

# TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

<b>Committee:</b>	Planning
<b>Date:</b>	19 <sup>th</sup> October 2021
<b>Site Location:</b>	Stoke House Stoke Road Stoke Orchard
<b>Application No:</b>	20/00948/FUL
<b>Ward:</b>	Severn Vale North
<b>Parish:</b>	Stoke Orchard and Tredington
<b>Proposal:</b>	Erection of two detached dwellings and associated garages.
<b>Report by:</b>	James Lloyd
<b>Appendices:</b>	Site Location Plan Proposed Site Layout Plan Proposed Elevations Plot 1 Proposed Floor Plans Plot 1 Proposed Floor Plans Plot 2 Proposed Elevations Plot 2 Proposed Garage Elevations
<b>Recommendation:</b>	Delegated Permit

## 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site relates to land at Stoke House, which is currently occupied by a detached two storey property set back from the main Stoke Road, running through the settlement of Stoke Orchard towards Bishops Cleeve.
- 1.2 The site comprises of a residential dwelling and its associated curtilage and is bounded by hedgerows and wire fencing. The application site is bordered by employment development to the north and residential development to the west and east. To the south of the site are open fields.
- 1.3 The site is within Flood Zone 1 (lowest risk) as shown on the Environment Agency's most up-to-date Flood Maps. There are no other land use constraints or designations affecting the site.
- 1.4 The application seeks full permission for the erection of 2 no. detached dwellings to the south of the existing property of Stoke House. Each property would be two storeys in height and set back from the main road in a staggered fashion.
- 1.5 The dwellings would utilise the existing site access which currently serves the existing dwelling. Each property would benefit from space for turning and manoeuvring within the site, whilst garaging would also be included for off-driveway parking.

## 2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
53/00164/OUT	Proposed erection of two dwelling houses. Facing brick walls. Concrete grey tile roofs (Outline application)	PER	19.05.1953
53/00163/FUL	Proposed erection of dwelling house. Brick walls rendered off white. Green asbestos slate roof.	PER	15.09.1953
77/00392/FUL	Alteration and extension to existing cottage to provide a dining room, utility room, double private car garage and enlarged kitchen with bedroom, shower room and enlarged bedroom over	PER	31.01.1978
85/00576/FUL	Change of use from residential to offices. (temporary period of 12 months)	PER	04.09.1985
87/00598/FUL	Change of use from residential to permanent offices	REF	13.07.1987
87/00599/FUL	Change of use to offices	PER	25.11.1987
86/00672/FUL	Change of use from residential to offices (Temporary period of 12 months).	PER	03.09.1986
88/91919/FUL	Alterations & porch extension to existing house to provide offices	PER	05.07.1988
04/00405/FUL	Change of use from office to single residential dwelling.	PER	30.09.2005

### **3.0 RELEVANT POLICY**

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

#### **3.1 National guidance**

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

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

- Policy SP2 (Distribution of New Development)
- Policy SD3 (Sustainable Design and Construction)
- Policy SD4 (Design Requirements)
- Policy SD6 (Landscape)
- Policy SD9 (Biodiversity and Geodiversity)
- Policy SD10 (Residential Development)
- Policy SD14 (Health and Environmental Quality)
- Policy INF1 (Transport Network)
- Policy INF2 (Flood Risk Management)

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

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

- Policy RES2 (Settlement Boundaries)
- Policy RES5 (New Housing Development)
- Policy DES1 (Housing Space Standards)
- Policy ENV2 (Flood Risk and Water Management)
- Policy TRAC9 (Parking Provision)

#### **3.5 Neighbourhood Plan**

None

### **3.6 Other relevant policy**

- Human Rights Act 19
- 98 - 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 Stoke Orchard & Tredington Parish Council – Objection, on the following grounds (summerised);**

- The proposal would result in overdevelopment of the site.
- Highways safety concerns.
- No additional housing should be permitted on Stoke Road due to increased trip generation.
- There is no ecology report or bat survey.

#### **4.2 Building Control Officer – The application will require Building Regulations approval.**

#### **4.3 County Highways Officer – No objection (subject to conditions)**

#### **4.4 Tree Officer – No objection (subject to conditions)**

#### **4.5 Sustainable Drainage Engineer – No objection**

#### **4.6 Ecologist – Preliminary Ecological assessment required**

### **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 application has been publicised through the posting of a site notice for a period of 21 days. As a result, no letters of representation have been received.

### **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. The 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 16<sup>th</sup> June 2021. In this letter the Inspector provided his current view as to what modifications are required to make the Plan 'sound'.

A schedule of Main Modifications to the Pre-submission TBP (MMTBP) were approved at the meeting of the Council on 20<sup>th</sup> October 2021 and is now published for consultation.

Those policies in the Pre-submission version of the TBP 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).

- 6.4** The relevant policies are set out in the appropriate sections of this report.
- 6.5** Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2019 and the Tewkesbury Borough Plan 2011-2031 Pre-Submission Version (October 2019).

## **7.0 ANALYSIS**

### **Principle of development**

#### *Joint Core Strategy*

- 7.1** In order to further sustainability objectives and in the interests of protecting the countryside, the housing policies of the JCS set out a development strategy for the Borough.
- 7.2** The application site has not been allocated for housing in the JCS and therefore the criterion of Policy SD10 of the JCS applies. This policy advises that housing on sites which are not allocated for housing in district and neighbourhood plans will be permitted if it meets certain limited exceptions.
- 7.3** Stoke Orchard is defined within the JCS as a Service Village. Criterion 3 of JCS Policy SD10 specifies that, on sites that are not allocated, housing development and conversions to dwellings will be permitted on previously-developed land in the existing built-up areas of service villages except where otherwise restricted by policies within District plans. Although Stoke Orchard does not have a defined settlement boundary, the site is located within a reasonable distance to the village that can be accessed via footpaths. At the centre of the village is The Orchard, a residential development which includes a community centre, convenience store and café.

- 7.4** The site comprises of a residential curtilage associated with Stoke House, a large, detached dwelling set back from the roadside. Given this the application site would not meet the NPPF definition of 'Previously Developed Land' which excludes land in built-up areas such as residential gardens. The proposal would therefore fail to meet criterion 3 of JCS Policy SD10.
- 7.5** Criterion 4 (ii) of JCS Policy SD10 sets out that, on sites that are neither allocated or previously developed land in the existing built up area of Tewkesbury Town, a rural service centre or a service village, housing development will be permitted where it would represent infilling within the existing built up areas of Tewkesbury Borough's towns and villages, except where otherwise restricted by policies within district plans.
- 7.6** The site is located on the far eastern edge of what would be deemed as the built up area of Stoke Orchard. The eastern boundary of the site abuts open fields, however to the north is a large industrial site, which shares its eastern boundary with the application site. The core of Stoke Orchard is located some 650m away, however, is accessible via a network of public footpaths. It is therefore judged that whilst this site is located on the edge of the existing built up area of Stoke Orchard, it would still remain within in.
- 7.7** In terms of infill, the proposal seeks to utilise an existing residential garden (whilst retaining the host dwelling on site). Built form, by way of the industrial buildings, are located to the north/northwest. Directly to the west is the access road into the industrial site, and to the south is the Stoke Road. The eastern boundary abuts open fields, separated by a mature hedgerow. Given that the site is bound by development to the north and west, and the setting of the plot in relation to the existing dwelling and industrial building, it is considered that the proposal would in this context constitute infill development in accordance with JCS Policy SD10.

#### *Emerging Tewkesbury Borough Plan*

- 7.8** In terms of the Pre-Submission Tewkesbury Borough Plan 2011-2031 ("the emerging TBP") the application site has not been allocated for housing. However, the application site lies within the defined residential development boundary for Stoke Orchard as shown on the proposals map. Policy RES2 of the Emerging TBP supports the principle of new residential development in this location subject to the application of all other policies in the local plan. In all cases development must comply with the relevant criteria set out in policy RES 5.
- 7.9** In light of the above, the introduction of a new dwelling in this location would comply with the strategic housing policies in the development plan. however, there are other material planning considerations to be taken into account.

#### *Five Year Housing Land Supply*

- 7.10** 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.

- 7.11** 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 Gotherington Inspector had not erred in law in arriving at that conclusion not to take previous oversupply into account in determining that appeal.
- 7.12** 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.
- 7.13** 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'.
- 7.14** 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.'
- 7.15** 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 appellants' argument that the supply is as low as 2.08 years is robust.'
- 7.16** 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 engaged in this case.

### **Access and highway safety**

- 7.17** 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. Policy TRAC9 of the emerging TBP state that proposals need to make provision for appropriate parking and access arrangements.

- 7.18** It is proposed to use the existing residential access, from Stoke Road, to provide vehicular access into the site. This would include the widening of the access point over culvert to create space for a footpath as well as vehicular access. This would be approved via Severn Trent Water. In addition, the creation of a new footway to the southeastern frontage would be created, along with tactile crossing points at the access of the industrial site. This new footway would provide a link up with the existing footway into Stoke Orchard. Whilst the land to the southeast is under the ownership of County Highways, they have agreed the principle of this, and the applicant would enter into a Section 278 agreement. In order to secure this the Council, propose a Grampian condition to be attached should permission be granted.
- 7.19** In respect to the internal layout, each dwelling (including the original dwelling on site) would be provided with sufficient off-road parking spaces with sufficient space within the application site for turning and manoeuvring in order to allow vehicles to enter the highway in a forward gear.
- 7.20** Gloucestershire County Council as Local Highway Authority (LHA) have been consulted and have raised no objections, subject to a number of conditions.

### **Design and layout**

- 7.21** 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. This is echoed in JCS policy SD4 and emerging policy RES5 of the Pre-submission Tewkesbury Borough Plan (2019) which states new development should respond positively to, and respect the character of, the site and its surroundings, enhance local distinctiveness and the grain of the locality.
- 7.22** The site forms part of the land associated with Stoke House, a large, detached dwelling. The application site is described as garden land and is continuous with the substantial land that surrounds the property. The land has a well-kept appearance and has likely been used in incidental to the enjoyment of the residential property.
- 7.23** The application proposes a pair of detached, two storey dwellings of a traditional design. The properties would demonstrate a simple shape and form. The dwellings would be constructed out of brick and tile. The properties fronting onto Stoke Road predominantly consists of two storey semi-detached, red brick houses and the host dwelling is also of a traditional design, as such the design approach and the materials proposed to be used are considered acceptable.
- 7.24** The proposed dwellings would be arranged in a linear layout sited to the south of the host dwelling, Stoke House. The properties would benefit from a front garden area and a private rear garden. It is noted that the properties along Ash Lane are predominately semi-detached however the introduction of a pair of detached properties would not be harmful given there are other detached properties within Stoke Orchard and as it would help add some variety of house types in the locality. There is no dispute that new dwellings would be located closer to the road than the established building line of the existing properties that front onto Stoke Road. However, as set out previously, the dwellings would relate



reasonably well to the existing properties along Stoke Road and the access into the industrial site creates a break in the building line in any case. In this respect the dwellings would not extend beyond land associated with the properties along Stoke Road and beyond the established gardens of these properties. As such, it is considered that the development would be seen within the context of existing built form and would not appear divorced from the settlement.

- 7.25** The Parish Council have raised concerns that two additional properties on this plot would result in a cramped form of development. The submitted site plan demonstrates how two additional properties could be accommodated on site, as well as retaining the host dwelling. It is considered that the layout would respond well to the site and the proposed dwellings would be of a scale and mass that respect the overall plot size.
- 7.26** In light of the above, the site is considered capable of accommodating this level of development without appearing cramped and without detriment to the prevailing settlement pattern and therefore no objections are raised in respect of the design and layout. The proposal is considered to accord with JCS Policy SD4 and guidance set out in the NPPF in this regard.

### **Residential amenity**

- 7.27** 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.
- 7.28** 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.
- 7.29** The proposed dwellings would be located in front of the existing residential building, due to be retained. Given this, the front elevation of Stoke House would face towards the rear elevations and private gardens of the new dwellings. The site is predominately flat and the submitted details advise that there are no intended level changes across the site. The proposed dwellings would be two storeys, with windows at ground and first floor on the rear elevations. The orientation of these units has been planned as such so that the rear elevations do not directly face onto Stoke House. Plot 1 is angled slightly to the west and Plot 2 slightly to the east. Notwithstanding this, Stoke House would inevitably face onto the private amenity space of the proposed dwellings. As such the minimum separation distance at first floor level from Stoke House, is circa 23m for Plot 1 and 20.5 for Plot 2. Officers have carefully considered this relationship and taking account of the separation distance and no change in levels it is considered that the proposal would cause no unacceptable harm to existing residents at Stoke House by reasons of overlooking or overbearing impact.

- 7.30** Turning to the rear amenity space of the proposals, the separation distance between Stoke House and the closest point of the rear garden of Plot 1 is 9.6m. For Plot 2 this distance is 6.4m. The distance for Plot 2 is less than would be expected, however, given an appropriate planting scheme, and the overall size of the gardens afforded to each plot, it is considered acceptable in this instance.
- 7.31** With 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.
- 7.32** Overall, 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.

### **Drainage and flood risk**

- 7.33** 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. 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.
- 7.34** The site is located within Flood Zone 1, an area identified by the Environment Agency at a low risk of flooding from rivers and the sea.
- 7.35** The application is supported by a Drainage Statement which proposes a strategy for surface water via a soakaway and mains sewers for the foul. The Council's Drainage Officer has been consulted on this application and raises concerns about the soakaway approach due to the geology of the area. However, advises that there is a simple alternative to discharging surface water at an attenuated rate to the watercourse at the front of the site and therefore raises no objection. The Drainage Officer advises that this would be managed by Building Control and therefore any further conditions are not required.
- 7.36** It is considered that the proposal is acceptable with regard to flood risk and drainage.

### **Ecology**

- 7.37** 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. Policy NAT1 of the emerging NAT1 states that development proposals that will conserve, and where possible restore and/or enhance, biodiversity will be permitted.

**7.38** The Council's Ecological Advisor was consulted and recommended that a Preliminary Ecological Survey (PEA) be undertaken prior to determination. At this stage a PEA has not been submitted, however, the agent advises that one has been commissioned and will be available prior to committee. Given the time frames any submitted PEA may not have opportunity to be assessed by the Council's Ecological Advisor prior to Planning Committee. It is therefore recommended that should Members be minded to permit the application, it is delegated to the Development Manager to allow the assessment of the PEA and its recommendations.

### **Trees**

**7.39** 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.

**7.40** There are numerous groups of trees on site, some of which would require removing to facilitate the development. The Tree Officer has assessed the submitted arboricultural report and advises that the trees proposed to be removed are not of high quality and significance, in particular the birches where they have already been inappropriately pruned. The Tree Officer goes on to add that there is plenty of scope for new planting to mitigate the loss of existing vegetation on site. Therefore, no objection is raised, subject to appropriate conditions.

## **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.

**8.3** The development would contribute towards the supply of housing to help meet the objectively assessed need for housing in the Borough, albeit in a limited way given the scale of the proposed development. However, given the fact that the Council cannot currently demonstrate a deliverable supply of housing, this weighs in favour of the application.

- 8.4 In terms of economic benefits, as with any new residential development, the construction of new dwellings brings benefits during the construction phase and following construction through additional spending power in the local economy as a result of the increased population. Again, this would be a modest benefit.
- 8.3 Having regard to those policies of the development plan, no harms have been identified in respect of the proposal.
- 8.4 Subject to appropriate conditions, the development would not give rise to unacceptable impacts in regard to trees, flood risk and drainage, highway safety, residential and visual amenity. It is noted that at the time of writing this report the issue of Ecological impact is still outstanding which needs 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.**
- 8.5 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 resolution of any outstanding matters referred to in the report, and the addition to/amendment of planning conditions as appropriate, if necessary.**

#### 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 documents:

- Site Location Plan
- Proposed Site Layout Plan (02 Rev C)
- Proposed Floor Plans Plot 1 (03 Rev A)
- Proposed Elevations Plot 1 (04 Rev A)
- Proposed Floor Plans Plot 2 (09)
- Proposed Elevations Plot 2 (10)

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. No work above floor plate level shall be carried out until samples and details of external wall, roof and fenestration proposed to be used 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 that materials are in keeping with the surrounding area and to provide for high quality design.

4. The construction work on the buildings hereby approved shall not be commenced until the precise floor slab levels of each new building, relative to the existing development (Stoke House) within the application site have been submitted to and approved in writing by the local planning authority. Thereafter the new buildings shall be constructed at the approved floor slab levels.

Reason: To ensure the proposed development does not have an adverse effect on the character and appearance of the area.

5. 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:

1. 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).

2. 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 or unless otherwise 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.

6. No removal of trees/scrub/hedgerows shall be carried out on site between 1<sup>st</sup> March and 31<sup>st</sup> August inclusive in any year.

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

7. No dwelling shall be occupied until boundary treatments have been installed in accordance with details that have first been approved in writing by the Local Planning Authority. The details shall include a plan indicating the positions, design, materials and type of boundary treatment to be erected.

Reason: To ensure adequate provision for privacy and in the interests of visual amenity.

8. No dwelling shall be occupied until there has been submitted to and approved by the Local Planning Authority in writing, a comprehensive scheme of landscaping, which shall include indications of all existing trees (including spread and species) and hedgerows on the land and details of any to be retained.

Reason: In the interests of visual amenity.

9. All planting, seeding, or turfing in the approved details of landscaping for the residential development and/or the approval of reserved matters for landscaping in respect of the employment development shall be carried out in the first planting and seeding season following the occupation of the respective building(s) or completion of the respective developments, whichever is the sooner. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity.

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

Reason: To promote sustainable travel and healthy communities in accordance with paragraph 112 of the National Planning Policy Framework.

11. No building or use hereby permitted shall be occupied or use commenced until the car/vehicle parking area including turning area as shown on the approved plans drawing number 02 rev C 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.

12. 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 LPA.

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 110 of the National Planning Policy Framework.

13. Prior to the occupation of the development hereby permitted, the vehicular access shall be laid out and constructed in accordance with the submitted plan drawing no. 02 rev C but with the area of driveway within at least 5.0m of the carriageway edge of the public road surfaced in bound permeable material, and shall be maintained thereafter.

Reason: - To reduce potential highway safety impact by ensuring that a safe and suitable access is laid out and constructed that minimises the conflict between pedestrians, cyclists and vehicles in accordance with paragraph 110 and 112 of the National Planning Policy Framework.

14. Development shall not begin until 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 43 metres in each direction (left and right) measured along the nearside edge of the adjoining carriageway and offset a distance of 0.5 metres from the edge of the carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of the land so formed which would obstruct the visibility described above.

Reason:- To avoid an unacceptable impact on highway safety by ensuring that adequate visibility is provided and maintained to ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with paragraphs 110 and 112 of the National Planning Policy Framework.

15. The development hereby permitted shall not be occupied until an informal crossing connecting the site to the existing footway including tactile crossing points has been constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The approved details shall be thereafter maintained for the duration of the development.

Reason: To ensure that the development is designed to give priority first to pedestrian and cycle movements and provide access to high quality public transport and facilities that encourage public transport use in accordance with paragraph 112 of the National Planning Policy Framework.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any other subsequent equivalent order, no development within the following classes of development shall be carried out to the new dwellings hereby approved, without the prior approval of the Local Planning Authority:
- a. Schedule 2, Part 1, Class A - enlargement, improvement or other alterations
  - b. Schedule 2 Class AA - enlargement of a dwellinghouse by construction of additional storeys
  - c. Schedule 2, Part 20, Class AD - new dwellinghouses on detached buildings in use as dwellinghouses.
  - d. Schedule 2, Part 1, Class B - addition or alteration to the roof
  - e. Schedule 2, Part 1, Class C - any other alteration to the roof
  - f. Schedule 2, Part 1, Class E - garden buildings, enclosures, pool, oil or gas storage container.

Reason: To enable the Local Planning Authority to safeguard the residential amenity of neighbouring properties and in the interests of visual amenity.

## **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. 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](mailto: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 Council's 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.