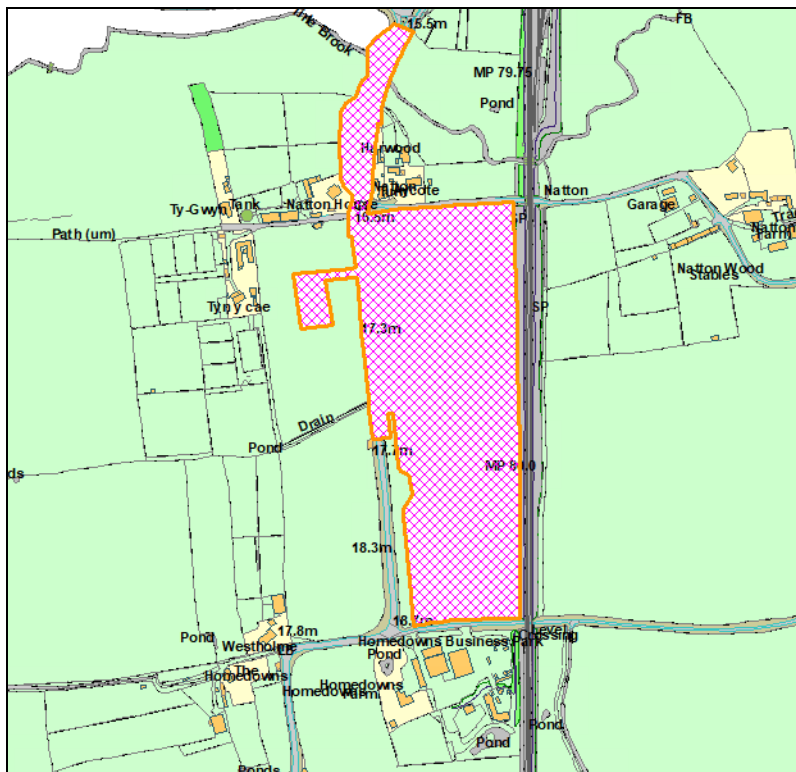


Planning Committee

Date	15 August 2023
Case Officer	David Lowin
Application No.	22/01320/OUT
Site Location	Parcel 5558 Road From Natton To Homedowns Ashchurch
Proposal	Outline application for residential Development (up to 120 dwellings), associated works including infrastructure, open space and landscaping. Vehicular access from Fiddington Lane.
Ward	Isbourne
Parish	Ashchurch Rural
Appendices	Site location plan Parameter plan Illustrative Master plan Environmental designations plan Cumulative Sites plan
Reason for Referral to Committee	Outline application in excess of 20 dwellings
Recommendation	Minded to approve (Non-determination appeal)

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=RMH1YCQD0PB00>

- 1.1** The application was made to the Council on 6th December 2022. Since that date the Officers have engaged proactively with the applicants. A 'holding 'direction' in force following consultation with National Highways has recently been withdrawn at the end of June. A submission in June by the applicants contained revised Biodiversity Net Gain (BNG) calculations have now been positively considered by the ecology advisor. The application determination date was 14th April 2023. The applicants did not respond to a request to extend the expiry date, despite some consultation responses being outstanding at that time. A notice of intention to appeal was received by the Council 3rd May. A letter was sent by Officers in response expressing concern at this action in particular noting the key consultation responses outstanding, most notably those from National Highways and the Highway Authority and drawing attention to The Procedural Guide: Planning Appeals England version 26 April 2023 in particular section 3, 'Before making an appeal'. In particular, Paragraph 3.1.2 cautions that making an appeal should not be used as a bargaining tool but only as a last resort, and that a prospective appellant 'should be confident at the time they make their appeal that they are able to make their full case'. Nevertheless, an appeal was lodged for Non-Determination on 6th June 2023. It is noteworthy that a duplicate application was received on 22nd June. The Council must therefore advise the Secretary of State of its views on the proposals by 18th August to inform the non-determination appeal.

2. Site Description and Proposal

- 2.1** The total application site area including highway land and the land required for a sewer connection comprises some 6.96 Hectares(ha). That part of the application site where the new dwellings are proposed along with areas of open space and situated east of Fiddington lane totals some 6.02ha. A topographical survey of the site confirms that the site is currently ridge and furrow, with a general fall from west to east and from south to north. The land currently is in use as a horse pasture. The application is made in outline with all matters reserved for future consideration apart from access from Fiddington Lane.
- 2.2** The application site lies to the east of the approved 'Land at Fiddington Ashchurch' site (Application reference: 17/00520/OUT), where a residential development of up to 850 dwellings is to be constructed, along with a primary school, local centre, supporting infrastructure, utilities, ancillary facilities, open space, landscaping, play areas, recreational facilities was approved at appeal. To the north of this is the consented retail outlet centre and garden centre (17/01203/FUL). Approximately 600m to the west of the site is a further approval at appeal site for residential development of up to 460 dwellings granted planning consent in March 2022 (Application ref. 21/00451/OUT)
- 2.3** The Site comprises agricultural land and is broadly rectangular in shape, with associated boundary hedgerows, scattered scrub and seasonally wet ditches. Adjacent to the eastern boundary is the Bristol to Birmingham main railway line running parallel with the length of the eastern boundary. The southern boundary is adjacent to an unnamed lane with Homedowns Business Park abutting the lane on its southern side, that site has recently been granted consent for a significant re-development for employment use. The unnamed lane is part of long-distance recreational route, the Gloucestershire Way, a 151km a protected permissive long-distance footpath route linking Tewkesbury to Chepstow Castel,

Monmouthshire. At the Southeast corner the site abuts the unnamed lane and a level crossing of the railway line which provides access to pedestrians, cyclists and some landowners vehicles to the Gloucestershire Way, though the route over the level crossing itself does not form part of the public right of way network. The western boundary is defined by a hedgerow beyond which is Fiddington Lane. The northern boundary is adjacent to an unnamed lane with residential properties abutting part of the boundary. The Site is almost entirely located in Flood Zone 1 which is considered the lowest risk for flooding by the Environment Agency. The north-eastern corner of the site is recorded as being within Flood Zone 2 and 3.

- 2.4 The Site is located approximately 3km east of the centre of Tewkesbury and some 1km north of the hamlet of Fiddington. The centre of Cheltenham is located circa 10km south of the Site, and Gloucester city centre c.16km south-west of the Site.
- 2.5 No PROW (Public Right of Way) crosses the Site. Within the wider locality, a PROW network is present connecting the Site to Tewkesbury and surrounding villages. In addition, the site immediately adjoins, to the south, the Gloucestershire Way, described above..
- 2.6 The Site lies close to the main A46 Tewkesbury to Evesham Road and Junction 9 of the M5. Ashchurch railway station, located around 800m from the site to the north.
- 2.7 The Site is not in, or adjacent to, an environmentally sensitive area, as defined by Regulation 2(1) of the EIA Regulations (i.e. sites designated as Sites of Special Scientific Interest (SSSI), National Parks, World Heritage Sites, Scheduled Monuments, Area of Outstanding Natural Beauty, and sites covered by international conservation designations, and therefore is not considered to represent an environmentally sensitive location.
- 2.8 The Site sits within an SSSI Impact Risk Zone for the Severn Ham Tewkesbury SSSI (3.2 km to the West) and Old River Severn, Upper Lode SSSI (some 4km to the west). It also falls within the category of, "Residential Rural Residential- Any residential development of 100 or more houses outside existing settlement/urban areas" requires a consultation with Natural England. As the north-eastern and a section of the highway land is subject to Flood Zones 2 and 3 National Planning Policy requires all planning applications above certain thresholds to include a Flood Risk Assessment (FRA), including mitigation in the form of a drainage strategy which has been submitted with the application.

Appeal Proposal

- 2.9 The application is made in outline with all matters reserved for future consideration and comprises residential development for up to a maximum of 120 dwellings, associated works including infrastructure, open space, and landscaping with vehicle access from Fiddington Lane, via the same vehicular access points constructed in connection with the consented retail and residential development to the North. These highway works have been undertaken to deliver the access arrangements to facilitate the 'Ashchurch Garden Centre and Retail Outlet Centre' from Fiddington Lane/A46 to the north of the site. This involves the realignment of Fiddington Lane, a new roundabout serving the retail development and upgrading of the A46(T) / Fiddington Lane junction to a signal controlled junction. These works have recently been completed and include footway/cycleways, a new toucan crossing and bus stops on the realigned Fiddington Lane. There is also a proposed pedestrian and cycle link from the site lying parallel to the proposed access road corridor, which will be segregated from the highway to encourage sustainable modes of transport and.

- 2.10** Pre- application public consultation was undertaken by the applicant prior to the submission of the application and comprised the delivery of some 1,600 leaflets delivered to homes in the area. The 'leaflet drop' was the subject of notification to Members of the County, Borough, and Parish Councils. Details of this exercise are reported by the applicant in a submitted Statement of Community Engagement.
- 2.11** A screening opinion to determine the requirement for an Environmental Impact Assessment to accompany the application was submitted to the Council on 13th July 2021. The Screening Opinion confirmed, based on the information submitted at that time, that an Environmental Statement was required. The quantum of new dwellings proposed through this application is now less than that the subject of the Screening Opinion. However, an ES has nonetheless been submitted with this application which addresses the matters set out in the Screening Opinion. The application's accompanying Environmental Statement required as the proposed development constitutes EIA (Environmental Impact Assessment) development in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017. The Environmental Statement (ES) assesses a range of social, environmental, and economic issues. The ES includes assessments in its appendices of: Biodiversity, Landscape & Visual Amenity, Cultural Heritage & Archaeology, Transport & Access, Air Quality, Noise & Vibration, Economics & Population, Flood Risk, Agricultural Land Quality, Energy, Climate Change & Waste, Flood Risk Assessment.
- 2.12** Whilst the application is submitted in outline an Illustrative Masterplan together with the necessary parameters plan on which the ES technical reports are based is provided to demonstrate how the site can deliver the scale of development proposed. The Illustrative Masterplan, shows how the development might be laid out to respond to identified constraints and opportunities on the site, including those identified in the technical reports submitted as part of the planning application and the supporting Environmental Statement.
- 2.13** The Illustrative Masterplan shows areas of amenity green space, incidental informal open space, landscaping, play areas, parking and estate roads located on the northern half of the site. An access corridor is proposed to be provided running northwards from the principal developed area of the site through the areas of open space to the site's vehicular access to join the consented infrastructure as described above situated to the North. To the southeast of this proposed corridor a pond for managing surface water is proposed. The technique proposed to control water is a mixture of attenuation ponds, outfalls, flood compensation storage and underground pipes.
- 2.14** The residential development would be mainly two storeys with an allowance to be 2.5 storey (10.5 and 11.5 metres above future ground level). The Master plan shows areas dedicated for biodiversity enhancements, amenity open space, play areas, footways /cycleways and surface drainage attenuation. These are proposed to be located around the residential areas to provide a buffer to adjacent land uses, principally Fiddington Lane and the railway line. Existing hedgerows are proposed to be retained to form the boundary treatment and green space within the site. The applicant has submitted a BNG (Biodiversity Net Gain) calculation demonstrating a 28% increase over the current baseline in habitat units and a 46% increase in hedgerow units. The applicant has very recently submitted a revised BNG based on the latest DEFRA metric 4.0 which shows that a net gain in biodiversity would be delivered as a result of the Proposed Development. Specifically, an increase in habitat units from approximately 12.89 units to 16.60 units (which equates to a 28.73% increase) and an increase in hedgerow units from approximately 3.01 units to 4.41 units (which equates to a 46.37% increase).

- 2.15** The relationship to the railway line that forms the Eastern boundary of the site is shown on two site sections submitted by the applicant as part of the Design and Access Statement. Where properties, as shown on the illustrative layout, *front onto* the railway line, which is on the top of a circa 2 to 3m embankment to the proposed finished ground floor level of those dwellings, provide a 20m buffer from the front facade of the proposed dwellings to the base of the railway embankment is proposed. Included within this buffer is frontage parking, an informal street and a landscaped bund of some 2.5 metres high which would be topped by a 1.5m high acoustic fence (i.e. 1.5m height above the railway line and 4.5m above the ground floor level of the proposed dwellings). Where properties *back onto* the railway line a minimum of 17m from the rear facades of the dwellings on this boundary to the base of the railway embankment is shown on the illustrative layout. This would comprise a 10m buffer from the back of property facades, plus a further 1m high bund of some 7 metres in width topped by a 2.5m acoustic fence.
- 2.16** The proposals as shown on the Illustrative Master Plan and parameters plan provide for a total area of some 2.09 ha of open space, comprising 0.49 ha for parks and gardens, 0.595ha for amenity green space and finally 1.0 ha of natural and semi natural open space. The composition and amount of provision of open space has been informed by the applicant's reference to Council's Social, Sport and Open Spaces Study and its associated Developer Contributions Toolkit and by the latest Fields in Trust standards for on-site provision. It is proposed that a Local Equipped Area of Play (LEAP) and Local Area of Play (LAP) would be provided on site.

3. Relevant Planning History

- 3.1** There is no relevant planning history relating specifically to the appeal site, however a duplicate application (planning ref. 23/0059/OUT) has been submitted and is currently under consideration.
- 3.2** The application site adjoins a larger scheme to the west known as 'Land at Fiddington', that has outline approval (planning ref: 17/00520/OUT) for 850 residential units along with a primary school, local centre, open space, landscaping, play areas, and recreational facilities. North of this approved residential scheme is a consented retail development (planning ref: 13/01003/OUT) comprising a garden centre (now built and operating) and retail outlet centre (under construction). To the southwest of the site is another residential development 'Land North West of Fiddington' with outline approval for 460 residential units (planning ref: 21/01348/OUT), along with a primary school, open space, play areas and recreation facilities. Vehicular access to both the approved residential schemes and consented retail development is from the A46(T) with cycle, emergency and bus access from Fiddington Lane for the residential schemes
- 3.3** The Secretary of State (SoS) considering the upheld appealed scheme for 850 dwellings, referenced above, is of relevance, who when considering the Inspectors decision found:

'The appeal scheme is in accordance with Policies SD4, SD6 and INF4 of the development plan. He has found the proposal to be in conflict with policies SP2(8), REV 1 and SD10 of the JCS, but given that the partial review of the JCS is at a very early stage at best, he considers that the weight to be attached to those conflicts must be reduced'

'The Secretary of State therefore considers that the scheme is in accordance with the development plan overall.'

3.4 To date the review of the JCS has yet to move materially forward. The SoS found at the time of decision in 2020 that the Council did not have a five-year housing land supply. The SoS in considering the planning balance of this scheme found that there was limited harm to the plan led approach, the loss of an area of countryside and harm to heritage assets were of very limited weight. The SoS found that the addition of new housing including affordable housing, together with significant economic benefit weighed in overall favour of the scheme, concluding that:

'there are no material considerations which indicate that the proposal should be determined other than in accordance with the development plan'.

3.5 The nearby site granted at appeal referenced above for 460 dwellings is also relevant (Ref 21/00451/OUT). The Inspectors decision notes that the proposal would be contrary to Policies SP2 and SD10 of the JCS. At that time in circumstance like the SoS decision referenced above the Council did not have a five-year housing land supply and as a result found these policies to be out of date. In terms of material circumstances the Inspector found that the identified benefits of the scheme, like those of the present case were such that attracted significant weight. In summary the Inspector found:

'Few adverse impacts have been identified beyond the harm arising from conflict with the development plan. There would be some landscape and visual harm, but this would be relatively modest and would reduce over time as mitigation matures. A modest amount of agricultural land would also be lost.'

Adding that:

'The site is located close to Tewkesbury, a market town and focus for development in the area, a location accepted to be sustainable in an accessibility sense and where Strategic Allocations were anticipated by the JCS. It is also an area where the Council has aspirations for a Garden Town that would see housing development in this general location'.

4. Consultation Responses

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

4.1 Ashchurch Rural Parish Council (ARPC) – **Object** on basis of traffic issues as set out in a submitted report from the Parish's transport consultant. ARPC also object on grounds that Natton Lane junction is not currently designed to enable a single entrance to the development and Natton Lane. ARPC believe this needs to be reprofiled. ARPC also object to this on grounds that the existing junction has restricted visibility to the south which poses a high risk to road users.

If permission were to be granted, ARPC would request S106 funds are apportioned to enforce traffic speed limits in the form of a Vehicle Activated Sign. ARPC also request S106 funds are allocated to improve pedestrian access and cycle provisions though the proposed development and ask they are designed in such a way as to link with the Gloucestershire Way at Homedowns. ARPC also request an S106 contribution is made to the planned Community Centre in the planned neighbouring housing estate to mitigate for the residents of the proposed development.

- 4.2 TBC Drainage Engineer - Defer to the LLFA as this is a major development.
- 4.3 National Highways - Initial response recommended deferral of the decision for three months. A follow up further response recommend that planning permission not be granted for a further period up to three months from 20th March 2023. A recent document submitted by National Highways consultants following discussions with and new data from the applicant's transport consultants notes that the development can be accommodated on the SRN (Strategic Road Network) without any further capacity improvements. This position has now been formally confirmed by National Highways who raise **No Objections** subject to a recommended Grampian Condition. The recommended condition requires that funded and ongoing works to Junction 9 of the M5 are completed prior to implementation of any consent. These works are currently on site and it is understood are substantially completed.
- 4.4 Gloucestershire Highway Authority – **No Objection** in principle but initially recommended that the determination of the application be deferred until the applicant has provided further information concerning technical matters contained in their submitted Transport Assessment and the completion of a S106 to provide a Travel Plan. A further response was received by the Council in late July that confirmed the HAs position and recommended conditions and financial obligations..
- 4.5 Gloucestershire Lead Local Flood Authority (LLFA)- **No Objection** subject to recommended condition.
- 4.6 Network Rail – **Objection** on the basis that the development proposals for 120 dwellings will cause additional risk to safety at Homedown Level Crossing.
- 4.7 Tree Officer – **No Objection** subject to conditions.
- 4.8 Gloucestershire County Council Waste and Minerals – **No Objection** subject to appropriate conditions and consultation response from EHO.
- 4.9 Severn Trent Water – **No Objection** subject to conditions.
- 4.10 Environment Agency – **No objections in principle** subject to recommended conditions dealing with fluvial flood risk, in particular the requirement to condition floor levels as a minimum 600mm above the Design Flood level of 16.04 m above Ordnance Datum and a restriction of storage of materials or soil as defined by a specific drawing in the applicant's flood risk assessment. In addition, the EA stress the importance of the foul drainage connection coming on board in a timely manner for the proposed development.
- 4.11 Natural England- The site falls outside the consultation arrangements for Natural England, Development Management Procedure Order (as amended) consultation arrangements, as the proposed development would not lead to the loss of over 20 ha 'best and most versatile' agricultural land. NA have therefore not made any detailed comments in relation to agricultural land quality and soils.

- 4.12 Housing Strategy and Enabling Officer- No Objection** but applicants submitted draft heads of terms that require amendment to provide 40% on-site affordable housing provision in accordance with JCS Policy SD12. This amounts to 48 No: affordable housing units. The required housing mix, standards and tenure is set out in detail in the consultee's response.. In summary, The affordable housing dwellings will be provided in a 60% Social Rent and 40% Affordable Home Ownership tenure split, based on 120no. dwellings this equates to 29no. Social Rent and 19no. Affordable Home Ownership. The affordable housing will be provided in clusters of 8no. clusters and 12no. flats, and 50% M4(2) Former lifetime homes standard and 4no. (being 8%) M4(3)b wheelchair access will be provided
- 4.13 Landscape Adviser**– Having reviewed the applicants submitted Landscape and visual amenity assessment TBC's appointed landscape advisor considered the scheme in the context of Development Policy. In summary the Landscape advisor considers that overall, there appears to be more compliance, or potential to comply with applicable landscape planning policies than conflict with the same.
- 4.14 Environmental Health** – **No Overall Objection** subject to recommended conditions.
- 4.15 County Archaeologist- No Objection**, low risk that archaeological remains will be adversely affected by this development proposal. Recommend that no archaeological investigation or recording need be undertaken in connection with this scheme.
- 4.16 Ecological Adviser**- The ecology advisors recommend that they raise **No Objections** but recommend appropriate conditions.
- 4.17 Gloucestershire Wildlife Trust** – **No Objection**, GWT recommends that the proposal is developed in line with the recognised Building with Nature Standards. This will ensure the green infrastructure is delivered to a high standard and we would propose getting this site Building with Nature Accredited. This will future proof the development in line with green infrastructure policy in the Joint Core Strategy.

5. Third Party Comments/Observations

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

- 5.1** The application has been publicised through the posting of a site notice and neighbour notifications for a period of 30 days.
- 5.2.** Eleven communications of objection have been received from residents together with a 15-page submission from a local organisation entitled 'Save our Lanes Association'. The objections including the Save our Lanes Community Association are summarised as follows:
- Not in accordance with, or identified in the Ashchurch Rural Neighbourhood Plan (ARNDP), Tewkesbury Borough Local Plan, and Joint Core Strategy(JCS) or Tewkesbury Garden Town Concept Masterplan
 - TBC are now able to demonstrate a 6.4-year housing land supply.
 - Completion of existing permitted development is likely to be post 2030.
 - Site not a suitable location
 - Accumulative development will create urbanisation and landscape harm.
 - Development has no local facilities.
 - Proximity to railway.
 - Not plan led, but opportunist infill.

- Harms outweigh the benefit.
- More than 1300 dwellings are to be built in the immediate area.
- Light pollution.
- Traffic Impact on Fiddington Lane and other locations.
- Loss of Amenity for Vulnerable Road users (Road safety) due to increase in traffic (Rat Running).
- Loss of quiet tranquillity, for existing community due to increase traffic.
- Loss of amenity for equestrian community.
- Accumulative Impact with other developments of increase in traffic on locations further afield.
- Road Safety issues.
- Concern for the vulnerable road users.
- Accumulative impact of vehicular, cycle and pedestrian access on to Fiddington Lane from this site, also with the development of the 850 + 460 dwellings to the west which includes pedestrian, cycle and bus access on to Fiddington Lane within 200m of this site access.
- Safety concerns for the length of Fiddington Lane.
- Flooding, residents' concerns of flooding have not been sufficiently addressed.
- No self-build or contract housing plots mentioned.

5.3 The Council has received a letter in July from the MP for Tewkesbury who objects to the submitted proposal, in particular:

- The current congestion on the A46 and the need for adequate improvements to be made prior to the development proceeding.
- Area prone to flooding and whilst the onsite mitigation may be sufficient for the development site the development of the land doesn't provide for, help or reassure the existing nearby properties.

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) and National Design Guide and National Model Design Code

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 SD3 (Sustainable Design and Construction)
- Policy SD4 (Design Requirements)
- Policy SD6 (Landscape)
- Policy SD7 (Cotswolds Area of Outstanding Natural Beauty)
- Policy SD8 (Historic Environment)
- Policy SD9 (Biodiversity and Geodiversity)

- Policy SD10 (Residential Development)
- Policy SD11 (Housing Mix and Standards)
- Policy SD12 (Affordable Housing)
- Policy SD14 (Health and Environmental Quality)
- Policy INF1 (Transport Network)
- Policy INF2 (Flood Risk and Management)
- Policy INF3 (Green Infrastructure)
- Policy INF4 (Social and Community Infrastructure)
- Policy INF6 (Infrastructure Delivery)
- Policy INF7 (Developer Contributions)

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

- Policy RES 1 (Housing Site Allocations)
- Policy RES 5 (New Housing Development)
- Policy RES 12 (Affordable Housing)
- Policy RES 13 (Housing Mix)
- Policy DES 1 (Housing Space Standards)
- Policy LAN 1 (Special Landscape Areas)
- Policy LAN 2 (Landscape Character)
- Policy LAN 3 (Gaps of Local Importance)
- Policy LAN 4 (Locally important Open Spaces)
- Policy LAN 5 (Local Green Spaces)
- Policy HEA 1 (Healthy & Active Communities)
- Policy NAT 3 (Green Infrastructure; Building with Nature)
- Policy RCN 1 (Public Outdoor space, Sports Pitch and Sports Facility Provision)
- Policy TRAC 1 (Pedestrian Accessibility)
- Policy TRAC 2 (Cycle Network & Infrastructure)
- Policy TRAC 3 (Bus Infrastructure)

6.5 Minerals Local Plan for Gloucestershire (2018 – 2032) (March 2020)

Policy MS01 (Non-mineral developments within Mineral Safeguarding Areas)

6.6 Ashchurch Rural Parish Neighbourhood Development Plan 2020-2031(ARNP)

The plan by virtue of successful referendum became part of the Development Plan on 27th September 2022 following a resolution by the Council. The site is within the area of the ARNP but is not allocated for development. The Plan at Figure 7 shows the application site to the immediately East of the development area of Fiddington as allowed following the appeals referenced in this report. Table 3 of the Plan states that the ARNP will generally resist 'major development' except on allocated sites. Policy T1; (Modal shift for major development) of the ARNP supports proposals for major development where they can demonstrate measures to integrate the new community with existing communities.

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), the Tewkesbury Borough Local Plan to 2011-2031 (June 2022) (TBLP), and Ashchurch Rural Neighbourhood Plan (ARNP)
- 7.3 The relevant policies are set out in the appropriate sections of this report.
- 7.4 Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2021 and its associated Planning Practice Guidance (PPG), the National Design Guide (NDG) and National Model Design Code.

8. Evaluation

Principle of the 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 the 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 some 200m metres outside of the settlement boundary of Tewkesbury, lying to the Northwest of the site to the east beyond the railway, and some 250 metres from an identified business site at Newton Farm, but additionally benefits from proximity to the existing service and community facilities within Tewkesbury town as well as proximity to community infrastructure within the adjacent land parcels which benefit from planning permission and are currently undergoing development.
- 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:
- 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 Government's objective of significantly boosting the supply of homes, the requirement to maintain a five year supply of deliverable housing sites, and the proximity and accessibility of the application site to community infrastructure. 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** As set out in the latest Tewkesbury Borough (TBC) Housing land supply statement in March 2023 the Council considers that the Borough can demonstrate a five-year land supply using the standard method. 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. 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. 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. On 7th March 2023, the Council's Interim Five-Year Housing Land Supply Statement was published which set 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. This is a position not accepted by the current applicants with respect to the subject site.
- 8.10** The Council's approach to calculating the five-year housing land supply under the standard method was considered by Inspectors appointed by the Secretary of State at two appeals earlier this year, Hill End Road, Twynning (January 2023) and St Margaret's Drive, Alderton (April 2023). In both appeals the Inspectors did not accept the Council's revised approach to calculating the five-year housing land supply following the introduction of the standard method. Consequently, in the opinions of the Inspectors, the Council could not demonstrate a five-year housing land supply. However, the Council maintained its approach to calculating its five-year housing land supply at the recent appeal at Trumans Farm, Gotherington where the Inspector's decision is awaited. The Council consider that currently a five-year land supply can be demonstrated, and the 'tilted balance' is not currently engaged, and as a result the adopted strategic policies of the JCS are still considered to carry full weight.

Tewkesbury Garden Town

- 8.11** The application site lies within an area which in 2019 was awarded Garden Town Status as part of the Garden Communities programme. The Garden Town will deliver circa 10,000 homes and 120 hectares of employment land to meet the requirements of the Garden Communities programme. That site is now the beneficiary in large part of the various appeal site approvals as set out in the planning history section of this report including retail and housing development. The status of the Garden Town has attracted considerable government investment including, in June 2021 £2.4m by the Ministry of Housing, Communities and Local Government's (MHCLG) (now LUHC) Garden Communities Programme to contribute to the operational costs of delivering its Garden Town Programme. MHCLG also awarded the Council funding through its New Development Corporation Competition to progress the exploration of an appropriate delivery vehicle to oversee the completion of the Garden Town.
- 8.12** Early thinking in terms of the vision for the development of the Ashchurch area was first consulted on through the issues and options consultation of the JCS. Separately, a Concept Masterplan was drawn up and noted by the TBC Executive Committee on 6th October 2021, allowing the document to be used in a public forum for engagement and consultation purposes. The Council acknowledge that at the current time the Concept Plan for the Garden Town does not have any status as a planning document and that the inclusion of the application site in it does not prejudice or prejudge the normal operation of the planning system.

Landscape, visual impact and design

- 8.13** The NPPF sets out that planning decisions should contribute to and enhance the natural and local environment. Policy SD6 of the JCS states that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental, and social well-being.
- 8.14** 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.
- 8.15** The National Design Guide (NDG) addresses the question of how we recognise well-designed places, by outlining and illustrating the government priorities for well-designed 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. 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.

- 8.16** The site does not fall under any statutory or non-statutory landscape designation. The Cotswold Area of Outstanding Natural Beauty (AONB) and Special Landscape Area are located some 3 km to the east of the site. There is one permissive and protected right of way (The Gloucestershire Way) located immediately adjoining the southern boundary of the site. Whilst this site contributes to the wider setting of the Cotswolds AONB, the site itself is of local value in terms of its level of importance.
- 8.17** The Landscape Adviser has reviewed the submitted Landscape and Visual Impact Assessment and their assessment against adopted development plan policies is summarised below:

Policy Ref / Title	Compliance / Conflict	Discussion
<i>Joint Core Strategy</i>		
SD4 Design	Compliance	There is the potential to comply with the part i) – context, character and sense of place and part iv) public realm and landscape subject to considerate and appropriate Reserved Matters applications.
SD6 Landscape – Part 1	Compliance	The proposals would not be in keeping with the current rural character of the area but will be with the wider development of Fiddington Garden Village.
SD6 Landscape – Part 2	Compliance	The significant landscape characteristics of the Site, namely its hedgerows can be retained and where removed replaced with similar stock.
SD6 Landscape – Part 3	Compliance	An LVIA has been submitted as part of the Application.
SD7 Cotswolds AONB	Not Applicable	The Site does not form part of, or setting to, the AONB so this policy is not considered applicable.
<i>Tewkesbury Borough Plan 2011-31</i>		
LAN1 Special Landscape Area	Not Applicable	Outside of any SLA.
LAN 2 Landscape Character	Potential Compliance	Put as potential compliance as it will depend on the character of the Reserved Matters application for both built form and external realm proposals.
LAN3 – Gaps of Local Importance	Not Applicable	Not part of a Gap of Local Importance.
LAN4 – Locally Important Open Space	Not Applicable	Not a defined Locally Important Open Space.
LAN5 – Local Green Space	Not Applicable	Not a defined Local Green Space.
NAT3 – Green Infrastructure: Building with Nature	Potential Compliance	Insufficient information as a major project the proposals needs to comply with Building with Nature and National Design Standards but there is not sufficient information to confirm if this is

		yet the case
RES5 – New Housing Development Bullet 3 – Settlement edge	Potential Conflict	Depending on the final form of the proposals and their arrangement with the neighbouring sites the field could appear as an intrusion into the countryside, whether it is ‘unacceptable’ depends on the successful landscape mitigation. The adjacent Midlands Railway line does act as a definable and perceived boundary.
RES5 – Bullet 5 – Residential amenity	Potential Compliance	Subject to the content of the Reserved Matters applications, particularly with regards to the railway line and acoustic impacts there is anticipated to be an acceptable level of residential amenity.
RES5 – Bullet 7 – Natural Features	Potential Compliance	Subject to the reasonable retention of existing hedgerows in public areas and replacement of hedgerows behind sightlines.
National Planning Policy Framework – NPPF July 2021		
Para 131	Potential Compliance	Inclusion of street trees in the proposals in sustainable locations and to create an ultimate large tree appears to be achievable.
Para 174 a)	Not applicable	Not a valued landscape.
Para 174 b)	Part Conflict	The intrinsic quality and characteristics of the Site would be lost but this should be judged in association with the planned change occurring in the contextual landscape area.

8.18 The Landscape Adviser considers that, overall, there appears to be more compliance, or potential to comply with applicable landscape planning policies than conflict with the same.

8.19 It is clear, by virtue of introducing new development into open agricultural fields, the proposed development would by definition create 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 and the Council’s Landscape Adviser has raised no in principal objection to the proposal having considered relevant Development Plan policy. It is considered that, with well-designed landscape and green infrastructure provisions secured at reserved matters stage, the level of harm could be minimised and is to be considered in the planning balance.

Highways and Access Matters

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

8.21 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.

8.22 The applicant submitted a Transport Assessment as part of the Environmental Statement, a Residential Travel Plan and additional information has also been submitted in response to queries raised by the statutory consultees; the Local Highway Authority (HA) and National Highways (NH).

- *Accessibility*

8.23 Ashchurch Railway Station is the nearest railway station to the site and is located 850 meters to the North. The nearest bus stops from the site are located adjoining the A46 are some 820m distant, with the bus stops at Northway 500 meters. The proposed bus stop on Fiddington Lane will be 400m distant from the application site

8.24 The proposed development site is located within a sustainable location and within a 2000m radius of the proposed development site lies a considerable 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.

8.25 It is further considered that this site is a sustainable location for residential development and this matter weighs in favour of the development.

- *Pedestrian/cycle access*

8.26 The provision for cyclists and pedestrians would be via a new segregated 5.0m wide footway/cycleway on the west side of Fiddington Lane between the site and the roundabout is proposed as part of the access arrangements. Whilst there is no in principle objections, some concerns were raised by the HA about the direction of the suggested route. However, following further discussions between the applicant and the HA, the HA has confirmed that they are now satisfied that the submitted proposals are acceptable.

- *Highway safety*

8.27 Vehicular access to the site will be achieved through Fiddington Lane via a simple priority junction with a 5.5m access and 6m radii. Junction visibility splays of 2.4 x 63m are shown to both sides commensurate with a speed of 40 mph.

8.28 NH were consulted and following extensive discussions with the applicant confirmed that they raise no objection to the proposal's impact on the Strategic Highway Network. This is subject to a 'Grampian condition' to ensure that ongoing improvement works to Junction 9 of the M5 are completed prior to the commencement of work on the application site.

8.29 The HA have also assessed the impact of the development on the Local Highway Network. The submitted Transport Assessment provides details of trip generation and distribution of trips originating from the site. The HA has accepted that analysis.

8.30 The HA initially considered that the proposed route of the segregated footpath and cycleway should be re-considered, but this was overcome following further discussion with the applicant.

- 8.31** The HA also raised concerns about the main access off Fiddington Lane and the ability to achieve the visibility splays. The HA considered it was not clear from the submission whether visibility splays for the suggested access can be commensurate with the 85th percentile recorded speeds along Fiddington Lane. This has been resolved by confirmation from the applicant that they control the visibility splay. Maintenance of the visibility splay would be the subject of a condition which would need to be adhered to at the reserved matters application stage.
- 8.32** The HA also require several planning obligations, to be secured through a section 106 agreement. The first would relate to a Traffic Regulation Order to restrict parking on Fiddington Lane. The second would be the implementation and funding of the submitted Residential Travel Plan, of which the following two options were proposed, and the applicant has confirmed agreement to the option that provides the following:

£5000.00 monitoring fee + £49,680.00 contribution. Gloucestershire County Council would absorb all risk and be responsible for the implementation of the travel plan, incentives, the appointment of a travel plan coordinator etc. This option requires a non-refundable monitoring fee and a contribution, repayable only on expiry of planning permission with no building having started. The premium for GCC to deliver the travel plan is to cover the additional risk the organisation incurs and to plan for remedial measures. This option removes any responsibility from the developer for the implementation of the plan (other than hard measures such as walk/cycle links, cycle parking etc, which are spate to the travel plan).

- 8.33** Following discussions with the applicant and re-consultation on the additional information, the Highway Authority are now content with the traffic impacts of the development on the local highway network, subject to the imposition of recommended conditions and the completion of planning obligations.

Network Rail and the intensification of use of the Homedowns level crossing

- 8.34** Network Rail object to the proposed development on the basis that the use of the above crossing will be intensified by the building of dwellings nearby and consequently produce additional risk to users. The agents for the applicants have challenged the degree of intensification and presently there is no agreement between the applicant and Network Rail either on the level of increased usage, the level of risk, or mitigation to overcome that risk which emanates from the development. Officers consider this matter to be a serious concern in relation to public safety. The crossing, whilst not part of the definitive footpath network, links two parts of the Gloucestershire Way long distance permissive footpath which is interrupted by the crossing and a walking route leading to open countryside to the east of the railway.
- 8.35** Prior to the Planning Inspector's determination of this appeal Officers consider that Network Rail and the applicant should produce a solution which Network rail are content with, which would likely take the form of a planning obligation to upgrade the level crossing. Any solution would need to have regard to the tests for planning obligations in relation to: being proportionate, directly related to the development and necessary to make the development acceptable in planning terms. It is Officers current understanding that the applicant is actively seeking to resolve this matter with Network Rail. Network Rail have stated that in the absence of an agreed solution they maintain their concerns and have been granted Rule 6 Party status to the appeal to present their case.

8.36 Officers have concluded that in the absence of an agreed S106 obligation to address the matter, that the development conflicts with JCS Policy INF1 which at 3.ii requires developers to consider safety within the zone of influence of the development. The NPPF at section 8 paragraph 92 requires that planning decisions promote social interaction by way of safe and accessible usage of public areas namely the Gloucestershire Way an important component of the wider public right of way and permissive footpath network. In the absence on an appropriate solution being agreed to the satisfaction of Network Rail this is a matter which weighs against the proposed development but is potentially capable of resolution subject to Network Rail and the applicant reaching agreement on the matter.

Residential amenity

8.37 The submitted proposal in outline is for a maximum of 120 dwellings. The illustrative layout plan and the parameters plan demonstrates that the site is of a size commensurate with other already approved residential areas in the vicinity to allow 120 dwelling to be erected at a similar density.

8.38 The Council's Environmental Health officers having considered the material submitted by the applicant on air quality, the approach having been agreed with EHOs, found that the assessment showed that the effect of additional road traffic emissions on air quality at existing residential properties is 'not significant' and is therefore acceptable air quality for future residents. The Council's EHO's have raised no objection to this assessment and conclusion.

8.39 In terms of layout, 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 is, in principle, capable of being made acceptable.

8.40 In relation to noise, the Environmental Health Officer (EHO), on initial review of the submitted noise report, raised concerns regarding the noise impact of the adjacent railway on the amenity of future residential occupiers. Following the submission of additional information by the applicant, the Environmental Health Officer is now content that, with specific respect to acoustic matters, they have sufficient information to advise no objection to the application subject to the imposition of a condition setting internal noise levels in accordance with BS 8233:2014 Table 4 for internal noise levels and Noise levels measured from enclosed outdoor private amenity areas (gardens) should attain the 50dB(A) desirable criteria and not exceed the upper limit recommended within BS8233:2014 being 55dB(A)).

8.41 To verify the above requirements can be achieved in any future layout of the development, the reserved matters application would need to be accompanied by a noise survey to identify any dwellings that would be at risk of exceeding the noise levels. The noise survey would also need to identify those measures necessary to achieve this performance at the affected properties prior to any works commencing. The assessment has indicated that substantial mitigation measures would be required to ensure an acceptable noise environment internally (a combination of earth bunds and acoustic fences, and potentially acoustic glazing and mechanical ventilation). Therefore, the applicant would be required to clearly present the mitigation measures in detail for relevant properties and the site. Proposed mitigation measures would need to include predicted sound level modelling. The mitigation measures would need to be completed prior to any dwellings to which they relate being occupied.

- 8.42** Following the EHO's recommendation the applicant has submitted a technical note indicating that the suggested conditions can be met within the limits set out in the submitted parameters plan. However, Officers consider that this can only be confirmed by the submission of on the noise survey submitted at the reserved matters stage, as set out above. It is conceivable that pending the results of the noise survey the illustrative layout may be required to change at reserved matters stage to account for the impact of noise on both habitable rooms, particularly bedrooms, and private amenity space emanating from the adjoining main line railway to comply with the recommended noise conditions by the EHO and protect residents from intrusive noise impact. This may result in the reduction in the developable area of the site contrary to the approved parameters plan.
- 8.43** In addition, the mitigation measures to protect residents from intrusive noise may at reserved matters stage be considered potentially detrimental to the visual outlook of dwellings and oppressive to their habitable rooms and garden areas (i.e. physical noise bunds and fences in close proximity). This would need to be assessed at reserved matters stage and, if found to be harmful, could constitute a material reason to seek amendment to the development/site layout and an effective reduction of the developable area indicated on the parameters plan.
- 8.44** Given the concerns of Officers on the impact of noise from the railway on residential amenity the illustrative layout will potentially need to be refined prior to the determination of the first reserved matters application to ensure that an acceptable level of residential amenity is achieved. Whilst the applicant has suggested the noise conditions can be complied with within the ambit of the parameter plans, if that is not the case the quantum of development can be reduced at reserved matters stage. The quantum of development sought through this application is 'up to' 120 dwellings, which allows for a reduced number of dwellings to be delivered within the constraints of the site. Officers are therefore satisfied that an acceptable level of residential amenity can be achieved subject to the application of the proposed noise conditions.

Green Infrastructure and biodiversity

- 8.45** 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.
- 8.46** The submitted layout and parameter plans together with the submitted EA Ecology and Tree survey chapters show areas dedicated for use for biodiversity enhancements, open space, play areas, footways /cycleways and surface water drainage attenuation, Green spaces are proposed to be located around the residential area to provide a buffer to adjacent land uses, in particular Fiddington Lane and the railway line. The existing hedge row will be retained to form boundary treatments and green space within the site. The proposals incorporate within the Illustrative Master Plan a Local area for Play (LAP) and a Locally Equipped area for Play (LEAP), though the former is not shown on the submitted parameter plan, to serve the residents of the development.

8.47 The application is accompanied by a range of relevant habitats and species surveys which have been reviewed by the Ecological Adviser. The Adviser requests that prior to the submission of the reserved matters application, a walk over survey and species specific presence/likely absence surveys will be required to confirm/note any changes in habitats or identify any new ecological constraints, e.g. badger setts. The results of the survey, along with any additional proposed mitigation measures, would need to be submitted to the Local Planning Authority for approval in writing and taken account of in the design of the subsequent reserved matters application and the implementation of the development. This can be dealt with by the imposition of a condition which is proposed.

8.48 A newly submitted revised BNG analysis submitted by the applicants to satisfy TBP's Policy NAT1 demonstrates that the site will, within its boundaries, produce a BNG of more than 10%. The newly submitted analysis is considered acceptable by the Ecological Adviser. The higher BNG than required by Policy is a material factor of some weight in the determination of the application.

Affordable Housing and Housing Mix

8.49 JCS Policies SD11 and SD12, and TBLP Policies RES12 and RES13 require the delivery of affordable housing and an appropriate mix of housing, to meet local need, in new housing schemes.

8.50 The application confirmed the delivery of policy compliant affordable housing to provide 40% of the total. The Council's Housing Strategy Officer did not object to the principal of the proposal in principle but initially raised concerns about the mix of tenure and the dwelling size mix. The Housing Strategy Officer confirmed the minimum requirements of affordable housing and housing mix to satisfy Policy RES12 of the TBLP, as set out below. The applicant has since confirmed their agreement with these detailed requirements which will need to be secured in a S106 agreement.

- 40% of the total number of dwellings will be provided as affordable housing.
- The affordable housing dwellings will be provided in a 60% Social Rent and 40% Affordable Home Ownership tenure split.
- The affordable housing will be provided in clusters of 8no. clusters and 12no. flats.
- 50% M4(2) Former lifetime homes standard and 4no. (being 8%) M4(3)b wheel chair access will be provided.
- The dwelling mix will be provided unless otherwise agreed with the Council as part of the reserved matters application process.

Dwelling Type	Minimum NDSS size (sqm)	Social Rent	Affordable Home Ownership	Total
1-Bed 2-Person	50 (flat), 58 (house)	16%	6%	22%
2-Bed 4-Person	70 (flat), 79 (house)	21%	17%	38%
3-Bed 5-Person	93	7%	8%	30%
3-Bed 6-Person	102	8%	7%	
4-Bed 7-Person	115	3%	2%	8%
4-Bed 8-Person	124	3%	0%	
5-Bed 7-Person	119	1%	0%	2%
5-Bed 8-Person	128	1%	0%	
Total		60%	40%	100%

- 8.51** Officers initially considered that due to no provision being made within the submitted description of development to indicate that part of the site is proposed for self-build or contract build dwellings that the proposal would be contrary to TBP requirements under Policy RES13. The policy seeks up to 5% of this type of dwelling *where there is evidence of demand as identified on the Council's Self Build and Custom Build Register*.
- 8.52** Officers have raised the matter of the provision of self-build and custom build housing provision on the site with the applicant. The applicant has noted that the Policy rests upon evidence of appropriate demand. The applicants have interrogated the Council's self and Custom build register and found that the register does not evidence demand within the locality for self-build dwellings.
- 8.53** Officers have reviewed the applicant's evidence and consider that, whilst there is limited evidence of demand in the specific locality, there is evidence of demand for self-build dwellings across the Borough which must be considered. Recent self-build monitoring information (dated May 2022) indicates circa 217 individuals or groups entered on the self-build register and circa 194 permissions for self-build dwellings and for single dwelling serviced plots suitable for self-build. This indicates a healthy supply of self-build dwellings in relation to the demand. On that basis, whilst the absence of a proportion of self-build dwellings in this scheme is contrary to Policy RES13, it does not represent a significant harm and should be considered in the planning balance.

Drainage and flood risk

- 8.54** Policy INF2 of the JCS requires that development shall minimise the risk of flooding taking into account climate change, in addition Policy ENV 2 of the TBLP requires proposals including surface water drainage be designed to reduce the risk of flooding.
- 8.55** The Illustrative Master Plan together with the submitted parameter plan locates all built development within the area at the southern end of the site which is within Flood Zone 1 which is considered the lowest risk for flooding by the Environment Agency. However, the north-eastern and a section of the highway land is subject to Flood Zone 2 and 3. As such National Planning Policy requires all planning applications above certain thresholds to include a Flood Risk Assessment (FRA), including mitigation in the form of a drainage strategy.
- 8.56** The Council's drainage officer has not commented at outline stage as this is major application under the LLFA. The strategic LLFA have considered the Flood risk Assessment and drainage strategy submitted as part of the ES report and conclude that the proposals as submitted are acceptable, subject to recommended conditions, and accept the summarised conclusions of the submitted flood risk assessment material:
- Flood risk from all sources (sea, fluvial, pluvial, sewers, groundwater, and artificial) has been assessed and it has been demonstrated that the proposed development will not be at risk from flooding from these sources.
 - A surface water drainage strategy has been developed that incorporates a Sustainable Drainage System (SuDS).
 - The proposed SuDS will ensure that flood risk resulting from pluvial events (rainfall) will be managed on-site and that flood risk will not be increased elsewhere as a result of the development. The restricted surface water flows from attenuation pond will discharge to the adjacent watercourse (Tirle Brook) replicating the existing drainage patterns for the

site.

- To mitigate for the additional surface water run-off volume resulting from the proposed development the EA/Defra and Ciria guidance together with BS8582 recommends that extended attenuation Storage is provided and that surface water run-off is restricted to the existing Mean Annual Flood Flow (Qbar, 1:2.3 event) green-field rate for all events up to the 1:100 with allowance for climate change. This approach ensures that sufficient run-off is retained on site for extreme events to protect the receiving water course in times of flooding.
- A 40% allowance in accordance with EA guidance for climate change has been included in the SuDS assessment to take in to account the predicted increase in rainfall intensity over the 100 year design life of the development.
- Micro-drainage has been used for the preliminary design of the proposed attenuation pond. The attenuation volumes and discharge rates shown will be subject to detailed design and will be submitted for approval at the reserved matters stage to discharge conditions attached to the outline consent.
- The proposed SuDS will provide treatment to the surface water run-off from the development and follows the SuDS treatment train approach with all areas receiving significantly greater treatment than the recommended level in accordance with guidance provided in Ciria C753, 'The SuDS Manual'. The proposals will ensure that there is no adverse effect on the downstream watercourses.
- Flood routes have been provided for exceedance events or for local failure of the drainage system and will ensure that flood flows are directed safely through the development to the downstream attenuation features or into existing watercourses. Indicative flood routes have been shown, subject to development layout/levels. Full details provide at detail design stage.
- The proposed Sustainable Drainage System for the development will be managed and maintained to ensure that it will operate effectively for its lifetime.
- The nearest foul sewerage network, which is owned and managed by Severn Trent Water, is located approximately 1.5Km to the North in Ashchurch. Planning permission has been granted for a residential development of up to 850 dwellings, application reference: 17/00520/OUT, located immediately to the west of the application site. It is therefore proposed to connect the foul drainage from this site to the proposed foul drainage for the recently approved residential development. A contractual Robert Hitchins Limited Land off Fiddington Lane, Tewkesbury, Gloucestershire Flood Risk Assessment & Drainage Strategy agreement between Robert Hitchins and the developer is in place for foul drainage connections to be provided. Due to the topography of the site, a gravity system to connect to this system cannot be achieved for the whole application site and therefore the application site will drain to a pumping station with flows pumped up to and connected to the future residential development foul sewerage network to the west.
- The Flood Risk Assessment and Drainage Strategy demonstrates that the proposed development meets with all the national and regional policy requirements, in particular Joint Core policy INF2 and satisfies all the criteria of the Council, LLFA & Environment Agency.

- The Flood Risk Assessment concludes that the site can be safely developed without flood risk and without increasing flood risk elsewhere through the use of an appropriately designed Sustainable Drainage System.
- Surface Water run-off from the proposed development will be less than the Qbar greenfield run-off rate for all storm events up to and including the 1 in 100 year + 40% climate change event. The proposed development provides significant betterment over existing greenfield run-off rates.

8.57 Severn Trent have raised no objection to the proposals subject to recommended conditions. Similarly, the Environment Agency are satisfied with the submitted information subject to the imposition of conditions.

8.58 Having regard to the applicants submitted ESs flood and drainage study the consideration provided by the LLFA, the strategic flood authority, the EA, and STW Officers conclude that the arrangements to deal with potential flood risks and drainage are acceptable and compliant with Development Plan policy, in particular INF2 of the JCS

Heritage assets

8.59 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. 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. Designated and undesignated heritage assets and their settings will be conserved and enhanced as appropriate to their significance, and for their important contribution to local character, distinctiveness, and sense of place. Consideration will also be given to the contribution made by heritage assets to supporting sustainable communities and the local economy.

8.60 The NPPF sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. It advises that the effect of an application on the significance of a non-designated heritage asset should be considered in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

8.61 The ES includes an assessment of the likely significant effects of the proposed development on heritage resources in the context of the application site and surrounding area. The built heritage statement is based upon an examination of relevant data sources supplemented by site inspections. These studies identified archaeological receptors that could be affected by the proposed development: evidence for Medieval ridge and furrow cultivation, and late Prehistoric/Romano-British occupation. This activity was evident in the geophysical survey data and trial trenches but is of negligible/low archaeological significance and has therefore been assessed to be of Low sensitivity. No archaeological resources situated beyond the application site were identified as having the potential to be affected by the proposed development. No designated or non-designated built heritage resources were identified within the application site.

- 8.62** The likely effects of the Proposed Development on all aspects of the historic environment, including buried archaeological remains, historic buildings and historic areas, have been assessed through desk-based assessments and archaeological fieldwork and the applicants have submitted the results as a chapter within the ES. The Site has also been subject to a phased programme of archaeological investigation in the form of geophysical survey followed by trial trenching. These studies identified one archaeological receptor that could be affected by the Proposed Development, a Medieval / Post Medieval ridge and furrow cultivation, within both existing agricultural fields. No archaeological resources situated beyond the Application Site were identified as having the potential to be affected by the Proposed Development. No designated or non-designated built heritage resources were identified within the Application Site. However, two built heritage receptors were identified beyond the Application Site with the potential to be affected by the Proposed Development because of change to their respective settings. These receptors comprise the Grade II* listed Church of St Nicholas in Ashchurch and Grade I listed Abbey Church of St Mary in Tewkesbury, which are assessed as highly sensitive.
- 8.63** The results of the applicants ES on this topic have been considered by the County Archaeologist and the Borough's Conservation Officer. The officers having considered the ES chapter advised having regard to the County Historic Environment Record and the on-site geophysical survey and trenching survey where no significant archaeology was identified that further work on archaeological investigation or recording was unnecessary. As a result, in terms of archaeology no objections to the proposals have been raised. Turning to the impact on built heritage assets the location of those Listed receptors is somewhat distant from the application site and having considered the matter Officers consider that the proposals will have no material impact on those receptors. Officers consider that the impact on Heritage assets due to distance and intervening features the development would not have a material appreciable visual impact upon the heritage assets identified.

Minerals and waste

- 8.64** One of the key sustainable development objectives of the NPPF is the prudent use of natural resources, including minimising waste and pollution. The NPPF also advises on the sustainable use of minerals and resources and states that policies as far as practicable should take account of the contribution that substitute or secondary and recycled materials and minerals would make to the supply of materials, before considering extraction of primary materials. It further confirms that locations of specific minerals resources of local and national significance should be safeguarded and development avoided in such areas. Policy SD3 of the JCS, Policy WCS2 of the Gloucestershire Waste Core Strategy (GWCS) and Policy MS01 of the Minerals Local Plan for Gloucestershire (MLPG) accord with these objectives.
- 8.65** The application is supported by a Waste Minimisation Statement (WMP) as part of the ES which has been reviewed by officers of Gloucestershire County Council Strategic Infrastructure (Minerals and Waste) Team in their capacity as Mineral and Waste Planning Authority (MWPA). The aim of the submitted Waste Minimisation and Management Plan (WMP) is to reduce waste generated in the first instance through good design and planning. Where the generation of waste is unavoidable, the WMP seeks to re-use and recycle materials where possible, with a view to reducing the amount of waste that is sent to landfill. The WMP sees waste disposal as a last resort, when options for waste prevention, re-use, recycling and energy recovery have been exhausted. The submitted Waste Minimisation and Management Plan has been prepared in accordance with the following documents:
- NPPF National Planning Policy

- Waste Management Plan for England 2013
- Gloucestershire Waste Core Strategy, Adopted 2012
- Waste Aware Construction

8.66 In respect of waste, the contents of the submitted Waste Minimisation Statement (WMS) have been considered. The MWPA advise that this demonstrates that the applicant has considered the issue of waste minimisation and has proposed measures that will assist in reducing the occurrence of waste.

8.67 In the event that waste is generated, appropriate management practices in line with the waste hierarchy also look to be included. Due to the outline nature of the proposal elements for dealing with waste cannot be dealt with at this time. Consequently, planning conditions are recommended to ensure the matter is afforded appropriate consideration at the reserved matters stage. In respect of a detailed site waste management plan, and full details of the provision made for facilitating the efficient and effective management and recycling of waste. In respect of minerals the MWPA confirm that the application is not covered by a designated Mineral Consultation Area (MCA).

8.68 In conclusion there is no objection to the application in respect of minerals and waste subject to the imposition of an appropriate planning condition as recommended by the MWPA.

Education, Library and Community and Open Space Provision

8.69 Policy INF4 of the JCS highlights that permission will not be provided for development unless the infrastructure and public services necessary to enable the development to take place are either available or can be provided. Policies INF6 and INF7 of the JCS support this requirement. The NPPF states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities.

8.70 The applicants ES chapter on socio economics outlines the likely key socio-economic effects of the proposed development. The submitted chapter notes that the proposal lies to the west, as previously described of two development sites where local facilities are being provided including retail, a primary school, local centre, utilities, open space, landscaping, play areas and recreational facilities. The ES chapter considers whether the effects of the application coupled with existing approved development in the area will require effects which need to be mitigated.

8.71 The sites considered are:

- Land At Fiddington, Ashchurch- Outline planning approval granted under 17/00520/OUT (Approved on appeal January 2020), for a development comprising up to 850 dwellings, a primary school, local centre (comprising up to 2,000 sq m gross internal floor area (A1, A2, A3, A4, A5 and D1 uses), supporting infrastructure, utilities, ancillary facilities, open space, landscaping, play areas, recreational facilities (including changing facilities and parking) and new primary access points from the A46 and Fiddington Lane.
- Land South of the A46 and North of Tirl Brook Ashchurch_permission (17/01203/FUL) comprising of a proposed garden centre, retail outlet centre and ancillary facilities together with associated infrastructure works including access), car parking and landscaping. Site is under construction and would likely be developed concurrently with the Proposed Development at this Site.

- Land to the Northwest of Fiddington, Tewkesbury (21/00451/OUT) – outline planning permission for a residential development (up to 460 dwellings), a primary school, associated works, ancillary facilities and infrastructure, open space, recreation facilities and landscaping.

8.72 In summary the ES finds that the submitted proposals will not add need such that the demand for existing healthcare, community facilities or open space requires additional capacity to be provided aside from what is being provided on site by way of open space and play facilities on the site.

8.73 Initially the Gloucestershire County Council Developer Contributions Investment Officer had responded to the application in respect of Education and Library contributions, requiring contributions for education and library facilities. The requirement for funding for education was challenged by the applicant. Following consideration of the submitted evidence, the County agreed that education contributions were not required due to sufficient capacity within the local education system.

8.74 The County Council identified that the library most likely to be used by residents of the new development, is Tewkesbury Library. A contribution of £196 per dwelling is required which would be used at Tewkesbury Library to improve customer access to services through upgrades and refurbishment to the existing building, improvements to stock, IT and digital technology and increased services. This contribution was justified under the CIL regulations as being necessary, related to the development and proportional.

Section 106 obligations

8.75 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.

8.76 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.

8.77 JCS Policy INF6 relates directly to infrastructure delivery and states that any infrastructure requirements generated because 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.

8.78 Requests have been made by consultees to secure the following contributions via S106 obligations, as summarised below. The applicant has submitted a draft Heads of Terms which generally accords with the required obligations by consultees. The objective is to finalise the necessary S106 agreements prior to the Public Inquiry.

- A Scheme for such improvements as may be necessary, under CIL Reg 122, to improve the adjoining level crossing to address the increased use of the facility brought about by the development to ensure safe passage to users of that crossing.
- Affordable housing to accord with current Council policy as detailed by the Housing Strategy and Enabling Officer.
- Waste disposal contribution for household waste collection - £8760 (£73 per dwelling) to be used for the provision of refuse and recycling bins.
- Travel Plan implementation, funding and monitoring contribution - £5000 monitoring fee and £49,680 contribution.
- Traffic Regulation Order to restrict parking on Fiddington Lane.
- Provision of and laying out of public open space and recreational open space, to include LAP and LEAP children's play areas.
- Management of public open space/ recreational open space.
- Library contribution - £23,520 (£196 per dwelling) to be used toward additional library resources.

8.79 As set out in the preceding report, a planning obligation relating to the improvement of Network Rail's level crossing is not yet agreed and remains the subject of ongoing dialogue between the applicant and Network Rail.

8.80 It is noted that Ashchurch Rural Parish Council have requested S106 planning obligations for several items of infrastructure but these have not been advanced through the application as they are not considered to meet the CIL tests, as set out below. Should they choose the Parish Council has the opportunity to pursue these obligations through the appeal.

- *S106 contribution to enforce traffic speed limits in the form of a Vehicle Activated Sign:* This has not been identified as a necessary requirement by the Highway Authority to make the development acceptable in planning terms.
- *S106 contribution to improve pedestrian access and cycle provisions through the proposed development including a link with the Gloucestershire Way at Homedowns:* The design of pedestrian and cycle links will be considered at reserved matters application stage. The Highway Authority has not identified as necessary the requirement for the development to contribute to wider improvements to the public rights of way or permissive access networks outside of the site to make the development acceptable in planning terms.
- *S106 contribution to the planned Community Centre in the planned neighbouring housing estate to mitigate for the residents of the proposed development:* The Parish Council has an adopted Neighbourhood Plan and would receive 25% of CIL receipts from this development, which could be allocated towards the improvement/ expansion of

community facilities within the Parish.

9. Conclusion and Recommendation

- 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 adjoining existing and significant ongoing development. The proposal would provide housing within a sustainable location with easy access to a range of services 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** Benefits also arise through the delivery of biodiversity net gain of more than 10%, which is above the current figure contained in guidance.

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 grade 3, which comprises good to moderate quality, identical to the same classification as the upheld appeal sites currently undergoing development to the west and north of the application site.

- 9.10 There would be some harm from the absence of self-build dwellings in the housing mix, but given the healthy supply of self-build permissions against the identified Borough-wide demand for self-build housing this is considered a minor harm.
- 9.11 Harm is also currently identified by Network Rail unless mitigated by an appropriate S106 obligation insofar as the use of the Homedowns level crossing will be intensified by the building of dwellings nearby and consequently produce additional risk to users.

Neutral

- 9.12 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, residential amenity, highway safety, ecology, waste, trees, noise, air quality, heritage, drainage, and flood risk.

Overall Balance

- 9.13 Discussion is ongoing between Network Rail and the applicant to mitigate additional risk to users of the Homedowns level crossing which would arise from the proposed development. Network Rail have been granted Rule 6 status at the planning inquiry and should matters not be resolved, Network Rail will provide details of those harms arising to the Inquiry and the Council will rely on the evidence of Network Rail.
- 9.14 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 benefits of the proposal - which amount to the timely delivery of housing in a sustainable location, the delivery of Biodiversity Net Gain and economic benefits - significantly and demonstrably outweigh the identified harms.
- 9.15 Subject to the resolution of the concerns of Network Rail in relation to the level crossing, 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 In view of the foregoing report and in the context of the current Appeal Members are requested to consider a recommendation of **Minded to Approve** which, along with this report, will be submitted to the Planning Inspectorate to inform the Appeal.
- 10.2 That recommendation is subject to:
- The resolution of the necessary mitigation via a S106 agreement obligation occasioned by the increased use of the adjoining railway crossing.
 - The provision of an agreed S106 agreement dealing with affordable housing, library provision, household waste facilities, provision and management of open space and play facilities, travel plan implementation and monitoring, and associated Highway Authority requirements.

- The imposition of conditions.

11. Conditions

11.1 The Council and the applicant are in the process of agreeing the final list of recommended conditions which will be presented to the Appeal Inspector. Please note that the following draft conditions are therefore likely to be the subject of amendment during the appeal.

1. No part of the development hereby permitted shall be begun until details of the access, appearance, landscaping, layout, and scale (hereinafter called 'the reserved matters') have been submitted to and approved in writing by the local planning authority for that part of the development. The development shall be carried out as approved.

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 2 years from the date of this permission. The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

3. No more than 120 dwellings shall be constructed on the site pursuant to this planning permission.

Reason: For the avoidance of doubt.

4. The development shall proceed in strict accordance with the Mitigation Measures provided in Chapter 6 of the Environmental Statement relating to Biodiversity and the related Technical Appendix prepared by Ecology Solutions dated October 2022.

Reason: In the interests of biodiversity and protected species.

5. Prior to the submission of reserved matters, a walk over survey and species specific presence/likely absence surveys will be undertaken as required, in particular for great crested newt presence/likely absence surveys/eDNA surveys should be undertaken, to confirm/note any changes in habitats or identify any new ecological constraints. The results of the survey along with any additional proposed mitigation measures shall be submitted to the Local Planning Authority for approval in writing. The development shall be implemented in accordance with the approved details.

Reason: In the interests of biodiversity and protected species.

6. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the occupation of the development. The LEMP shall be written in accordance with BS42020. The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met)

how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details. The LEMP is also to include ecological enhancement plan detailing location and specification of the ecological enhancements. The LEMP will include details of any updates to the BNG metric, what the condition of habitats (where applicable) will be and how they will be met and identify how the habitats will be managed for a term of 30 years.

Reason: To protect biodiversity and protected species.

7. Prior to any works comprising the erection of a building above slab level a “lighting design strategy for biodiversity” for the boundary features and any native planting shall be submitted to and approved in writing by the local planning authority. The strategy shall:
 - Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior written consent from the local planning authority.

Reason: In the interests of biodiversity and amenity.

8. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall be written in accordance with BS42020, including mitigation details on bats, badger, birds, great crested newt, reptiles and hedgehog, as well as any pollution prevention measures. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To protect biodiversity and protected species.

9. No development including demolition, site clearance, materials delivery or erection of site buildings, shall start on the site until measures to protect trees/hedgerows on and adjacent to the site have been installed in accordance with details that have been submitted to and approved in writing by the local planning authority. These measures shall include:
 - Temporary fencing for the protection of all retained trees/hedgerows on and adjacent to the site whose Root Protection Areas (RPA) fall within the site to be erected in accordance with BS 5837(2012) or subsequent revisions (Trees in Relation to Design, Demolition and Construction). Any alternative fencing type or position not

strictly in accordance with BS 5837 (2012) shall be agreed in writing by the local planning authority prior to the start of development. The RPA is defined in BS5837(2012).

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

The approved tree protection measures shall remain in place until the completion of development or unless otherwise agreed in writing with the local planning authority.

Reason: For the protection of trees, hedgerows and amenity

10. The Development hereby approved shall not be occupied until visibility splays are provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 69 metres to the north and 60 metres to the south measured along the nearside edge of the adjoining carriageway. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above carriageway level.

Reason: In the interests of highway safety.

11. The Development hereby approved shall not be occupied until the highway improvements works comprising:
 - Segregated footway/cycleway on west side of Fiddington Lane as shown on drawing H689/03 RevB
 - Pedestrian and cyclist crossing on Fiddington Lane as shown on drawing H689/03 Rev B
 - Traffic calming/speed reduction measures as shown on drawing H689/03 Rev B

Have been submitted to and approved in writing by the Local Planning Authority; and no building shall not be occupied until those works have been constructed in accordance with the approved details.

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

12. The details to be submitted for the approval of reserved matters pursuant to Condition 1 shall include vehicular parking and turning and loading/unloading facilities within that part of the development. Thereafter, no building hereby approved shall be occupied until those facilities and carriageways (including surface water drainage/disposal and street lighting) serving that building and providing access from the public highway to that building have been completed to at least binder course level and the footways to surface course level. The facilities shall be maintained available for those purposes for the duration of the development.

Reason: To secure amenity for occupiers of the development.

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

Reason: To promote sustainable travel and healthy communities.

14. Prior to the commencement of the development hereby permitted details of a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period. The plan/statement shall include but not be restricted to:

- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Advisory routes for construction traffic;
- Any temporary access to the site;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud and dust being carried onto the highway;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Highway Condition survey;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

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

15. The Residential Travel Plan hereby approved, dated September 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.

16. The first reserved matters application submitted pursuant to condition 1 shall be accompanied by a detailed Site Waste Management Plan (SWMP) (incorporating material resource efficiency measures) for approval in writing by the local planning authority. The SWMP must accord with the principles of the Waste Minimisation and Management Plan under reference: 345.WMP.01, dated February 2021. The SWMP must identify the type and amount of waste materials expected to be generated from the residential development during the construction phase and set out what specific measures will be employed for dealing with this material so as to:

- Minimise its creation;
- Maximise the amount of re-use and recycling on-site;
- Maximise the amount of off-site recycling of any generated waste that is unusable

on-site; and Reduce the amount of all wastes send to landfill.

In addition, the SWMP must clearly set out the proportion of recycled content to be used in construction materials and how such a level will be secured. The reserved matters applications shall demonstrate compliance with the approved SWMP for that phase and the development shall be carried out in accordance with the approved details.

Reason: To ensure that residential amenity for the area is safeguarded.

17. The first reserved matters application submitted pursuant to condition 1 shall be accompanied by details of a recycling strategy for the site for approval in writing by the Local Planning Authority. The reserved matters applications shall include details of waste storage provision for that part of the development which shall be in general accordance with the approved recycling strategy and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the site is sustainable.

18. Any reserved matters application that includes buildings submitted pursuant to condition 1 shall include details of existing and proposed ground levels and ground floor slab levels relative to Ordnance Datum of the buildings within that part of the development. The development shall be carried out in accordance with the approved details.

Reason: To protect the amenity of future residents and the character of the area.

19. No building works hereby approved 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 shall be in accordance with the principles set out in the Flood Risk and Drainage Strategy prepared by Phoenix Design dated October 2022. The submitted details shall:

- provide information about the design storm period and intensity and ensure that the method employed to delay and control the surface water discharged from the site to and the measures taken to prevent pollution of the receiving groundwater and/or surface water; include details of the phasing for its implementation; and
- provide a full risk assessment for flooding during the groundworks and building phases with mitigation measures specified for identified flood risks; and
- provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for its 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 future and existing residents' amenity from flood risk is protected.

20. The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and the scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: to ensure that the development is provided with a satisfactory means of drainage and to minimise the risk of pollution.

21. Floor levels should be set at least 600mm above the Design Flood Level of 16.04 metres above Ordnance Datum.

Reason: For the avoidance of doubt

22. There shall be no storage of any materials including soil or raising of ground levels within that part of the site liable to flood as defined by the purple dashed line on drawing No. 559-010 Rev A in Appendix E of the Flood Risk Assessment prepared by Phoenix Design dated October 2022.

Reason: For the avoidance of doubt.

23. Noise levels within the dwellings hereby approved shall not exceed those set out in BS8233:2014 "Sound Insulation and Noise Reduction for Buildings". Noise levels measured from enclosed outdoor private amenity areas (gardens) should attain the 50dB(A) desirable criteria and not exceed the upper limit recommended within BS8233:2014 being 55dB(A)). Internal ambient noise level should not exceed the guideline values in Table 4 of BS8233:2014.

Reason: In the interests of the residential amenity of future residents.

24. To verify the noise level requirements set out in Condition 23 of this permission the reserved matters application(s) shall be accompanied by a noise survey to identify any dwellings that would be at risk of exceeding the levels. The noise survey shall identify those measures necessary to achieve this performance at the affected properties, and such measures shall be approved in writing by the Local Planning Authority prior to any works. The mitigation measures so approved shall be completed prior to any dwellings to which they relate being first occupied.

Reason: In the interests of the residential amenity of future residents

25. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing immediately to the local planning authority. An investigation and risk assessment shall be undertaken and where remediation is necessary a remediation scheme shall be prepared, which shall be subject to the approval in writing of the local planning authority.

Reason: To ensure the protection of residential amenity.

26. Following completion of measures identified in the approved contamination remediation scheme a verification report shall be prepared, which shall be subject to the approval in writing of the local planning authority.

Reason: For the protection of future residents.

27. The first reserved matters application submitted pursuant to condition 1 shall include the submission of a Housing Mix Statement for the open market housing to the local planning authority for its written approval. It will set out, in respect of that phase, how an appropriate mix of dwelling sizes and types 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 of the relevant reserved matters. The development shall be implemented in

accordance with the approved Housing Mix Statement.

Reason: For the avoidance of doubt and to comply with relevant Policy.

28. The development hereby permitted shall be carried out in accordance with the following approved plans unless other conditions in this planning permission specify otherwise:
Site Location Plan ref. 345.UD.05 REV.E and Parameter Plan ref. 345.UD.06 REV.R.

Reason: For the avoidance of doubt