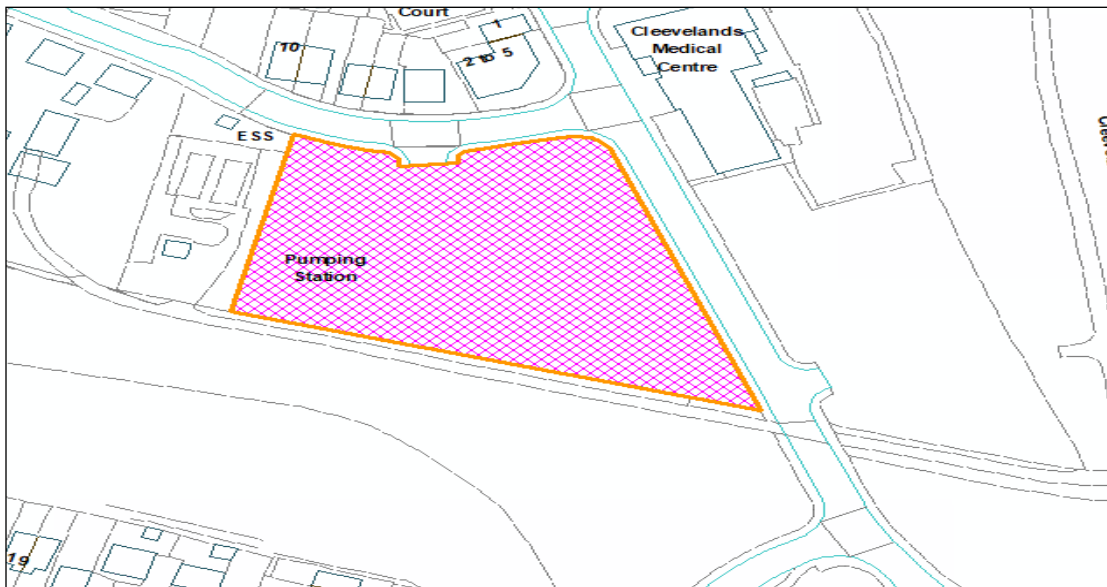


Planning Committee

Date	21 March 2023
Case Officer	Jonny Martin
Application No.	21/01173/FUL
Site Location	Land Off Ruby Avenue, Bishop's Cleeve
Proposal	Residential development to erect 22 units with associated car parking (100% affordable).
Ward	Cleeve West
Parish	Bishops Cleeve
Appendices	<p>Site Location Plan D100 Rev A Site Layout Plan D20 Rev N Floor Plans and Elevations House Types C Plots 1-2, 21-22 D14 Rev A Floor Plans and Elevations House Types B/D Plots 3-4 D12 Rev B Floor Plans and Elevations House Types B/D Plots 5-6 D11 Rev B Floor Plans and Elevations House Types A1 Plots 7-12 D10 Rev A Floor Plans and Elevations House Types F/F1 Plots 13-16 D16 Rev B Floor Plans and Elevations House Types E Plots 17-18 D15 Rev A Floor Plans and Elevations House Types C Plots 19-20 D13 Rev A Detail Planting Plan D900 Rev B Bin Strategy Plan D95 Amenity Areas and POS figures D20</p>
Reason for Referral to Committee	Full application for the erection of 10 or more residential units and 38 objections have been received.
Recommendation	Delegated Permit

Site Location



1. The Proposal

Full application details are available to view online at:

<http://publicaccess.tewkesbury.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R0B0F1QDHAH00>

- 1.1 This proposal is for an 100% affordable housing scheme for 22 units, including flats and semi-detached properties.
- 1.2 The applicant has provided the following technical reports:
 - Foul Sewage and Utilities Assessment
 - Waste Management and Outline Construction Environmental Management Plan
 - Lighting Assessment
 - Flood Risk Assessment
 - Marketing brochures and information
 - Open Space Management Plan
 - Transport Statement
 - Energy Statement
 - Housing Statement
 - Tree Survey and Arboricultural Impact Assessment
- 1.3 A design and access statement has also been submitted which sets out the design and layout principles. Following the comments of the statutory consultee, the proposed plans for the site have been revised.
- 1.4 The proposed plans have been appended as part of Committee Report. The layout of the scheme of the site, creating an active frontage along Sapphire Road and Palm Court. The dwelling houses are proposed to be two storey and a mixture of 2 and 3 bedrooms by way of flatted development and semidetached houses. Each proposed unit complies with the National Space Standards.

2. Site Description

- 2.1 The proposed site consists of land approximately 0.50ha forming part of the 'Cleevelands' mixed-use development. This was granted outline consent by the Secretary of State in July 2012, following a Public Inquiry, and comprises up to 550 dwellings, including 30 units for retired people; a high street comprising 4 units with a gross retail floor space of 475sqm, plus ancillary accommodation of 475sqm (classes A1, A2, A3, A4 & A5), 15 units with a floor space of 3,750sqm for class B1 and D1 uses and 16 live/work units; a community facility with a hall; extension to allotments; open space provision including changing rooms; sustainable drainage provisions and accesses from the A435 and Little Acorns. Numerous reserved matters have been approved since the grant of outline consent.
- 2.2 The current application site parcel lies adjacent to a recently approved residential development immediately to the north. Opposite, on the eastern side of Sapphire Road, sits the Cleevelands Medical Centre and the west side of the plot is adjacent to open countryside. The western side of the site is located in Flood Zone 2 and the eastern in Flood Zone 1. The site is not subject to any landscape designations.

- 2.3** The application site is located centrally within the overall development. It sits to the north of a swathe of public open space (POS), which runs east to west, and is located to the western side of the main spine road. It is identified within the Cleavelands Masterplan as an area designated as a 'High Street' which made provision for 475 sqm of floor space for A1, A2, A3, A4 and A5 uses, 15 units with a floor space of 3,750sqm for class B1 and D1 uses and 16 live/work units to serve the Cleavelands development as well as the wider community.
- 2.4** Planning permission was granted on the site in 2020 (ref. 18/01031/FUL) for the erection of a 725sqm (gross) Marston's family pub and restaurant (Class A4) and ancillary accommodation (managers flat), community amenity area, with associated access, parking and landscaping. However, this scheme has not been implemented.

3. Relevant Planning History

Application Number	Proposal	Decision	Decision Date
10/01216/OUT	Application for up to 550 dwellings, including 30 units for retired people; a high street comprising 4 units with a gross retail floor space of 475sqm, plus ancillary accommodation of 475sqm (classes A1, A2, A3, A4 & A5), 15 units with a floor space of 3,750sqm for class B1 and D1 uses and 16 live/work units; A community facility with a hall; extension to allotments; open space provision including changing rooms; sustainable drainage provisions and accesses from the A435 and Little Acorns	NONDET	16.07.2012
12/00903/FUL	Variation of condition 23 of planning permission reference: 10/01216/OUT which requires at least 20% of the energy to come from decentralised and renewable or low carbon sources. Variation to require at least 10%.	REF	03.04.2013
12/00905/FUL	Removal of condition 24 of planning permission reference 10/01216/OUT which requires a 30% improvement in carbon reduction above 2010 Building Regulations requirements for the residential development.	REF	03.04.2013
14/00390/APP	Reserved matters application for residential development for 160 dwellings to phase 1A and 2A, together with all associated highways, access, landscaping and other infrastructure works.	APPROV	26.11.2014
16/00106/PRE	Proposed construction of a 70 bed care home and associated works	DONE	11.06.2016
16/00199/PRE	50 x Retirement Living apartments with associated parkings.	DONE	09.12.2016

17/00031/PRE	It is proposed to establish a public house/restaurant A3/A4 use on the site with associated landscaping and parking. The proposed building would be two storeys and would contain a manager's apartment on the first floor.	DONE	26.06.2017
18/01031/FUL	Erection of a 725sqm (gross) Marston's family pub and restaurant (Class A4) and ancillary accommodation (managers flat), community amenity area, with associated access, parking and landscaping.	PER	07.02.2020
20/00017/PRE	Development of retirement living (C2) apartments and associated parking	NEGPD	17.02.2022
20/00055/PRE	Erection of 22 residential dwellings, access, landscaping and associated works.	DONE	10.09.2020

4. Consultation Responses

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

4.1 Building Control – No response

4.2 Bishops Cleeve Parish Council – Objects to the proposal for the following reasons:

- Residential instead of commercial development
- Not suitable due to pumping station causing nuisance to residents
- Concerns around the fenestration
- Request for conditions relating to landscaping and a CEMP

4.3 County Archaeological Team – No objection

4.4 County Highways Authority – No objection subject to conditions.

4.5 National Highways – No objection

4.6 Lead Local Flood Authority – Following the receipt of a revised layout and levels plan, updated that Severn Trent will be adopting the foul drainage and accounting for climate change, the LLFA has no objections to the proposal and does not require any conditions.

4.7 Drainage Officer – No objection.

4.8 Housing Enabling Officer – The proposed tenure is acceptable. The LHNA requires 50% to meet M4(2) and 5% to meet M4(3)B as a minimum.

4.9 Landscape Advisor – No response received.

4.10 Tree Officer – No objection subject to conditions

4.11 Ecology Advisors – no objection subject to condition for bird boxes and hedgerows fencing.

- 4.12 Natural England** – No comment provided
- 4.13 Environmental Health** – No objection subject to conditions.
- 4.14 County Minerals and Waste** – No objection subject to conditions.
- 4.15 Severn Trent** – No objection subject to conditions.
- 4.16 Contributions** – Gloucestershire County Council have requested an education contribution of £176,367.28. Further analysis on this issue is discussed below.

5. Third Party Comments/Observations

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. The application has been publicised through the posting of a site notice for a period of 21 days and neighbour notification letters were posted.
- 5.2** 38 letters or representation were received objecting to the proposal raising the following concerns (summarised):
- Objection to the loss of community facility
 - Further housing would lead to traffic and parking issues for existing residents
 - Further housing would place greater demand on already struggling infrastructure
 - More amenities are required for the existing community
 - Further housing would put a strain on the existing local amenities
 - The design of the houses along Sapphire Road would not be aesthetically pleasing
 - The parking layout for occupiers is unacceptable
 - Two/three storey buildings will restrict views from Sapphire Road
 - Aspbury Planning have submitted an objection on behalf of Warners Retail (South West) Ltd who object to the loss of retail units and the erection of affordable housing. They accept there may not be a demand for a public house in this location but they believe there is a demand for alternative local services and facilities.
- 5.3** Responses to the objections raised above are dealt with throughout the report as detailed below.

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise

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

6.2 National guidance

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

6.3 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 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 INF2 (Flood Risk and Management)
- Policy INF3 (Green Infrastructure)
- Policy INF4 (Social and Community Infrastructure)
- Policy INF6 (Infrastructure Delivery)
- Policy INF7 (Developer Contributions)

6.4 Tewkesbury Borough Local Plan to 2011-2031 (TBLP) – Adopted 8 June 2022

- Policy RES3 (New Housing Outside Settlement Boundaries)
- Policy RES5 (New Housing Development)
- Policy RES12 (Affordable Housing)
- Policy RES13 (Housing Mix)
- Policy DES1 (Housing Space Standards)
- Policy NAT1 (Biodiversity, Geodiversity and Important Natural Features)
- Policy ENV2 (Flood Risk and Water Management)
- Policy RCN1 (Public Outdoor Space, Sports Pitch and Sports Facility Provision)
- Policy RCN2 (New Sports and Recreational Facilities)
- Policy COM2 (Broadband Provision)
- Policy TRAC1 (Pedestrian Accessibility)
- Policy TRAC2 (Cycle Network and Infrastructure)
- Policy TRAC9 (Parking Provision)

6.5 Neighbourhood Plan

None

7. Policy Context

7.1 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.

7.2 The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), saved policies of the Tewkesbury Borough Local Plan to 2011-2031 (June 2022) (TBLP), and a number of 'made' Neighbourhood Development Plans.

- 7.3** The relevant policies are set out in the appropriate sections of this report.
- 7.4** 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.

8. Evaluation

Principle of development

- 8.1** Insert text 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.
- 8.2** As set out above, outline permission was granted for the land, as part of a major housing development at Bishops Cleeve in 2012. The Masterplan approved as part of the outline consent identified the site as falling within an area designated as a High Street, which made provision for 475 sqm of floor space for A1, A2, A3, A4 and A5 uses; 15 units with a floor space of 3,750sqm for class B1 and D1 uses and 16 live/work units to serve the Cleavelands development as well as the wider community. However, the outline consent contained a condition which required reserved matters to be submitted on or before 16 July 2016. No reserved matters application has been advanced on this parcel of land.
- 8.3** Planning permission 18/01031/FUL was granted in February 2020 for the erection of a family pub and restaurant. This planning permission has not been implemented and no conditions have been discharged.
- 8.4** Although planning permission has been granted for community facilities on this parcel of land, neither the retail or pub schemes have been implemented for this site and therefore in planning terms the land effectively reverts back to agricultural use. An assessment of the extant permission for the public house is addressed below.
- 8.5** Bishops Cleeve is defined as a Rural Service Centre in the JCS and is recognised as a settlement that contains a "higher range of services and facilities". JCS Policy SP2 sets out that Rural Service Centres and Service Villages will accommodate lower levels of development to be allocated through the Borough Plan and Neighbourhood Development Plans (NDPs), proportional to their size and function, and also reflecting their proximity to Cheltenham and Gloucester and taking into account the environmental, economic and social impacts including existing levels of growth over the plan period.
- 8.6** Policy SD10 of the JCS states that within the JCS area new housing will be planned in order to deliver the scale and distribution of housing development set out in Policies SP1 and SP2. Housing development will be permitted at sites allocated for housing through the development plan, including Strategic Allocations and allocations in district and neighbourhood plans. Although the site doesn't form part of a Strategic Allocation, the site forms part of the wider Cleavelands development therefore has already been deemed suitable for development. The Cleavelands development includes the provision of services within walking distance of the site and there is access to public transport.

- 8.7** Policy RES2 of the TBLP states that within settlement boundaries, the principle of residential development is acceptable subject to the application of all other policies in the Local Plan. The application site is within the defined settlement boundary for Bishops Cleeve as shown on Map D of the TBLP thus would accord with Policy RES2. As such, taking account of the above matters the principle of residential development at the site is acceptable in principle, subject to other material planning considerations detailed below

Extant Permissions relating to Retail and Public House

- 8.8** The proposed site was identified in the Cleavelands Masterplan (10/01216/OUT) as land which would provide part of a local centre to serve the Cleavelands development to provide 4 units with a gross retail floor space of 475sqm, plus ancillary accommodation of 475sqm (classes A1, A2, A3, A4 & A5). It is important that facilities and services are provided for residents of the new development as providing a mix of uses is fundamental to creating a successful community. Planning permission 18/01031/FUL was granted for the erection of a 725sqm (gross) Marston's family pub and restaurant (Class A4).
- 8.9** In relation to the Cleveland's Centre, a medical centre has already been provided along with a gym facility. In relation to the family pub or restaurant (Use class A3/A4 (now Class E), the original applicant Marstons, one of the largest pub operators in the UK, has declined to take the unit forward.
- 8.10** The applicant has provided information from two successive rounds of marketing to demonstrate why this part of the High Street could no longer be developed in accordance with the uses approved under the original outline consent and the very recent planning permission for a drinking establishment.
- 8.11** Marstons prepared a planning application supported by all relevant professional reports. A full application was submitted to Tewkesbury Borough Council under 18/01031/FUL for the 'Erection of a 725sqm (gross) Marston's family pub and restaurant (Class A4) and ancillary accommodation (managers flat), community amenity area, with associated access, parking and landscaping' on the 10 October 2018. A decision to approve the application was issued on 7 February 2020.
- 8.12** Upon grant of consent, Marston's board concluded that there was not sufficient demand in the location to acquire and develop out the proposed development. Following which, prior to expiry of their purchase contract, Marstons instructed Rapleys to market the site to the open market. Rapleys are a national firm of Chartered Surveyors specialising in leisure and trade related properties. Richard Curry of Rapleys has confirmed that they marketed the land for a period of at least 6 months from October 2019 (the date of the particulars) which was pre-covid, resulting in no bids.
- 8.13** Following the above third-party marketing exercise on behalf of the prospective purchaser, Marstons decided to withdraw from the development with substantial abortive costs. Marstons incurred significant expenditure in relation to professional fees and planning and the withdrawal from the purchase was pre Covid 19.
- 8.14** In March 2020 Bruton Knowles re-marketed the land to all previously interested parties and new entrants to the market. Detailed marketing particulars were prepared detailing the recent planning consent and a sale board erected on site. This exercise resulted in no A4 – public house demand.

- 8.15** Policy RET7 of the TBLP requires the change of use of public houses to be marketed for a period of 18 months. However, in this case, the public house planning permission was never implemented nor operational as per the retail units approved as part of the outline consent. Therefore, the marketing exercises carried out by the applicant are considered to be acceptable in this instance.
- 8.16** In addition to the community facilities already provided at the Cleavelands Centre, a planning application is currently under consideration for the laying out of two sports pitches and a cricket pitch as detailed within planning application 22/00726/FUL.
- 8.17** Whilst the planning history for the site provides for retail and community facilities to be provided on this part of the site, no retailer or operator has been secured to implement either permission for this parcel of land. Therefore, the proposed residential development for 22 affordable houses is considered to be acceptable in principle.

Five Year Housing Land Supply

- 8.18** The adopted JCS became five years old on 11th December 2022, therefore as required by paragraph 74 of the NPPF the Council's 5 year housing land supply position was reconsidered, based on the standard method of calculation.
- 8.19** As a result of the move to the standard method TBC 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 meet the housing needs of Gloucester City Council under Policy SP2 of the JCS.
- 8.20** On 7th March 2023, the Council's Interim Five Year Housing Land Supply Statement was published which sets out the position on the five-year housing land supply for Tewkesbury Borough as of 11th December 2022 (five years since the adoption of the JCS) and covers the five-year period between 1 April 2022 and 31 March 2027. The Interim Statement confirms that, when set against local housing need for Tewkesbury Borough calculated by the standard method, plus a 5% buffer, the Council can demonstrate a five year housing land supply of 6.68 years.
- 8.21** It is therefore advised that, as the Council can 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.

Design and layout

- 8.22** The NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable in communities.

- 8.23** Policy SD4 of the JCS advises that new development should respond positively to and respect the character of the site and its surroundings, enhance local distinctiveness and the grain of the locality. Policy INF3 states that where green infrastructure assets are created, retained or replaced within a scheme they should be properly integrated into the design and contribute to local character and distinctiveness. Policy RES5 of the TBP states that proposals should be of a design and layout that respects the character, appearance and amenity of the surrounding area and is capable of being integrated within it.
- 8.24** The site will be accessed, mainly, via a side street off Sapphire Road to the north of the development site. As mentioned above, the site was originally identified in the Cleavelands Masterplan (10/01216/OUT) as land which would provide a local centre to serve the Cleavelands (retail units) and permission 18/01031/FUL was granted for the erection of a 725sqm (gross) Marston's family pub and restaurant. The site is located within a large housing development as approved under permission 10/01216/OUT and therefore the erection of 22 dwellings in this location would be in keeping with the surrounding area.
- 8.25** The proposed development will comprise a variety of dwelling types including apartments and semi-detached housing. Semi-detached properties are located at plots 1-6, 17-22 with flatted units at plots 7-12, 13-16; providing a total of 12 semidetached properties and 10 flatted properties. The development offers a range of accommodation, providing for single occupancy up to family accommodation, whilst also delivering at a density that is appropriate to the site context.
- 8.26** The site layout has been revised following comments from the design officer at pre-application stage. The flatted development is proposed along Sapphire Road to be in keeping with the design of the commercial development that is currently under construction opposite the site. The positioning of the flatted development will create an 'avenue' approach when approaching the site from Sapphire Road. The flatted development is set back from the road frontage to allow for front gardens creating an active and attractive street frontage. This is in keeping with the High Street Design Principles Document.
- 8.27** The semi-detached properties (plots 1-6) will front onto the side street to the north of the development which is in keeping with the design and layout of the residential properties approved to the north of the site under permission 19/00817/APP. The remaining semi-detached properties will front onto the internal private access road creating an active frontage within the central part of the site. Each semi-detached property will have a rear garden secured by a timber boarded fence.
- 8.28** The flatted development and semi-detached properties are all two storeys in height as shown on the elevation drawings which is in keeping with the size and scale of the dwellings to the north of the site.
- 8.29** The development will provide a contemporary yet sympathetic design with a range of materials across the site with varied materials to create an interesting and aesthetic design when viewed from the street scene. There will be a mixture of buff and multi red facing bricks, off white render on elevations and all roof tiles will have grey concrete tiles. The windows on all units will be Grey PVC.

8.30 A Design and Access Statement has been provided with the application which argues that the key design elements incorporated in the design are as follows:

- The arrangement of dwellings within the plot and materials and building details are all guided by the High Street and Residential Design Principles.
- The form and layout of the development reflect the principles established in the CDAS and High Street Design Principles document. The development will comprise dwellings of various sizes and apartments.
- The fenestration to the dwellings has a simple rational with generous sized windows allowing for good day lighting to the whole room.
- The design principles advocates the use of larger buildings on corners that have distinctive architecture.
- Each dwelling has been typically placed in the front portion of the plot to create larger and safely enclosed rear gardens with allocated parking spaces within enclosed private roads.

8.31 As detailed on the site layout plan, pedestrian access would be provided from the northern main access point, to the east along Sapphire Road and to the southern boundary along the existing road.

8.32 Overall it is concluded that the proposed layout and design is acceptable.

Landscape impact

8.33 JCS Policy SD6 seeks to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. All applications will consider the landscape and visual sensitivity of the area in which they are to be located and which they may affect. JCS Policy SD4 (iv) requires the design of open space and landscaped areas to be of a high quality design, providing a clear structure and constitute an integral and cohesive element of the design. JCS Policy INF3 states that existing green infrastructure will be protected in a manner which reflects its contribution to ecosystem services.

8.34 The application site is not located within an area which is designated in the development plan for its landscape qualities. The existing site is open grassland with no development on it. The proposed 22 houses has been sensitively designed to incorporate landscaping measures. The semi-detached properties will have rear garden area and the flatted development will have a mixture of front gardens and shared open spaces. The application site provides public open space on the western boundary which totals 969.66sqm. The applicant has prepared a detailed planting plan which a range of trees, shrubs and hedges across the site. After comments from the tree officer, shrubs have been added to the front gardens of the properties fronting onto Sapphire Road. Larger trees are unable to be planted in this location as it would impact daylight reaching

8.35 habitable windows.

8.36 A condition will be added to ensure the landscaping is carried out in accordance with the planting plan.

Overall the areas of new planting would enhance the visual appearance and provide biodiversity and amenity enhancement and is therefore acceptable in terms of landscape impact and visual amenity.

8.37 *Arboriculture*

Paragraph 131 of the NPPF states that trees make an important contribution to the character and quality of urban environments and can also mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree lined

8.38 and that opportunities are taken to incorporate tree elsewhere in developments.

Policy INF3 of the JCS states that existing green infrastructure will be protected in a manner that reflects its contribution to ecosystem services including biodiversity

8.39 landscape/townscape quality and the connectivity of the green infrastructure network.

Development proposals that will have an impact on hedges and trees need to include a justification for why this impact cannot be avoided and should incorporate measures

8.40 acceptable to the Local Planning Authority to mitigate the loss.

The applicant has submitted a Tree Survey & Arboricultural Impact Assessment which confirms that the proposed development will not require the removal of any existing trees and is not considered to present a risk of harm to retained trees. All trees can be

8.41 protected during development in line with best practice guidance set out within BS5837:2012.

The Council's Tree Officer has been consulted on the application and requested the addition of small shrubs be incorporated to the front gardens facing onto Sapphire Road. This will enhance the active frontage along this section of the development. An updated planting plan was provided and the tree officer confirmed the proposal was acceptable subject to conditions.

8.42 *Access and Highway Safety*

Policy INF1 of the JCS advises that proposals should ensure safe and efficient access to the highway network is provided for all transport modes and that the impact of development does not have a severe impact upon the highway network. Policy SD4 (vii) also requires development to be well integrated with the movement network within and beyond the development itself, ensuring links by other modes and to green infrastructure.

8.43 The application seeks to utilise an existing priority junction access off Ruby Avenue. Ruby Avenue is a single carriageway road subject to 30mph speed limit with illuminated footways on either side of the carriageway. To the eastern side of the site, Sapphire Road is subject to 30mph speed limit with illuminate footways either side of the carriageway. The application site and immediate surrounding highway network form part of a wider outline permission, granted in July 2012, for approximately 550 dwellings (ref: 10/01216/OUT). Due to the recent approval of the wider scheme, it is considered that the surrounding road network is generally suitable for new dwellings, as it has been designed and constructed within the last ten years.

8.44 In relation to trip generation, the extant 18/01031/FUL permission was identified to have more two way vehicle movements in the AM and PM peak hours than the proposed housing development.

- 8.45** The plans submitted indicate that the proposed road layout will not be offered for adoption, and therefore will remain private. Nonetheless, the Highway Authority has reviewed the layout to ensure that the design will operate effectively with no harm to safety. It is proposed that the internal roads will be shared surfaces, with no specific pedestrian facilities. Manual for Gloucestershire Streets allows for shared surfaces, as long as measures are introduced to ensure vehicular speeds are kept low. The proposed layout which contains a number of bends and narrowing will ensure that vehicle speeds are kept low, and as such the Highway Authority have no objections to the proposal.
- 8.46** The proposed development will accommodate a total of 36 car parking spaces which exceeds the otherwise recommended 28 parking spaces from the guidance set out in Manual for Gloucestershire Streets Addendum October 2021.
- 8.47** The proposal details how the apartments will have a cycle storage building and the dwellings will have storage sheds in the rear garden as none of the dwellings are served by garages. Both elements are considered to be acceptable.
- 8.48** A preliminary bin strategy plan has been provided which shows various bin collection and storage points throughout the development. The applicant has agreed to accept a condition that prior to occupation of any unit a detailed bin strategy should be provided and approved by the LPA.
- 8.49** The Local Highways Authority and National Highways have assessed the proposal and conclude that subject to appropriate conditions the application would not have an unacceptable impact on highway safety or a severe impact on congestion. It is also considered the proposal is consistent with the accessibility related provisions of the relevant transport policies. The proposal is therefore considered acceptable in regard to highway safety and accessibility.

Residential Amenity

- 8.50** Paragraph 130 of the NPPF states that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible which promote health and well-being, with a high standard of amenity for existing and future users. JCS policies SD4 and SD14 require development to enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space. Development should have no detrimental impact on the amenity of existing or new residents or occupants.
- 8.51** Policy RES5 of the TBLP states that proposals for new housing development should, inter alia, provide an acceptable level of amenity for future occupiers of the proposed dwellings.
- 8.52** The semi-detached properties (Plots 1-6, 19-22) would have rear private gardens ranging in size from 51.79sqm -75.72sqm which is considered to be acceptable. The flatted development at plots 7-12 would have amenity space in the form of front gardens. Each of these units would have Juliet Balconies. The flatted units at 13,14,17 and 18 would have private amenity space ranging from 22.2sqm to 59sqm. The flatted units at 15 and 16 would have a amenity space of 37sqm and units 7-12 would also have shared amenity space of 102sqm. The development also provides public open space at 969sqm in the south western corner of the site. The dwellings are therefore considered to be served by sufficient amenity space.

- 8.53** In terms of the layout, there would be sufficient distance between the dwellings to prevent loss of privacy by overlooking. The internal dwelling layout also meets the national space standards.
- 8.54** The Environmental Health Officer has been consulted on the application and has raised no objection to the proposed development subject to conditions. There is an existing pumping station to the west of Plots 1 and 2 and a condition will be required that prior to the occupation of these units, a noise report should be submitted to ensure there is no detrimental noise impact on these occupiers. Noise attenuation details should be provided if required.
- 8.55** In light of the above and subject to the imposition of a condition to secure noise mitigation measures, the application is considered to have an acceptable impact on residential amenity.

Affordable Housing

- 8.56** Policy SD12 of the JCS sets out a minimum requirement of 40% affordable housing within Tewkesbury on sites that provide 11 or more dwellings. Policy RES12 of the TBLP also requires a 40% figure on sites that provide 10 or more dwellings. Affordable housing must also have regard to the requirements of Policy SD11 concerning type, mix, size and tenure. The design of affordable housing should also meet required standards and be equal to that of market housing in terms of appearance, build quality and materials. Development should address the needs of the local area and should be based on the most up to date Strategic Housing Market Assessment.
- 8.57** 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.
- 8.58** The application proposes all 22 units be affordable which exceeds the policy requirements of Policy SD12. The size and tenure of affordable housing provision has been agreed with the Council's Housing Enabling Officer and is set below:

Apartments:

6 x 1b2p 51.6/58.6sqm
4 x 2b4p 70.61/74.56sqm

Semi-detached Houses

2 x 2b4p 80.7sqm
6 x 3b5p 95.8sqm
2 x 2b4p 80.8sqm
x 2b4p 80.7sqm

- 8.59** All units meet NDSS Standards
- 8.60** In terms of the tenure mix, the following is proposed:
- 6 units will be for shared ownership
 - 16 units will be for social rent
- 8.61** The LHNA requires 50% of all units to meet M4(2) and 5% to meet M4(3)B as a minimum.

- 8.62** All semi-detached houses are M4(2) along with 2 Ground Floor Flats. 3 Ground Floor Flats are M4 (3) compliant.
- 8.63** The Council's Housing Enabling Officer has advised that they support the revised proposal. They requested that the flats provide balconies to outdoor amenity space. However, as all the units will have on-site access to private amenity space, albeit some would be shared, this amendment was not requested (please see discussion in the residential amenity section above).
- 8.64** The applicant has indicated a willingness to enter into a legal agreement to secure the affordable housing provision, but at this stage there is no such agreement in place. Nevertheless, this matter could be resolved by the completion of an appropriate planning obligation. The provision of affordable housing should be seen as a significant benefit in the planning balance.

Drainage and Flood Risk

- 8.65** Insert text JCS Policy INF2 (2) (iv) requires new development to incorporate Sustainable Urban Drainage Systems (SUDS) where appropriate to manage surface water drainage. Policy INF6 also requires that the infrastructure requirements generated by a proposal are met, including by adequate on and off site infrastructure. Policy CHIN11 of the CINDP states that new development should adopt a blue infrastructure approach to the design of water and flood management.
- 8.66** The application site where the dwellings are proposed is located within Flood Zone 1, an area identified by the Environment Agency as being at a low risk of flooding from rivers and seas. There is watercourse which runs to the north of the site.
- 8.67** The application is supported by a Drainage Strategy which proposes to discharge surface water to the Severn Trent surface water sewer system south of the Innsworth Lane. The Lead Local Flood Authority (LLFA) raised objections on the grounds the proposal would divert water across catchments thereby increasing the flood risk to properties in that catchment.
- 8.68** A revised drainage strategy has since been submitted which proposes connection of surface water to an existing drainage system on the neighbouring residential site, to which the LLFA raise no objections..
- 8.69** Severn Trent has not raised any objection.
- 8.70** The development is therefore considered satisfactory with regard to flood risk and drainage subject to a condition to ensure the implementation of the development in accordance with the approved drainage scheme.

Biodiversity

- 8.71** Insert text 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.

- 8.72** Regarding wider ecological impacts, the application is supported by a Detailed Planting Plan and a Landscape and Habitat Management and Maintenance Plan. The Council's ecological advisors have reviewed the documents and have no objections subject to appropriate planning conditions. An appropriate condition would provide ecological enhancement by the installation of bird boxes on the newly planted street trees to the south of the site. Furthermore, appropriate fencing should be introduced with 13cm x 13cm gaps at the base to allow for the passage of hedgehogs.
- 8.73** Therefore, subject to the imposition of conditions the application is considered acceptable in regard to ecology.

Section 106 obligations

- 8.74** 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.
- 8.75** These tests are as follows:
- necessary to make the development acceptable in planning terms.
 - directly related to the development; and
 - fairly and reasonable related in scale and kind to the development.
- 8.76** 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.

Education Contributions

- 8.77** Gloucestershire County Council (GCC) have been consulted on the application and calculate the proposal would equate to 16 'qualifying' dwellings that would be expected to generate an additional demand for 6.16 primary places, 2.72 secondary places (11-16 years) and 0.96 secondary (16-18 years) places which cannot be accommodated at the closest schools when cumulative yields are applied. GCC is therefore requesting the following contributions:
- Primary - £111,699.28
 - Secondary (11-16) - £64,668
 - Secondary (16-18) - £0.00
- 8.78** The applicant maintains that the payment of the requested education contributions would render the development financially unviable. Policy INF7 of the JCS states:

- 8.79** “Where, having regard to the on- and/or off-site provision of infrastructure, there is concern relating to the viability of the development, an independent viability assessment, funded by the developer and in proportion with the scale, nature and/or context of the proposal, will be required to accompany planning applications. Viability assessments will be undertaken in accordance with an agreed methodology and published in full prior to determination for all non-policy compliant schemes. Where necessary the JCS authorities will arrange for them to be independently appraised at the expense of the applicant.”
- 8.80** In accordance with policy INF7, the applicant submitted a Financial Viability Assessment prepared by RCA Regeneration dated 11th January 2023 to support their position. The report concluded that a 100% AH scheme cannot afford to deliver any of the requested S106 contributions, given that the RLV of -£869,171 is significantly less than the BLV by some £1,094,171 and is unviable by this amount.
- 8.81** The Council appointed Porter Planning Economics (PPE) to independently review the RCA assessment and scrutinise its underlying assumptions. PPE prepared a draft report for further discussions with the applicant and RCA as there were aspects of the RCA report on which PPE needed clarification relating to: affordable housing values, grant funding, administration and professional fees, and construction costs.
- 8.82** Following discussions between the relevant parties, PPE provided a final report based on the updated evidence that had been provided by the applicant and RCA. Based on the evidence and statements that have been presented by the applicant and their team in Table 6.1, PPE reran the Porter PE viability assessment of the proposed scheme. This demonstrates there to be a c.£0.5m deficit in headroom for the scheme and it is concluded that the scheme is unviable without significant reductions in construction costs, which are higher than normal.
- 8.83** PPE confirm that a saving of c.5% on the agreed costs would provide a saving equivalent to the full s106 contribution requirement of £177,973. However, the applicant and their professional team confirmed to PPE that such a small saving is unlikely to be passed on to the applicant through the ‘Design & Build’ procurement route that the applicant is working under with their chosen construction firm, with whom fixed construction costs have been agreed.
- 8.84** PPE therefore conclude from their review of the viability appraisal and the additional evidence requested to corroborate it, that the proposed scheme would be unable to support a financial contribution to meet the full s106 requirements totalling £177,973.
- 8.85** Following a review of the PPE report and subsequent discussions with them on its findings, your officers concur that on the basis of the submitted evidence the scheme would be unviable if the education contributions were pursued. It is therefore recommended that the education contributions are not pursued on the grounds of the viability of the scheme in accordance with Policy INF7 of the JCS.

Tewkesbury Borough Council Contributions

- 8.86** The applicant has agreed a contribution of £73 per dwelling, which equates to £1,241 based on 22 dwellings, towards recycling and waste bin facilities.
- 8.87** The applicant has advised that they accept these contributions.

- 8.88** There is currently no signed agreement to secure these contribution requests, but they are capable of being resolved through the signing of appropriate planning obligations.

9. Conclusion

- 9.1** 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.

- 9.2** Although the site does not form part of a Strategic Allocation, the site is located within an existing residential area and is located within the wider Cleavelands development, on which the principle of development has already been established. Therefore, housing development in this location is considered acceptable in principle.

Benefits

- 9.3** Insert text The development would contribute towards the supply of affordable housing to help meet the objectively assessed need. Overall, given the scale of development, these benefits would attract significant weight in favour of granting permission.

- 9.4** In economic and social terms, it is clear that a number of benefits would flow from this development if permitted, including during the construction process. There would also be economic and social benefits arising from spend from future residents which would help sustain the local facilities within the area.

Harms

- 9.5** The site was originally granted permission to provide retail units. Permission was then granted for a Public House. Whilst the planning history for the site has demonstrated that retail and community facilities are acceptable in principle, no retailer or operator has been secured to implement either permission for this parcel of land despite significant marketing. The applicant has provided detailed marketing evidence as to why Marstons are no longer taking the public house unit forward.

Neutral

- 9.6** It has been established through the submission documents that subject to securing satisfactory measures as part 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, highway safety, drainage, landscape, ecology and trees.

Overall Conclusion

- 9.7** The proposal complies with adopted planning policies and the affordable housing would be provided to meet the local needs. The design and overall scale of the development is in keeping with character of the wider area.

- 9.8 Significant weight should be given to the provision of affordable housing, in a location which is considered sustainable. Economic and social benefits would also arise from the development as set out above and these are afforded moderate weight.
- 9.9 Taking account of all the material considerations and the weight to be attributed to each one, it is considered that identified harms would not significantly and demonstrably outweigh the benefits in the overall planning balance.

10. Recommendation

- 10.1 In the absence of policies in the NPPF which would provide a clear reason for refusal, it is not considered the harms of the development would significantly and demonstrably outweigh the benefits set out above. It is therefore recommended that authority be **DELEGATED to the Development Management Manager to PERMIT the application subject to any additional/amended planning conditions; and the completion of a section 106 legal agreement to secure the following:**

- The provision of policy compliant affordable housing.
- A contribution of £73 per dwelling, (£1,241 based on 22 dwellings), towards recycling and waste bin facilities.

11. Conditions

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

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved documents:
- Site Location Plan D100 Rev A
 - Site Layout Plan D20 Rev N
 - Floor Plans and Elevations House Types C Plots 1-2, 21-22 D14 Rev A
 - Floor Plans and Elevations House Types B/D Plots 3-4 D12 Rev B
 - Floor Plans and Elevations House Types B/D Plots 5-6 D11 Rev B
 - Floor Plans and Elevations House Types A1 Plots 7-12 D10 Rev A
 - Floor Plans and Elevations House Types F/F1 Plots 13-16 D16 Rev B
 - Floor Plans and Elevations House Types E Plots 17-18 D15 Rev A
 - Floor Plans and Elevations House Types C Plots 19-20 D13 Rev A
 - Detail Planting Plan D900 Rev B
 - Bin Strategy Plan D95
 - Amenity Areas and POS figures D20
 - Wastewater Plan 506148-2
 - Clean water plan 506148-1
 - Gas Plan 21306639 dated 15/02/2021
 - Landscape and Habitat Management and Maintenance plan dated August 2021
 - Storm Water Calculations dated 30/11/2022
 - Drainage Strategy 21-063/502a DS
 - Drainage Catchment Plan 21-063/523
 - Tree Survey and AIA dated February 2021

- Lighting Assessment prepared by Dwd dated 15.06.2021
- Flood Risk Assessment dated August 2021
- Parking Court and Open Space Management Plan
- Transport Statement dated 2021
- Energy Statement dated 22nd October 2021

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

- 3** No building hereby permitted shall be occupied until the surface water and foul water drainage scheme for the site has been completed in accordance with the details shown on the approved plans and documents. The approved SuDS maintenance plan shall be implemented in full in accordance with the approved details for the lifetime of the development.

Reason: To provide for the continued operation and maintenance of sustainable drainage features serving the site and to ensure that the development does not result in pollution or flooding, to improve water quality at point of discharge.

- 4** The construction work on the dwellings hereby permitted shall be carried out in accordance with the proposed levels as detailed on approved drawing Site Layout Plan D20 Rev N.

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

- 5** Prior to commencement of the development hereby permitted 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. 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.

- 6** The development hereby approved shall be implemented in accordance with the waste strategy, Bin Collection Strategy and the SWMP document as received by the LPA on 02/02/2023.

Reason To ensure the effective implementation of waste minimisation in accordance with adopted Gloucester, Cheltenham, Tewkesbury Joint Core Strategy Policy SD3 Sustainable Design and Construction; Gloucestershire Waste Core Strategy: Core Policy WCS2 Waste Reduction; and paragraph 8 of the National Planning Policy for Waste (NPPW).

- 7** Notwithstanding the approved plans, prior to the construction of the development above floor plate level samples/a precise specification of all external materials, including hard landscaping, proposed to be used in the construction of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

- 8** Prior to the first use/occupation of the development hereby approved, bird nesting sites/boxes and Hedgehog fencing shall be installed in accordance with details (including a plan showing locations, height and orientation) that shall have first been submitted to and approved in writing by the Local Planning Authority.

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

- 9** During the construction phase (including demolition and preparatory groundworks), no machinery shall be operated, no process shall be carried out and no deliveries shall be taken at or dispatched from the site outside the following times: Monday-Friday 8.00 am-6.00pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.

Reason: To protect the noise climate and amenity of local residents

- 10** If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved measures.

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

- 11** Prior to the occupation of the development a noise assessment report shall be submitted to and approved in writing by the Local Planning Authority to assess any potential noise arising from the adjacent pumping station. The report shall include any required noise attenuation measures and a timetable for their implementation. All measurements shall be made in accordance with the methodology of BS4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound.

Reason: To ensure there is no detrimental noise effects upon the amenities of the area or nearby properties

- 12** All planting comprised in the approved details of tree/hedgerow planting shall be carried out in the first planting season following the occupation of any building or the completion of the development, whichever is the sooner. Any trees or hedgerows, which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. If any trees or hedgerows fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year period.

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

- 13** The erection of tree protection measures of any retained tree shall be undertaken in accordance with the approved details specified in the tree protection plan Drawing No D17270-before any development, including demolition, site clearance, materials delivery or erection of site buildings, starts on the site. The approved tree protection measures shall remain in place until the completion of development or unless otherwise agreed in writing with the local planning authority. Excavations of any kind, alterations in soil levels, storage of any materials, soil, equipment, fuel, machinery or plant, site compounds, latrines, vehicle parking and delivery areas, fires and any other activities liable to be harmful to trees and hedgerows are prohibited within any area fenced, unless agreed in writing with the local planning authority.

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

- 14** The Development hereby approved shall not be occupied until the access, parking and turning facilities have been implemented as detailed on approved drawing Site Layout Plan D20 Rev N and thereafter the area shall be kept free of obstruction and available for the parking of vehicles associated with the development.

Reason: To ensure conformity with submitted details.

- 15** Notwithstanding the submitted details, the development shall not be occupied until a dropped kerb tactile crossing has been provided at the site access junction and made available for public use.

Reason: To ensure safe and suitable access to the site can be achieved for all users.

- 16** The development hereby approved shall not be occupied until a residential welcome pack promoting sustainable forms of access to the development has been submitted to and approved in writing by the Local Planning Authority. The approved pack shall be provided to each resident at the point of the first occupation of the dwelling.

Reason: To reduce vehicle movements and promote sustainable access.

- 17** Any external lighting/floodlighting installed on the site shall be in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the proposed development does not have an adverse effect on the character and appearance of the area or the amenities of nearby properties

12. 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 This planning permission is subject to a planning obligation under Section 106 of the Town and Country Planning Act 1990.
- 3 Works on the Public Highway

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.

- 4 Impact on the highway network during construction

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

5 Private Road

You are advised that as a result of the proposed layout and construction of the internal access road, the internal access road will not be accepted for adoption by the Highway Authority under Section 38 of the Highways Act 1980.

The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980, unless and until you agree to exempt the access road.

The exemption from adoption will be held as a Land Charge against all properties within the application boundary.

Construction Management Plan (CMP)

6 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.