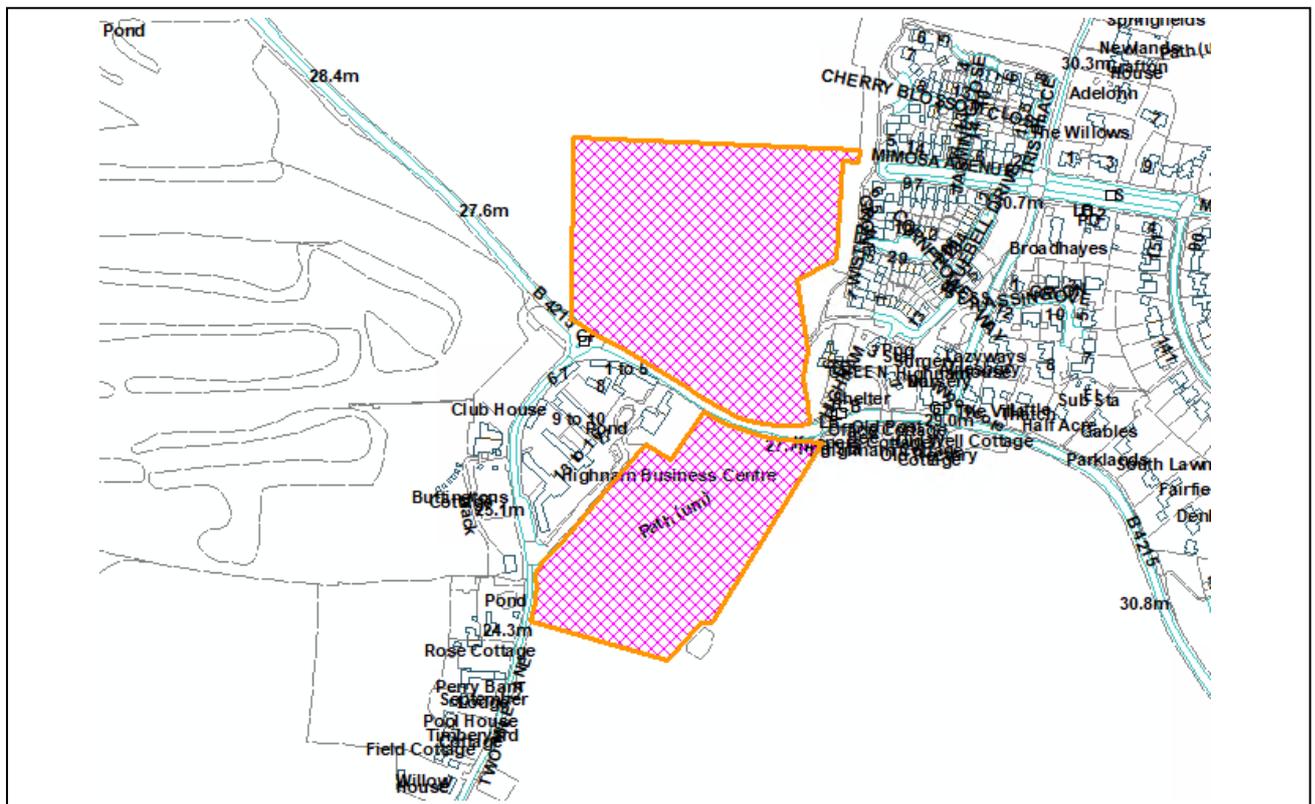


Planning Committee

Date	21 February 2023
Case Officer	Paul Instone
Application No.	21/01392/OUT
Site Location	Land North and South of Newent Road Highnam
Proposal	Outline planning permission for the erection of up to 95 dwellings and up to 3ha of commercial space associated with the expansion of Highnam Business Centre as well as associated infrastructure with all matters reserved except for access.
Ward	Highnam With Haw Bridge
Parish	Highnam
Appendices	Site Location Plan Extent of Development Parameter Plan Access & Movement Parameter Plan Building Height Parameter Plan Open Space Parameter Plan
Reason for Referral to Committee	A non-determination appeal has been submitted. This update report seeks to establish how the Committee would have determined the application when considered as whole, if the Council had remained the determining authority and to agree 'putative reasons for refusal' to inform the appeal and Planning Inspector.
Recommendation	Minded to Refuse

Site Location



COMMITTEE UPDATE

Planning application 21/01392/OUT was reported to the June 2022 Planning Committee with the following recommendation by Officers in the Committee Update:

Revised Recommendation

Given several of the outstanding matters have been resolved the recommendation should be updated to the following:

That authority be DELEGATED to the Development Manager to PERMIT the application, subject to the satisfactory resolution of the following outstanding matters: the submission of the Naturespace Development Assessment and Certificate; the results of the trial trenching survey work being acceptable; 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 7.88 of the Committee report.

The Minutes of the June 2022 Planning Committee are set out below:

'7.16 This was an outline application for the erection of 95 dwellings and up to three hectares of commercial space associated with the expansion of Highnam Business Centre as well as associated infrastructure with all matters reserved except for access. The Planning Committee had visited the application site on Friday 17 June 2022.

7.17 The Planning Officer advised that the application site related to two parcels of agricultural land to the west of Highnam. The northern parcel was separated from the southern parcel by the B4215 Newent Road. The parcel of land to the north was rectangular in shape and comprised part of a large arable field extending to approximately 4.4 hectares. The land fell gently in a north westerly direction and was bounded to the east by the recently constructed residential development along Lassington Lane and open countryside to the north and west. The southern boundary was defined by the B4215. The parcel of land to the south of the B4215 was irregular in shape and occupied the north-west corner of a much larger arable field that extended away to the south-east. The site extended to approximately 3.06 hectares and, topographically, the land fell in a south westerly direction. That part of the site was bounded by open countryside to the southern and eastern boundary with Two Mile Lane to the west and the existing Highnam Business Centre to the north-west. The B4215 Newent Road ran along the northern boundary. Neither parcel of land was subject to any land designations; however, the parcel of land to the south was crossed by two Public Rights of Way and a further Public Right of Way ran along the northern parcel of land. There were also several designated heritage assets within a one kilometre radius from the site. This application was made in outline with all matters reserved for subsequent approval except access; however, the application documented a series of parameter plans which indicated how the quantum of development could be delivered and a Design and Access Statement which set out the rationale for the development. An Illustrative Masterplan showing the indicative layout for the proposed residential development was also included in the Design and Access Statement. The proposed development sought to provide up to 95 dwellings on the northern parcel of land and up to three hectares of commercial space (Class E, B2 and B8) as well as associated infrastructure works on the southern parcel of land. A new vehicular access was proposed to be created from the B4215 to serve the residential development and the existing vehicular access to the Highnam Business Centre would be utilised to serve the proposed commercial

development. The proposed commercial development would be located within an area allocated as an extension to the Highnam Business Centre under Policy EMP2 of the adopted Tewkesbury Borough Plan and within the Highnam Neighbourhood Development Plan; however, the area outlined for development on that parcel of land exceeded the area of land allocated for expansion, although the amount of built form proposed would be in accordance with the quantum of the allocation. An assessment of the material considerations for the application was set out at Pages No. 115-133 of the Committee report and, when taking those into account, along with the weight to be attributed to the benefits and the known harms identified, it was considered that harms would not significantly and demonstrably outweigh the benefits in the overall planning balance. It was therefore considered that the proposed development would constitute sustainable development in the context of the National Planning Policy Framework as a whole. As set out in the Additional Representations Sheet, attached at Appendix 1, several of the outstanding matters detailed in the Committee report had been resolved, therefore, the Officer recommendation had been revised to delegate authority to the Development Manager to permit the application, subject to the submission of the Naturespace Development Assessment and Certificate; the results of the trial trenching work being acceptable; 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 7.88 of the Committee report.

7.18 The Chair invited the representative from Highnam Parish Council to address the Committee. The Parish Council representative indicated that the Parish Council did not object to the principle of increasing the size of Highnam Business Centre as that accorded with Policy B1 of the Highnam Neighbourhood Development Plan 2017 which stated that proposals to extend Highnam Business Park up to around twice its current size would be supported; however, this proposal would treble the size of the existing site to three hectares against an allocation of only 1.9 hectares in the Joint Strategic Plan. Whilst the intention to increase the width of Two Mile Lane was welcomed, the Parish Council remained extremely concerned that there were no plans to improve the actual junction of the lane with the B road. Vehicles approaching the junction were denied adequate visibility eastwards which was already a major traffic safety hazard. The Parish Council questioned the fundamental need for the development at this stage given the increase in working from home and compelling evidence of a significant underutilisation of existing office accommodation in nearby Gloucester City. The Parish Council had major concerns and objections in relation to the proposed residential development to the north of the B4215 as the Neighbourhood Development Plan made no provision for additional residential development in that location. Policy H2 of the Highnam Neighbourhood Development Plan stated that design and visual character of any new development in Highnam should make a positive contribution in forming a sense of place, yet this proposal, which had no provision for either internal vehicular access or a deliverable means of providing pedestrian or cycleway access to the existing core of the village, created an entirely separate development enclave which would add nothing to community cohesiveness. Furthermore, the application was contrary to the provisions of the Joint Strategic Plan and outside of the village settlement boundary. The Parish Council's greatest concern was the proposed additional vehicular access onto the B4215 which was on a blind bend. This would create a sixth access along a 500m stretch of road with a significant and potentially dangerous increase in traffic movements onto and off the road. The Inspector's Examination report in relation to the recently approved Tewkesbury Borough Plan calculated that the borough could now demonstrate a 7.15 year housing land supply but that was contradicted at Page No. 116, Paragraph 7.8 of the Committee report which stated that the Council could still only demonstrate a 3.83 year supply. The representative from Highnam Parish Council urged Members to refuse the application.

7.19 The Chair invited a local resident speaking in objection to the proposal to address the Committee. The local resident indicated that he was speaking on behalf of residents of Lassington Reach, the most recent development completed in 2019 and adjacent to the proposed site. He stressed that the residents encouraged improvement and investment in the village, including potential new development; however, they wanted to ensure that any changes would not be detrimental to the community or new villagers as Highnam expanded. As such, he wished to raise five issues and suggest how they could be resolved. Firstly, having moved to Lassington Reach, he had first-hand experience of trying to integrate into an established village community which had not been easy; this application would create further division due to limited pedestrian and vehicular access and would cause an island effect as the development was completely segregated from the village. The local residents felt this should be reviewed to make it more inclusive. The proposed plan to join an existing path on land owned and managed by the management company at Lassington Reach, as referenced at Page No. 119, Paragraph 7.23 of the Committee report had not been validated – as a director of the management company the local resident confirmed he had not been approached on that matter. Although the path was yet to be adopted by County Highways, it did not meet the perimeter of the land border, therefore, permission would need to be sought. Local residents were also concerned that, if this application was permitted, it could set a precedent for similar pockets of dense housing which would further impact on the local infrastructure and would not offer anything more to the community. The land for the proposed development was part of a field owned by the same landowner so they felt it was inevitable that similar housing applications would follow for the remaining land to the west. Local residents would instead welcome a larger, more strategic and considered planning application. The local resident went on to indicate that residents had not been consulted on the proposal and this had been acknowledged by the developer in its response to the Parish Council when the pandemic had been stated as the reason for creating a website. Given that COVID restrictions had been lifted for some time, local residents were of the opinion that consultation should be carried out as originally planned in order to give them the proper opportunity to express their views bearing in mind the significant impacts of the proposal. Finally, the local resident pointed out that there were already significant problems with school admission and healthcare provision – he was aware of at least 11 cases where parents had been forced to take their children to alternative schools as far as Newent, Dymock and Apperley which were considerable distances given that the Borough Council had declared a climate change emergency and was encouraging parents and children to walk to school. The likely demographic of residents would exacerbate that problem and they would have difficulties enrolling children at the local academy – this was a draw for many who had moved to the village. Residents, including himself, had been unable to register at the local doctor's surgery and the local nursery had turned away four parents so far this year.

7.20 The Chair invited the applicant's agent to address the Committee. The applicant's agent indicated that the Planning Officer had prepared a very detailed and carefully considered report which recommended delegated permission. Part of the reason for it being so comprehensive was due to the collaborative approach between the applicant and the Planning Officer to resolve consultee queries. This had continued in recent weeks where the applicant had worked positively to resolve matters in relation to archaeology, minerals and details around local highway improvements. Accordingly, the application before Members today was robust and capable of being determined positively with no outstanding technical concerns. As Members would be aware, the process of the determination of the application sought to balance benefits against adverse impacts. The proposal was for a mixed use and, if permitted, would deliver the expansion of a well-occupied business park – which currently accommodated some 180 employees – which had been allocated via the Highnam

Neighbourhood Development Plan and, more recently, through the adopted Tewkesbury Borough Local Plan. The delivery of the employment element would provide substantial local economic benefits by creating much needed additional floorspace for small businesses in a sustainable location. The scheme also delivered up to 95 residential dwellings with a policy compliant provision of 38 dwellings (40%). Importantly, that meant 38 families would benefit from an affordable home. The proposals delivered a tenure split fully in line with the up-to-date local housing needs assessment including 23 social rented units and 15 shared ownership units. The delivery of affordable housing to meet a demonstrable need should be given substantial weight in any balance. As the Planning Officer had set out, the Council currently had a deficient housing land supply and the applicant was actively engaging with experienced regional residential housebuilders who would seek to bring forward reserved matters applications as quickly as possible. Permitting this site would see a further boost to the housing land supply which could be delivered within the next five year window on the edge of a highly sustainable rural settlement. The applicant's agent confirmed that the applicant had agreed to make the full suite of financial contributions which totalled in excess of £800,000 and, if the Committee resolved to permit the application, they would commit to working with Officers to finalise a Section 106 Agreement at the earliest opportunity. In summary, the applicant's agent indicated that the benefits of the proposal were substantial and, as concluded by the Planning Officer, there were no significant adverse impacts, therefore, permission should be granted.

7.21 The Chair invited a local Ward Member to address the Committee. The local Ward Member indicated that this was a speculative application which would create a new settlement as opposed to being an addition to Highnam village – it was disconnected and would remain so, as set out by the public speakers. There was a lack of infrastructure in terms of schools and healthcare facilities and there were also concerns around traffic in relation to visibility, volume and safety. He felt there were many grounds to refuse the proposal including the fact that additional residential development was not included in the Highnam Neighbourhood Development Plan and was recognised to be in conflict with Joint Core Strategy Policy SP10 and INF1, the agreed Tewkesbury Borough Plan and the Tewkesbury Borough Landscape and Visual Sensitivity Study for Rural Service Centres and Service Villages because it was encroaching into the rural area. The main points were set out at Paragraphs 7.4-7.7 and 7.33 of the Committee report. He also drew attention to the cumulative impact of the flooding and surface water i.e. the sustainable urban drainage systems issue which had been raised in the previous Agenda item. He believed it was in conflict with the Tewkesbury Borough Plan and the National Planning Policy Framework Paragraph 1.30. In terms of flooding, as set out at Paragraph 4.19 and 7.64 of the Committee report and as highlighted by Minsterworth Parish Council, it was intended to discharge surface water into new watercourses and Committee Members who knew the area would be very mindful of problems currently experienced. Turning to employment, the representative from Highnam Parish Council had set out the concerns – Highnam Business Park would treble in size and would extend well outside of the allocation in the Neighbourhood Development Plan. In terms of the Borough's housing land supply, he was extremely disappointed that the Tewkesbury Borough Plan had been adopted by the Council less than two weeks ago and Members were now being told that a five year supply could still not be demonstrated. He hoped the Committee felt there were adequate grounds for refusal.

7.22 The Chair indicated that the Officer recommendation was to delegate authority to the Development Manager to permit the application, subject to the submission of the Naturespace Development Assessment and Certificate; the results of the trial trenching work being acceptable; 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 7.88 of the Committee report, and he sought a motion from the floor. A Member questioned whether

it was possible to consider the residential and commercial elements of the scheme separately and, in response, the Planning and Enforcement Team Leader (South) confirmed that Government guidance allowed split decisions to be issued in exceptional circumstances and the application had two discrete elements – residential and commercial - so that was a mechanism which could be used, should Members be minded to refuse one part and permit the other. It was proposed and seconded that a split decision be issued to permit up to three hectares of commercial space and to refuse permission for the erection of up to 95 dwellings. In terms of potential reasons for refusing the residential development, the Planning Officer indicated that she had identified some harms within the Committee report i.e. conflict with the strategy for the distribution of new housing development in Tewkesbury Borough; landscape harm on the basis that the development would encroach beyond the village edge and therefore would appear as an unacceptable urbanising intrusion into the rural landscape and open countryside; and, in the absence of a completed planning obligation, there would be no arrangements for the direct implementation or financial contribution towards infrastructure considered necessary to make the development acceptable.

7.23 A Member indicated that she had also intended to propose a split decision and, in relation to the refusal of the housing, she pointed out there would also be harm from the loss of 3.8 hectares of best and most versatile agricultural land. Given that it had been referenced by the public speakers, she asked Officers to explain again why the Council was not currently able to evidence the housing land supply figure. The Planning and Enforcement Team Leader (South) reiterated that, in order to understand fully what development was coming forward and being built on site, it was necessary to go out and monitor the existing housing sites. As he understood it, that was happening now but it would take time; the intention was for it to be completed in order for the Council to have a position on its five year supply by the autumn. The Planning Officer confirmed that the loss of best and most versatile agricultural land could be included in the refusal reasons. She also clarified that, if Members were minded to issue a split decision which permitted the employment land element of the proposal, this needed to be delegated to the Development Manager as there was a need to secure a legal agreement for an employment bond and monitoring fee for the Travel Plan.

7.24 A Member indicated that he would be happy for the employment land element of the proposal to go forward. Based on the Planning Committee Site Visit, he had serious reservations about the proposal due to the road and how busy it was. He also considered the site could potentially be looked at as a larger site in the new Joint Strategic Plan. He felt that the lack of community cohesion should also be included in the reasons for refusing the residential element of the proposal at this time as there was no link between the proposed site and Higham village. The Planning Officer clarified that there was a pedestrian/cycleway link. The Planning and Enforcement Team Leader (South) advised that connectivity and social cohesion were two distinct planning issues and, from the points raised during the discussion, he understood that it was the lack of connectivity to the existing housing and facilities in the village which Members wished to see included in the refusal reasons. The proposer and seconder of the motion confirmed they would be happy to add the loss of the best and most versatile agricultural land and the lack of connectivity to the existing housing and facilities in the village to the refusal reasons for the residential element of the proposal.

7.25 Upon being put to the vote, it was

RESOLVED That a **SPLIT DECISION** be issued as follows:

*1. That erection of up to 95 dwellings be **REFUSED** due to conflict with the strategy for the distribution of new housing development in Tewkesbury Borough; landscape harm on the basis that the development would encroach beyond the village edge and therefore would*

appear as an unacceptable urbanising intrusion into the rural landscape and open countryside; loss of the best and most versatile agricultural land; lack of connectivity to the existing housing and facilities in the village; and, in the absence of a completed planning obligation, there would be no arrangements for the direct implementation or financial contribution towards infrastructure considered necessary to make the development acceptable.

2. That authority be **DELEGATED** to the Development Manager to **PERMIT** up to three hectares of commercial space subject to a legal agreement for an employment bond and monitoring fee for the Travel Plan.'

CURRENT POSITION WITH THE APPLICATION

Further to the Planning Committee resolution to issue a split decision, the completion of planning obligations was not progressed and the applicant has submitted a non-determination appeal under the provisions of Section 78 of the Town and Country Planning Act 1990. The planning appeal will consider the application as submitted on the planning application form, being:

'Outline planning permission for the erection of up to 95 dwellings and up to 3ha of commercial space associated with the expansion of Highnam Business Centre as well as associated infrastructure with all matters reserved except for access'

The appeal was validated by the Planning Inspectorate on 16th January 2023 and the appeal is to be heard by an Inquiry procedure which is currently scheduled for April 2023. The Local Planning Authority are required to prepare a Statement of Case by 23rd February 2023, which amongst other matters, is required to set out how the committee would have determined the proposals, for the application when considered as whole, if the Council had remained the determining authority. These 'putative reasons for refusal' will be submitted to the Planning Inspectorate to inform the Appeal.

Since this application was considered by planning committee in June 2022, there has been a significant change in material considerations. At the time the Planning Committee last considered the application, this Council could not demonstrate a 5 year supply of deliverable housing land and the Council's policies for the supply of housing were out of date. At that time, decisions were required to be determined in accordance with paragraph 11d of the NPPF, the presumption in favour of sustainable development, which states 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, in June 2022, the decision-making process for the determination of this application was to assess whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.

However, the adopted JCS became five years old on 11th December 2022, therefore as required by paragraph 74 of the NPPF Tewkesbury Borough Council's 5 year housing land supply position has to be reconsidered, based on the standard method of calculation.

As a result of the move to the standard method Tewkesbury Borough Council moved to a single district approach. This has resulted in the addition of the JCS allocations within the boundary of Tewkesbury Borough, where deemed deliverable, (which had previously been attributed to the objectively assessed need of Gloucester City Council under Policy SP2 of the

JCS). Therefore, as of 11th December 2022, it is considered that the Council can demonstrate a five year housing land supply of 6.16 years.

It is therefore advised that, as the Council can now demonstrate a five-year supply of deliverable housing sites, the presumption in favour of sustainable development (or “tilted balance”) is not engaged in this case. The decision must therefore now be taken in accordance with Section 38(6) of the Town and Country Planning Act 1990 which 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 and Section 70 (2) of the Act which 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.

In regard to progression of other matters, since the Committee resolution, the County Archaeologist has confirmed that trial trenching and subsequent mitigation excavation can be undertaken prior to commencement of development and not prior to determination and therefore the County Archaeologist is no longer objection to the application.

In addition, at the time the application was last considered by Planning Committee, the applicant indicated a willingness to enter into the requested planning obligations for a contribution of £546,942.55 towards primary school education provision and a contribution of £67,200 towards transport to access secondary school places beyond the statutory walking distances. However, the applicant’s Statement of Case now confirms that they intend to demonstrate at the Inquiry that the primary school education request is not fairly or reasonably related in scale to the proposed development. The appellant also wishes to explore the necessity for contributions towards school transport.

Further to the committee resolution, a Naturespace Development Assessment and Certificate has still not been provided to the Local Planning Authority. Officers will continue to liaise with the applicant regarding this matter and an update on the outcome of these discussions will be provided to Members at Planning Committee.

Within the committee resolution, Members also identified that the loss of the best and most versatile agricultural land should form part of the Council’s reasons for refusal. Paragraph 174 of the NPPF states that planning decisions should recognise the economic and other benefits of the best and most versatile agricultural land. In addition, Policy SD14 of the JCS states that new development must take into account the quality and versatility of any agricultural land affected by proposals, recognising that the best and most versatile land is a finite resource. The applicant has advised that the proposal would result in the loss of 3.8 hectares of Grade 2 land (very good quality) and 3.8 hectares of Grade 3a land (good quality). Given the quantum of quality of the land which would be lost, officers advise that the loss of the best and most versatile agricultural should not be a standalone putative reason for refusal for which the Local Planning Authority would provide formal evidence at the Planning Inquiry (when taking account of the overall benefits and harms of the development). It is instead advised that the loss of the agricultural land is identified as a harm of the development which will form part of the Council’s overall planning balance case, whilst not being a standalone putative reason for refusal.

In view of the foregoing report and the Planning Committee’s previous resolution and in the context of the current appeal, Members are requested to consider a recommendation of Minded to Refuse based on the following putative reasons for refusal which will be submitted to the Planning Inspectorate to inform the Appeal.

1. The residential component of proposed development conflicts with Policies SP2 and SP10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017) in that the proposed development does not meet the strategy for the distribution of new development in Tewkesbury Borough and the application site is not an appropriate location for new residential development. Furthermore by virtue of the location of the residential component of the application site and the indicative design approach of the residential component of the scheme, the proposal lacks connectivity to the existing housing and facilities in the village and would fail to integrate with the existing settlement of Highnam contrary to provisions of Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017) and Policy RES5 of the Tewkesbury Borough Plan 2011-2031 (June 2022).
2. The proposal, by virtue of its prominent location to the west of Highnam would encroach beyond the village edge and therefore would appear as an unacceptable urbanising intrusion into the rural landscape and open countryside. As such, the proposal conflicts with Policy SD6 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017), Policy LAN2 of the Tewkesbury Borough Local Plan to 2011 - 2031 (June 2022), Policy H2 of the Highnam Neighbourhood Plan 2011-2031 (January 2017) and the National Planning Policy Framework.
3. In the absence of a signed planning obligation, the proposed development does not demonstrate how it would adequately provide for housing that would be available to households who cannot afford to rent or buy houses available on the existing housing market contrary to Policy SD11 and Policy SD12 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031 (December 2017) and the National Planning Policy Framework.
4. In the absence of a completed planning obligation the proposed development does not adequately provide for community, outdoor recreation and sports facilities, and refuse and recycling facilities and conflicts with Policies INF4, INF6 and INF7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031 (December 2017) and the National Planning Policy Framework.
5. In the absence of a completed planning obligation to secure the Travel Plan bonds and Monitoring fee, the development fails to provide appropriate provisions towards a Travel plan. This is contrary to policy INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017), Policy LTP PD.04 of the Gloucestershire Local Transport Plan 2020-2041 and the National Planning Policy Framework.
6. In the absence of a completed planning obligation to secure Home to School Transport contributions, the development fails to provide appropriate provisions towards access to education. This is contrary to Policies INF4, INF6 and INF7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017) and the National Planning Policy Framework.
7. In the absence of a completed planning obligation to secure a library contribution, the development fails to provide appropriate provisions towards libraries infrastructure. This is contrary to Policies INF4, INF6 and INF7 of the Gloucester, Cheltenham and

Tewkesbury Joint Core Strategy 2011-2013 (2017), the Gloucestershire County Council's Library Strategy 2012 and the National Planning Policy Framework.

8. In the absence of a completed planning obligation to secure education contributions, the development fails to provide appropriate provisions towards education school places. This is contrary to Policies INF4, INF6 and INF7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2013 (2017), Gloucestershire's School Places Strategy 2021-2026 and the National Planning Policy Framework.

PREVIOUS REPORT TO COMMITTEE JUNE 2022

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This application relates to two parcels of agricultural land to the west of Highnam (**see attached Site Location Plan**). The northern parcel is separated from the southern parcel by the B4215 Newent Road.
- 1.2 The parcel of land to the north is rectangular in shape but has an irregular eastern boundary that steps around a SUDs swale system to serve the new housing development to the immediate east. The site comprises part of a large arable field and extends to approximately 4.44 hectares. Topographically the land falls gently in a north westerly direction. The land is bound to the east by the recently constructed residential development along Lassington Lane and open countryside to the north and west. The southern boundary is defined by the B4215 Newent Road.
- 1.3 The parcel of land to the south of the B4215 Newent Road is irregular in shape and occupies the north west corner of a much larger arable field that extends away to the south east. The site extends to approximately 3.06 hectares and topographically the land falls in a south westerly direction, being shallower at Newent Road and steeper as it approaches Two Mile Lane. This part of the site is bound by open countryside to the southern and eastern boundary. Two Miles Lane runs to the west and the existing Highnam Business Centre to the north-west. The B4215 Newent Road runs along the northern boundary.
- 1.4 Both parcels of land are not subject to any land designations. The parcel of land to the south is crossed by two Public Right of Ways (Footpath EHM/13 and Footpath EHM/14) and a Public Right of Way runs along the northern parcel of land. There are several designated heritage assets within a 1km radius from the site. These include a Grade II Listed building located within the existing business park (Barn and Shelter Sheds, Highnam Farm); the Grade I Listed Highnam Court and the Grade II* Listed Registered Park and Garden which also contains numerous Grade I and Grade II Listed buildings and monuments, and the Holy Innocents Church, which is Grade I Listed. In respect to the parcel of land to the north there is a Grade II listed building located along the B4215 some 185m to the east of the site (Little Thatch).
- 1.5 This application is made in outline with all matters reserved for subsequent approval except access.
- 1.6 The proposed development seeks to provide up to 95 dwellings and up to 3 hectares of commercial space as well as associated infrastructure works.

- 1.7** The residential element would be located in the northern parcel of the site and would comprise:
- Delivery of up to 95 new homes with 40% affordable housing (total of 38 units).
 - A mixture of housing types and tenures, including 1, 2, 3 and 4 bedroom homes.
 - Creation of a new vehicular access to the site from the south east corner from Newent Road.
 - The creation of new pedestrian and cycle access to the east.
 - Provision of on-site open space for residents.
 - Additional soft landscaping including the planting of a number of trees and further vegetation.
 - High quality build design to incorporate energy efficient design into the new homes – EV charging and renewable energy sources and to be provided.
- 1.8** The commercial development would be located in the parcel of land to the south of the site and would comprise:
- An extension to the existing Highnam Business Park comprising 3 hectares of commercial use development (Class E), with a view to accommodate 'office' type space.
 - Creation of access into the site via the existing Highnam Business Centre
 - Provision of car parking spaces and covered safe and secure cycle parking facilities
 - Soft and hard landscaping and surface water attenuation, including tree planting along the east and southern boundary.
 - High quality build design to incorporate energy efficient design – EV charging and renewable energy sources are to be provided.
- 1.9** The application documents include a series of Parameter Plans (PP) which indicates how the quantum of development could be delivered and a Design and Access Statement (DAS) which sets out the rationale for the development. An Illustrative Masterplan (IM) which shows an indicative layout for the proposed residential development is also embedded in the DAS.
- 1.10** Since the application was first submitted, a Technical Note 2 on Highway Matters was submitted to address concerns raised by the Local Highway Authority.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
03/01772/OUT	Outline application for residential and Class B1 commercial development with ancillary works.	REFUSED	13.10.2004

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), National Planning Practice Guidance (NPPG) and the National Design Guide (NDG)

3.2 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 SD1 (Employment – Except Retail Development)
- Policy SD3 (Sustainable Design and Construction)
- Policy SD4 (Design Requirements)
- Policy SD6 (Landscape)
- 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 INF3 (Green Infrastructure)
- Policy INF4 (Social and Community Infrastructure)
- Policy INF6 (Infrastructure Contributions)
- Policy INF7 (Developer Contributions)

3.4 Tewkesbury Borough Plan 2011-2031 (TBP)

- Policy RES3 (New Housing Outside Settlement Boundaries)
- Policy RES5 (Housing Development)
- Policy RES12 (Affordable Housing)
- Policy RES13 (Housing Mix)
- Policy EMP2 (Rural Business Centres)
- Policy EMP5 (New Employment Development (General))
- Policy DES1 (Housing Space Standards)
- Policy HER2 (Listed Buildings)

- Policy HER3 (Historic Parks and Gardens)
- Policy HER4 (Archaeological Sites and Scheduled Monuments)
- Policy LAN2 (Landscape Character)
- Policy NAT1 (Biodiversity, Geodiversity and Important Natural Features)
- Policy NAT3 (Green Infrastructure: Building with Nature)
- Policy ENV2 (Flood Risk and Water Management)
- Policy HEA1 (Healthy & Active Communities)
- Policy RCN1 (Public Outdoor Space, Sports Pitch and Sports Facility Provision)
- Policy COM3 (Broadband Provision)
- Policy TRAC1 (Pedestrian Accessibility)
- Policy TRAC9 (Parking Provision)

3.5 Neighbourhood Plan

Highnam Neighbourhood Development Plan – 2011-2031

- Policy H2, H3, T2, B1

3.6 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 Highnam Parish Council –

Not opposed to the principle of the expansion of the Highnam Business Park providing this is scaled back to comply with the provisions of the Highnam Neighbourhood Development Plan (NDP).

Implacably opposed to the proposed residential development.

Comments in respect to the commercial development include:

Concerned to note the proposed site extends to over double the size of the existing Business Park. This represents over development and the scale of this should be reduced commensurately.

Question the need for the provision of additional office accommodation.

Express concerns regarding the inadequacy of that section of Two Mile Lane which runs from the existing access to the Business Park to its junction with the B4215. Given the potential for doubling or more of traffic using this section of the road it should be widened and improved to ensure acceptable levels of visibility and traffic management safety.

Express concerns about the inadequacy of the landscaping provision – only a very narrow strip to shown to be provided to the eastern boundary. There is a

compelling need to ensure the views and integrity of Higham Court and the Church of Holy Innocents are not compromised in any way.

Comments in respect to the proposed residential development include:

Lacks any form of strategic master planning.

The proposal would be an additional self-contained, separate block of indeterminate quality residential development with stark boundaries and with no intrinsic links to the existing community other than some indirect pedestrian and cycleway provision.

Concerned the proposal could represent potentially creeping development. Could well be followed by additional tranches of similar sized development, each with separate vehicular access onto the B4215. If that were to be the case, each development in itself insufficient to warrant comprehensive infrastructure provision, it would create ghettos of unsustainable, disconnected housing which would destroy the carefully built-up community character of the village.

No need for additional houses, both affordable and market, proposal would exceed the housing requirement for Highnam in the Borough Plan.

Deficiency in school place provision at the village primary school and at the doctors' surgery.

Highway safety would be compromised – vehicular and pedestrian.

Development would significantly exacerbate traffic congestion on both the local highway network and the strategic highway network and introduce safety hazards.

General comments include:

The applicant's Statement of Community Involvement states there has been extensive consultation with Highnam residents. This was not the case; the consultation was extremely limited and confined primarily to those properties within the immediate vicinity of the sites.

Views from the Parish Council have been almost totally ignored.

Information submitted as part of the application refers to the emerging Neighbourhood Development Plan as evidence of compliance with the aspirations of the local community. Whilst the policies are emerging, the Parish Council is a very long way off having any sort of definitive new Plan anywhere near ready for adoption.

Given the scale of the development proposed encompassing both sites concerned about the potential for extensive downstream flooding.

4.2 Minsterworth Parish Council – Has concerns for the following reasons:

Road network

Current road system is already heavily congested. The additional traffic could seriously overload the existing road network. This will have a direct impact on Minsterworth, further traffic will greatly increase the congestion and commute times to/from Minsterworth.

Surface drainage and flooding

Highly probable that surface drainage from the proposed industrial area would eventually flow to Minsterworth.

The conduit under the A40 already currently reaches its maximum capacity during periods of heavy rainfall, and this leads to periodic flooding and closure of the A40

dual carriageway. If extra water is to be passed in this direction, the frequency of flooding and subsequent road closures is likely to increase, with obvious serious traffic disruption.

Additional water flowing could result in the frequency and severity of flooding on land and houses in Minsterworth.

Two Mile Lane also frequently gets badly flooded, making the road impassable in places. Additional development is likely to result in increased flooding.

4.3 National Highways – Offer no objection.

4.4 Natural England – Further information is required to determine impacts on designated sites.

4.5 Historic England – Do not oppose the principle of the development however further discussions should take place to ensure the site layout, block and design details are suitable and sympathetic to the character and setting of the area.

4.6 Severn Trent Water – No objection.

4.7 The Gloucestershire Gardens and Landscape Trust – Object for the following reasons:

Proposal extends the area accepted in the made Highnam Neighbourhood Plan and makes little necessity for any certain construction of a landscape screen and buffer to shield its visual impact from Highnam Court and its park and gardens, and from The Church of the Holy Innocents.

It is vital to ensure that any development accords with the made NDP, and the scale and character of the existing Business Centre.

Borough Council should take the issues of highway safety and inevitable future damage to the village cohesion of Highnam very seriously.

Seems to be the distinct possibility that creative long-term planning opportunities will be missed again in the absence of a master plan for the future if development is anticipated over the TBC Local Plan period.

4.8 Gloucestershire Group of Ramblers – In principle have no objection.

4.9 County Highway Authority – No objection.

4.10 County Archaeologist – In advance of the determination of the planning application the applicant should carry out further evaluation through trial trenching.

4.11 County Lead Local Flood Authority – No objections to the proposal subject to conditions.

4.12 County Developer Contributions Investment Team – Financial contributions towards education and library provision is required to make the development acceptable in planning terms.

- 4.13 County Public Rights of Way Officer** – The proposed diversion of Footpath EHM/13 would be acceptable in principle. Dog waste bins should be installed on new and existing footpaths and on surrounding PROW's. A safe pedestrian crossing over the B4215 to link the proposed residential site with Footpaths EHM/13 and 14 should be provided and a financial contribution for the improvement of local PROW's.
- 4.14 County Minerals & Waste Planning Policy Officer** – No objection subject to the use of recommended conditions.
- 4.15 Community and Place Development Officer** - A contribution towards community facilities and sport facilities is required to make the development acceptable in planning terms.
- 4.15 Environmental Health Officer (Air Quality)** – No adverse comments for air quality.
- 4.16 Environmental Health Officer (Noise)** – No objection in terms of noise.
- 4.17 Housing Strategy and Enabling Officer** – No objection.
- 4.18 Landscape Consultant** – Raises concerns with the proposal for the following reasons:

Northern Parcel

Seemingly isolated and poorly connected proposal for the northern residential site.

Lack of connectivity to the wider community and village amenities counts against the proposed scheme.

A LEAP should be provided in the residential development.

No area for informal recreation is indicated on the Parameters Plan and there is no provision for formal sports or community infrastructure.

No above-grounds SUDs are indicated within the residential parcel. This seems like a missed opportunity to provide biodiversity enhancement in the form of drainage swales or shallow basins.

Not much thought given to how residents might wish to use the open space or connect to the wider green environment via the PROW.

The POS proposal does not appear to be designed as a landscape-led, biodiverse and imaginative space, it feels uninspired and detached from its setting on the interface between the urban and rural edge.

Southern Parcel

Little is shown in terms of any strong structural planting, and the open space design feels somewhat of an afterthought

The eastern boundary is closest to the protected landscapes around Highnam Court and the church but does not seem to offer much in terms of enhancement to mitigate for the loss of the existing agricultural parkland landscape. The POS strip is narrow and does not offer much room for creating a strong, planted landscape buffer.

No indication of any ambition to include structural or strategic planting within the employment parcel itself.

4.19 Tree Officer – No objection.

4.20 Conservation Officer – No objection.

4.21 Ecologist – No objection.

4.22 Project Officer (Asset Management Team) – The development should provide a LEAP.

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.

5.2 36 representations objecting to the application have been received at the time of drafting this report. The comments are summarised below:

- Local highway network cannot cope with increased commercial or other traffic.
- New vehicular access to residential development would be dangerous and unsafe.
- Increased risk to highway safety at the junction with B4215 and Two Mile Lane due to the proposed commercial development.
- Highway safety concerns to users of Two Mile Lane.
- Two Mile Lane struggles to accommodate vehicles in both directions safely and is subject to flooding.
- The B4125 is notoriously busy and dangerous (number of accidents have happened on this road) - more houses will add to the existing problems of speeding traffic, state of repair on the road and congestion.
- Development should provide an opportunity for traffic calming measures to be installed.
- A40 has a high level of serious accidents and the proposed additional cars generated by the development will increase congestion and increase chances of further accidents.
- Submitted Road Safety Assessment inadequate and dismissive.
- The proposed housing layout would be totally divorced from the rest of the village. No consideration to integrate the new development to the village by vehicular or pedestrian access.
- Poor public transport links means more people will need to rely on private vehicles to access services and facilities.
- Local infrastructure and services oversubscribed – including the local school and Doctors Surgery.
- Proposed commercial development would have an adverse impact upon surrounding historic assets.

- No demand for commercial development – no data and research to justify a large growth.
- There is no requirement to build more houses in the village.
- Housing development does not take into account the needs of the ageing community of Highnam.
- Development would result in harm by disrupting the settlement pattern by extending the urban area into open countryside beyond a well-defined edge.
- Site lies outside the built-up area thus would be contrary to the key development plan policy for the location of development.
- Proposal would lead to the loss of an undeveloped field and extend the settlement of Highnam. The extension is clear and stark.
- Flood risks – application site has areas which flood. The floods also effect the B2415 – loss of green fields will exacerbate this.
- Proposed development will increase flooding on the roads and surrounding local area.
- No proper assessment and no mitigation of flooding.
- Sewage infrastructure is unable to cope with current demand and water pressures are horrendously low in parts of the village.
- Development would cause unacceptable harm to the character and appearance of the area – harm the intrinsic character and beauty of the countryside and would result in an erosion of the rural setting and feel of the village.
- Harmful to the well-used rural footpaths.
- Expansion to the Business Park is out of keeping with the rural nature of the village, there are many other areas in the Borough which are more suited to commercial use – suitable brown field sites could be better developed.
- Adverse impact upon living conditions.
- Scale of development disproportionate to the existing settlement.
- Proposed housing would be excessive in scale and scope – too dense, has inadequate off-road parking and the overall design and character would not be in harmony with the existing housing stock or character of the village – fails to reflect the vision in the Highnam NDP.
- Inadequate design for landscaping that mitigates the direct, indirect and cumulative effects of the development with climate, including greenhouse gas emissions and carbon cost.
- Development would be contrary with local plans and the currently being updated local plan.
- Both parcels of land include the best and most versatile agricultural land – these fields should not be built on.
- Concerns about environmental impact and upon local wildlife.

- Piecemeal development that would prevent comprehensive development of the area – no long-term strategy to improve the local infrastructure or provision for further services development. This would create developments of unsustainable, disconnected housing which would destroy the carefully built-up community character of the village.
- Applicant’s Statement of Community Involvement states there has been extensive consultation with Highnam residents – this is not the case.
- New homes should be built with renewable energy measures.
- The same reasons 40 dwellings on Land South of Oakridge, Highnam (16/00486/OUT) was refused apply to this application.

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** At the time of writing this report the Development Plan currently comprises the Joint Core Strategy (JCS) (2017) and a number of 'made' Neighbourhood Development Plans.
- 6.3** The Tewkesbury Borough Plan 2011-2031 (TBP) was adopted at a special meeting of full Council on 8 June 2022. It is therefore now part of the Development Plan.
- 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 2021 and its associated Planning Practice Guidance (PPG), the National Design Guide (NDG) and National Model Design Code.

7.0 ANALYSIS

Principle of Development – Residential Development

- 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. Strategic Policies SP1 and SP2 of the JCS set out the scale and distribution of development to be delivered across the JCS area in the period to 2031.
- 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.

- 7.3** Highnam is defined as a Service Village in the JCS and is recognised as a settlement as having two or more primary services, two or more secondary services and benefitting from bus services and/or road access to a major employment area. JCS Policy SP2 sets out that 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** In terms of the Tewkesbury Borough Plan 2011-2031 (TBP), the site is not allocated for housing development and the site is located outside of the defined settlement boundary for Highnam as identified on the Policies Map. Proposals on land outside the defined settlement boundaries will only be permitted under certain circumstances. None of which apply to this proposal.
- 7.6** Further, the land proposed for residential development has not been allocated for housing in the Highnam Neighbourhood Development Plan (Highnam NDP).
- 7.7** Given the above the proposal for residential development would not meet the strategy for the distribution of new housing and thus there would be clear conflict with the adopted development plan.

Five Year Housing Land Supply

- 7.8** As set out in the latest Tewkesbury Borough Five Year Housing Land Supply Statement published in January 2022 (April 2021 base), the Council can demonstrate a 3.83 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 8 of the NPPF and in accordance with Paragraph 11(d) of the NPPF the presumption in favour of sustainable development (the 'tilted balance') applies. Paragraph 11 of the NPPF states that where policies which are most important for determining the application are out of date, permission should be granted unless: i. the application of policies in the Framework that protect assets of particular importance provides a clear reason for refusing the development; or ii). any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- 7.9** Members will be aware that the Council's approach to calculating housing land supply has been challenged in recent appeals and the courts. Significantly, however, the Inspector who recently decided the appeal relating to land the north west of Fiddington (2nd March 2022) confirmed the Council's five year housing land supply as outlined above. Importantly, in doing so he confirmed that past 'oversupply' arising from a surplus of historic housing completions is a matter which should be factored into the Council's supply calculation, despite the appellant's contention to the contrary.
- 7.10** With the adoption of the TBP there are a number of site allocations in the TBP which can be reasonably expected to deliver housing within the next five years and whilst the land supply position will need to be formally updated, officers fully expect to be able to report a housing land supply in excess of five years at that point, in compliance with NPPF paragraph 74.
- 7.11** Notwithstanding this, until the position has been formally updated, the Council cannot currently demonstrate a five year supply and the titled balance is engaged in this case.

Principle of Development - Commercial Development

- 7.12** To achieve sustainable development the NPPF (paragraph 8(a)) states that one of the overarching objectives of the planning system is to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure. To promote economic growth, paragraph 81 of the NPPF states that planning policies and decisions should help to create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local businesses needs and wider opportunities for development.
- 7.13** The vision for the borough, set out in the JCS, is underpinned by three specific strategic objectives to support a thriving economy. The third objective is to support a prosperous rural economy. In order to deliver economic growth, the Council has agreed the Economic Development and Tourism Strategy 2017-21. One of the strategic priorities is Employment Land Planning, which sets out that the Council's development services function will support economic development objectives through, inter alia, delivering sufficient employment land to meet the needs of the strategic plan and the positive application of land use policy in delivery of achievable employment land sites.
- 7.14** Policy SD1 of the JCS states that employment related development will be supported in the wider countryside when it is (inter alia) located within or adjacent to a settlement or existing employment area and of an appropriate scale and character. The proposal would accord with the first part of this policy requirement in that it is located adjacent to an existing designated Rural Business Centre.

- 7.15** In terms of the TBP, the plan allocates 1.9ha of land to the south-east of the existing Highnam Business Centre as an extension to the designated Rural Business Centre under Policy EMP2. This policy sets out that new development at Rural Business Centres, including redevelopment, intensification and extensions, will be supported providing that they are of an appropriate scale and design having regard to the character of existing buildings on the site and the rural landscape of the area. In addition, to ensure that proposals for expansion to existing Rural Business Centres are sustainable the criteria of Policy EMP5 must also be satisfied.
- 7.16** The Highnam NDP sets out that proposals to extend Highnam Business Park up to '*around twice its current size*' will be supported in accordance with Policy B1. The existing Business Park measures approximately 1.43 hectares therefore it is reasonable to conclude the policy would be supportive of proposals to extend the existing Business Park by 1.5 hectares.
- 7.17** This application seeks permission for up to 3 hectares of commercial space, however the applicant has confirmed the proposal seeks permission for 1.9 hectares of commercial use (E Class) in built form. The remaining land would be used for soft landscaping and to accommodate the Sustainable Urban Drainage Scheme (SuDS).
- 7.18** Whilst the area outlined for development on the southern parcel of land, as defined on the Site Location Plan exceeds the area of land allocated for expansion as set out in Policy EMP2 of the TBP and the Highnam NPD, the amount of built form proposed would be in accordance with the quantum of the allocation set out in Policy EMP2. Should permission be granted, to ensure the scope of the development is secured a condition is recommended which confirms the quantum of built form approved. Further, it should be noted that the size of the allocation detailed in the TBP isn't a maximum amount, the key consideration is to ensure is that the development must not detract from the rural character of the surrounding area. In view of this, subject to a condition confirming the scope of the built form, the principle of extending the Business Park as shown is considered acceptable.
- 7.19** Whilst the expansion of the existing rural business centre is found to be acceptable in principle, any resulting new buildings will be subject to the requirement of Policy EMP2 and EMP5 of the TBP to ensure their scale and design would respect the character of existing buildings on the site and the rural landscape of the area. This will be secured as part of the reserved matters.

Accessibility and Highway Safety

- 7.20** Section 9 of the NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Paragraph 111 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 7.21** Policy INF1 of the JCS requires developers to provide safe and accessible connections to the transport network to enable travel choice for residents and commuters. All proposals should provide for safe and efficient access to the highway network for all transport modes; encourage maximum potential use of walking, cycling and passenger transport networks to ensure that credible travel choices are provided by sustainable modes. Planning permission will be granted only where the impact of development is not considered to be severe.
- 7.22** The application is supported by a Transport Assessment (TA) and a Framework Travel Plan (FTP) and a Technical Note on Transport Matters (TN), which was submitted during the course of the application. The TA establishes the suitability of the proposed vehicular accesses to both sites and the suitability of the existing highway network to accommodate the additional traffic generated by the development. The TA sets out, inter alia, that access to the required design standards is proposed; the site is well located to allow travel by more sustainable modes, there are no material traffic impacts associated with the proposal and there are no road safety issues associated with the development. Overall, the TA concluded that there are no material transport issues associated with the proposed development.
- 7.23** The highway proposals include the creation of a new vehicular access off the B4215 to the residential site via a new staggered priority junction. Access to the commercial development is to be taken through the existing Business Park utilising the existing access. Pedestrian improvements are proposed, which include creating a footway from the access on the northern site to connect to the existing footpath network; a pedestrian access from the southern site to connect to the existing footway around the bus stop and a pedestrian connection to the new development to the east of the site to Lassington Lane. In addition, an uncontrolled crossing point across the B4215 to link with the residential access is proposed and highway improvement works will be required to widen the width of Two Mile Lane to circa 6 metres along a length stretching from the junction with the B4215 and entrance to the existing business park.
- 7.24** It would be necessary to secure the proposed highway mitigation/enhancement measures and a travel plan bond and monitoring contribution through the imposition of planning conditions and via a planning obligation.
- 7.25** In terms of the impact on the Strategic Transport Network (SRN), National Highways (NH) have been consulted on the application and offer no objection to the proposals.
- 7.26** Gloucestershire County Council have been consulted as Local Highway Authority (LHA). Based on the analysis of the information submitted the LHA conclude that there would not be an unacceptable impact on highway safety or a severe impact on congestion and therefore there are no justifiable grounds on which an objection could be maintained.

Landscape and Visual Impact

- 7.27** The NPPF sets out that planning decisions should contribute to and enhance the natural and local environment by, inter alia, protecting and enhancing valued landscapes, and by recognising the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystem service. 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. Proposals will have regard to local distinctiveness and historic character of different landscapes and proposals are required to demonstrate how the development will protect landscape character and avoid detrimental effects on types, patterns and features which make a significant contribution to the character, history and setting of a settlement area. Policy LAN2 of the TBP sets out that all development must, through sensitive design, siting, and landscaping, be appropriate to, and integrated into, their existing landscape setting. Policy H2 of the Highnam NDP states that the design and visual character of any new development in Highnam should make a positive contribution to forming a sense of place: demonstrating both design quality and sensitivity to the existing environment.
- 7.28** The application site is not under any formal landscape designations, either statutory/national or non-statutory/local.
- 7.29** A Landscape and Visual Appraisal (LVA) accompanies the application. The LVA summarises that there would clearly be views of the built development on both parcels of land from points in the surrounding countryside and some of these impacts would be notable. The overall conclusion of the LVA is that the proposed development and associated green infrastructure are of a relatively modest scale and nature in the context of Highnam and could be accommodated within the site and local landscape with limited and localised landscape and visual effects.
- 7.30** The Joint Core Strategy Landscape Characterisation Assessment and Sensitivity Analysis, which was prepared as part of the evidence for the JCS, identifies both parcels of land as being Medium to Low Sensitivity. The reasons given for this include the landscape features have been degraded by intensive agricultural use and the golf course, and tranquillity has been reduced due to the busy A40, B4215 and, to a lesser extent, Two Mile Lane.
- 7.31** The Tewkesbury Borough Landscape and Visual Sensitivity Study for Rural Service Centres and Service Villages (2014) identifies both parcels of land as having a 'Medium' level of landscape sensitivity, which is a judgement about how well development (or other changes) might fit within a landscape without altering (or harming) the essential character. The study also identified both parcels of land as having a 'Medium' level of visual sensitivity, which is a judgement about the susceptibility and vulnerability of views and the people seeing them to change and any specific values placed upon those views by society. More specifically, in relation to the southern parcel of land, the study sets out that the character of this land is influenced on three sides by existing settlement and that the existing influence reduces the character sensitivity of the land assessment parcel to new residential development. Further, the existing visual influence provides a degree of mitigation. In respect to the northern parcel of land, the study sets out that Highnam village sweeps down the hill slopes and exerts a moderate influence and that landscape sensitivity is influenced by the relative lack of time depth and the influence of the linear 20th century settlement edge and the influence of surrounding

roads. In terms of visual sensitivity, the study states that this land parcel would be sensitive to the perception of sprawl or encroachment into open countryside, but that some development that respected the existing settlement form and visual influence might be accommodated.

- 7.32** The Council's Landscape Advisor (LA) has reviewed the submitted LVA and confirmed she is satisfied that it is an objective appraisal. In terms of the landscape and visual effects of the proposed commercial development and to a lesser extent the proposed residential development, the LA has confirmed the development would result in some long-term adverse visual effects.
- 7.33** In conclusion, it is clear by virtue of introducing new development into the two currently open agricultural fields, the proposed development would encroach beyond the existing village edge, creating an urbanising effect which would result in some long-term visual effects. This counts against the proposal. However, officers consider with a well-designed landscape and green infrastructure the level of harm could be minimised.

Design and layout

- 7.34** 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.
- 7.35** 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.
- 7.36** 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.
- 7.37** In terms of the proposed housing, Policy RES5 of the 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.

- 7.38** In terms of the proposed commercial development, Policy EMP5 of the TBP states, amongst other criteria, the scale and design of the proposal must be compatible with the character of the existing location and its setting.
- 7.39** All matters relating to the design and layout are reserved for future consideration. However, the application includes a series of Parameter Plans (PPs), which indicates how the site could be developed. In addition, the submitted Design and Access Statement (DAS) sets out the development objectives and embedded within the document is an Illustrative Masterplan (IM) which shows an indicative layout for the residential element of the proposed development. The purpose of the PPs is to provide guidance for the detailed stage of future reserved matters applications. The DAS aims to detail how the proposal evolved, including an assessment of the site and its context, identification of the constraints and opportunities which lead to the key urban design principles for the development and an explanation of how the site is proposed to be developed in design terms.
- 7.40** The DAS provides an overview of the PPs and IM. These include:
- A wide range of house-types, including both affordable units and market units.
 - An access point in the form of a priority junction.
 - Street pattern has been identified to provide good connectivity and efficient residential blocks.
 - Walking and cycling connections across the site, connecting to the footpath routes that currently exist in the local street network within the development to the east and in the south to the existing Public Rights of Way.
 - New green infrastructure and open space to provide amenity and an attractive setting for the new homes.
 - Transitional open space with proposed clustered tree planting, hedgerow strengthening and species rich meadow grasslands.
 - Retained hedgerows and hedgerow trees creating a network of habitat corridors.
- 7.41** Officers consider that the level of information shown on the IM and PPs is very generalised and vague. The detail on the IM only shows a small Local Area for Play (LAP) in the residential parcel of land, however a development of this size should provide a Local Equipped Area for Play (LEAP). Further, the PPs do not appear to show sufficient space to offer much in terms of enhancement planting around the perimeter of the southern parcel of land or structural or strategic planting within the area shown to be the built form. That said, it is acknowledged that the quantum of development for both the residential and commercial development is an 'up to' figure and based on the PPs an acceptable level of public open space would be provided on both parcels of land and therefore officers are content that the development could accord with the requirements of local and national design policies.

7.42 Achieving well-designed places is not just about the layout and appearance of development and concerns have been raised by local residents and the Council's Landscape Advisor in relation to the connection of the residential development to the wider village. The National Design Guide (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. 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 criterion, 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.

7.43 In this case, the Access and Movement Parameter Plan shows a proposed pedestrian/cycle route to the existing residential development to the east. Whilst it would have been preferable to provide a further pedestrian connection to the north of the site given the indicative plans show the development would provide a pedestrian/cycle route around the periphery of the site which would lead to the proposed connection point it is considered that the proposed development would provide a safe and legible connection both within and beyond its boundary. It should also be noted that the Local Highway Authority raises no objection to the development on sustainable transport grounds.

Historic Environment

7.44 Section 66 of the Listed Buildings and Conservation Area Act places a statutory duty on LPAs to have special regard to the desirability of preserving the setting of listed buildings. The NPPF sets out that heritage assets range from sites and buildings of local historic value to those of the highest significance and that these assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Policy SD8 of the JCS sets out that development should make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment. Policy HEN2 sets out that any development within the setting of Listed Buildings, will be expected to have no adverse impact on those elements which contribute to their special architectural or historic interest.

7.45 In terms of built heritage, the Heritage Desk-Based Assessment (HDBA) submitted with the application identified that whilst there are no designated heritage assets located within either parcel of the site there are several within a 1km radius. These include the Grade II Listed Rodwayhill Lodge, the Grade II Listed Barn and Shelter at the existing Highnam Business Centre, the Grade II* Registered Park and Garden at Highnam Court, which encompasses the Grade I Listed Highnam Court, the Grade I Church of Holy Innocents and 12 Grade II Listed Buildings. As such the consideration for heritage for both sites is the impact upon the setting of the surrounding heritage assets.

- 7.46** The HDBA concluded that the development of the northern parcel of the site has the potential to cause a very small degree of harm (at the lowermost end of the less than substantial spectrum) to the Rodwayhill Lodge. Development of the southern parcel of the site has the potential to cause a small degree of harm (at the low end of the less than substantial spectrum) both to the Barn and Shelter Sheds at the existing business centre and the Church of the Holy Innocents. In terms of the Registered Park the HDBA concluded that no part of the site contributes to the significance of it.
- 7.47** The Council's Conservation Officer has assessed the proposal and following a site visit confirmed that he considers the proposal for development within the northern parcel has the potential to generate a very low level of less than substantial harm to the setting of the Grade II Listed Rodwayhill Lodge and that due to the distance, this impact would be almost negligible provided the development consists of dwellings clad in materials that are sympathetic to the general palette of the immediate area. Such mitigation could be achieved through reserved matters. In terms of the development within the southern parcel of land, this has the potential to generate a medium to low level of less than substantial harm to the setting of the Registered Park and Garden and the Grade I Listed Church. There is reasonable distance between the boundary of the park and garden and the development site. However, the pattern, form, scale and palette of materials of the proposed building would need to be carefully chosen, along with strategic planting to allow the development to visually assimilate into the background. Again, such mitigation could be achieved through reserved matters.
- 7.48** Historic England (HE) have also provided comments. The Assistant Inspector concluded that the proposed development would impact on the setting of the Grade I Church and the Highnam Court and Registered Park and Garden, however it is considered that the impact would be at the lower level of less than substantial harm and that there are several factors that could help lessen the harm caused. The proposed height of no more than two floors is supported and there should be an adequate green planted buffer to the south-eastern boundary to ensure that the development is inobtrusive in the line of vision from the south and south-east. The building designs and material should be of a high quality, sympathetic to their surroundings and mindful of the character of Highnam village. The Assistant Inspector concluded that based on the information provided HE do not oppose the principle of development on the site.
- 7.49** Both the Council's CO and HE have concluded the proposed development would result in less than substantial harm to the significance of the surrounding designated heritage assets, and therefore in accordance with paragraph 202 of the NPPF, this harm should be weighed against the public benefits of the proposal. In this case the public benefits of the proposal are clear, these arise from the provision of housing and employment land. As such, when considering the level of harm is very low level of less than substantial harm for the northern parcel of the site and medium to low level of less than substantial harm from the southern parcel of the site and given there are several factors which could lessen the harm further, it is considered that the public benefits would outweigh the identified harm to the designated heritage assets.
- 7.50** Should permission be granted, as part of the reserved matters a site layout, block and design details which is suitable and sympathetic to the character and setting of the area will be secured, as will a satisfactory landscape scheme.

- 7.51** In terms of archaeology, the County Archaeologist (CA) considers that there is potential for significant archaeological deposits of several periods to be present within the application site and therefore that ground works and intrusions required for the proposed development may have an adverse impact on significant archaeological remains. As such, in accordance with guidance in the NPPF the CA recommended that in advance of the determination of the planning application, the applicant should provide the results of an archaeological field evaluation. The CA confirmed this should take the form of geophysical survey and trial trenching.
- 7.52** A Geophysical Survey Report has been submitted however no trial trenching has been carried out. The applicant has confirmed they are currently in the process of instructing their heritage consultants to carry out the work. **An update on this matter will provided to Members.**

Residential amenity

- 7.53** 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. Policy RES5 of the TBP also sets out the proposals should provide an acceptable level of amenity for the future occupiers of the proposed dwellings and cause no unacceptable harm to the amenity of existing dwellings, whilst Policy EMP5 states the proposals for new employment development must not result in an unacceptable adverse impact on the amenity of neighbouring uses, particularly residential properties.
- 7.54** The application is in outline and therefore the specific relationship between the proposed development and the surrounding built form on the site boundaries will need careful consideration as part of any future reserved matters application. As the proposals seeks consent for 'up to' 95 dwellings and 3 hectares of commercial space this is a maximum value and could be reduced should it be necessary to achieve a satisfactory scheme in respect of the overall design and amenity.
- 7.55** Policy SD11 of the JCS states that new housing should meet and where possible exceed appropriate minimum space standards. 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. These space standards will be secured as part of any future reserved matters application.

7.56 In terms of noise, 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. A Noise Screening Report accompanies the application which suggests that noise from road traffic and the Highnam Business Centre should not adversely impact future residents. The Council's Environment Health Officer has reviewed the report and raises no objection to the outline application in terms of noise. Should permission be granted, at the reserved matters stage and when the site layout(s) have been finalised a noise assessment, in line with BS8233:201, together with any necessary noise mitigation measures should be submitted.

Housing mix

7.57 Policy SD11 of the JCS and RES13 of the TBP 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. Housing mix should be based on the most up to date evidence of local housing need and market demand.

7.58 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.

7.59 The DAS sets out that the proposed housing would include a variety and range of dwelling types that includes 1 bed – 4 bed properties. Given the proposal is in outline, should planning permission be granted, a condition is recommended to secure the market housing mix so that the schedule of accommodation would be in broad accordance with the most up to date evidence of the local housing market need and market demand at the time the first reserved matters application for the residential development is submitted.

Affordable housing

7.60 The NPPF sets out that Local Planning Authorities should set policies for meeting affordable housing need on development sites. Policy SD12 of the JCS and Policy RES12 of the TBP requires a minimum of 40% affordable housing on sites outside of the Strategic Allocations.

7.61 The development proposes 40% affordable housing on the site, this equates to 38 dwellings with this being split between social rented and shared ownership. The Council's Housing Strategy and Enabling Officer considers the proposed scheme would be policy compliant and therefore acceptable. This requirement should be secured by way of a legal agreement with the Borough Council.

Drainage and flood risk

- 7.62** 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. For sites of strategic scale, the cumulative impact of the proposed development on flood risk in relation to existing settlements, communities or allocated sites must be assessed and effectively mitigated. It also requires new development to incorporate Sustainable Urban Drainage Systems (SUDS) where appropriate to manage surface water drainage. This is reflected in Policy ENV2 of the TBP.
- 7.63** The application site is located entirely in Flood Zone 1, an area identified by the Environment Agency at a low probability of flooding from rivers and seas. However, as the site is over 1 hectare, in accordance with the requirements of the NPPF, the application is supported by a Site-specific Flood Risk Assessment (FRA) and an updated version (March 2022), which includes details of the proposed Drainage Strategy (DS).
- 7.64** In terms of surface water drainage, infiltration testing has identified that ground conditions are not suitable for the incorporation of surface water infiltration proposals. Instead, the proposal is to incorporate a controlled discharge of each parcel of land to a watercourse. In terms of the northern parcel, it is proposed to discharge surface water into a new ditch/swale to the watercourse to the north of the site, which will help manage water quality. For the southern parcel of land, attenuation will be provided within a basin or pond prior to a gravity outfall to the ditch network to the south. This offers suitable management of water quality as well as opportunity for biodiversity and amenity. Flows would be restricted to the Qbar greenfield rates with overall flows from both areas up to the 1 in 100-year event plus allowance for 40% climate change being contained onsite.
- 7.65** Gloucestershire County Council as Lead Local Flood Authority (LLFA) have reviewed the FRA and Drainage Strategy and raise no objection to this proposal, subject to a condition requiring the detailed drainage design to be submitted and approved prior to the commencement of any development.
- 7.66** In terms of foul water disposal, it is proposed to drain foul water from the development to the existing Severn Trent public sewer which is located to the east and connects into the pumping station on Newent Road. For the southern parcel of land, it would be similar albeit it would connect into the existing infrastructure and then onto the existing network. Severn Trent Water have confirmed they have no objections to the proposals, subject to a condition securing detailed plans.

Biodiversity

- 7.67** 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 TBP states that development proposals that will conserve, and where possible restore and/or enhance, biodiversity will be permitted.
- 7.68** An Ecological Impact Assessment (EIA) was submitted with the application and an updated version has been submitted since. The report set out that the dominant habitat is arable. The northern parcel also includes small areas of poor semi-improved grassland, scrub, broadleaved trees and hedgerow. The southern parcel also includes small areas of amenity and improved grassland, a stable block building, hedgerow and broadleaved trees. The habitats on the site were of low to moderate level ecological importance. The report EIA concluded that the development would not result in any long-term significant residual effects to protected or notable species, and there would be opportunity for a neutral or long-term positive effect on habitats through habitat creation associated with the proposals. The presence of great crested newts was confirmed in an off-site pond through eDNA survey and as such great crested newts from this pond are considered likely to use the site. It is proposed that site clearance works and development would be implemented under an approved Naturespace Great Crested Newt District Level Licensing scheme. A copy of the Naturespace Development Assessment and Certificate has not been submitted to date. When it does this will need to be reviewed by the Council's Ecological Advisor. Subject to the reviewing the Naturespace Development Assessment and Certificate, the Council's Ecological Advisor (EA) has raised no objection to the development.
- 7.69** The site lies within 10km of the three European designated sites, the Walmore Common Special Protected Area (SPA) and Ramsar site and the Wye Valley and Forest of Dean Bat Sites Special Area of Conservation (SAC). Two other statutory designated sites lies within 5km of the site boundary: Alney Island Local Nature Reserve and Green Orchard Farm. Further, the development could, in combination with other new residential development have potential significant effects on the Cotswolds Beechwood Special Area of Conservation (SAC). Policy NAT1 of the 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 (HRA) has concluded that the proposal will not adversely affect the integrity of the habitats site. A Shadow Habitats Regulations Assessment, which concludes that there will be no likely significant effects of the proposed development on European Sites. However, as a precautionary measure it is proposed that all new homeowners be provided with a Homeowners Information Packs (HIP). Should permission be granted, this could be secured via condition. The Council's Ecological Advisor has reviewed the assessment and concurs with the assessment conclusions. At the time of writing this report Natural England were still reviewing the HRA therefore **an update will be provided at Planning Committee.**

7.70 In addition to the above, Policy NAT1 of the TBP states, inter alia, that proposals will, where applicable, be required to deliver a biodiversity net gain (BNG) across local and landscape scales, including designing wildlife into development proposals, the connection of sites and large-scale habitat restoration, enhancement and habitat re-creation. Locally defined ecological networks identified in Local Nature Recovery Strategies will be the primary focus for landscape scale net gain delivery. The reasoned justification sets out that the Council will expect all development to deliver a minimum net gain of 10% calculated using the DEFRA Biodiversity Metric (or any updated or replacement metric used as the industry standard). **Members will be provided with an update on this at Planning Committee.**

7.71 As mentioned previously the development would require highway improvement works to widen the width of Two Mile Lane to circa 6 metres along a length stretching from the junction with the B4215 and entrance to the existing business park. An Ecological Impact Assessment Addendum in relation to the impact of the Two Mile Lane highway improvement works has recently been submitted. This report is currently being reviewed by the Council's Ecological Advisor therefore **an update on the acceptability of the finding will be provided at Planning Committee.**

Loss of Agricultural Land & Soils

7.72 The NPPF sets out that planning decisions should contribute to and enhance the natural environment by, inter alia, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land. This aims to protect the best and most versatile (BMV) agricultural land and soils in England from significant, inappropriate and unsustainable development proposals.

7.73 The Agricultural Land Classification (ALC) assesses the quality of farmland to enable informed choices to be made about its future use within the planning system. There are five grades of agricultural land, with Grade 3 subdivided into 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a.

7.74 An Agricultural Quality Report submitted with the application identifies that there is 3.8 hectares of Grade 2 land and 3.8 hectares of Grade 3a quality, which is deemed to be the 'best and most versatile land'. This counts against the proposal.

Minerals and Waste

7.75 One of the key sustainable development objectives of the NPPF is the prudent use of natural resources, including minimising waste and pollution. The NPPF also advises on the sustainable use of minerals and resources and states that policies as far as practicable should take account of the contribution that substitute or secondary and recycled materials and minerals would make to the supply of materials, before considering extraction of primary materials. It further confirms that locations of specific minerals resources of local and national significance should be safeguarded, and development avoided in such areas. Policy SD3 of the JCS, Policy WCS2 of the Gloucestershire Waste Core Strategy (GWCS) and Policy MS01 of the Minerals Local Plan for Gloucestershire (MLPG) accord with these objectives.

- 7.76** The application is supported by an Outline Waste Minimisation Statement which has been reviewed by officers of Gloucestershire County Council Strategic Infrastructure (Minerals and Waste) Team in their capacity as Mineral and Waste Planning Authority (MWPA). The MWPA acknowledge the details submitted, however they have requested further details, secured via condition, to achieve effective implementation.
- 7.77** In addition, the MWPA have requested a Mineral Resource Assessment and further information on alternative secondary and/or recycled aggregate use is submitted and reviewed prior to determination of the application. **An update on this matter will be provided to Members at Planning Committee.**

Open Space, Outdoor Recreation and Sports Facilities

- 7.78** 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. Policy RCN1 of the TBP requires the provision of appropriate public outdoor space, sports pitches and built sports facilities to meet the needs of local communities. In order to ensure that development is making appropriate contributions a Developer Contributions Toolkit provides a tailored and evidence based approach to determine the right level of provision.
- 7.79** On this basis, assuming that the 95 dwellings would have an average 2.3 persons per dwelling, the population increase would be 218.5 persons. Based on the Developer Contributions Toolkit, there would be a resulting requirement for the provision of 0.62 hectares of appropriate public outdoor space. The applicant has confirmed that 2.073 hectares of public open space would be provided across the site, which far exceeds the policy requirement.
- 7.80** In terms of sports facilities, the Council's Community and Place Development Officer (CPDO) has requested a contribution of **£22,344** to go towards the improvement of the playing pitches and facilities at Highnam Recreation Ground. The applicant has indicated a willingness to agree to and make any necessary contributions however at the time of writing this report evidence has been sought as to how this contribution has been calculated. **An update on the outcome of this will be provided to Members at Planning Committee.**

Education, Library and Community Provision

- 7.81** 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. Policy SA1 sets out that infrastructure should be provided comprehensively across the site taking into account the needs of the whole Strategic Allocation. Financial contributions will be sought through S106 and CIL mechanisms as appropriate.
- 7.82** Gloucestershire County Council as Local Education Authority (LEA) have been consulted and requested contributions towards education provision in line with its cost multipliers and pupil yields. The assessment identified the development would have an impact on the West Severn Primary Planning Area and the Forest (North) Secondary Planning Area. As such, based on 95 qualifying dwellings, a full contribution of **£546,942.55** towards primary school education provision and a contribution of **£67,200** towards transport to access secondary school places beyond the statutory walking distances has been requested in order to mitigate the impact.
- 7.83** In terms of libraries, Gloucestershire County Council have advised that the scheme would generate a need to improving customer access to services through refurbishment and upgrades, improvements to stock, IT and digital technology and increased services at Gloucester Library. As such a contribution of **£18,620** is therefore required to make the application acceptable in planning terms.
- 7.84** In respect of community facilities, the Council's Community and Place Development Officer has requested a contribution of £43,652 to go towards the improvement/extension of Highnam Community Centre. The applicant has indicated a willingness to agree to and make any necessary contributions however at the time of writing this report evidence has been sought as to how this contribution has been calculated. **An update on the outcome of this will be provided to Members at Planning Committee.**

Section 106 obligations

- 7.85** 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.

7.86 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.

7.87 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

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

- **40%** Affordable Housing.
- **£546,942.55** towards primary education provision.
- **£67,200** towards home to school transport for secondary education.
- **£18,620** towards improving customer access to services through refurbishment and upgrades, improvements to stock, IT and digital technology and increased services at Gloucester Library.
- **£44,025** Residential Bond and Monitoring Fee for Travel Plan.
- **£94,100** Employment Bond and Monitoring Fee for Travel Plan
- **£22,344** to go towards the improvement of the playing pitches and facilities at Highnam Recreation Ground. List contribution details.
- **£43,652** to go towards the improvement/extension of Highnam Community Centre.
- **£6,935** towards recycling and waste bin facilities.
- Provision of a **LEAP** on-site.

7.89 Whilst the applicant has indicated a willingness to enter into a legal agreement to secure the planning obligations outlined currently there is no signed agreement in place. That said, this is a matter which could be resolved prior to the decision being issued, should permission be granted.

8.0 CONCLUSION AND RECOMMENDATION

8.1 Section 38(6) of the Town and Country Planning Act 1990 provides that, if regard is to be had to the development plan, the determination must be made in accordance with the development plan unless other material circumstances indicate otherwise. Section 70(2) of the Act provides that the Local Planning Authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.

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

Benefits

8.3 The development would contribute towards the supply of housing, both market and affordable housing to help meet the objectively assessed need for housing in the Borough in an area. Further economic benefits that would arise from the proposal both during and post construction, including the economic benefits arising from additional residents supporting local businesses.

8.4 The development would deliver employment land within the Borough, helping to meet the needs of the strategic plan, promote a strong and diverse local economy and support business growth.

Harms

8.5 Harm would arise in respect to the residential element of the proposal as a result of the direct conflict with the settlement strategy in the development plan, which is an important part of the delivery of sustainable development in the area.

8.6 The proposed development would result in the loss of 3.8 hectares of both Grade 2 and Subgrade 3a land, which is deemed to be the 'best and most versatile land'.

8.7 There would be harm to the landscape and long-term visual effects by the introduction of new development into the two open agricultural fields. However, it is not considered that the harm would be significant.

- 8.8** The proposed development would result in less than substantial harm to the significance of the surrounding designated heritage assets. However, when considering the level of harm is very low level of less than substantial harm for the northern parcel of the site and medium to low level of less than substantial harm from the southern parcel of the site and given there are several factors which could lessen the harm further, it is considered that the public benefits would outweigh the identified harm to the designated heritage assets.
- 8.9** Whilst the applicant has indicated a willingness to enter into a legal agreement to secure the planning obligations outlined currently there is no signed agreement in place. That said, this is a matter which could be resolved prior to the decision being issued.

Neutral

- 8.10** It has been established through the submission documents that subject to securing satisfactory measures as part of any future reserved matters, the imposition of appropriate planning conditions and planning obligations, the development would not give rise to unacceptable impacts in relation to flood risk and drainage, design and layout, residential amenity, ecology or the historic environment. In addition, the development would provide an acceptable affordable housing tenure mix.
- 8.11** It is noted that at the time of writing this report there are several 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.

Overall conclusion

- 8.12** Significant weight should be given to the provision of housing and the employment development. Whilst appreciating the residential development would be in conflict with the settlement strategy in the development plan at this current time the Council cannot demonstrate a five year supply of deliverable housing land and therefore the Council's policies for the supply of housing are still considered to be out of date. It is important though to have regard to the duration of the likely shortfall in the overall balancing exercise.
- 8.13** Taking account of all the material considerations, which include the Council's current five year supply of deliverable housing and the duration of the likely shortfall and the weight to be attributed to the benefits and the known harms identified it is considered that the identified harms would not significantly and demonstrably outweigh the benefits in the overall planning balance.

- 8.14** 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 the submission of the Naturespace Development Assessment and Certificate, confirmation from Natural England that the Shadow Habitats Regulation Assessment is acceptable, the results of the trial trenching survey work being acceptable, no concerns being raised to the Ecological Impact Assessment Addendum in relation to the impact of the Two Mile Lane highway improvement works, the submission of a Mineral Resource Assessment and further information on alternative secondary and/or recycled aggregate, 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 7.88 of this report.**

SCHEDULE OF PLANNING CONDITIONS:

1. Save for the details of the vehicular access into the southern site from Two Mile Lane and the vehicular access into the northern site from the B4215 Newent Road, details of the appearance, landscaping, layout and scale (herein called “the reserved matters”) shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced.

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

2. Access to the residential development shall be carried out in full accordance with the details shown on the Proposed Junction Off B4215 Plan, Drawing no. P17032-21-05A, before the occupation of the first dwelling on the site.

Reason: To ensure the new access is carried out in accordance with the approved details.

3. Application for the approval of all phases of the development shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

4. The development hereby permitted shall be begun either before:

- (i) the expiration of five years from the date of this permission, or
- (ii) before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

5. Prior to the first reserved matters application for any of the uses proposed, a Phasing Plan for each area shall be submitted to the Local Planning Authority for approval in writing. Each phasing plan shall include details of the quantum of development in each phase, whether that is the number of market and affordable dwellings or the number of commercial units, together with general locations and phasing of key infrastructure, including surface water drainage, green infrastructure, public open space/children's play area, access for pedestrians, cyclists and vehicles. All development of the site shall thereafter be undertaken in accordance with the agreed phasing.

Reason: To ensure the development would be carried out in accordance with good urban design principles.

6. The development hereby approved shall be for:

No more than 95 dwellings;

No more than 1.9 hectares of commercial built form, which shall include all areas of hard landscaping and parking area.

Reason: To clarify the scope of the development.

7. The height of the buildings hereby permitted shall not exceed:

2 storeys for any dwelling;

2 storeys for any commercial building.

Reason: To ensure the development would be carried out in accordance with good design principles and would be sympathetic to, and integrate, with its surroundings.

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

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

9. Any Reserved Matters submitted pursuant to Condition 1 shall include existing and proposed ground levels and finished floor levels of all buildings relative to Ordnance Datum Newlyn related to that specific phase of development. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

10. Any Reserved Matters submitted pursuant to Condition 1 relating to appearance shall include details of the materials to be used in the construction of the external surfaces of any building related to that specific phase of development. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure the development would be appropriate within the setting of the nearby designated heritage assets.

11. Any Reserved Matters submitted pursuant to Condition 1 shall provide full details of both hard and soft landscape proposals related to that specific phase of development. The landscape scheme shall include the following details:

- (a) positions, design, materials and type of boundary treatments to be erected;
- (b) hard landscaping materials;
- (c) a plan showing details of all existing trees and hedges on the site. The plan should include, for each tree/hedge, the accurate position, canopy spread and species, together with an indication of any proposals for felling/pruning and any proposed changes in ground level, or other works to be carried out, within the canopy spread;
- (d) a plan showing the layout of proposed tree, hedge, shrub, ornamental planting and grassland/wildflower areas;
- (e) a schedule of proposed planting, noting species, planting sizes and proposed numbers/densities;
- (f) a written specification outlining cultivation and other operations associated with plant and green grass establishment;
- (g) a schedule of maintenance, including watering and the control of competitive weed growth, for a minimum period of five years from first planting.

All planting and seeding/turfing shall be carried out in accordance with the approved details in the first planting and seeding/turfing seasons following the completion or first occupation of any dwelling/commercial building.

The planting shall be maintained in accordance with the approved schedule of maintenance. Any trees or plants which, within a period of five years from the completion of the planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

No dwelling or commercial building within that specific phase of development hereby permitted shall be brought into use/occupied until all the landscaping and boundary treatment for that phase of the site has been completed in accordance with the approved details.

Reason: In the interests of visual amenity, to ensure the development contributes to a multifunctional network of green infrastructure, delivers ecosystem services for people and wildlife and to ensure the setting of the surrounding designated heritage assets will be conserved.

12. Prior to the commencement of development on any phase, including any preparatory work, a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a Tree Protection Plan(s) (TPP) and an Arboricultural Method Statement (AMS) for that specific phase of development shall be submitted to and approved in writing by the Local Planning Authority. The TPP and AMS should include details of the following:

- (a) Location and installation of services/ utilities/ drainage.
- (b) Details of construction within the RPA or that may impact on the retained trees.
- (c) a full specification for the installation of boundary treatment works.
- (d) A specification for protective fencing to safeguard trees during construction phases and a plan indicating the alignment of the protective fencing.
- (e) a specification for scaffolding and ground protection within tree protection zones.
- (f) Tree protection during construction indicated on a TPP and construction plan and construction activities clearly identified as prohibited in this area.
- (g) details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires.

All works shall be carried out in accordance with the approved details.

Reason: To prevent existing trees from being damaged during construction work and to preserve the amenities of the locality.

13. Prior to the commencement of development on any phase a detailed Sustainable Drainage Scheme (SuDS) Strategy document for that specific phase shall be submitted to and approved in writing by the Local Planning Authority, this should be in accordance with the proposal set out in the approved submission (Surface Water Strategy; 6557-01-01-A). The SuDS Strategy must include a detailed design and a timetable for implementation. The SuDS Strategy must also demonstrate the technical feasibility/viability of the drainage system through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the lifetime of the development. The approved scheme for the surface water drainage shall be implemented in accordance with the approved details before the development is first used/occupied.

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

14. No building shall be brought into use/occupied until a SuDs management and maintenance plan for the lifetime of the development for each phase has been submitted to and approved in writing by the Local Planning Authority. The plan 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. The approved SuDS plan shall be implemented in full in accordance with the agreed terms and conditions.

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

15. No development shall commence on any phase of development until a detailed drainage plan for the disposal of foul water flows for that specific phase has been submitted to and approved in writing by the Local Planning Authority. No building shall be brought into use/occupied until the foul water drainage works have been implemented for that specific phase in accordance with the approved details.

Reason: To ensure the development is provided with a satisfactory means of foul water drainage to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

16. Any Reserved Matters submitted pursuant to Condition 1 shall be accompanied by details of external lighting for the specific development. All external lighting shall be installed in accordance with the specifications and locations set out in the approved details and maintained thereafter.

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.

17. No below or above ground development shall commence on any phase of development until a detailed site waste management plan or equivalent for that specific phase has been submitted to and approved in writing by the Local Planning Authority. The detailed site waste management plan must identify: - the specific types and amount of waste materials forecast to be generated from the development during site preparation & demolition and construction phases; and the 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 also set out the proposed proportions of recycled content that will be used in construction materials. The detailed site waste management plan shall be fully implemented as approved.

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

18. No above ground development shall commence on any phase of development until full details of the provision made for facilitating the management and recycling of waste generated during occupation for that specific phase has 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 and not prejudice the local collection authority's ability to meet its waste management targets. All details shall be fully implemented as approved.

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

19. Prior to the first occupation of any dwelling, a sample Homeowner Information Pack (HIP) must be submitted to and approved in writing by the Local Planning Authority. The HIP must include information about Public Open Space and the walking routes within and in the vicinity of the proposed development. It should also mention appropriate local sites and promote their suitability for walking/recreation. Further, it should also include information of the further afield designated sites such as the Alney Island LNR and Cotswolds Beechwoods Special Area of Conservation (SAC) in order to promote environmental awareness such as the importance of walking on designated footpaths, not trampling across habitats, picking up dog waste and keeping dogs on leads. It should also promote the benefits to the environment, health and cost of living from walking from your home or using local buses rather than driving for recreation. Two copies of the approved HIP shall be provided to all future residents prior to the occupation of each dwelling.

Reason: To ensure that residents are made aware of the nearby recreational opportunities as well as emphasising the sensitivities of the Cotswolds Beechwoods Special Area of Conservation and Alney Island Local Nature Reserve.

20. No development or site clearance shall take place on the northern parcel of land hereby permitted for residential development until a Construction Ecological Management Plan (CEMP) for this part of the site has been submitted to and approved in writing by the Local Planning Authority.

The CEMP shall be in accordance with the recommendations set out in the Ecological Impact Assessment, prepared by EAD Ecology, dated January 2022.

All works shall be carried out in accordance with the approved CEMP and a copy shall be given to the contractors on site to ensure that everyone is aware of the requirements to protect wildlife and habitats.

Reason: To ensure the development contributes to the conservation and enhancement of biodiversity within the site and the wider area.

21. No development or site clearance shall take place on the southern parcel of land hereby permitted for commercial development until a Construction Ecological Management Plan (CEMP) for this part of the site has been submitted to and approved in writing by the Local Planning Authority.

The CEMP shall be in accordance with the recommendations set out in the Ecological Impact Assessment, prepared by EAD Ecology, dated January 2022.

All works shall be carried out in accordance with the approved CEMP and a copy shall be given to the contractors on site to ensure that everyone is aware of the requirements to protect wildlife and habitats.

Reason: To ensure the development contributes to the conservation and enhancement of biodiversity within the site and the wider area.

22. No development or site clearance shall take place on the northern parcel of land hereby permitted for residential development until a Landscape Ecological Management Plan (LEMP) detailing planting lists and showing retained and created habitats on a landscape plan for this part of the site has been submitted to and approved in writing by the Local Planning Authority.

The LEMP shall be in accordance with the recommendations set out in the Ecological Impact Assessment, prepared by EAD Ecology, dated January 2022.

All works shall be carried out in accordance with the approved LEMP.

Reason: To ensure the development contributes to the conservation and enhancement of biodiversity within the site and the wider area.

23. No development or site clearance shall take place on the southern parcel of land hereby permitted for commercial development until a Landscape Ecological Management Plan (LEMP) detailing planting lists and showing retained and created habitats on a landscape plan for this part of the site has been submitted to and approved in writing by the Local Planning Authority.

The LEMP shall be in accordance with the recommendations set out in the Ecological Impact Assessment, prepared by EAD Ecology, dated January 2022.

All works shall be carried out in accordance with the approved LEMP.

Reason: To ensure the development contributes to the conservation and enhancement of biodiversity within the site and the wider area.

24. Any Reserved Matters submitted pursuant to Condition 1 for the commercial development shall include details of any extraction, ventilate, cooling and refrigeration equipment to be installed on or in any building. The method of assessment shall be carried out in accordance with BS4142:2014: Rating industrial noise affecting mixed residential and industrial areas (or other document why may replace or modify the method of assessment). All approved equipment shall be installed in accordance with the approved details on or in the building prior to occupation and shall thereafter be operated and maintained in accordance with the manufacturer's instructions.

Reason: In the interests of amenity.

25. Any Reserved Matters submitted pursuant to Condition 1 for the residential development shall include details of the mitigation measures to achieve compliance with BS8233:2014 recommended internal and external noise levels for the occupiers of the new dwellings have been submitted to and approved in writing by the Local Planning Authority. The mitigation measures approved shall be completed prior to any dwellings to which they relate being first occupied. The development shall be carried out in accordance with the approved details.

Reason: In the interests of amenity.

26. The development hereby approved shall not be brought into use until the highway improvements works comprising:

- Widening of Two Mile Lane between the Junction of Two Mile Lane/B4215 and the access to Highnam Business Park as shown on drawing 0300-P01 dated 12th April 2022;
- Uncontrolled pedestrian crossing of B4215 as shown on drawing P17032-21- 05A dated March 2022. Have been constructed and completed.

Reason: To ensure the safe and free flow of traffic onto the highway.

27. The residential development hereby approved shall not be occupied until the means of access for vehicles, pedestrians and cyclists have been constructed and completed as shown on drawing P17032-21-05A dated March 2022.

Reason: In the interest of highway safety.

28. Vehicle and cycle parking shall be provided prior to first occupation of each dwelling in accordance with details to be contained within the approval of any reserved matters permission. Such details shall include a scheme for enabling charging of electric plug-in and other ultra-low emission vehicles. Parking and charging points shall be maintained for this purpose thereafter.

Reason: To promote sustainable travel and healthy communities.

29. The commercial development hereby approved shall not be first used/occupied until sheltered, secure and accessible bicycle parking has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The storage area shall be maintained for this purpose thereafter.

Reason: To promote sustainable travel and healthy communities.

30. The residential development hereby approved shall not be first used/occupied until sheltered, secure and accessible bicycle parking has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The storage area shall be maintained for this purpose thereafter.

Reason: To promote sustainable travel and healthy communities.

31. Before first occupation, each dwelling hereby approved shall have been fitted with an Electric Vehicle Charging Point (EVCP) that complies with a technical charging performance specification, as agreed in writing by the local planning authority. Each EVCP shall be installed and available for use in accordance with the agreed specification unless replaced or upgraded to an equal or higher specification.

Reason: To promote sustainable travel and healthy communities.

32. An electric vehicle infrastructure strategy and implementation plan shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of any commercial building. The plan shall contain details of the number and location of all electric vehicle charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851, and Manual for Gloucestershire Streets. Buildings and parking spaces that are to be provided with charging points shall not be brought into use until associated charging points are installed in strict accordance with approved details and are operational. The charging point installed shall be retained thereafter unless replaced or upgraded to an equal or higher specification.

Reason: To promote sustainable travel and healthy communities.

33. The Employment Travel Plan hereby approved, dated June 2021 shall be implemented and monitored in accordance with the regime contained within the Plan. In the event of failing to meet the targets within the Plan a revised Plan shall be submitted to and approved in writing by the Local Planning Authority to address any shortfalls, and where necessary make provision for and promote improved sustainable forms of travel to and from the site. The submitted details shall use Modeshift STARS Business to carry out this process and include mechanisms for monitoring and review over the life of the development and timescales for implementation. The approved Travel Plan shall be implemented, monitored and reviewed in accordance with the approved details.

Reason: To reduce vehicle movements and promote sustainable travel.

34. The Residential Travel Plan hereby approved, dated June 2021 shall be implemented and monitored in accordance with the regime contained within the Plan. In the event of failing to meet the targets within the Plan a revised Plan shall be submitted to and approved in writing by the Local Planning Authority to address any shortfalls, and where necessary make provision for and promote improved sustainable forms of access to and from the site. The Plan thereafter shall be implemented and updated in agreement with the Local Planning Authority and thereafter implemented as amended.

Reason: To reduce vehicle movements and promote sustainable access.

35. Prior to commencement of development on the northern parcel of land hereby permitted for residential development details of a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period of this part of the site. The plan/statement shall include but not be restricted to:

- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Advisory routes for construction traffic;
- Any temporary access to the site;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud and dust being carried onto the highway;
- Arrangements for turning vehicles;

- Arrangements to receive abnormal loads or unusually large vehicles; • Highway Condition survey;

- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development.

36. Prior to commencement of development on the southern parcel of land hereby permitted for commercial development details of a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period of this part of the site. The plan/statement shall include but not be restricted to:

- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);

- Advisory routes for construction traffic;

- Any temporary access to the site;

- Locations for loading/unloading and storage of plant, waste and construction materials;

- Method of preventing mud and dust being carried onto the highway;

- Arrangements for turning vehicles;

- Arrangements to receive abnormal loads or unusually large vehicles; • Highway Condition survey;

- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development.

37. 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 with or without modification) any building constructed within the commercial land shall only be used for the following employment uses; Class E (c) (i), (ii) and (iii) (offices, research and development, light industrial); Class B2 (General industrial); and Class B8 (Storage and distribution) of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: To define the scope of the permission to ensure the development would be appropriate to the location.

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 allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Councils costs in undertaking the following actions:

Drafting the Agreement

A Monitoring Fee

Approving the highway details

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.

3. All new streets must be tree lines as required in the National Planning Policy Framework. All proposed street trees must be suitable for transport corridors as defined by Trees and Design Action Group (TDAG). Details should be provided of what management systems are to be included, this includes root protections, watering and ongoing management. Street trees are likely to be subject to a commuted sum.
4. 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.

Gloucestershire County Council has published guidance on how it expects travel plans to be prepared, this guidance is freely available from the County Councils website. As part of this process the applicant must register for Modeshift STARS and ensure that their targets have been uploaded so that progress on the implementation of the Travel Plan can be monitored.

Modeshift STARS Business is a nationally accredited scheme which assists in the effective delivery of travel plans, applicant can register at www.modeshiftstars.org.

5. 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.

6. The development includes a retaining wall adjacent to the highway and the Applicant/Developer is required to have regard to Section 167 of the Highways Act 1980, which in some circumstances requires plans, sections and the specification of the retaining wall to be submitted to the County Council for its separate approval before works on the development can commence.