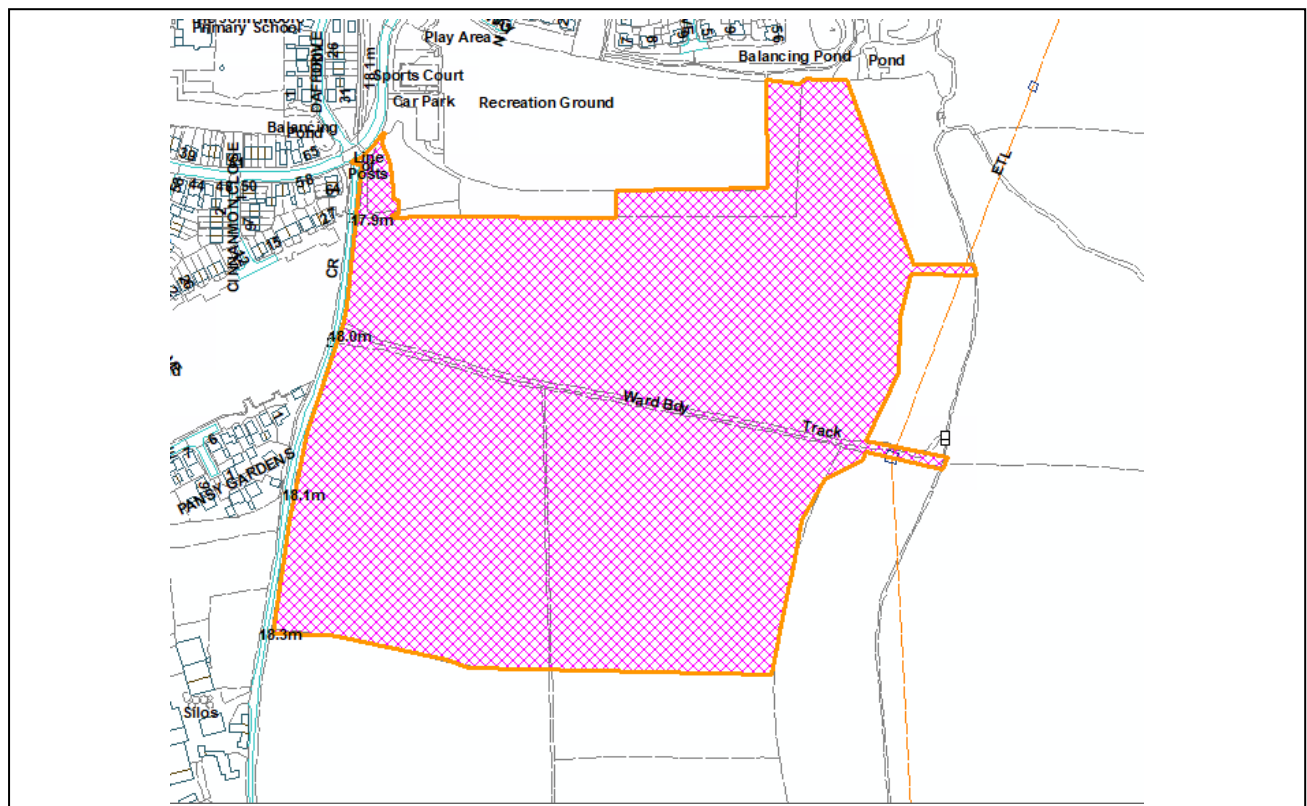


Planning Committee

Date	25 May 2023
Case Officer	Paul Instone
Application No.	22/00834/OUT
Site Location	Land To The South-East Of Bluebell Road And East Of Rudgeway Lane, Wheatpieces, Tewkesbury
Proposal	Outline planning application for the erection of up to 250 dwellings, community sports pavilion and outdoor sports pitches, as well as associated highway, drainage and green infrastructure including trim trail, outdoor play and community orchard. All matters reserved except for access.
Ward	Isbourne and Tewkesbury East
Parish	Ashchurch Rural and Wheatpieces
Appendices	Site location plan Parameters Plan Illustrative Masterplan
Reason for Referral to Committee	Full or outline application for the erection of 10 or more residential units
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=RFBR3SQL1M00>

- 1.1** This application is made in outline with all matters reserved for subsequent approval except access.
- 1.2** The proposed development seeks the erection of up to 250 dwellings, community sports pavilion and outdoor sports pitches, as well as associated highway, drainage and green infrastructure including trim trail, outdoor play and community orchard.
- 1.3** The application site extend to approximately 15.1ha. The proposed residential development area would extend to approximately 6.85 hectares, located to the south of gas main easement which runs through the north of the site.
- 1.4** The development would comprise:
 - Up to 250 new dwellings
 - A mixture of housing types and tenures including 1, 2, 3, 4 and 5 bedroom homes, with 40% affordable housing (total 100 units)
 - A new community sports pavilion
 - Outdoor sports pitches
 - On-site Green Infrastructure and Public Open Space, including trim trail, LEAP, and a community orchard
 - Associated highway and drainage works
- 1.5** The application documents include Parameter Plans which indicate 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) showing an indicative layout for the proposed residential development is embedded in the DAS.

2. Site Description

- 2.1** The application site comprises a parcel of land located to the south of the existing Wheatpieces residential area and east of Tewkesbury Meadow. The site comprises approximately 15.1 hectares of agricultural land.
- 2.2** Directly north of the site is the approved office development for Bloor Homes Western (reference 21/00398/FUL). Jenny's Field (designated as Public Open Space) is situated beyond that, with existing residential development associated at Wheatpieces further north.
- 2.3** The western boundary of the site is defined by an existing hedgerow, with Rudgeway Lane, and the recently constructed Tewkesbury Meadow development for 261 dwellings and a new link road (Bluebell Road) located further west. The southwest boundary of the site is also defined by an existing hedgerow, with further agricultural fields beyond. The eastern and south-eastern boundaries of the site are arbitrary boundaries and are not defined.
- 2.4** The site lies outside but adjacent to the settlement boundary to Tewkesbury, as defined in the proposals map to TBP. The site is also located within the Ashchurch Rural Neighbourhood Plan area.

- 2.5** The site lies predominantly in Flood Zone 1, a small part of the site area extends into the floodplain, but this relates to the drainage outfall and there is no development situated within this area.
- 2.6** A public right of way, AWC5 bridleway, runs along the northern boundary of the site. This is proposed to be incorporated as part of the development proposal, as shown on the submitted Parameters Plan. A gas main easement runs through the north of the site in an east to west direction.

3. Relevant Planning History

Application Number	Proposal	Decision	Decision Date
Land South Of Wheatpieces Walton Cardiff Tewkesbury Gloucestershire			
21/00398/FUL	Erection of a two storey office development (Use Class E)	Permit	29.11.2021
Part Parcel 3400 Columbine Road Walton Cardiff Tewkesbury Gloucestershire			
19/00963/FUL	Variation of Condition 2 of planning permission 17/00347/FUL (erection of 261 dwellings) to vary the house types for plots 50 to 52	Permit	15.05.2020
17/00347/FUL	Erection of 261 dwellings (including affordable housing) and a new link road plus associated works for landscaping, drainage, provision of public open space, access and other highway associated works on land to the south of the John Moore Primary School, Wheatpieces.	Permit	17.11.2017

4. Consultation Responses

Full copies of all the consultation responses are available online at <https://publicaccess.tewkesbury.gov.uk/online-applications/>. The following provides a summary of the comments received:

4.1 Ashchurch Rural Parish Council - Objection

Object to the principle of the development, located on a site not allocated in the Tewkesbury Local Plan, contrary to Local Plan policies RES2 & RES3.

Despite this ARPC sees merit in the proposal. Should planning permission be granted, the below should be taken into account:

ARPC met with the applicants and provided email comments in March 2022. Overall, ARPC are pleased that most of the comments have been taken into account in the proposals.

The applicant is thanked for providing a full response to the council's request for an analysis of how the proposal meets the requirements of the Ashchurch Rural Neighbourhood Development. ARPC is content with the analysis.

Overall, ARPC is pleased that its previous concerns and comments have been reflected in the revised proposals. In particular supports the following aspects:

1. The availability of off-site cycle routes to Tewkesbury town centre
2. The provision of walking trails with natural play, outdoor gym equipment and access to the new SUDS wetland and the provision of a community orchard
3. The provision of a sports pavilion with community space is well considered and will meet the needs of the wider community
4. The provision of an indicative bus route
5. Biodiversity and green infrastructure improvements
6. Green Lanes are considered to be a good way to soften the landscape by providing more planting along roadways and making walking and cycling more attractive and will allow children living in the developments to feel safe outside their own properties to allow for play and exercise
7. The proposed traffic calming measures will help residents feel safer as pedestrians and cyclists
8. The proposals for "flexible long-term living with opportunities for home offices" will help future residents to modify their homes to meet their needs
9. The use of permeable paving for some streets, driveways and spaces although given the level of flooding in the area, it is hoped that permeability will be maximised
10. The planting strategy which seeks to retain existing plants and to add new planting.
11. The commitment to building to reduce fabric heat/energy loss and the inclusion of solar panels
12. The provision of welcome packs and personalised travel planning for incoming residents to encourage the use of sustainable transport modes.

ARPC has the following concerns, which can be addressed through appropriate planning conditions:

1. LANDSCAPE AND VISUAL APPRIASAL - reference to a Landscape Management Plan which will ensure the establishment and continued thriving of the landscape proposals and responsibility for this.
2. Connections of cycle and pedestrian route within the site red line to routes outside the redline, in particular PROW AWCS connecting to Walton Cardiff Lane over the M5 providing an alternative and shorter route to Ashchurch Railway Station
3. The masterplan does not include for allotments.
4. The new community sports & fitness facilities, playing fields and allotments ownership to be transferred to the relevant Parish Council and funding for the overall management and maintenance of these facilities over a minimum period of 5 years to be provided and secured via S106 agreement.
5. A minimum of 5% of all homes should be bungalows within both the affordable and private allocations.

4.2 Tewkesbury Town Council – Comment

Access to local footpaths and bridleways – there is already concern about access to local public footpaths and bridleways around the Wheatpieces Estate and this is significant, due to the relatively high population of local horses. Emphasise the need to ensure safe routes for the significant local population of horses and their riders, and also for walkers. Consider that the footpaths and cycle path alongside Jubilee Way are in a poor state and unfit for the current level of usage. This is important because children will be using these in order to get to school.

Green infrastructure – the accompanying reports suggest little to celebrate on this site at present, that development would constitute an improvement. Particular attention should

be paid to linkages with existing trails in other local developments. It is noted that most of the ecological surveys are already two years old and, in view of the unusual summer of 2022, may not show things as they are now. The Town Council notes that the requirement to demonstrate 10% biodiversity net gain should be taken into account. The loss of ancient hedgerows and trees should be avoided.

Topography - Assume that development will be seen from the top of Tewkesbury Abbey Tower and from the A38. The A38 from Gloucester is the only gateway into the town that doesn't give the visitor an impression of being surrounded by encroaching development. Screening is necessary to maintain that current impression.

Archaeology – known that there was Roman and pre-Roman activity in this area and future storage of archaeological finds needs to be considered by all developers.

Flood prevention - Although reports suggest low risk of flooding, the site drains into watercourses that then flow towards Tewkesbury, via the Swilgate. It is not clear whether or not consideration has been given to the potential impact of this development on the Tirlbrook and its tributary, the Fidd, which is already a matter for concern to residents in the Newtown ward of our parish. Rigorous measures are needed to ensure that development on this site does not adversely affect residents downstream. It is extremely important that surface water from the site should not arrive in the vicinity of the floodplain any more quickly than it does now and it is important that the management of SUDs on the site should be proactively managed and that the responsibility for SUDs management is clearly defined.

Sustainability - pleased to see the proposals for rainwater harvesting and grey water recycling; infrastructure for EV charging points and Solar PV across the development; plus heat recovery.

Education – concern that the nearest primary school is over-subscribed and access to other primary schools would not be safe on foot or by bicycle. Queen Margaret School may be walkable or cyclable for older children, the route involves crossing a major road at Jubilee Way. Parents may well be tempted to use the car instead.

Transport – Bluebell Road tends to be the site of significant on-street parking, reducing capacity for the additional traffic generated. Therefore most drivers adhere to the speed limit and also it is not currently a through road. Concern that drivers of emergency vehicles and bin lorries will find the site difficult to access because of the parking. Although it was theoretically designed to accommodate bus movements these will be difficult to achieve unless suitable alternative parking can be found. Access to the wider network from this development will be difficult. Although it was intended that there should be a bus route along Bluebell Road it hasn't happened yet.

The Transport Assessment mentions Starling Road as a potential alternative access route for cars, but in practice this would not be the preferred choice of most drivers, since it is a good deal less direct than Bluebell Road.

Access to the wider network is via Jubilee Way. This road is sometimes subject to flooding at the Ashchurch Road end and access to Ashchurch Road may be restricted on such occasions. It is important that development on this site exacerbates neither the potential for increased flooding or increased traffic congestion which, along Ashchurch Road, is already a greater problem than the reports would suggest, with local junctions being already at, or close to, capacity. Whenever an incident occurs locally on the M5 Jubilee

Way, Ashchurch Road and Gloucester Road become gridlocked. This happens quite frequently. On such occasions, access onto Jubilee Way may become very difficult due to the weight of traffic on the other two arms of the roundabout.

Conditions on Bluebell Road are likely to become difficult for residents during the construction of this proposed development. The Town Council requests that movements of traffic generated by the construction should be timed to avoid commuting hours, both to and from school and to and from work.

Access to the nearest Railway Station via public transport is, in practical terms, less favourable than the submissions suggest. The walking route between the no. 71 bus stop and the station is along a road with frequently heavy, noisy, slow-moving traffic. Having to change buses (42 and 41) is also arduous and is likely to encourage the use of cars to access the station instead. There is limited parking at the station.

The suggestion in the Transport Assessment is that cyclists will use the carriageways within the proposed estate. Suggest it would be better to have designated cycle paths. The Town Council does not believe that potential residents in this location will consider that they can manage without a car.

4.3 Wheatpieces Parish Council – No Objection

No objection but make the following comments/concerns:

POSITIVES:

- Meets local housing needs
- Meets local sports provisions
- Public Open Spaces (POS) are to be maintained by management company
- Sustainable renewable energy including the installation of solar panels and EV charging points
- Introduction of a bus route into the development

NEGATIVES:

- Planning - Not identified under Tewkesbury Borough Plan for agreed development area (RES3) & Joint Core Strategy Policy (SD10)
- Affordable Housing – there will be 40% as per the national requirements, in a mix of 2-4 bedroom, terraced, semi and detached. Is there any contingency for providing percentage of bungalows within the housing mix, based on the current percentage within the Wheatpieces Estate.
- Drainage & Flood Prevention - concerns regarding lack of sufficient drainage information

Traffic - As there is only one route in and out of the new development, how will it cope with the influx of traffic from Bloor office staff, residents, traffic to sports facilities and construction traffic.

Traffic Calming - this will need to be a consideration due to traffic issues raised

Air Quality - concerns as a result of increased traffic levels

Management of Sports Pavilion - concerns in relation to the management of the pavilion. Will there be adequate funding available for it to be effectively managed, as some security measures will need to be included. Additionally, adequate parking needs to be provided

when all pitches are in use at the same time.

Lack of Facilities for Larger Population - (ie Doctors/Dentists etc)

Lack of Adequate School Provision - The school is already at capacity and by adding 250 new houses with potentially 2.4 children per household

4.4 Archaeology – No Objection subject to conditions

4.5 British Horse Society – Comment

A rural location and the area around this development is currently popular with equestrians with 926 horse passports registered to addresses in the GL20 [Tewkesbury]. Horses are usually stabled close to where their passports are registered.

With the roads around Tewkesbury being increasingly trafficked it is becoming harder for horse riders to find safe connecting routes in the Tewkesbury due to development. The BHS record road incidents [usually where vehicles pass too close and/or too fast]. In 2020 26 incidents were recorded in Gloucestershire. In 2021 this figure had risen to 73, which is a threefold increase; and the BHS estimate that only 10% of incidents get recorded.

The local riders have expressed concern regarding the current access arrangements around the Wheatpieces development, and it is hoped that this can be improved retrospectively. However, it is hoped that the developers, in conjunction with GCC can insure that the new development can ensure that all the new Active Travel routes can accommodate equestrian use as is the prescribed policy laid out in the Active Travel strategy published by the government, which explicitly includes horses in section 6 and is reinforced by LTN 1/20 which requires a WCHAR assessment to be undertaken to include all user groups. I would ask the developers to carefully consider the surface of the trails and advocate the use of a sealed rubber crumb surface which is non slip, drains well, and is not concussive to either walkers or horses.

Green infrastructure - cycling/walking and horse riding trails need to be examined in the wider context of the proposed Tewkesbury Garden Town development and the M5 Junction 9 road improvements to create a wider corridor of routes suitable for equestrians to prevent bridleway fragmentation due to increased road traffic, and allow a greater access to the countryside as set out in the ROWIP. Urge the developers and the GCC PROW department and the GLAF to ensure that the best value is achieved for access.

4.6 Building Control – No Objection

4.7 S106 Officer – Comment

Primary Places Impact:

The proposal is for 250 dwellings, expected to generate an additional demand for 96.25 primary places which are forecast to be accommodated at the local school. Therefore, Gloucestershire County Council is not seeking a primary contribution towards places.

Secondary (age 11-16) Places Impact:

The proposal is for 250 dwellings, expected to generate an additional demand for 42.5 Secondary age 11-16 places. The Secondary Planning Area is facing pressures due to continuing planned development in the area. It is anticipated that 32.5 additional places will be required to accommodate pupils arising from this development. Therefore,

Gloucestershire County Council is requesting a contribution £772,687.50 towards the provision of secondary age 11-16 places.

Post 16 Places Impact:

The proposal is for 250 dwellings, expected to generate an additional demand for 15 Secondary age 16-18 places. It is anticipated that this number of places could be accommodated in local schools. Therefore, Gloucestershire County Council is not seeking a contribution towards Secondary age 16-18 places.

Library Impact - Site Specific Assessment

The new development will generate a need for additional library resources, and this is costed on the basis of £196.00 per dwelling. A financial contribution of £49,000.00 is therefore requested.

4.8 Conservation Officer – No Objection

4.9 County Highways Authority – No Objection

Subject to Condition and Contribution towards Travel Plan deposit £53,750.00 and Monitoring fee £5,000.

4.10 Ecological Advisor - No Objection subject to conditions

4.11 Environmental Health Adviser – No objection subject to conditions

4.12 Gloucestershire LLFA No objection subject to conditions

4.13 Health and Safety Executive – Do not advise against the granting of planning permission on safety grounds

4.14 Highways England - No objection subject to conditions

4.15 Historic England – No comment

4.16 Housing Strategy Officer – No objection.

4.17 Landscape Advisor – Comment

Landscape Effects

The proposals contrast with the existing rural character but will assimilate with the contextual residential areas to the north and west. There will be a sense of further encroachment into the countryside along this part of the edge of Tewkesbury. The encroachment will be most keenly felt by people using Rudgeway Lane itself as development would be set to both sides.

The constraint provided by the high-pressure gas main assists in creating a large area of public open space to the north of the scheme whose benefits are compounded by Jenny s Field to the north and similar gas pipe constrained open space in the existing Tewkesbury Meadows development to the west. This network of open space will be a positive feature creating doorstep amenity within the new development but of no benefit to the wider landscape. It also allows Footpath AWC5 to follow its existing route within a green corridor albeit the new housing would change the landscape character to the south.

The retention of most of the hedgerows appears to be readily achievable with the loss of a gap for the main spine road. There would be a net gain in tree numbers as currently open field or hedgerow trees. There is indicated tree planting within the POS and along main estate roads (as required by NPPF 131) but these new trees would be read as subservient to the development that they were planted to complement and add little to the existing wider landscape character.

The long-term management of hedgerows to Rudgeway Lane needs to be defined in a Landscape Maintenance and Management Plan to keep them as hedgerows instead of outgrown lines of straggly scrub species, to be pruned on a cyclical basis to an agreed height to keep them as hedges. This same comment holds true for the hedges in the development to the west of Rudgeway Lane that fall outside of this application.

On completion the submitted, assessed landscape effects are Moderate / Major Adverse. This will reduce over time to Moderate / Minor Adverse by year 15 with the maturing of the proposed green infrastructure planting which will integrate the proposed development within the local landscape of the settlement edge.

It is considered that this is a fair and reasonable assessment of the landscape effects. There will be adverse landscape change but that change is in keeping with the wider landscape that the site relates to. The LVA conclusion speaks of rounding off the wider Wheatpieces suburb of Tewkesbury and the proposals largely do this. However, they appear to extend beyond the limit of development to the west of Rudgeway Lane by a development block depth.

The LVA conclusions also discuss the creation of a defensible southern edge to Tewkesbury and rely on the tree planting belt to achieve this. It is important that the width and effectiveness of any planting to the south of the proposals are carefully scrutinised in the Reserved Matter Applications should the proposals be approved.

The LVA does not consider the cumulative landscape effects (nor any visual ones) arising from the recent Fiddington Appeal decision and the creation of the Garden Village proposals to the east of the M5.

Visual effects

Visibility has been assessed on a single summer visit (August 2022) with trees and hedges in full leaf. The applicant's LVIA photography is from May 2022 when canopies are also fuller than winter conditions.

It is considered that the main visual effects will occur for local visual receptors to the west on Rudgeway Lane and to the north on Bridleway AWC5. The visual effects are considered Adverse when compared to the wider rural scene but not incongruous when compared to the houses of Tewkesbury Meadow and the wider Wheatpieces area.

When the fringing landscape tree belt has formed the proposals will appear similar to the more mature edges of Wheatpieces to the north. There will still be a sense of built form beyond the tree lines but they would not appear raw, or exposed set against the adjacent rural landscape.

The LVA in its conclusions section at 7.12 & 7.13 addresses what it considers to be the greatest visual effects for receptors using Bridlepath AWC5 to the north of Site, the same Bridlepath approaching the Site from the east and for residents of Rudgeway Farm and users of Rudgeway Lane itself.

LVA at 7.12 states, The clearest views will be experienced by local receptors comprising users of the public bridleway through the site (receptor A) and residents of Rudgeway Farm (and passing users of the Rudgeway Lane) to the south-west of the site (receptor G). For these receptors the visual effects are assessed as Major / Moderate adverse on completion, reducing to Moderate adverse by year 15 with the maturing of the proposed green infrastructure planting. I would agree with this level of visual effect for these receptor groups.

LVIA at 7.13 concludes, In views from the bridleway east of the site (receptor L), on the approach to the site, assessed effects range from Moderate/Minor - Moderate adverse, decreasing with distance as views are seen in the context of the Wheatpieces settlement edge. With the maturing of the proposed green infrastructure planting the effects will reduce to Minor Moderate / Minor Adverse. Again, I concur with this level of visual effect given the context of looking at the Site with the existing Wheatpieces edge within the same scene.

A note about the occasional views gained from the lane to the south of the Site, this is an unnamed road leading to Fiddington. There are occasional views north over the hedge or through field gates towards the proposed Site. The new houses would be clearly visible and a broadside of the development would be seen until mitigation planting reaches a similar height to the properties behind it. Although fleeting and only partial in nature this view will allow the southern edge of Tewkesbury to be more effectively positioned across the vale and effectively extend it out towards the road. This visual effect I would put as a Moderate, Adverse effect until screened whereas the Application LVA considers it as a lesser Moderate-Minor, Adverse effect.

There will be no significant visual effects from the A38 to the west of the Site given its separation from this road. Views from the AONB and matters of visual setting to the Cotswolds National Landscape (AONB) are not harmed. However, the immediate context of views to the AONB from Rudgeway Lane (where the Site forms the foreground) will be blocked. There is one such notable view east to the Cotswold escarpment & Oxenton Hill for people travelling north up Rudgeway Lane taken approximately opposite Rudgeway Farm where the lane side hedgerow is missing.

4.18 Minerals and Waste Planning – No Objection subject to conditions.

4.19 Natural England – No Objection

4.20 Public Rights of Way Officer – Comment

Proposals do not appear to affect the nearby public right of way, AWC5 , as long as this route remains unaffected, with no changes with the current access we offer no objections. The Footpath should not be obstructed by vehicles, building materials or construction work at any time, maintaining and safeguarding public access at all times, if there is any suggestion that it will, whether through a need for a temporary closure or permanent diversion then contact should be made with the PROW team.

4.21 Severn Trent – No Objection subject to conditions.

4.22 Sport England - Support

4.23 Tewkesbury Civic Society – Comment

One option for improving sustainable travel could be the provision of facilities for car clubs and feel that any additional traffic in the vicinity of three schools and the Shannon Way junction is unacceptable due to noise and air quality impacts.

4.24 Communities Team – No objection

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 undergone two periods of consultation including being advertised a departure from the development plan. A total of 124 representations have been received, of which there are 113 in support of the proposals and 11 raising objections and general comments.. The issues raised to date are summarised below:

Objection Comments:

- The proposal will result in additional urban sprawl and the loss of countryside
- Residents will be impacted during the construction phase
- Additional congestion, noise and air pollution from traffic routed on local roads including down Bluebell Road and there is currently no traffic calming down this road
- There is inadequate school capacity
- Town amenities and infrastructure are not yet in place to support developments already approved/in progress
- Outdoor sports areas and a pavilion were promised as part of this development but instead the area was used for a commercial building.
- Power cuts currently, indicating the infrastructure is not able to cope
- A proportion of social housing is included and concerns regarding anti-social behaviour
- Impact upon local biodiversity, ecology and birds

Support Comments:

- Tewkesbury Town Colts needs a facility and this is an ideal site and would benefit the local community
- Long awaited provision of sports facilities for young and adults. The location is ideal for safe access by road, bicycle or walking and central to all areas of the town. This would help the support girls football within the schools and offer a safe environment for the girls who would be attracted through local school involvement to grassroots football. Not to mention what the hub of a local facility that the community can use.
- Positive impact on the lives of local young children and families, becoming a centre of the community.

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 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 Contributions)
- Policy INF7 (Developer Contributions)

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

- Policy RES2 (Settlement Boundaries)
- Policy RES3 (New Housing Outside Settlement Boundaries)
- Policy RES5 (New Housing Developments)
- Policy RES12 (Affordable Housing)
- Policy RES13 (Housing Mix)
- Policy DES1 (Housing Space Standards)
- Policy HER2 (Listed Buildings)
- Policy NAT1 (Biodiversity, Geodiversity and Important Natural Features)
- Policy LAN2 (Landscape Character)
- Policy NAT3 (Green Infrastructure: Building with Nature)
- Policy NAT5 (Cotswold Beechwoods)
- Policy ENV2 (Flood Risk and Water Management)
- Policy HEA1 (Healthy and Active Communities)
- Policy RCN1 (Public Outdoor Space, Sports Pitch and Sports Facility Provision)
- Policy RCN2 (New Sports and Recreational Facilities)
- Policy RCN3 (Allotments & Community Gardens)
- Policy COM2 (Broadband Provision)
- Policy COM4 (Neighbourhood Development Plans)
- Policy TRAC1 (Pedestrian Accessibility)

- Policy TRAC2 (Cycle Network and Infrastructure)
- Policy TRAC3 (Bus Infrastructure)
- Policy TRAC5 (Ashchurch to Tewkesbury Rail Station)
- Policy TRAC9 (Parking Provision)

6.5 Ashchurch Rural Parish Neighbourhood Development Plan 2020-2031 (NDP) Made 27 September 2022

- Policy T1 (Modal Shift for Major Development Proposals)
- Policy T2 (Road Safety for Walking and Cycling)
- Policy C1 (Community Infrastructure)
- Policy V1 (Protection of Intrinsic Value of the Countryside)
- Policy W1 (Water Management)
- Policy H2 (Design of Housing)

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), policies of the Tewkesbury Borough 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.

Town and Country Planning (Environmental Impact Assessment) (EIA) Regulations 2017

- 7.5** Under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 the proposal constitutes Schedule 2 development under Column 2 (10b) of the EIA Regulations, as the size of the application site exceeds 5 hectares and the application proposes in excess of 150 dwellings. On the 24th April 2022, the Local Planning Authority issued an adopted screening opinion in respect of the proposed development which was that the submission of an Environmental Statement in connection with this development was not required.

8. Evaluation

Principle of development

- 8.1** 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.

- 8.2** Tewkesbury is identified as a Market town in the JCS and Policy SP2 sets out that to meet the needs of Tewkesbury Borough, none of which is being met by the urban extensions to Gloucester and Cheltenham, the JCS will make provision for at least 9,899 new homes. At least 7,445 dwellings will be provided through existing commitments, development at Tewkesbury town in line with its role as a market town, smaller-scale development meeting local needs at Rural Service Centres and Service Villages. Further indicating that Tewkesbury town and its wider area will be a key location for significant housing and economic growth.
- 8.3** The application site is located outside and adjoining the existing built-up area of Wheatpieces, in open countryside. The settlement boundary of Tewkesbury is located along the north edge of the site.
- 8.4** TBP Policy RES3 states that outside of the defined settlement boundaries, the principle of new residential development will only be considered acceptable where development being proposed consists of one of the exceptions. None of the exceptions apply to the proposed development.
- 8.5** Policy SD10 confirms that housing development on other sites will only be permitted where it is previously developed land in the existing built-up areas of Tewkesbury town, service centres and service villages, or it is:
- i. It is for affordable housing on a rural exception site in accordance with Policy SD12, or;
 - ii. It is infilling within the existing built up areas of the City of Gloucester, the Principal Urban Area of Cheltenham or Tewkesbury Borough's towns and villages except where otherwise restricted by policies within District plans, or;
 - iii. It is brought forward through Community Right to Build Orders, or;
 - iv. There are other specific exceptions / circumstances defined in district or neighbourhood plans.
- 8.6** The application site is not allocated for housing development and does not meet any of the exceptions of Policy SD10 of the JCS or Policy RES3 of the TBP. The application therefore conflicts with Policy SP2 and SD10 of the JCS and Policy RES3 of the TBP and the conflict with these adopted development plan policies are the starting point for decision making.
- 8.7** 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. In this instance, there are material considerations which weigh in favour of the development, including the proximity and accessibility of the application site to community infrastructure, and the benefits to the community of additional community facilities. These material considerations must be weighed against the harms of the development and each application must be determined on its own merits and this is a matter for the overall planning balance.

Five Year Housing Land Supply

- 8.8** The NPPF states that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

- 8.9** Under Paragraph 74 of the National Planning Policy Framework (NPPF) Local Planning Authorities are required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies.
- 8.10** 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.
- 8.11** 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.
- 8.12** 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. 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

Accessibility and Highways

- 8.13** 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.
- 8.14** JCS Policy INF1 requires that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters. NDP Policy TP1 sets out that development will only be permitted where it will not cause a severe adverse traffic impact upon the highway network.
- 8.15** In terms of sustainability, the proposed development site is accessible by non-car modes of travel and is located within a convenient walking and cycling distance of a number of key local services and facilities. Development of the proposed site will therefore provide future residents with a viable choice of travel modes which in turn will help to reduce the use of the private car.
- 8.16** The nearest bus stops from the site are located on A38 Jubilee Way and Monterey Road, located within 400 and 600m of the site respectively. These services are the 42, 43 and 71 which provide services to Cheltenham and Gloucester. Service number 42 provides a service to Cheltenham, hourly (Mon-Sun) and Service number 71 provides a service to Gloucester, hourly (Mon-Sat).
- 8.17** Ashchurch Railway Station is the nearest railway station to the site and is located approximately 3km to the northeast of the site. The station can be accessed by a 4.7km cycle ride via a traffic-free route to the north of the site, through the Wheatpieces development, and the shared footway/cycleways provided alongside the A438 and A46.

- 8.18** The proposed development site is considered to be located within a sustainable location and within a 2000m radius of the proposed development site lies a vast selection of amenities such as convenience stores, public house, eatery, primary schools, community centre, pharmacy and outdoor space and play areas which can all be accessed via foot within a 10 to 30-minute walk. The wider area benefits from illuminated footways on both sides of the carriageway and a network of existing pedestrian and cycle facilities which provide access to services by means other than the car.
- 8.19** It is considered that this site is a sustainable location for residential development and this matter weighs in favour of the development.
- 8.20** In terms of highway impacts, 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 access and the suitability of the existing highway network to accommodate the additional traffic generated by the development.
- 8.21** The TA sets out, amongst other things, 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 and there are no road safety concerns associated with the development. Overall, the TA concluded that there are no material transport issues associated with the proposed development.
- 8.22** The details of the proposed access will be via a priority junction from Bluebell Road, approved under planning reference 21/00398/FUL (also serving the office development to the north). This access will provide access to both the approved offices and the proposed residential development. Three pedestrian and cycle access points will also be provided along the western boundary of the site, connecting to Rudgeway Lane pedestrian and cycle route. In addition, two pedestrian access points will be provided from the northern boundary of the site, connecting to the Jenny's Field sports pitches and the Wheatpieces estate.
- 8.23** With regard to trip generation, the County Highways Authority (CHA) have advised that the residential development consisting of 250 dwellings will generate approximately 1060 two-way vehicle movements on a weekday, with 124 vehicle movements in the AM peak (8am-9am) and 120 vehicle movements in the PM peak (5pm-6pm). The CHA advise that they are more than satisfied that the proposed development of up to 250 dwellings would not compromise the safety or performance of Bluebell Road or the wider highway network.
- 8.24** In terms of the impact on the Strategic Transport Network (SRN), National Highways (NH) have been consulted on the application and do not object to the application subject to the imposition of conditions.
- 8.25** In terms of the internal access arrangement, this is a consideration for reserved matters applications, but the parameter plan indicates an internal site layout with a circular principle road, that would be acceptable.
- 8.26** The CHA have advised that it would be necessary to secure the proposed highway mitigation/enhancement measures and a travel plan bond and a monitoring contribution through the imposition of planning conditions and via a planning obligation.

- 8.27** Based on the analysis of the information submitted, the CHA conclude that there would be no unacceptable impact on highway safety or a severe impact on congestion. There are therefore no justifiable grounds on which an objection could be maintained on highways grounds. It is also concluded that that this site is a sustainable location, both for the residential development and for the community sports facility and outdoor sports pitches, and this matter weighs in favour of the development.

Landscape impact

- 8.28** 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.
- 8.29** 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.
- 8.30** The application is supported by a Landscape and Visual Appraisal (LVA), which considers the impact of the proposed development on the landscape. The overall conclusion of the LVA is that the site and its immediate context has the ability to absorb change through the introduction of the proposed development and associated landscaping proposals. The proposals will be appropriate within the local landscape and settlement context and it is judged that the effects, as a result of the proposed development, will not give rise to any unacceptable landscape and visual harm.
- 8.31** The Council's Landscape Advisor (LA) has reviewed the submitted LVA and confirmed they are satisfied that it is an objective appraisal. In terms of the landscape and visual effects of the proposed, the proposal will result in the loss of agricultural land which results in landscape harm and there will be a sense of further encroachment into the countryside along this part of the edge of Tewkesbury. However, there are limited public receptor viewpoints for the application site and retention of the site's hedgerows is readily achievable, further mitigating any landscape harm.
- 8.32** It is clear, by virtue of introducing new development into open agricultural fields, the proposed development would encroach beyond the existing settlement edge, creating an urbanising effect which would result in some long-term visual effects. However, the visual effects are primarily contained to viewpoints in close proximity to the site. It is considered that, with well-designed landscape and green infrastructure provisions secured at reserved matters stage by planning condition, the level of harm could be minimised.

Design and Layout

- 8.33** 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
- 8.34** 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.
- 8.35** JCS Policy SD4 provides that new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. It should be of a scale, type, density and materials appropriate to the site and its setting. Criterion 6 of Policy SD10 of the JCS states that residential development should seek to achieve maximum density compatible with good design, the protection of heritage assets, local amenity, the character and quality of the local environment, and the safety and convenience of the local and strategic road network.
- 8.36** 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.
- 8.37** In terms of the proposed housing, Policy RES5 of the TBP states proposals for new housing development should, amongst other things, 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
- 8.38** All matters relating to the design and layout are reserved for future consideration. However, the application includes a Parameter Plan (PP) and Illustrative Masterplan (IM) 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.

- 8.39** The DAS provides an overview of the PP and IM and demonstrates that the site is capable of providing a permeable layout of high quality design which responds to the character of the local area.
- 8.40** Officers consider that the level of information shown on these indicative plans demonstrates that site is capable of accommodating the quantum of development proposed and, based on the PPs, an acceptable level of public open space would be provided. Therefore it is considered that the development could accord with the requirements of local and national design policies and guidance.

Historic Environment

- 8.41** 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.
- 8.42** In terms of built heritage, the Heritage Statement 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 100m radius. These include the Grade II listed barns fronting onto Ridgeway Lane, Ridgeway Farmhouse. It also notes that Grade I Listed Tewkesbury Abbey is glimpsed from the site. The site however does not fall within a Conservation Area. Tewkesbury Conservation Area is circa 650m to the west of the site.
- 8.43** The Council's Conservation Officer has assessed the proposal and he considers that low level of harm would be experienced by the listed barn due to the proximity and intervisibility of the development changing the character of the setting from rural to urban. The farmhouse is largely screened from the development by the barn and would not be affected.
- 8.44** In terms of archaeology, trial trenching has been undertaken and the work revealed two separate areas of rural settlement and activity dating to the prehistoric and Roman periods. A southern Iron Age settlement appears to have been superseded by the larger Roman one in the northern part of the red line area. However, it is clear from the results of the evaluation that the archaeological remains present within the application site are not of the first order of preservation. The prehistoric and Roman archaeology has been subjected to later ploughing, with the result that all surfaces formerly associated with the remains have been destroyed. The County Archaeologist has been consulted on the application and advises that the archaeology on this site is not of the highest quality and significance, so meriting preservation in situ. As such, in accordance with guidance in the NPPF the County Archaeologist recommends that a programme of archaeological works is undertaken prior to the commencement of development to advance the understanding of any heritage assets that may be lost.

Residential Amenity

- 8.45** 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,
- 8.46** Policy DES1 (Housing Space Standards) of the TBP requires all new residential development to meet the Government's national 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.
- 8.47** The Council's Environmental Officer has been consulted on the application and considered the principle of the proposed land uses. They have recommended conditions to ensure residential properties are not adversely effected by the external noise environment. These conditions include ensuring that there is adequate mitigation from road noise and restricting the hours of use of the sports pitches.
- 8.48** The application is in outline and therefore the specific internal relationship of the dwellings, as well as the relationship of the proposed development with the surrounding built form on the site boundaries will need careful consideration as part of any future reserved matters application. However, officers consider that ,subject to the approval of details at reserved matters stage, the residential amenity of existing and future occupiers would be acceptable.

Housing Mix

- 8.49** 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.
- 8.50** 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
- 8.51** The DAS sets out that the proposed housing would include a variety and range of dwelling types that includes 1 bed – 5 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

- 8.52** Paragraph 8 of the NPPF states that the planning system needs to perform a number of roles, including a social role in supporting strong, vibrant and healthy communities, by providing a supply of housing required to meet the needs of present and future generations.
- 8.53** Policy SD12 of the JCS and Policy RES12 of the TBP requires 40% of the proposed houses to be secured as affordable housing. Negotiations have taken place throughout the application process in order to secure the optimum tenure and mix of affordable units for the development.
- 8.54** The applicant has constructively engaged with officers during the determination of the application and has provided an affordable mix which would contribute towards the Borough's needs. This includes the provision of 2no. 5 bedroom social-rented dwellings which, due to development constraints, can be difficult to secure on smaller scale sites. The application proposes 100no affordable units overall with a 60:40 split between social rent and intermediate shared ownership tenure. The proposed mix is:

Social Rent

1 bed 2 person – 10 units
2 bed 4 person – 25 units
3 bed 5 person – 20 units
4 bed 6 person – 3 units
5 bed 8 person – 2 units

Shared Ownership

2 bed 4 person – 20 units
3 bed 4 person – 6 units
3 bed 5 person – 14 units

- 8.56** The provision of affordable housing, particularly the provision of social rent units of a larger size, is considered to be a significant benefit of the proposals to be weighed in the planning balance.
- 8.57** The Council's Housing Strategy and Enabling Officer considers the proposed scheme would be policy compliant and therefore acceptable. This requirement could be secured by way of a legal agreement with the Borough Council.

Drainage and flooding

- 8.58** JCS Policy INF2 advises that development proposals must avoid areas at risk of flooding and must not increase the level of risk to the safety of occupiers of a site and that the risk of flooding should be minimised by providing resilience and taking into account climate change. 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 and the NPPF.
- 8.59** The application site is located in Flood Zone 1 with no indication of surface water flood risk. The application is accompanied by a Flood Risk Assessment and the LLFA have been consulted on the application.

- 8.60** The LLFA advise that the drainage strategy proposed is acceptable and that there is adequate space for the two attenuation ponds shown in the drainage strategy. The LLFA therefore have no objection to this proposal subject to a planning condition to secure an appropriate surface water drainage design.

Biodiversity

- 8.61** 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.
- 8.62** The application has been accompanied by an Ecological Assessment and the Briefing Note: Biodiversity Net Gain (BNG) Assessment, both prepared by Ecology Solutions. The assessments conclude that the site consists of three fields, one arable with a small area of rough grassland, and two species-poor grassland. The fields are bordered by hedgerows, two of which are classified as 'important' according to the Hedgerows Regulations.
- 8.63** The hedgerows and hedgerow trees are likely to support foraging and nesting birds, and the rough grassland may support ground-nesting birds. Birds are also likely to forage in the grassland. Low levels of bat foraging and commuting activity of a number of different species were recorded along the hedgerows. There are signs that badgers use the site for foraging and hedgehogs may also be present. Great crested newts (GCN) were detected in an off-site pond within 250m. GCN and other amphibians may use the rough grassland and base of hedgerows for foraging and shelter/hibernation. A grass snake was recorded, indicating a small population on site. The habitats are likely to support a common assemblage of invertebrates, including potentially white hairstreak butterfly which has been recorded in the vicinity.
- 8.64** The proposal would result in the loss of the majority of the existing arable field and grassland, however some grassland would be retained along the boundaries. A large section of one hedgerow would be removed, along with minor sections of others for both road and pedestrian access; the majority would be retained.
- 8.65** The proposed mitigation for the loss of habitats would comprise: creation of a wildflower meadow in public open spaces and ongoing management to maintain its value; planting of new hedgerows and trees (including an orchard) using native species of local provenance; using a species-rich seed mix in areas of amenity grassland; and providing areas of tussocky wildflower grassland in public open spaces for reptiles and amphibians. Further enhancements would include: providing SuDS features with permanent water and planting them with aquatic plants or species-rich wetland grass, and sowing wildflower meadow around them; installing bird and bat boxes on the trees and/or buildings; and providing refuges such as log piles and grass mounds for reptiles, amphibians and invertebrates.
- 8.66** The Council's Ecological Advisor considers that the mitigation and enhancement measures proposed are appropriate and proportionate to the development proposed.

- 8.67** Layout and Landscaping are reserved matters and the protection of significant trees and submission of an arboricultural assessment can be secured by condition, to be provided as part of any future reserved matters application. Subject to compliance with recommended conditions it is considered that the proposal would not result in unacceptable harm to protected species.

Loss of Agricultural Land and Soils

- 8.68** 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.
- 8.69** 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.
- 8.70** The site has an overall grading of subgrade 3b and is not therefore deemed to be the 'best and most versatile land'. However, the loss of agricultural land is still a matter which counts against the proposal in the planning balance.

Community Facilities

- 8.71** Policy RCN1 states that proposals for new residential development shall provide appropriate public outdoor space, sports pitches and built sports facilities to meet the needs of local communities. Policy RCN2 states that support will be given to the provision of recreational facilities, both formal and informal, throughout the plan area where there is an identifiable need having regard to Policy RCN1.
- 8.72** JCS Policy INF4 also states that developers should aim to provide flexible, multi-functional facilities within mixed-use developments, creating shared space which maximises benefits to the community and minimises land-take. Finally, new facilities should be accessible to all members of the community and be planned and phased in parallel with new development.
- 8.73** The application proposes the provision of new outdoor sports pitches as well as a community sports pavilion. The parameters plans show the sports pavilion is of a sufficient size to include 4no. changing rooms, 2no. official changing room (referee), community area and kitchen facility. The exact details of the sports pavilion will be agreed at reserved matters stage, albeit it is recommended certain parameters are secured by planning obligations to ensure the facility meets the needs of the community. The parallel planning obligation to this planning permission would require the transfer of this facility to Tewkesbury Colts Football Club with the proviso that there is a fallback position within the agreement that the area would come to Tewkesbury Borough Council if Tewkesbury Colts ceased to exist. The sports pitches would also be available for general community use.

- 8.74** The number of football playing pitches within Tewkesbury Town currently stands at nine with limited toilet and changing facilities. The current playing sites in the area severely limit children's access to football, with four of the playing sites not having basic facilities, such as a toilet. Tewkesbury Colts have advised that these new facilities would provide an opportunity to expand the football club and increase access to children's football and women/girl's football.
- 8.75** The parameter plans allocate 11,315 sq m to sports pitches and the exact arrangement will be confirmed at reserved matters stage in accordance with the requirements of the user and in consultation with Sports England. However this area is sufficient to accommodate 2no. under 8's 5v5, 1no. under 10's and 1no U14's (11v11) grass football pitches. The quantum proposed is in excess of the policy requirements for open space and sports facilities for a scheme of this size. The provision of such a facility seeks to address an identified need for youth football pitches in Tewkesbury, in line with the Tewkesbury Borough Council Playing Pitch Strategy, Strategy and Action Plan 2017. These facilities are proposed to be multi-functional, in line with JCS Policy INF4.
- 8.76** As such, the provision of the outdoor sports facilities and pavilion constitutes a very significant benefit of the proposals to be weighed in the planning balance, given the proposals will help to meet identified needs for such facilities and will support the health, well-being, and community cohesion of existing and future residents in line with paragraphs 92-93 of the NPPF as well as policies contained in the TBP and JCS.
- 8.77** The provision of the sports facilities will be delivered as part of Phase 1 of the development and the applicant is happy for this to be secured as part of any planning permission to ensure early delivery as part of the overall scheme.

Education, Library and Community Provision

- 8.78** 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.
- 8.79** Gloucestershire County Council as Local Education Authority (LEA) has been consulted and requested contributions towards education provision in line with its cost multipliers and pupil yields. As such, based on 250 qualifying dwellings, a full contribution of **£772,687.50** towards secondary school education is requested to mitigate the impact.
- 8.80** 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 Tewkesbury Library. As such a contribution of **£49,000** is requested to make the application acceptable in planning terms

S106 Obligations

- 8.81** 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.
- 8.82** 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.
- 8.83** 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.
- 8.84** Requests have been made by consultees to secure the following contributions:
- **40%** Affordable Housing.
 - **£772,687.50** towards secondary education provision.
 - **£58, 750** Residential Bond and Monitoring Fee for Travel Plan.
 - **£49,000** towards improving customer access to services through refurbishment and upgrades, improvements to stock, IT and digital technology and increased services at Tewkesbury Library.
 - **£18,250** towards recycling and waste bin facilities.
 - Provision of a **LEAP** on-site.
 - To provide an on-site community sports facility with a minimum internal area of 570 sq m internal floor area. The facility must have 4 team changing and 2 official changing rooms.
 - To secure the sports pitches in perpetuity.
 - To transfer the freehold for the sports pavilion and pitches to Tewkesbury Colts Football Club on completion

- Clauses/cascade provision for the ‘return’ of the facility to the Borough Council for a nominal fee should the Club ever want to cease running the facility in the future.

8.85 Discussions are currently ongoing about these requested contributions and an update will be provided at Committee. There is currently no signed legal agreement to secure the planning obligations outlined above. That said, this is a matter which could be resolved prior to the decision being issued, should permission be granted.

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 The application site is not allocated for housing development and does not meet any of the exceptions of Policy SD10 of the JCS or Policy RES3 of the TBP. The application therefore conflicts with Policy SP2 and SD10 of the JCS and Policy RES3 of the TBP and the conflict with these adopted development plan policies is the starting point for decision making. It is therefore necessary to consider whether there are any material considerations which indicate whether a decision should be made other than in accordance with the development plan.

Benefits

9.3 The development would contribute towards the supply of housing, both market and affordable housing to help meet the need for housing in the Borough in an area. The provision of affordable housing and particularly the provision of social rent units of a larger size is considered to be a significant benefit of the proposals to be weighed in the planning balance. The proposal would provide housing within a sustainable location with easy access to services and Tewkesbury town and this weighs heavily in favour of the development.

9.4 The applicant has also agreed to planning conditions which would allow for the delivery of housing within a short timeframe which would mean that the proposal would deliver housing in a shorter term which weighs in favour of the development

9.5 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.

9.6 The proposal includes the delivery of new community sports pavilion and pitches which is a very significant benefit, given the identified need in the Borough for new sports pitches and facilities.

Harms

9.7 Harm arises from the conflict with development plan policies and the spatial strategy relating to housing, particularly Policies SP2 and SD10 of the JCS.

- 9.8 There would be some harm to the landscape by reason of encroachment into undeveloped agricultural land beyond the settlement boundary. However, this landscape harm is localised, and minor considering the presence of built development to three sides of the site. There is potential to further minimise harm through sensitive design, layout and landscaping at reserved matters stage, it is therefore not considered that the harm would be significant.
- 9.9 There would be some harm from the loss of agricultural land, however the level of this harm is tempered by the fact that the grading of the site is subgrade 3b and is not therefore deemed to be the 'best and most versatile land.
- 9.10 Minor harm is also identified to designated heritage assets and great weight must be afforded to this harm. However, officers consider that the identified harm to designated heritage assets are outweighed by the public benefits of the proposals.

Neutral

- 9.11 It has been established through the submission documents that subject to securing satisfactory measures as part of any future reserved matters, and the imposition of appropriate planning conditions, the development would not give rise to unacceptable impacts in terms of, design and layout, highway safety, ecology or trees.

Overall Balance

- 9.12 Paragraph 7 of the NPPF is clear that the purpose of the planning system is to contribute to sustainable development. Whilst this application is contrary to the spatial strategy in the development plan each application must be considered on its own merits. In this case, it is considered that the material considerations arising from the application and its location the benefits of the proposal - which amount to the timely deliver of housing in a sustainable location alongside the provision of community facilities and economic benefits - significantly and demonstrably outweigh the identified harms. . Officers consider that this proposal represents sustainable development and that the material considerations in this application indicate a decision should be made other than in accordance with the development plan.

10. Recommendation

- 10.1 It is 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 any additional/amended planning conditions; and the completion of section 106 legal agreements to secure the heads of terms listed within this report (subject to any amendments arising from ongoing discussions)**

11. Conditions

- 1 Details of the access (save for the approved vehicular access into the site), appearance, landscaping, layout and scale (hereinafter called "the Reserved Matters") shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced and the development shall be carried out in accordance with the approved details.

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

- 2** Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 24 months from the date of this permission.

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

- 3** The development hereby permitted shall be begun either before:
- (i) the expiration of three years from the date of this permission, or
 - (ii) before the expiration of 12 months 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.

- 4** The development hereby permitted shall be carried out in general accordance with the following approved plans:

- Parameters Plan 09700-FPCR-ZZ-ZZ-DR-L-0011 03
- Site Access 05064-A-0103-P5

Reason: In order to define the permission and to ensure high quality design

- 5** The development hereby permitted shall provide no more than 250 dwellings

Reason: To define the scope of the permission

- 6** The first reserved matters application shall be accompanied by a residential design code. The design code is to be informed by a local character assessment and the parameters plan listed in condition 4 and shall demonstrate how the detailed proposals will address the following matters:

- house type details
- character areas
- street hierarchy
- key buildings (including corner turning dwellings and landmark buildings)
- principles for hard and soft landscaping
- approach to car parking
- approach to cycle parking

The design code shall include details of how the Building for a Healthy Life (BHL) Toolkit, Local and National Policy has been used to guide the design process.

The development shall be carried out in accordance with the approved design code.

Reason: To ensure good design

- 7** The submission of any Reserved Matters application relating to residential development pursuant to Condition 1 shall include a Market Housing Mix Statement, 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 for the area at the time of the submission. 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.

- 8** The relevant Reserved Matters application(s) submitted pursuant to Condition 1 shall include details of the materials to be used in the construction of the external surfaces of any building and surface treatments. Development shall be carried out in accordance with the approved details

Reason: In the interests of visual amenity

- 9** The details to be submitted as part of the Reserved Matters application(s) in accordance with Condition 1 shall include existing and proposed levels, including finished floor levels and a datum point outside of the site. All development shall be carried out in accordance with the approved details.

Reason: In the interests of residential amenity the visual amenities of the area.

- 10** The landscaping details to be submitted pursuant to Condition 1 shall provide full details of both hard and soft landscape proposals. 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..

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 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.

- 11** Prior to the commencement of development, including any preparatory work (excluding archaeological works), a scheme for the protection of the retained trees and hedgerows, in accordance with BS 5837:2012, including a Tree Protection Plan(s) (TPP) and an Arboricultural Method Statement (AMS) 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.

- 12** No development shall commence until a detailed site waste management plan has been submitted to and approved in writing by the local planning authority. The site waste management plan must identify the type and amount of waste materials expected to be generated from the development during site preparation and construction phases and set out what site 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 amount of waste sent to landfill. In addition, the site waste management plan must also clearly set out the proportion of recycled content from all sources that will be used in construction materials. The detailed site waste management plan shall be fully implemented as approved unless the local planning authority gives prior written permission for any variation.

Reason: To ensure the effective implementation of waste minimisation and resource efficiency in accordance with adopted Gloucester, Cheltenham, Tewkesbury Joint Core Strategy Policy SD3 – Sustainable Design and Construction; adopted Gloucestershire Waste Core Strategy; Core Policy WCS2 – Waste Reduction; adopted Minerals Local Plan for Gloucestershire Policy SR01 and Paragraph 8 of the National Planning Policy for Waste.

- 13** No above-ground development shall commence until full details of the provision made for facilitating the management and recycling of waste generated during occupation have been submitted to and approved in writing by the local planning authority. This must include details of the appropriate and adequate space and infrastructure to allow for the separate storage of recyclable waste materials. The management of waste during occupation must be aligned with the principles of the waste hierarchy and not prejudice the delivery of local waste management targets. All details shall be fully implemented as approved unless the local planning authority gives prior written permission for any variation.

Reason: To ensure the effective implementation of waste minimisation and resource efficiency in accordance with adopted Gloucester, Cheltenham, Tewkesbury Joint Core Strategy Policy SD3 – Sustainable Design and Construction; adopted Gloucestershire Waste Core Strategy; Core Policy WCS2 – Waste Reduction; adopted Minerals Local Plan for Gloucestershire Policy SR01 and Paragraph 8 of the National Planning Policy for Waste.

- 14** No development shall take place, including any demolition works, until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall provide for:
- 24-hour emergency contact number;
 - Hours of operation;
 - 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);
 - Routes for construction traffic;
 - Locations for loading/unloading and storage of plant, waste and construction materials;
 - Method of preventing mud being carried onto the highway;
 - Measures to protect vulnerable road users (cyclists and pedestrians)
 - Any necessary temporary traffic management measures;
 - Arrangements for turning vehicles;
 - Arrangements to receive abnormal loads or unusually large vehicles;
 - 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.

- 15** Details of the layout, (hereinafter called "the reserved matters") (including surface water drainage/disposal, street trees, details of the surfacing for (PROW-AWC5), vehicular parking per dwelling including visitor parking, turning head(s), street lighting, EV charging facilities and secure and covered cycle parking facilities per dwelling all within the site) shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in accordance with the approved plans.

Reason: - To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians in accordance with paragraphs 110 and 112 of the National Planning Policy Framework.

- 16** The Residential Travel Plan hereby approved, dated December 2022 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.

- 17** No works shall commence on site (other than those required by this condition) on the development hereby permitted until the first 20m of the proposed access road, including the junction with the existing public road and associated visibility splays, has been completed to at least binder course level.

Reason: - To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework.

- 18** The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 43m distant in both directions (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.

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

- 19** The development hereby approved shall not be occupied or be brought into use until the means of access for vehicles, pedestrians and cyclists, including tactile crossing points have been broadly constructed and completed as shown on drawing Figure 4-1 of the Transport Assessment dated July 2022.

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

- 20** Prior to the commencement of the construction works, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority, in consultation with National Highways. The approved plan shall be adhered to throughout the construction period.

Reason: To ensure that the M5 and A46 continue to serve their purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980 by minimising disruption on the SRN resulting from traffic entering and emerging from the application site and in the interests of road safety.

- 21** The development proposals hereby approved shall not be occupied, unless or until the improvement schemes identified for M5 Junction 9 as shown in the PFA Consultants 'Proposed Improvements to M5 Junction 9' drawing ref: H556/12, have been completed to the satisfaction of the Local Planning Authority (in consultation with National Highways) and are open to traffic

Reason: National Highways have assessed traffic impacts at the M5 J9 and the A46 and found them to be acceptable (subject to conditions) based on a range of committed infrastructure schemes identified for this junction/corridor. It cannot be confirmed that the proposals do not have a severe/significant impact on the SRN without these schemes in place. As such it is necessary to ensure these schemes are implemented and open to traffic in advance of the development proposals being occupied, to ensure the safe and efficient operation of the SRN.

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

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and

- iii. Provide a full risk assessment for flooding during the groundworks and building phases with mitigation measures specified for identified flood risks; and
- iv. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution for the lifetime of the development.

- 23** No development shall commence until drainage plans for the disposal of foul water have been submitted to and approved in writing by the local planning authority. None of the dwellings hereby approved shall be first occupied until the foul water drainage scheme has been implemented in accordance with the approved details.

Reason: To ensure suitable foul drainage is provided to serve the proposed development.

- 24** No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

Reason: It is important to agree a programme of archaeological work in advance of the commencement of development, so as to make provision for the investigation and recording of any archaeological remains which may be present. The archaeological programme will advance understanding of any heritage assets which will be lost, in accordance with paragraph 205 of the National Planning Policy Framework

- 25** Prior to the commencement of development, a Construction Ecological Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall provide detailed Method Statements. These Method Statements shall include all the measures detailed in the Ecological Assessment prepared by Ecology Solutions dated June 2022 including those proposed for GCN in accordance with the District Licence. It should also include measures to protect hedgehogs.

The development shall be implemented fully in accordance with the CEMP, unless otherwise agreed in writing by the Local Planning Authority

Reason: To protect biodiversity and protected species

- 26** Prior to the commencement of development, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP should expand on the mitigation and enhancement measures outlined in the Ecological Assessment prepared by Ecology Solutions dated June 2022, including longer-term management and monitoring activities (covering a minimum period of five years). It should include all the measures proposed for GCN in accordance with the District Licence. It should also include provision of a permanent pond, gaps at the base of fences for hedgehogs, hedgehog houses and insect hotels. The LEMP should include plans showing locations and extent of all habitats and wildlife features, and a timetable of activities. A Responsible Person / organisation needs to be stated and the method by which the protection of retained and created habitats and open spaces will be secured. The LEMP must demonstrate how the development will enhance biodiversity within the site demonstrating a minimum of 10% net biodiversity gain.

The development shall be implemented fully in accordance with the LEMP, unless otherwise agreed in writing by the Local Planning Authority

Reason: To protect biodiversity and protected species

- 27** Prior to the installation of any external lighting, including flood lighting, for the development hereby permitted details of the lighting shall be submitted and approved by the local planning authority. This lighting scheme shall show contour plans highlighting lux levels, specifically when spilling onto adjacent/important habitats for wildlife. The development hereby permitted shall not be carried out otherwise than in accordance with the approved lighting details and the approved lighting details shall thereafter be retained for the lifetime of the development, unless agreed in writing by the Local Planning Authority

Reason: In the interests of biodiversity and residential amenity

- 28** No development shall take place unless and until:
- a) A detailed assessment of ground conditions of the land proposed for sports pitches as shown on drawing number 09700-FPCR-ZZ-ZZ-DR-L-0011 03 02 has been undertaken (including drainage and topography) to identify constraints which could affect playing field quality; and
 - b) Based on the results of this assessment to be carried out pursuant to (a), a detailed scheme to ensure that the playing fields will be provided to an acceptable quality (including appropriate drainage where necessary) shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England.

The works shall be carried out in accordance with the approved scheme within a timescale to be first approved in writing by the Local Planning Authority after consultation with Sport England.

Reason: To ensure that site surveys are undertaken for new or replacement playing fields and that any ground condition constraints can be and are mitigated to ensure provision of an adequate quality playing field and to accord with LP Policy.

- 29** Prior to the bringing into use of the sports pitches and community sports facility a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the sports pitches and community sports facility.

Reason: To ensure that new facilities are capable of being managed and maintained to deliver facilities which are fit for purpose, sustainable and to ensure sufficient benefit of the development to sport (National Planning Policy Framework (NPPF) para 99) and to accord with LP Policy

- 30** No dwelling hereby permitted shall be occupied until details of the design and layout of community sports facility have been submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England]. The community sports facility shall not be constructed other than in accordance with the approved details.

Reason: To ensure the development is fit for purpose and sustainable and to accord with Development Plan Policy

- 31** Each reserved matters application submitted pursuant to condition 1 which includes any dwellings shall be accompanied by a noise survey to identify any dwellings that would be likely to be affected by road noise from the M5. The survey shall have been undertaken by a competent person, shall include periods for daytime as 0700 to 2300 hours and night-time as 2300 to 0700 hours, and shall identify those dwellings which require noise mitigation measures. All dwellings requiring noise mitigation shall thereafter be designed so as not to exceed the noise criteria based on current figures by the World Health Organisation Community Noise Guideline Values/BS 8233 conditions given below:
- Dwellings indoors in daytime: 35 dB LAeq,16 hours
 - Outdoor living area in daytime: 55 dB LAeq,16 hours
 - Inside bedrooms at night-time: 30 dB LAeq,8 hours (45 dB L_{Amax})
 - Outside bedrooms at night-time: 45 dB LAeq,8 hours (60 dB L_{Amax})

No dwelling requiring noise mitigation measures shall be occupied until those noise mitigation measures have been implemented and they shall be maintained as approved thereafter.

A scheme of post installation testing for a representative sample of properties shall be approved by the local planning authority and carried out to demonstrate compliance with the above. Where not achieved suitable attenuation measures shall be implemented for all affected properties and these attenuation measures shall be submitted to and approved in writing by the Local Planning Authority

Reason: In the interests of residential amenity

- 32** The sports pitches shall not be used outside of 08:00-21:00 Monday to Sunday

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

- 33** No plant or machinery shall be installed on the community sports facility until a scheme for the installation and mitigation with respect to noise impact has been submitted to and approved by the local planning authority. The submission shall detail manufacturers' specifications and acoustic performance data. The submission shall also include the prediction or measurement of the noise impact at the nearest noise sensitive receptor and the rated sound level shall not exceed background level. The methodology of BS 4142:2014+A1:2019 shall be used.

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

- 34** Deliveries to, and collections (Including refuse and recycling) from the sports pavilion shall not be made outside the following hours: 08:00 – 20:00.

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

- 35** 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

- 36** 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.

- 37** Prior to commencement of any development a Construction (and demolition) Environmental Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The CMP shall include (but is not limited to):
- a. Site access/egress
 - b. Staff/contractor facilities and travel arrangements
 - c. Dust mitigation
 - d. Noise and vibration mitigation (Including whether piling or power floating is required and please note white noise sounders will be required for plant operating onsite to minimise noise when in operation/moving/ reversing)
 - e. Mitigation of the impacts of lighting proposed for the construction phase
 - f. Measures for controlling leaks and spillages, managing silt and pollutants
 - g. Plans for the disposal and recycling of waste

Development shall take place only in accordance with the approved CMP.

Reason: To protect existing and proposed properties from the impacts of short term exposure to noise, vibration, light

and dust nuisance

Reason: To protect existing and proposed properties from the impacts of short term exposure to noise, vibration, light and dust nuisance.

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** For avoidance of doubt the submitted Illustrative Master plan has been treated as being for illustrative purposes only.
- 3** The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out.
- 4** 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 Council's costs in undertaking the following actions:
 - Drafting the Agreement
 - A Monitoring Fee
 - Approving the highway details
 - Inspecting the highway works
- 5** 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.
- 6** The development hereby approved includes the construction of new highway. To be considered for adoption and ongoing maintenance at the public expense it must be constructed to the Highway Authority's standards and terms for the phasing of the development. You are advised that you must enter into a highway agreement under Section 38 of the Highways Act 1980. The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980.
- 7** Contact the Highway Authority's Legal Agreements Development Management Team at highwaylegalagreements@gloucestershire.gov.uk. You will be required to pay fees to cover the Council's cost's in undertaking the following actions:
 - Drafting the Agreement
 - Set up costs
 - Approving the highway details
 - Inspecting the highway works

- 8** You should enter into discussions with statutory undertakers as soon as possible to co-ordinate the laying of services under any new highways to be adopted by the Highway Authority. The Highway Authority's technical approval inspection fees must be paid before any drawings will be considered and approved. Once technical approval has been granted a Highway Agreement under Section 38 of the Highways Act 1980 must be completed and the bond secured.
- 9** 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.
- 10** There is a public right of way running through the site, the applicant will be required to contact the PROW team to arrange for an official diversion, if the applicant cannot guarantee the safety of the path users during the construction phase then they must apply to the PROW department on 08000 514514 or highways@gloucestershire.gov.uk to arrange a temporary closure of the right of way for the duration of any works. We advise you to seek your own independent legal advice on the use of the public right of way for vehicular traffic.
- 11** 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.
- 12** 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.
- 13** The CEMP should clearly identify how the principle contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues.

- 14 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.
- 15 CEMP can include but is not limited to:
- A construction programme including phasing of works;
 - 24-hour emergency contact number;
 - Hours of operation;
 - Expected number and type of vehicles accessing the site;
 - Deliveries, waste, cranes, equipment, plant, works, visitors;
 - Size of construction vehicles;
 - The use of a consolidation operation or scheme for the delivery of materials and goods;
 - Phasing of works;
 - Means by which a reduction in the number of movements and parking on nearby streets can be achieved (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction):
 - Programming;
 - Waste management;
 - Construction methodology;
 - Shared deliveries;
 - Car sharing;
 - Travel planning;
 - Local workforce;
 - Parking facilities for staff and visitors;
 - On-site facilities;
 - A scheme to encourage the use of public transport and cycling;
 - Routes for construction traffic, avoiding weight and size restrictions to reduce unsuitable traffic on residual roads;
 - Locations for loading/unloading, waiting/holding areas and means of communication for delivery vehicles if space is unavailable within or near the site;
 - Location for storage of plant/waste/construction materials;
 - Arrangements for the turning of vehicles, to be within the site unless completely unavoidable;
 - Arrangements to receive abnormal loads or unusually large vehicles;
 - Swept paths showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available;
 - Any necessary temporary traffic management measures;
 - Measures to protect vulnerable road users (cyclists and pedestrians);
 - Arrangements for temporary facilities for any bus stops or routes;
 - Highway Condition survey;
 - Method of preventing mud being carried onto the highway; and
 - Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.