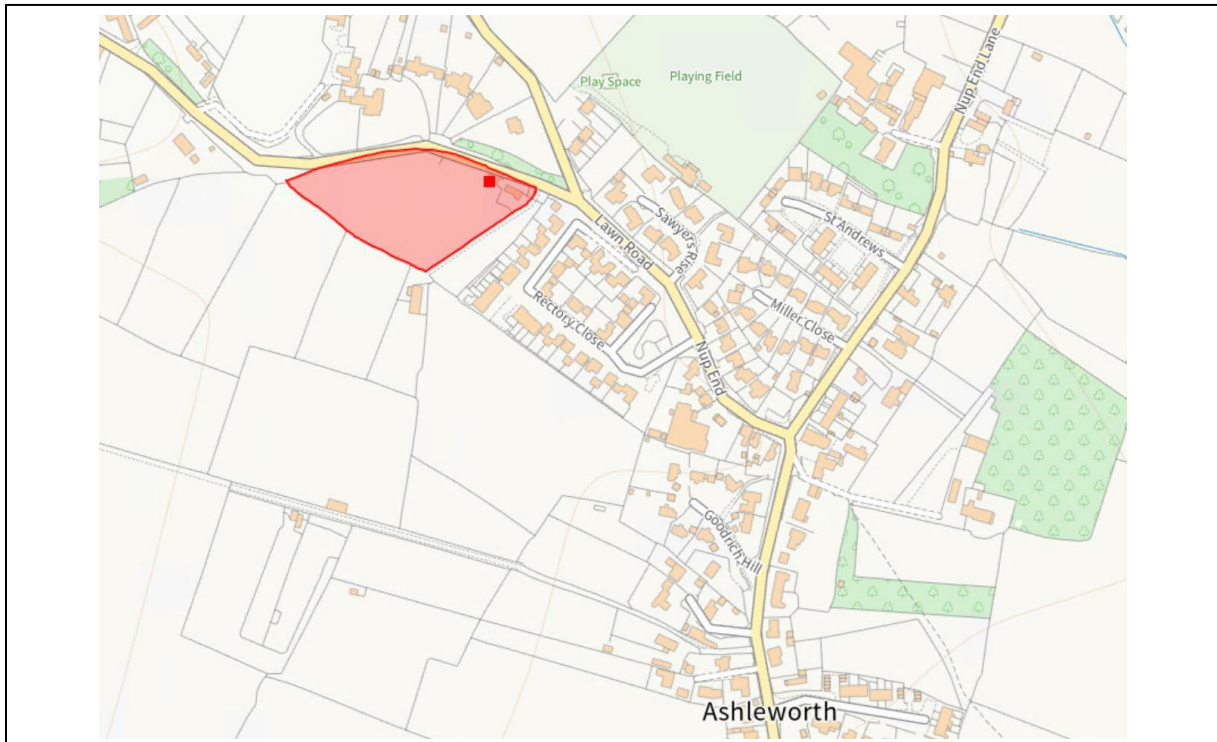


Planning Committee

Date	20 February 2024
Case Officer	Frank Whitley
Application No.	22/01337/OUT
Site Location	Land off Lawn Road, Ashleworth
Proposal	Outline planning application for the erection of up to 11 dwellings and associated works, with all other matters reserved for future determination except access (amended description).
Ward	Highnam with Haw Bridge
Parish	Ashleworth
Appendices	Site location plan Existing Site Plan Masterplan Landscape Strategy
Reason for Referral to Committee	The Constitution requires applications of ten or more dwellings to be determined by Planning Committee.
Recommendation	Delegated Permit

Site Location



1. The Proposal

Full application details are available to view online at:

[22/01337/OUT | Outline planning application for the erection of up to 11 dwellings and associated works, with all other matters reserved for future determination except access \(amended description\) | Land Off Lawn Road Ashleworth Gloucester \(teWKesbury.gov.uk\)](#)

- 1.1 The application seeks planning permission in outline for the erection of up to 11 dwellings and associated works, with all other matters reserved for future determination except access (amended description).
- 1.2 As first submitted, the application sought planning permission in outline for up to 17 dwellings. The number of dwellings has been reduced to 11 at least in part to accommodate Biodiversity Net Gain (BNG) requirements.
- 1.3 The application seeks to establish the principle of development of up to 11 dwellings, and to create a new access onto Lawn Road. A masterplan has been provided for illustrative purposes as to how the development may be laid out. The development is likely to comprise a mix of 2,3, and 4 bedroom units and covers approximately one third of the application site, the remainder being left as grassland.
- 1.4 The development would comprise 40% affordable housing. Two units would be social rented and two would be affordable home ownership tenure. The balance of 0.4 units would be delivered as a commuted financial sum secured amongst other obligations, through a Section 106 agreement. Heads of Terms have been agreed.
- 1.5 A footpath would be installed on the eastern side of the estate road, which would connect to Lawn Road, and then continue east to the end of the application site frontage.
- 1.6 A surface water attenuation pond would be installed in the northeastern corner of the site, inside of the highway footpath.

2. Site Description

- 2.1 The application site is triangular in shape, covering an area of approximately one hectare of grassland on the edge of Lawn Road, on the northeastern side of Ashleworth. The eastern side of the site would share its boundary with land approved for the development of four dwellings in November 2021 (at appeal under reference 21/00009/FUL). Immediately beyond to the east is a completed development of 35 dwellings, approved in December 2017 (at appeal under 15/00965/OUT and 17/00783/APP). Immediately to the south of this development is land approved for a development of 42 dwellings in September 2022 (under 19/01227/OUT and 22/00416/APP). The southern boundary of the application site is the edge of the existing field, defined by a mature hedge and line of trees. The northern boundary is the edge of Lawn Road, defined by a hedge, which joins a small copse of woodland towards the north-east corner. Here, there are two poor quality buildings which appear to have last been used for equestrian purposes.
- 2.2 There are existing dwellings on the north side of Lawn Road immediately opposite. Lychgate Cottage, St Michael's, and Nupend House are Grade II Listed.

- 2.3 The application site is in a countryside location, though is not subject to any landscape, heritage or ecological designations. The whole site is within Flood Zone 1 according to the Environment Agency Flood Map. Ashleworth has a designated Conservation Area approximately 0.5km to the south east. Meerend Thicket Nature Reserve is 1.5km to the east which forms part of the larger Ashleworth Ham SSSI.
- 2.4 The nearest public right of way crosses fields approximately 200m to the south.
- 2.5 There are no protected trees in the application site, though a group of trees is subject to an Area Tree Preservation Order along the entire frontage of 'The Haye' (on the north side of Lawn Road).
- 2.6 The land is graded as 'good' to 'moderate' according to Agricultural Land Classification Maps

3. Relevant Planning History

- 3.1 There is no planning history directly relating to the site, however, as described in section 2.1 above there have been a number of recent planning applications adjoining the application site.

4. Consultation Responses

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

4.1 Ashleworth Parish Council - objection

In summary:

- The proposed access is close to a blind bend which narrows to single track and has no public footpath. It is not clear how pedestrian access would be achieved. This needs further clarity,
- Foul and surface water disposal has been made worse by the Rectory Close development, therefore capacity issue. Severn Trent Water is provided with photos each time the drains overflow. This issue does not appear to have been taken into account.
- Insufficient local amenities to cope with development even before the new development of 40 houses goes ahead (case officer note: 22/00416/APP)
- Wildlife concerns including deer and bats
- 11 dwellings not in keeping with the village

4.2 Ecology - no objection subject to conditions

4.3 Environmental Health - no objection subject to conditions

4.4 GCC Highways - no objection subject to conditions

4.5 Severn Trent Water – An update will be provided by case officer at Committee

4.6 Local Lead Flood Authority - no objection subject to conditions

4.7 Conservation Officer - objection

4.8 Archaeology - no objection

- 4.9 **Housing Enabling** - no comments received
- 4.10 **County Planning Section S106 Monitoring Officer** - no objection subject to contribution to primary school education places
- 4.11 **Council for the Protection of Rural England** - objection
- 4.12 **Community Team** - no objection

5. **Third Party Comments/Observations**

- 5.1 Full copies of all the representation responses are available online at <https://publicaccess.tewkesbury.gov.uk/online-applications/>.
<https://publicaccess.tewkesbury.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>
- 5.2 Approximately 17 representations have been received. All public objections relate to the scheme as originally submitted for 17 dwellings. No further representations have been received since the scheme was reduced to 11. In summary:

Highways

- Lawn Road is a busy throughfare, and too narrow for speed of traffic. Steep banks in places either side make this a hazard for pedestrians, especially the elderly
- Need to use road to reach bus stop
- Lawn Road is potholed
- New access is to be on a blind bend, and on a hill which limits visibility
- Flooding on road which turns to ice in winter
- Road also used by walkers, cyclists and horse riders- unsafe for more traffic
- Junction Lawn Road and A417 notorious for serious accidents
- Lack of public transport eg bus service limited
- Congestion arising from completion of recent new developments, not enough passing places

Wildlife

- Impact to wildlife, birds, flora and fauna and habitats
- Harm to protected trees opposite development

Drainage

- Sewerage system overloaded
- Comments from Drainage engineers need to be taken on board and assessed.
- Insufficient gravity gradient to dispose of foul and surface water
- Flood Risk Assessment too vague in content
- Water run off onto road and neighbouring properties

Heritage

- Harm to historic assets on north side of Lawn Road

Impact to Ashleworth

- Too many new houses in Ashleworth already
- Low water pressure in summer from too many houses
- Lack of housing need
- Outside of development boundary and greenfield land, not an exception site and not infilling

- Within Council's Landscape Protection Zone
- Harm to neighbouring residential amenity and privacy
- Site in environmentally sensitive area
- Poor broadband from too many houses in Ashleworth
- Poor infrastructure in Ashleworth and not classed as a 'service village'
- Development only for profit to developers
- Disproportionate increase in number of dwellings in Ashleworth as a result of new developments resulting in unacceptable change in rural character
- Loss of agricultural land
- Additional lighting in rural location
- Design and materials concern, particularly in relation to nearby heritage assets
- If development does ahead, mitigation must be rigorously monitored and enforced

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

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

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

6.2 National guidance

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

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

- Policy SP1 (The Need for New Development)
- Policy SP2 (The Distribution of New Development)
- Policy SD3 (Sustainable Design and Construction)
- Policy SD4 (Design Requirements)
- Policy SD6 (Landscape)
- Policy SD8 (Historic Environment)
- Policy SD9 (Biodiversity and Geodiversity)
- Policy SD10 (Residential Development)
- Policy SD11 (Housing Mix and Standards)
- Policy SD12 (Affordable Housing)
- Policy SD14 (Health and Environmental Quality)
- Policy INF1 (Transport Network)
- Policy INF2 (Flood Risk and Management)
- Policy INF3 (Green Infrastructure)
- Policy INF4 (Social and Community Infrastructure)
- Policy INF6 (Infrastructure Contributions)
- Policy INF7 (Developer Contributions)

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

- Policy RES2 (Settlement Boundaries)
- Policy RES3 (New Housing Outside Settlement Boundaries)
- Policy RES5 (New Housing Developments)
- Policy RES12 (Affordable Housing)
- Policy RES13 (Housing Mix)
- Policy DES1 (Housing Space Standards)
- Policy HER1 (Conservation Areas)
- Policy HER2 (Listed Buildings)
- Policy LAN2 (Landscape Character)
- Policy NAT1 (Biodiversity, Geodiversity and Important Natural Features)
- Policy NAT3 (Green Infrastructure: Building with Nature)
- Policy NAT5 (Cotswold Beechwoods)
- Policy ENV2 (Flood Risk and Water Management)
- Policy HEA1 (Healthy and Active Communities)
- Policy COM2 (Broadband Provision)
- Policy TRAC1 (Pedestrian Accessibility)
- Policy TRAC2 (Cycle Network and Infrastructure)
- Policy TRAC3 (Bus Infrastructure)
- Policy TRAC9 (Parking Provision)
-

6.5 Neighbourhood Development Plan

None

6.6 Other relevant policies/legislation

Human Rights Act 1998
Article 8 (Right to Respect for Private and Family Life)
The First Protocol – Article 1 (Protection of Property)
Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

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) (TBP). There is not a Neighbourhood Development Plan relevant to the application site.
- 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

Five Year Housing Supply

- 8.1** The NPPF requires local planning authorities to demonstrate an up-to-date five-year supply of deliverable housing sites (or a four-year supply if applicable). Where local authorities cannot demonstrate a five-year supply of deliverable housing sites, paragraph 11 of the NPPF sets out that housing policies contained within development plans should not be considered up to date.
- 8.2** Further to the recent Trumans Farm, Gotherington Appeal decision (ref. 22/00650/FUL), and subsequently published Tewkesbury Borough Five Year Housing Land Supply Statement October 2023, the Council's position is that it cannot at this time demonstrate a five-year supply of deliverable housing land. The published position is that the Council's five-year supply of deliverable housing sites is 3.24 year's supply of housing land. Officers consider this shortfall is significant. The Council's policies for the provision of housing are therefore out of date in accordance with footnote 8 of the NPPF.
- 8.3** Paragraph 11(d) of the NPPF therefore applies and states that where policies which are most important for determining the application are out of date, permission should be granted unless: i) the application of policies in the Framework that protect assets of particular importance provides a clear reason for refusing the development; or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Principle of Development

- 8.4** In order to further sustainability objectives and in the interests of protecting the countryside, the housing policies of the JCS set out a development strategy for the Borough. Strategic Policies SP1 and SP2 of the JCS set out the scale and distribution of development to be delivered across the JCS area in the period to 2031.
- 8.5** Policy SP2 (Distribution of New Development) of the JCS amongst other things, states that 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. In the remainder of the rural area Policy SD10 (Residential Development) will apply. Ashleworth is not identified as either a Rural Service Centre, or a Service Village, though has a village shop in the community hub, deli, café, post office, primary school and church.
- 8.6** Policy SD10 of the JCS guides residential development to the most sustainable and accessible locations. The Policy states that new housing will be planned in order to deliver the scale and distribution of development set out in Policies SP1 and SP2. Para 4 of SD10 is relevant to this application where, since being in a rural area, housing development will only be permitted where:
- It is for affordable housing on a rural exception site in accordance with Policy SD12, or;
 - 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;
 - It is brought forward through Community Right to Build Orders, or;
 - There are other specific exceptions / circumstances defined in district or neighbourhood.

- 8.7** Ashleworth does not have a defined settlement boundary and therefore does not have a defined settlement limit in the development plan. The site is not allocated for housing and would not fall within any of the exceptions set out by the development plan to enable new development in the countryside.
- 8.8** Therefore, due to location of the application site being outside of any defined settlement limits, the proposal would conflict with SD10.
- 8.9** Policy RES4 of the adopted TBP states that to support the vitality of rural communities and the continued availability of services and facilities in the rural areas, very small-scale residential development will be acceptable in principle within and adjacent to the built up area of other rural settlements (i.e. those not featured within the settlement hierarchy).
- 8.10** The proposed development exceeds the scope of RES4 where only limited small scale appropriate housing may be supported in the interests of supporting the community. The development is therefore considered inconsistent with Policy RES4 of the TBP.
- 8.11** The proposal is therefore unacceptable in principle due to its location outside of any defined settlement boundaries on undeveloped land. However, it is also the case that a 5-year supply of deliverable housing sites cannot currently be demonstrated. The NPPF states at paragraph 11 and footnote 8, that if a local authority cannot demonstrate that a 5-year housing land supply exists, then the policies which are most important for determining the application are deemed out of date.
- 8.12** Consequently, paragraph 11d of the NPPF sets out that in circumstances where the most important policies for determining an application are out of date (and this includes circumstances where the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites, as is the case here) there is a presumption that planning permission be granted unless:
1. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 2. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 8.13** Therefore, as a starting point, the tilted balance and paragraph 11d of the NPPF would be engaged and the conflict with policies SP2, SD10 and RES4 must be weighed in the planning balance.
- 8.14** It is still necessary for the decision maker to have regard to all other relevant considerations which must be weighed in the overall planning balance.

Indicative Scale and Layout

- 8.15** The NPPF at Chapter 12 seeks to achieve well-designed places. Policy SD4 of the JCS seeks to ensure design principles are incorporated into development, in terms of context, character, sense of place, legibility and identity.

- 8.16** These requirements closely align with the requirements of the National Design Guide. Policy RES5 of the TBP seeks to ensure proposals are of a design and layout which respect the character, appearance and amenity of the surrounding area.
- 8.17** The submitted masterplan indicates how 11 dwellings might be accommodated. They are set out in a linear pattern along the eastern boundary, with rear gardens backing on to the development of four houses approved in 2021. Three appear to be detached, the remainder are semi-detached. Five have dedicated garages. All appear to be two storey in height.
- 8.18** In as far as the masterplan suggests the development complies with Policies SD4 and RES5. Matters of design, scale, layout and appearance would be considered at the Reserved Matters stage.

Landscape

- 8.19** The application includes a Landscape and Visual Impact Assessment which was prepared for the 17 dwelling scheme as first submitted and has not been revised for the 11 dwelling scheme. It follows there would be less landscape and visual harm for the amended scheme.
- 8.20** The application site falls within National Character Area 106 Severn and Avon Vales, which in summary has the following characteristics:
- Diverse range of flat and gently undulating landscapes
 - Sparse woodland, though frequent hedgerow trees, parkland and surviving orchards
 - Small pasture fields and commons
 - Pasture and stock rearing, arable, market gardens
 - Strongly influenced by Roman settlements and field systems
 - Highly varied use of traditional building materials
- 8.21** At the local level, the application site falls within Landscape Character Area SV 5B, Ashleworth, Tirley and Forthampton Vale which has the following characteristics:
- Gently undulating, comprising a patchwork of medium to large scale arable and pastoral fields.
 - A network of low, well maintained hedgerows which define field patterns
 - The linear village of Ashleworth has developed on the lower slopes of the Vale, overlooking floodplain and is noted for its range of dwelling and materials types
- 8.22** The local character area is assessed to be medium in susceptibility, with the same level of sensitivity.
- 8.23** The LVIA explains that hedgerows and agricultural use of the land contribute to the wider rural landscape character, though they are not locally distinctive or rare. Further, the site is influenced by its proximity to Lawn Road and the settlement edge.
- 8.24** The LVIA summarises:

The study site is located on the existing settlement edge where established settlement features partly inform the landscape character of the site. The rural features of the site make a contribution to the wider rural landscape but overall, this is a settled and active landscape that has a closer correlation to the village than of the wider agricultural landscape.

- 8.25** Policy SD6 (Landscape) of the adopted JCS requires development to protect landscape character for its own intrinsic beauty, and for its benefit to well-being. Further, Policy LAN2 of the adopted TBP requires that development must, through sensitive design, siting, and landscaping, be appropriate to, and integrated into, their existing landscape setting.
- 8.26** Officers acknowledge the application site encroaches further into the countryside on the edge of the Ashleworth settlement. However, Officers concur with the conclusion of the LVIA that the site is semi-rural in its character. The site is bounded by existing or approved development to the north and east. Views into the site from the south are limited due to established vegetation on the south boundary. There are no longer range views from the south due to intervening vegetation.
- 8.27** Officers consider the development would not cause an unacceptable level of harm to the landscape and is considered to comply with the requirements of Policies SD6 of the adopted JCS and LAN2 of the adopted TBP.

Access and Highway Safety

- 8.28** The NPPF at Chapter 9 seeks to promote sustainable transport, and acknowledges that that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making.
- 8.29** Policy INF 1 (Transport Network) requires that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters. Chapter 10 of the adopted TBP states that an efficient and safe transport system is critical to the success of the Borough and the quality of life of its residents and visitors.
- 8.30** Section 10 of the adopted TBC (Transport and Accessibility) sets out policies for pedestrians (TRAC1), cycle network (TRAC2) and bus infrastructure (TRAC3).
- 8.31** The proposed development would install a new Lawn Road access, approximately 50m west of the access approved to serve the development of four dwellings approved in November 2021 (at appeal under reference 21/00009/FUL).
- 8.32** The Highways Officer notes that visibility splays have been considered against Manual for Streets guidance. The highways survey demonstrates a requirement to provide for approximately 42m to the west and 43m to the east, from a point 2.4 m set back from the highway. The footpath would be 1.5m wide adjacent to the site, and later cross over to the northern side towards Ashleworth.
- 8.33** Officers note that several representations have been received which cumulatively raise concerns about the suitability of Lawn Road, and Ashleworth as a settlement to accommodate new residential development.
- 8.34** Whilst Ashleworth is not designated as a rural service village in the adopted JCS, it does however benefit from a reasonable level of services and facilities, relative to its size and function, as noted in the 'Principle of Development' section above. Further, Ashleworth currently has a bus service to Gloucester (4.1 miles) and Tewkesbury (6.6 miles), where a wider range of services can be accessed so is well connected to larger settlements.

- 8.35** Officers acknowledge there is no footpath for a distance of approximately 150m up to Sawyers Rise. From this point, there is a footpath to the centre of the village, some 200m further. However Officers refer to the appeal decision letter relating to four dwelling scheme adjacent (21/00009/FUL), where the Inspector raised no concerns about pedestrian access to the centre of Ashleworth.
- 8.36** The current proposal seeks to install a footpath to the north east corner of the application site. The Highways Officer has raised no concern about pedestrian access to Ashleworth and there is no evidence that existing services and facilities would be unable to cope with up to 11 additional dwellings proposed.
- 8.37** Officers consider that details submitted are sufficient to approve matters of access, accepting that details of highway improvements and the footpath would be subject to a pre-commencement condition. Further, occupation of the development would not be permitted until visibility splays of dimensions as agreed are laid out.

Ecology and Trees

- 8.38** Chapter 15 of the NPPF seeks to conserve and enhance the natural environment.
- 8.39** Policy SD9 of the adopted JCS (Biodiversity and Geodiversity) states amongst other things that the biodiversity and geological resource of the JCS area will be protected and enhanced in order to establish and reinforce ecological networks that are resilient to current and future pressures. Similarly, the adopted TBP Policy NAT1 (Biodiversity, Geodiversity and Important Natural Features) requires amongst other things that proposals will, where applicable, be required to deliver a biodiversity net gain across local and landscape scales, including designing wildlife into development proposals.
- 8.40** From 12 February 2024, The Environment Act 2021 requires all major development (subject to specific exceptions) to provide at least 10% Biodiversity Net Gain (BNG). This legislation strengthens existing requirements of Policy NAT1 of the adopted TBP.
- 8.41** To support delivery of BNG, an Ecological Mitigation and Enhancement Strategy (EMES) has been submitted. The Strategy is designed to minimise the long-term impact of the development and includes details of the creation of new habitats and long term management of new and existing habitats. The BNG Plan runs for the operational lifetime of development and includes a timetable for review and monitoring to ensure targeted habitat retention measures are maintained. Off site mitigation and enhancements would be secured as part of the S106 agreement. Implementation would begin once development is commenced.
- 8.42** The ecology survey has established that baseline biodiversity habitats comprise lowland meadow, neutral grassland, mixed scrub, trees and hedgerow.
- 8.43** Approximately 60% of the lowland meadow in the application site would be retained and managed to maintain its quality and to provide open space access for residents.
- 8.44** The remaining 40% would be maintained as an equivalent area in an off-site location, provided by the Environment Bank in accordance with BNG trading rules.

- 8.45** Proposals include additional hedgerow and tree planting. Two mature sycamore trees of moderate quality are proposed to be felled to facilitate the installation of a footpath on the edge of Lawn Road. The Council's Tree Officer has no objection and has raised no concerns about the proximity to protected trees on the north side of Lawn Road. Replacement of the trees would be secured through a landscaping plan (to be secured by condition). The loss and replacement of these trees in terms of habitat value is also incorporated into the BNG Plan.
- 8.46** The Council's ecological consultant has reviewed the submitted Ecological Impact Assessment, Biodiversity Net Gain Assessment, and the Ecological Mitigation and Enhancement Strategy. Mitigation and enhancement details have been confirmed acceptable, and it is expected overall the development can achieve 10.05% net gain in habitat units.
- 8.47** A Habitats Regulation Assessment has been submitted in relation to potential impacts upon the Cotswolds Beechwoods SAC and has been assessed by the Council's consultant ecologists. They conclude the development would not have any measurable adverse effects on the integrity of the Cotswolds Beechwoods SAC either alone or in combination with other projects, subject to provision of appropriate mitigation as proposed. Notwithstanding, the applicant has agreed to provide mandatory Strategic Access Management and Monitoring (SAMM) measures and the provision of Suitable Alternative Natural Greenspace (SANG) financial contributions through the s106 agreement.

Drainage and Flooding

- 8.48** The NPPF at Chapter 14 (in part) seeks to meet the challenge of climate change and flooding. Policy INF1 of the adopted JCS and Policy NAT2 of the TBP seek to manage flood risk. The application is accompanied by a Flood Risk Assessment, and consultations have taken place with Gloucestershire County Council (as the Lead Local Flood Authority), and Tewkesbury Borough Council's drainage officer.
- 8.49** The submitted Flood Risk Assessment confirms the application site is in Flood Zone 1 (lowest risk of flooding). Surface water disposal is to be to an attenuation basin from where a hydro brake system would control discharge. It was originally intended to drain surface water to the existing highways drain, and then to the Severn Trent Water (STW) surface water drain at the lower end of Sawyers Rise. Although STW raised no concerns GCC Highways objected. Instead, it is now proposed to bypass the highways drain and construct a surface water drain directly to the STW drain. STW are yet to confirm this arrangement is satisfactory. **An update will be provided to Members at Planning Committee.**
- 8.50** There is no objection from STW to the disposal of foul water to their drain located north of Sawyers Rise.

Affordable Housing

- 8.51** Chapter 5 of the NPPF seeks to deliver a sufficient supply of homes, and that the needs of groups with specific housing requirements are addressed, in terms of amongst other affordability and tenure.
- 8.52** Policy SD12 of the JCS sets out that outside of the Strategic Allocations a minimum requirement of 40% affordable housing will be sought on developments. Affordable housing must also have regard to the requirements of Policy SD11 concerning type, mix, size and tenure.

- 8.53** The proposal is to provide four affordable units on site. Two would be social rented and two would be affordable ownership/discounted market. Affordable units, and the 0.4 balance of 40% would be secured through the s106 agreement.
- 8.54** The Council's Head of Housing Service is yet to confirm tenure mix is acceptable. It is hoped an update will be provided at Planning Committee. Notwithstanding, tenure mix can be finalised prior to agreement of the s106.

Residential Amenity

- 8.55** Policy DES1 (Housing Space Standards) of the TBP confirms the adoption of the Government's nationally described space standards. Minimum floor areas for each of the apartments proposed are 39sqm for one bedrooomed, and 50sqm for two bedrooomed respectively. All apartments are intended to exceed minimum space standards.
- 8.56** Policy SD10 states that *residential development should seek to achieve the maximum density compatible with good design, the protection of heritage assets, local amenity, the character and quality of the local environment.*
- 8.57** In as far as it is possible to ascertain at the outline stage, the masterplan suggests an acceptable standard to amenity can be maintained in the development. The issue can be assessed further at the reserved matters stage.

Built Heritage and Archaeology

- 8.58** The NPPF at Chapter 16 (Conserving and Enhancing the Historic Environment) states that when considering impacts, great weight should be given to the asset's conservation. 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, where appropriate, securing its optimum viable use.
- 8.59** The NPPF states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 8.60** The NPPF states at Para 205:
- When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*
- 8.61** Para 208 of the NPPF states 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.

- 8.62** A Heritage Impact Appraisal (HIA) has been submitted in relation to the previous 17 dwelling scheme, prior to reduction to 11. The HIA concludes that the application site can be overlooked from the south facing views of the listed buildings on the north side of Lawn Road. The views make a small contribution to the significance of the assets. The degree of harm is deemed in the HIA at the lower end of less than substantial. In terms of archaeology, the HIA states there are no heritage assets recorded within the site and there is very low potential for buried archaeological remains.
- 8.63** Policy SD8 (Historic Environment) of the adopted JCS states that 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.
- 8.64** Policy HER2 (Listed Buildings) of the adopted TBP states that development within the setting of listed buildings will be expected to have no adverse impact on those elements which contribute to their special architectural or historic interest., including their settings.
- 8.65** Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to have regard to the desirability of preserving listed buildings and their settings.
- 8.66** The County Council Archaeologist has also reviewed the proposal and HIA, and has confirmed no further investigations or recording is necessary.
- 8.67** The Council's Conservation Officer has reviewed the application and HIA, in relation to the amended 11 dwelling scheme. He has concluded the development would result in a small degree of harm, at the lower end of less than substantial to the Grade 2 listed buildings. Further assessment would be required at the reserved matters stage.
- 8.68** The Conservation Officer has recommended the application is refused, unless heritage harm is outweighed by public benefits. In accordance with the balancing exercise required under Para 208 of the NPPF, it is noted the proposals would harm to a small degree, the setting of the listed buildings, though not their fabric. According to the submitted masterplan, the nearest part of the development would be approximately 100m from St Michael's, the nearest listed building. In the intervening space, is Lawn Road and its hedgerow boundary, and a significant area of undeveloped grassland in the foreground view from the listed buildings. Officers consider this grassland buffer is considered sufficient to mitigate the urbanising effect of development upon the rural setting of the listed buildings as noted by the Conservation Officer.
- 8.69** In terms of public benefit, Officers note the development would contribute 11 homes to the Borough's housing need, according to Policy SP1 of the adopted JCS. The development would also contribute four affordable homes, contributing to meeting the aims of Policy SD12 of the adopted JCS. There would be some public benefit in terms of employment during the construction period, both for the housebuilder and other local businesses. The development would therefore provide social benefits of housing, and some economic benefits. It is not considered that heritage harm is significant enough to warrant refusing the application when weighed against the public benefits. As the Conservation Officer has noted, the Council would still be able to limit heritage harm at the reserved matters stage once proposed matters of layout, scale, appearance and landscaping are known.

8.70 Officers consider the proposal complies with the provisions of Chapter 16 of the NPPF and there is no conflict with Policies SD8 of the adopted JCS, HER2 of the adopted TBP, and s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

Section 106 and CIL

8.71 JCS Policy INF6 relates directly to infrastructure delivery and states that any infrastructure requirements generated as a result of individual site proposals and/or having regard to the cumulative impacts, should be served and supported by adequate and appropriate on/off-site infrastructure and services. The Local Planning Authority will seek to secure appropriate infrastructure, which is necessary, directly related, and fairly and reasonably related to the scale and kind of the development proposal. Policy INF4 of the JCS requires appropriate social and community infrastructure to be delivered where development creates a need for it. JCS Policy INF7 states the arrangements for direct implementation or financial contributions towards the provision of infrastructure and services should be negotiated with developers before the grant of planning permission. Policy SA1 sets out that infrastructure should be provided comprehensively across the site taking into account the needs of the whole Strategic Allocation. Financial contributions will be sought through S106 and CIL mechanisms as appropriate.

8.72 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.

8.73 The Council's Community and Place Development Officer has confirmed that the Parish would receive up to 25% of CIL receipts which can be used for community infrastructure.

8.74 The following Heads of Terms have been agreed with the applicant

- **Affordable Housing:** 4.4 units equating to 4 affordable units and a commuted sum for the balance of 0.4
- **Public Open Space:** Specification to be agreed prior to reserved matters application being made
- **Strategic Access Management and Monitoring (SAMM)**
- **Suitable Alternative Natural Greenspace (SANG)**
- **Refuse and Recycling**
- **County Council Education Contribution £69,993.38 towards 3.86 places**

9.0 Evaluation

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 settlement of Ashleworth is not a service village or rural service centre according to Policy SP2 of the adopted JCS. The settlement is in a rural area for the purposes of SD10. The proposed development does not fall into any of the exceptions of SD10 where new residential development may otherwise be supported. The proposed development conflicts with SP1, SP2, SD10, of the adopted JCS and Policies RES1-4 of the adopted TBP.
- 9.3** However, the Council cannot currently demonstrate a five-year supply of deliverable housing sites and therefore the Council's policies for the supply of housing are out of date, according to Paragraph 11 of the NPPF.

Heritage Harm

- 9.4** Paragraph 11 of the NPPF states there is a presumption in favour of sustainable development which means that (amongst other things), planning permission should be granted where the most important policies for determination are out of date (Footnote 8). One of the exceptions where the presumption does not apply is set out in Paragraph 11(d)(i) where there is a 'clear reason for refusing the development' according to policies of the NPPF relating to designated heritage assets (Footnote 7). Put simply in this case, if there is clear heritage harm, then the presumption of sustainable development and the 'tilted balance' is not engaged.
- 9.5** Officers acknowledge the Conservation Officer has objected to development. However, the objection states the proposal would result in a 'small degree of harm at the lower end of less than substantial'. Officers do not consider this level of harm provides a clear reason for refusal. Further, the Conservation Officer acknowledges the need to weigh the public benefit of development against the level of harm.
- 9.6** Accordingly, Officers consider the 'tilted balance' of sustainable development is engaged.

Benefits

- 9.7** The delivery of market and affordable housing would provide an important social benefit, especially in the context of a housing supply shortfall. Further, there would be economic benefits both during and post construction through the creation of new jobs, the support to existing local services and the support to the local economy. Overall, those benefits would attract substantial weight in favour of granting planning permission in light of the Council's housing land supply position.

Harms

- 9.8** Harm arises from conflict with development plan policies relating to housing strategy, in particular the adopted JCS Policy SD10 and RES4 of the adopted TBP. There would be some degree of landscape, due to development of a greenfield site on the edge of Ashleworth. The proposed development would result in the loss of two mature sycamore trees, and result in some heritage harm, albeit at the lower end of less than substantial.

Neutral

- 9.9** Whilst the application has been made in outline with only matters of access included at this stage, the indicative site layout demonstrates that the proposed development can be accommodated. The proposed development raises no residential amenity issues, there is no risk of flooding and subject to confirmation from Sever Trent Water, appropriate drainage infrastructure can be provided. The proposal would be served by a safe access and the cumulative impact on the highway network would not be severe. Subject to agreement of the s106 to secure in excess of 10% biodiversity net gain, the proposal also accords with the 2021 Environment Act in as far as it applies.

10. Conclusion

- 10.1** Where the tilted balance is applied in this instance, it is considered the benefits of development significantly and demonstrably outweigh the harms.

11. Recommendation

- 11.1** It is recommended that authority be **DELEGATED** to the Development Management Manager, to **PERMIT** the application, subject to the completion of a Section 106 legal agreement with obligations as set out above.

12. Conditions

Standard Conditions

- 1.** Details of appearance, landscaping, layout and scale (hereinafter called “the Reserved Matters”) shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced and the development shall be carried out in accordance with the approved details.

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

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

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

- 3.** The development hereby permitted shall be begun either before:
- (i) the expiration of three years from the date of this permission, or
 - (ii) before the expiration of 12 months from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

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

Indicative Masterplan 21225.101 RevB dated 3.10.23
Indicative Landscape Strategy 21225.102 RevA dated 29.9.23

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

5. The development hereby permitted shall provide no more than 11 dwellings.

Reason: To define the scope of the permission

Pre-commencement Conditions

6. Prior to the commencement of development, a detailed site waste management plan shall be submitted to and approved in writing by the local planning authority. The site waste management plan must identify the type and amount of waste materials expected to be generated from the development during site preparation and construction phases and set out what site specific measures will be employed for dealing with this material so as to; - minimise its creation, maximise the amount of re-use and recycling on-site; maximise the amount of off-site recycling of any wastes that are unusable on-site; and reduce the amount of waste sent to landfill. In addition, the site waste management plan must also clearly set out the proportion of recycled content from all sources that will be used in construction materials. The detailed site waste management plan shall be fully implemented as approved unless the local planning authority gives prior written permission for any variation.

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

7. No development including demolition, site clearance, materials delivery or erection of site buildings, shall start on the site until measures to protect trees/hedgerows on and adjacent to the site have been installed in accordance with details that have been submitted to and approved in writing by the local planning authority. These measures shall include:

1. Temporary fencing for the protection of all retained trees/hedgerows on and adjacent to the site whose Root Protection Areas (RPA) fall within the site to be erected in accordance with BS 5837(2012) or subsequent revisions (Trees in Relation to Design, Demolition and Construction). Any alternative fencing type or position not strictly in accordance with BS 5837 (2012) shall be agreed in writing by the local planning authority prior to the start of development. The RPA is defined in BS5837(2012).

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

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

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

- 8.** Where excavations or surface treatments are proposed within the root protection areas (RPA) of retained trees and hedgerows, full details shall be submitted to and approved in writing by the local planning authority before any development starts. The RPA is defined in BS5837:2012. Details shall include the proposed locations of excavations and/or surface treatments, proposed methods & specifications of excavations and/or surface treatments and any post excavation remedial works. All excavations or surface treatments shall be carried out in accordance with the approved details.

Reason: To prevent damage to or loss of trees

- 9.** The Development hereby approved shall not commence until drawings of the highway improvements works comprising:

New footway connection on Lawn Road that links to Nup End Have been submitted to and approved in writing by the Local Planning Authority. The development 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.

- 10.** Prior to commencement of any development a Construction (and demolition) Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include (but is not limited to):

- a. Site access/egress
- b. Staff/contractor facilities, parking and travel arrangements
- c. Dust mitigation
- d. Noise and vibration mitigation (Including whether piling or power floating is required and please note white noise sounders will be required for plant operating onsite to minimise noise when in operation/moving/ reversing)
- e. Mitigation of the impacts of lighting proposed for the construction phase
- f. Measures for controlling leaks and spillages, managing silt and pollutants
- g. Plans for the disposal and recycling of waste
- h. Locations for loading/unloading and storage of plant, waste and construction materials;
- i. Method of preventing mud being carried onto the highway;
- j. Arrangements for turning vehicles;
- k. Arrangements to receive abnormal loads or unusually large vehicles;
- l. Highway Condition survey

Development shall not take place other than in accordance with the approved CEMP.

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

11. No development shall commence on site until a detailed Sustainable Drainage System (SuDS) Strategy document has been submitted to and approved in writing by the Local Planning Authority, this should be in accordance with the proposal set out in the approved submission (Drainage Strategy Sheet 1 of 2; 22-0586-C002-B and Drainage Strategy Sheet 2 of 2; 22-0586-C003-B). The SuDS Strategy must include a detailed design, a timetable for implementation, and a full risk assessment for flooding during the groundworks and building phases with mitigation measures specified for identified flood risks. The SuDS Strategy must also demonstrate the technical feasibility/viability of the drainage system through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the life time of the development. The approved scheme for the surface water drainage shall be implemented in accordance with the approved details before the development is first put in to use/occupied.

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

Prior to Occupation Conditions

12. Prior to first occupation of each dwelling, a Resident's Pack shall be produced and left in each new home, to inform new residents of the recreational opportunities available to them, the sensitivities of local nature conservation sites and how visitors can minimise their impact plus details for becoming involved in the ongoing conservation of these sites. The pack will also provide residents with details of public transport links and foot/cycle paths to encourage the use of other modes of transport to the car. The packs should also advise people how to behave carefully in protected areas so as not to harm wildlife and habitats, e.g. putting dogs on leads during bird nesting season and throughout the year in protected areas. The Resident's Pack should be submitted to the Local Planning Authority for approval prior to occupation, and provided to residents as approved.

Reason: In the interests of preserving and enhancing ecological assets.

13. Prior to first occupation of the development, 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 consent from the local planning authority.

Reason: In the interests of ecological mitigation and enhancements.

14. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to first 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 details of the Biodiversity Net Gain assessment (Update calculations and metric including offsite measures must be submitted) and detail how condition criteria are being met and where the results from monitoring show that conservation aims and objectives 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.

Reason: In the interests of ecological mitigation and enhancements.

15. 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 42.1 metres to the west and 43.5 metres to the east measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6 metres from the edge of the 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.

16. The development shall not be occupied until a SuDS management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime, has been submitted to and approved in writing by the Local Planning Authority. The approved SUDS maintenance plan shall be implemented in full in accordance with the agreed terms and conditions.

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

Additional Conditions

17. The development shall proceed in strict accordance with the Mitigation Measures provided in the Ecological Impact Assessment (Focus Environmental Consultants, January 2024), Biodiversity Net gain Assessment (Focus Environmental Consultants, January 2024) and Ecological Mitigation and Enhancement Strategy (Focus Environmental Consultants, January 2024).

Reason: In the interests of ecological mitigation and enhancements.

- 18.** If the development plans to install any type of Heat Pumps careful consideration should be given to the acoustic characteristics and location of the heat pumps. The individual and cumulative noise impact of any heat pumps should be assessed in accordance with BS 4142:2014+A1:2019. Specification of any heat pumps to be installed shall be submitted to and approved in writing by the location planning authority. Installation shall take place as approved.

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

- 19.** Prior to their installation as part of the development hereby approved, a specification of materials and finish for external walls, doors, windows, roofing and hard landscaping proposed shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

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

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

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

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

- 22.** The landscaping details to be submitted pursuant to Condition 1 shall provide full details of both hard and soft landscape proposals. The landscape scheme shall include the following details:

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

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

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

Reason: In the interests of visual amenity, to ensure the development contributes to a multifunctional network of green infrastructure, delivers ecosystem services for people and wildlife.

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

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

Informatives

1. The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out. Contact the Highway Authority's Legal Agreements Development Management Team at highwaylegalagreements@gloucestershire.gov.uk allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Council's costs in undertaking the following actions: Drafting the Agreement A Monitoring Fee Approving the highway details Inspecting the highway works

Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.

2. All new streets must be tree lines as required in the National Planning Policy Framework. All proposed street trees must be suitable for transport corridors as defined by Trees and Design Action Group (TDAG). Details should be provided of what management systems are to be included, this includes root protections, watering and ongoing management. Street trees are likely to be subject to a commuted sum.
3. The development hereby approved and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authorities Network Management Team at Network&TrafficManagement@gloucestershire.gov.uk before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.

4. The applicant's attention is drawn to the need to ensure that the provision of the visibility splay(s) required by this consent is safeguarded in any sale of the application site or part(s) thereof.
5. It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to "respecting the community" this says: Constructors should give utmost consideration to their impact on neighbours and the public
 - Informing, respecting and showing courtesy to those affected by the work;
 - Minimising the impact of deliveries, parking and work on the public highway;
 - Contributing to and supporting the local community and economy; and
 - Working to create a positive and enduring impression, and promoting the Code.

The CEMP should clearly identify how the principal contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues. Contractors should ensure that courtesy boards are provided, and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties. This does not offer any relief to obligations under existing Legislation.

6. If at any time nesting birds are observed on site then certain works which might affect them should cease and advice sought from a suitably qualified ecological consultant or Natural England. This is to comply with the Wildlife & Countryside Act 1981 (as amended) and avoid possible prosecution. You are additionally advised that tree or shrub removal works should not take place between 1st March and 31st August inclusive unless a survey to assess nesting bird activity during this period is undertaken. If it is decided on the basis of such a survey to carry out tree or shrub removal works then they should be supervised and controlled by a suitably qualified ecological consultant. This advice note should be passed on to any persons/contractors carrying out the development.
7. The Wildlife and Countryside Act 1981 (as amended) makes it an offence to kill, injure or take any wild bird, and to intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built. It is also an offence to take or destroy any wild bird eggs. In addition the Act states that it is an offence to intentionally or recklessly disturb any wild bird listed in Schedule 1 while it is nest building, or at (or near) a nest containing eggs or young, or disturb the dependent young of such a bird. This advice note should be passed on to any persons/contractors carrying out the development.