall be kept available for the parking of bicycles only.

Reason: To promote sustainable travel and healthy communities.

21. Prior to occupation, evidence that the pre-occupation elements of the approved Travel Plan have been put in place shall be prepared, submitted to and approved in writing by the Local Planning Authority.

The approved Travel Plan shall then be implemented, monitored and reviewed in accordance with the agreed Travel Plan.

Reason: To support sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of public transport, walking and cycling.

22. Prior to its construction details of the proposed foul water pumping station and any associated development such as access arrangements shall be submitted to and approved in writing by the Local Planning Authority. The building and any associated works shall be carried out in accordance with the approved details.

Reason: Insufficient information has been provided as part of the application documents and to ensure the building represents high quality design.

23. The development shall be carried out in strict accordance with the mitigation recommendations outlined in the approved Construction and Environmental Management Plan (CEMP), dated September 2021, prepared by All Ecology and the enhancement recommendations outlined in the Landscape and Ecological Mitigation Plan (LEMP), dated January 2021, prepared by All Ecology and submitted with this application.

Reason: To ensure proper provision is made to safeguard protected species and their habitats in order to deliver measurable improvements for biodiversity.

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 the to the Council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.

2. 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.

3. In order to minimise any nuisance from noise, vibration and dust emissions, the development should ensure compliance with the measures referred to the Worcestershire Regulatory Services Demolition and Construction Guidance.

4. A public right of way crosses the site of this permission. The permission does not authorise the stopping up or diversion of the right of way. The right of way may be stopped up or diverted by Order under Section 257 of the Town and Country Planning Act, 1990, provided that the Order is made before the development is carried out. If the right of way is obstructed before the Order is made, the Order cannot proceed until the obstruction is removed.

5. The development hereby approved includes the construction of new highway. To be considered for adoption and ongoing maintenance at the public expense it must be constructed to the Highway Authority's standards and terms for the phasing of the development. You are advised that you must enter into a highway agreement under Section 38 of the Highways Act 1980. The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980.

Contact the Highway Authority's Legal Agreements Development Management Team at highwaylegalagreements@gloucestershire.gov.uk. You will be required to pay fees to cover the Council's costs in undertaking the following actions: I. Drafting the Agreement II. Set up costs III. Approving the highway details IV. Inspecting the highway works

You should enter into discussions with statutory undertakers as soon as possible to co-ordinate the laying of services under any new highways to be adopted by the Highway Authority.

The Highway Authority's technical approval inspection fees must be paid before any drawings will be considered and approved. Once technical approval has been granted a Highway Agreement under Section 38 of the Highways Act 1980 must be completed and the bond secured.

6. The development hereby approved and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authorities Network Management Team at Network&TrafficManagement@gloucestershire.gov.uk before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.

7. The proposed development will require a Travel Plan as part of the transport mitigation package (together with a Monitoring Fee and Default Payment) and the Applicant/Developer is required to enter into a legally binding Planning Obligation Agreement with the County Council to secure the Travel Plan.

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

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