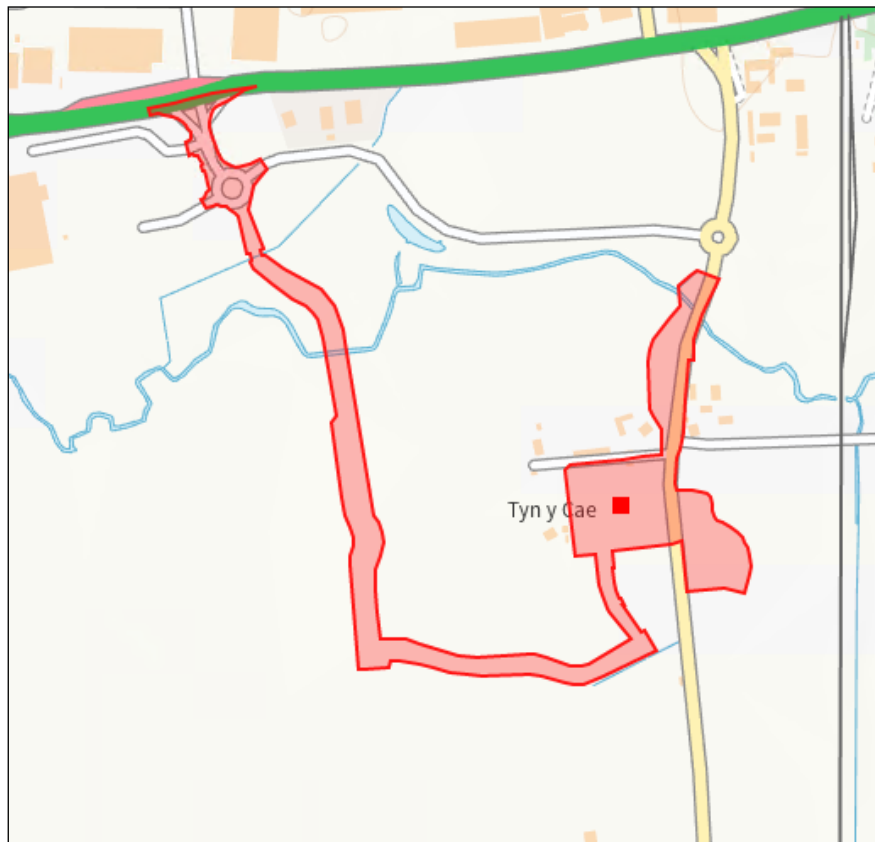


## Planning Committee

<b>Date</b>	19 March 2024
<b>Case Officer</b>	Sarah Smith
<b>Application No.</b>	23/00930/OUT
<b>Site Location</b>	Part Parcel 4256, Homedowns, Tewkesbury
<b>Proposal</b>	Residential development of up to 30 residential dwellings, associated works (including demolition), open space, infrastructure and landscaping with vehicular access from the A46(T).
<b>Ward</b>	Isbourne
<b>Parish</b>	Ashchurch Rural
<b>Appendices</b>	Site location plan Illustrative Masterplan
<b>Reason for Referral to Committee</b>	Outline application for the erection of 10 or more residential units
<b>Recommendation</b>	Delegated Permit

### Site Location



## 1. The Proposal

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Full application details are available to view online at:

<http://publicaccess.tewkesbury.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S2OGLRQDL8U00>

- 1.1 The application proposes the development of up to 30 dwellings and associated works, open space infrastructure and landscaping with vehicular access proposed from the A46(T). The red line location plan shows access would be taken through the adjoining residential development to the south and then north westwards to the A46 through the proposed estate road. The application is made in Outline with all matters reserved.

## 2. Site Description

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- 2.1 The site lies mainly to the west of Fiddington Lane and includes land through the adjacent consented residential mixed use development (17/00520/OUT) and the retail development to the north of this (17/01203/FUL), both of which are under construction, in order to achieve access from the public highway (A46T) as noted above. Additionally the site includes land to the east of Fiddington Lane required for surface water drainage and also as stated in the Planning Statement submitted by the applicant 'land running northward on the west side of Fiddington Lane should a pedestrian/cycle link be required'.
- 2.2 The part of the overall site on which the residential development is proposed comprises some 1.0ha of agricultural land. The proposed residential site is currently used for the grazing of horses and is bounded by hedgerows with an access lane along the northern boundary and consented residential sites to the south and west, Fiddington Lane to the east (although with the area for the SUDs basin on the eastern side of the lane). Outline consent has also been granted on appeal in December 2023 for a larger residential development for up to 120 dwellings on the eastern, opposite side of Fiddington Lane to this application site (22/01320/OUT). This latter site also includes the large SUDs basin proposed with this current application.

## 3. Relevant Planning History

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None on site itself

Application Number	Proposal	Decision	Decision Date
22/00439/APP	Reserved matters application for Parcel H2 for appearance, landscaping, layout and scale for the erection of 209 no. Dwellings and associated works and infrastructure pursuant to outline permission 17/00520/OUT. (Adjacent site to south)	APPROV	09.05.2023

## 4. Consultation Responses

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Full copies of all the consultation responses are available online at

<https://publicaccess.tewkesbury.gov.uk/online-applications/>.

- 4.1 Ashchurch Rural Parish Council** – Object on the following grounds:-
- Not in accordance with ARPNDP Policy V1 - Protection of intrinsic value of the countryside due to loss of open countryside, negative impact on PROW AAS8 and cycle access to the north of site will conflict with vehicles entering / exiting the permitted development at Tyn y Cae.
  - Increased use of pedestrian level crossing over railway line at Homedowns and associated dangers
- 4.2 Sustainable Drainage Engineer (LLFA)** – No objections subject to condition.
- 4.3 County Highways Officer** – No objections subject to conditions.
- 4.4 Housing Enabling Officer**- No representations received at the time of writing.
- 4.5 Public Rights of Way (Gloucestershire)** – Recommend Informatives.
- 4.6 Ecologist**- No objections following revision to Ecological Assessment and clarification over BNG extent. Recommend prior to commencement conditions in relation to CEMP, LEMP and external lighting.
- 4.7 Environmental Health Officer**- Further detailed assessment in respect of noise levels would be required with a Reserved Matters application and recommend conditions with regard to hours of construction, CEMP and potential contaminated land.
- 4.8 County Archaeologist**- There is no significant archaeology known at this location and low risk that archaeological remains would be adversely affected.
- 4.9 Conservation Officer**- No objections.
- 4.10 County Education S106 Infrastructure Team**- Financial contributions required to make the development acceptable in relation to Primary Education and Libraries. An update on this position will be provided verbally to Members at Planning Committee.
- 4.11 Community Infrastructure Team**- Need for contributions towards Ashchurch village hall improvements and off site open space contributions.
- 4.12 Building Control**- Will require Building Regulations approval.
- 4.13 Network Rail**- Object on the basis that an increase in residential development within the Homedown area will cause an increase in use of the nearby railway level crossing to a level that is considered unacceptable in terms of highway safety. Despite evidence being submitted to respond to this objection Network Rail remain concerned about the cumulative impact of developments within walking distance of the Homedowns level crossing and note that such developments will increase risk at the crossing due to the increase in use of the crossing and the introduction of vulnerable users where currently there are none.

- 4.14 Minerals and Waste** – Further information should be provided relating to waste minimisation and the development's build phase and also for waste minimisation during the development's occupation phase. Conditions recommended in respect of waste generated during site preparation/demolition/construction and for occupation waste and recycling management. The application has also not demonstrated that consideration has been given to alternative secondary and/or recycled aggregate use in the proposed development's construction and recommend that further information should be submitted prior to determination.
- 4.15 Cleeve Ramblers**- The Design and Access Statement is incorrect to state that there are no PROW routing through the site- AAS8 crosses through the western North-South corridor of the redlined area and passes through the southern East-West Corridor. Continuity of the PROWS across the wider development must be maintained.

## **5. Third Party Comments/Observations**

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

- 5.1** The application has been publicised through the posting of a site notice for a period of 21 days.
- 5.2** One letter of objection on the following grounds:-
- Overdevelopment
  - The existing Community value
  - What green space can be retained considering the land to the west is being developed with 850 houses
  - Landscape harm when viewed in conjunction with other permitted development creating an urbanisation
  - Visual harm from PROW AAS8
  - The harm of losing this green space will outweigh the benefit of 30 houses considering the permitted 1650 houses
  - The deliverability of this site should be questioned and whether it will delay existing builds
  - SOL (Save Our Lanes) do appreciate that this development does not access Fiddington Lane with motorised vehicles. However, SOL consider the route to the A46 from this site via the permitted development will become extremely congested, including the A46 itself with the additional traffic light activations.
- 5.3** One letter of objection in respect of the lack of reference to self build and custom houses in the proposal.

## **6. Relevant Planning Policies and Considerations**

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### **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 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)
- Policy REV1 (Gloucester and Tewkesbury Housing Supply Review)

## 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 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 RCN1 (Public Outdoor Space, Sports Pitch and Sports Facility Provision)
- 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 Plan

Ashchurch Rural Parish Neighbourhood Development Plan 2020-2031

- Policy T1 (Modal Shift for Major Development Proposals)
- Policy T2 (Road Safety For Walking and Cycling)
- Policy C1 (Community Infrastructure)
- Policy C2 (Broadband)
- Policy W1 (Water Management)
- Policy V1 (Protection of the Intrinsic Value of the Countryside)
- Policy H1 (Housing in Rural Areas)
- Policy H2 (Design of housing in the countryside and Fiddington, Pamington and Walton Cardiff)

### 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)

## 7. **Policy Context**

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- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the Development Plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
- 7.2 The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), policies of the Tewkesbury Borough Local Plan to 2011-2031 (June 2022) (TBLP), and a number of 'made' Neighbourhood Development Plans.
- 7.3 The relevant policies are set out in the appropriate sections of this report.
- 7.4 Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2023 and its associated Planning Practice Guidance (PPG), the National Design Guide (NDG) and National Model Design Code.

## 8. **Evaluation**

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### ***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 years 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** 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.
- 8.6** The application site is located outside of the defined settlement boundary for Tewkesbury as defined in TBLP Proposals Map. The Site Location Plan shows that the proposed housing would be located less than 0.3km of the defined settlement boundary and is separated from the existing built up area of Tewkesbury by some individual established residential curtilages, the flood plain of the Tirl Brook and the retail outlet development currently under construction. However as noted earlier it is material that the site is largely surrounded by approved and partly under construction residential development sites.
- 8.7** 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.
- 8.8** TBLP 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.

- 8.9** 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 TBLP. The application therefore conflicts with Policy SP2 and SD10 of the JCS and Policy RES3 of the TBLP and the conflict with these adopted development plan policies are the starting point for decision making. 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. It is also notable that the site is immediately adjacent to sites on 3 sides having the benefit of planning permission for residential development (to the west, south and across Fiddington Lane to the east). The site would also be accessed by the main estate road running through the wider development area to the south and west.
- 8.10** The correct course of the NPPF to be followed is clear as Paragraph 11d 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:
- i) 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
  - ii) 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.

### ***Landscape impact***

- 8.11** Paragraph 180a of the NPPF sets out that the planning system should contribute to and enhance the local environment by, inter alia, protecting and enhancing Valued Landscapes in a manner commensurate with their statutory status or identified quality in the Development Plan. The Council considers that the site cannot be classified as a 'Valued Landscape' although it is recognised for passers by using the lane for informal recreation which allows views into the site, albeit limited due to existing hedgerows, it may be considered important locally.
- 8.12** JCS Policy SD4(i) states that new development should respond positively to, and respect the character of, the site and its surroundings. Policy SD4(iv) states that new development should ensure that the design of landscaped areas, open space and public realm are of high quality, provide a clear structure and constitute an integral and cohesive element within the design.
- 8.13** JCS Policy SD6 states that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. Proposals will have regard to local distinctiveness and historic character of different landscapes and proposals are required to demonstrate how the development will protect landscape character and avoid detrimental effects on types, patterns and features which make a significant contribution to the character, history and setting of a settlement area.



- 8.14** Policy LAN2 of the TBP states that all development must, through sensitive design, siting, and landscaping, be appropriate to, and integrated into, their existing landscape setting.
- 8.15** The landscape here will change if the site is developed but it is considered by officers that a suitable landscaping scheme is capable of being provided which is attractive for the potential occupiers and allows the development site to be integrated into the nearby proposed residential development and therefore it will be seen as part of the wider development approved in this area. In this context it is concluded that the development would be acceptable in principle with regard to its impact on landscape.

### ***Highway Matters***

- 8.16** The site red line includes vehicular access from the land to the south, then west and northwest from and to the A46 through land within other development sites for housing and mixed-use development. The indicative masterplan illustrates this would provide the site vehicular access to the A46. The vehicular access route is accepted in principle by the Highways Officer but would require details at reserved matters stage of suitable two-way swept paths allowing for service vehicles, cars and emergency vehicles with suitable visibility. This access would also require suitable footway connections to the approved bus route from the C87 / Fiddington Lane south past the site using the vehicular access route west and northwest back to the A46 towards Tewkesbury. This access would need to include suitable footways and cycle connections to the approved pedestrian/cycle route from the C87 and through the development land south and west to access amenities as approved and back along the vehicular route northwest to the A46.
- 8.17** The trip rates estimated for the proposed 30 dwellings in the Transport Assessment are considered reasonable by the Highways Officer and although will add to existing traffic congestion on the local and trunk road network around the A46 it is not considered that, with suitable sustainable travel links, the proposed development would be detrimental to highway movements.
- 8.18** The red line of the application site extends north along the west side of the C87 / Fiddington lane from the residential site itself up to the recently constructed roundabout south of the A46 where the nearest off-road shared cycle/pedestrian paths end. A pedestrian and cycle link has been recommended by condition for the adjacent residential site (22/01320/OUT allowed on appeal APP/G1630/W/23/332453). A suitably designed LTN 1/20 compliant pedestrian and cycle link through the application site from alongside the existing C87 lane through the application site north to the A46 would be sought via condition.
- 8.19** There is an existing public right of way footpath AAS8, connecting the class 5 lane west towards the M5 across the under-construction estate road to the A46 within the red line. This path would need to be safeguarded and improved with suitable crossings. The indicatively proposed vehicle access route also crosses public right of way footpath AAS7 extending from footpath AAS8 south crossing the vehicle access route which would also need to be safeguarded and improved with suitable crossings. The public rights of way officer has commented on the public footpaths affected by the site red line area and would need to be consulted to agree any changes to the existing footpaths.
- 8.20** The illustrative masterplan does not illustrate direct pedestrian and cycle links via the northeast corner of the site onto the pedestrian and cycle route approved on the west side of the existing lane north to the A46, included in the neighbouring site with approval 22/01320/OUT. This would be sought to establish a suitable connection north of the

application site.

- 8.21** The illustrative masterplan does illustrate a pedestrian / cycle link in the northwest corner of the site onto the class 5 lane (road number 500268) which runs along the northern boundary of the site. This would provide a useful link to public footpath AAS8 west from the lane onto the under-construction road through the neighbouring development sites. However, this link would require suitable emerging visibility splays commensurate with recorded speeds. Safe and suitable pedestrian and cycle separation from traffic along the narrow class 5 lane to the northwest site corner with visibility has been requested by the Highways Officer although the applicant considers this unnecessary given the likely limited use of the lane by vehicular traffic. The pedestrian / cycle link between the site and the 500268 lane appears as a narrow footway which should be widened for use by pedestrians and cyclists according to LTN 1/20 guidance and provide safe entrance features onto the class 5 lane to the north. The Highways Officer also states that a pedestrian and cycle link should be made from the southeast corner of the site via the residential roads south of the site to provide for direct links to the bus stops proposed within the proposed housing to the south from the class 3 Fiddington Lane.
- 8.22** The inclusion of street trees on the illustrative masterplan is welcomed and supported by the Highways Officer subject to suitable location, species and siting to ensure safe and suitable access with management provision and a commuted sum to would be required by the County Council for any trees within highway space proposed for adoption – this provided through technical approval with the County Council.
- 8.23** In summary the Highways Officer has no objections subject to Conditions.

***Pedestrian safety in relation to the railway crossing***

- 8.24** For those pedestrians leaving the proposed site who wish to travel east the closest means of traversing the railway line to the east is to take the lane which goes under the railway line to Natton. However, Network Rail have raised concern about the increased risk of occupiers of this site using the Homedown Level Crossing to the southeast in order to access public rights of way and countryside to the east.
- 8.25** The Homedown level crossing is situated some distance from the site southeast of Fiddington Lane. It comprises of a 'User Worked Crossing with Telephones (UWCT) but also a 'Footpath with Wicket gates (FPW). It is understood that the UWCT can only be used by a known list of authorised users who have a private right to use the crossing with vehicles.' Both vehicular gates are padlocked with access requiring a key and permission to cross. However, the pedestrian wicket gates are unlocked and provide 24 hours access over the crossing. The lane either side of the level crossing forms part of a public right of way and the Gloucestershire Way.
- 8.26** A recent appeal decision for an outline application for 120 dwellings opposite the application site which is immediately adjacent to the railway line and close to the pedestrian crossing discussed in some detail the issue of pedestrian risk in relation to the railway line (APP/G1630/W/23/3324253 planning application 22/01320/OUT). Whilst not objecting to the principle of development in that case Network Rail sought a Grampian condition to prevent the occupation of the dwellings until the Homedown level crossing is closed. The Appeal Inspector considered the evidence submitted in that case and considered that the context of both the proposed development and the level crossing needed to be given due consideration in determining whether there would be any impacts on safety and risk. In his view the crossing had excellent visibility but also the

development the subject of the appeal would provide a pedestrian link northward to the lane to encourage use of the alternative Natton Lane underpass route. The Inspector considered that this route would be an attractive route for development on the opposite side of Fiddington Lane too.

- 8.27** The issue of potential flooding of the Natton lane route was raised at the Inquiry but it was considered that there was insufficient evidence to demonstrate that this was so significant that it would prevent use of the route on a regular basis. The Inspector concluded that the Natton Lane underpass provided an alternative route to access the PROW and countryside to the east without needing to cross the railway line. In addition, there would be little reason for future residents of the scheme to use the level crossing to access everyday local services as these are/will be located to the north and west. In the Inspector's view the appeal scheme would be unlikely to result in a significant increase in the FPW from residents of the appeal scheme and concluded that the proposal would not result in unacceptable harm to the public safety of the level crossing. The appeal decision is a material consideration.
- 8.28** The proposed development, the subject of this report, is further away from the level crossing and is of a smaller scale than the appeal site and, in addition, well located in terms of the proposed pedestrian/cycle link being provided to the north and close to the quiet lane ( Natton Lane) which leads under the railway line to the countryside in the east. The distance from the northern boundary of the application site to the subway under the railway is 280 metres. If future residents were to alternatively route south through the consented scheme, along Fiddington Lane (without footpaths) then east past the Homedown Business Park to cross the level crossing this would be a journey of over 630 metres. The applicant has provided a rebuttal to the comments of Network Rail and notes that pedestrian movement in that particular direction is unlikely in any event since there are no key trip attractors east of the railway - although officers consider that it may be attractive for dog walkers and hikers for example. However, based on 'just walking' trips alone the applicant considers the figure of 2 trips daily is likely but also that these trips would be mostly made by people using the lane to Natton to traverse the railway rather than the level crossing route. Taking into account the appeal Inspector's views officers consider that an objection on highway safety grounds in respect of increased use and therefore risk of the level crossing by pedestrians cannot be sustained.

### ***Design and layout***

- 8.29** 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 139 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.

- 8.30** 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.
- 8.31** JCS Policy SD4 provides that new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. It should be of a scale, type, density, and materials appropriate to the site and its setting. Criterion 6 of Policy SD10 of the JCS states that residential development should seek to achieve maximum density compatible with good design, the protection of heritage assets, local amenity, the character and quality of the local environment, and the safety and convenience of the local and strategic road network.
- 8.32** The applicant has submitted an illustrative masterplan with the application that demonstrates how a layout could be achieved around the proposed access point. However, all matters relating to design and layout are reserved for future consideration.

***Residential amenity***

- 8.33** In respect of the impact of the development upon residential amenity, paragraph 135 of the NPPF specifies that planning decisions should ensure development creates places with a high standard of amenity for existing and future users. This advice is reflected in JCS policies SD4 and SD14 which require development to enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space. Development should have no detrimental impact on the amenity of existing or new residents or occupants.
- 8.34** Policy RES5 of the TBLP also sets out that proposals should provide an acceptable level of amenity for the future occupiers of the proposed dwellings and cause no unacceptable harm to the amenity of existing dwellings.
- 8.35** Policy DES1 of the TBLP requires all new residential development to meet the Government's national space standards as a minimum, to ensure that high quality homes are delivered that provide a sufficient amount of internal space appropriate for occupancy of the dwelling. These space standards will be secured as part of any future reserved matters application.
- 8.36** The application is in outline and therefore the specific internal relationship of the dwellings, as well as the relationship of the proposed development with any 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 capable of being achieved.

### ***Housing mix***

- 8.37** Policy SD11 of the JCS and RES13 of the TBLP requires all new housing development to provide an appropriate mix of dwelling sizes, types and tenures in order to contribute to mixed and balanced communities and a balanced housing market. Housing mix should be based on the most up to date evidence of local housing need and market demand.
- 8.38** The Gloucestershire Local Housing Needs Assessment 2019 – Final Report and Summary (September 2020) (LHNA) provides the most up to date evidence base to inform the housing mix on residential applications. This report states that in Tewkesbury 3% of new market dwellings should be one bedroom properties, with 13% having two bedrooms, 54% containing three bedrooms and 29% having four bedrooms or more.
- 8.39** The DAS sets out the proposals allow for a range of dwellings across the site with varying sizes and tenures to accommodate a variety of household types. It is proposed that there would be differing densities across the site including higher densities in the centre and lower densities at the edges of the scheme, particularly that fronting Fiddington Lane. Given the proposal is in outline, should planning permission be granted, a condition is recommended to secure the market housing mix so that the schedule of accommodation would be in broad accordance with the most up to date evidence of the local housing market need and market demand at the time any reserved matters application for the development is submitted.
- 8.40** A representation has been received in respect of the lack of self build/custom land within the proposal. This has been drawn to the attention of the applicant and an update will be verbally provided to Members at Planning Committee.

### ***Affordable housing***

- 8.41** Paragraph 8 of the NPPF states that the planning system needs to perform a number of roles, including a social role in supporting strong, vibrant and healthy communities, by providing a supply of housing required to meet the needs of present and future generations.
- 8.42**
- 8.43** Policy SD12 of the JCS and Policy RES12 of the TBLP requires 40% of the proposed houses to be secured as affordable housing.
- The Design and Access Statement within the application states that a policy compliant level of affordable housing will be provided. The precise mix of unit types, sizes and details of tenure arrangements would be subject to consultation and agreement with the LPA and would be set out in the Section 106 Agreement. Detailed design information regarding affordable housing provision would be required at the Reserved Matters Stage.

### ***8.44 Surface Water Drainage and flood risk***

JCS Policy INF2 advises that development proposals must avoid areas at risk of flooding and must not increase the level of risk to the safety of occupiers of a site and that the risk of flooding should be minimised by providing resilience and taking into account climate change. It also requires new development to incorporate Sustainable Urban Drainage Systems (SuDS) where appropriate to manage surface water drainage. This is reflected in Policy ENV2 of the TBP and the NPPF.

- 8.45** The application site is located in Flood Zone 1 and has a low probability of fluvial flooding.
- 8.46** The application proposes an attenuation basin on the other side of Fiddington Lane which would provide an area for surface water from severe storms to be accommodated and released at a controlled rate. The attenuation basin is larger than required by this development since it would also provide attenuation for a larger residential development scheme for 120 dwellings on the east side of Fiddington Lane recently allowed on appeal. The Sustainable Drainage Officer (LLFA) has no objections to the proposal subject to condition.

### ***Foul Drainage***

- 8.47** The nearest foul sewerage network, which is owned and managed by Severn Trent Water, is located approximately 1.5Km to the north in Ashchurch.
- 8.48** Planning permission has been granted for a residential development of up to 850 dwellings and is under construction located immediately to the south and west of the application site. It is proposed to connect the foul drainage from the application site to the proposed foul drainage for this approved residential development. It is understood that a contractual agreement between the applicant and the developer is in place for foul drainage connections to be provided. Due to the topography of the site, in order to drain the application site by gravity to point U, the raising of ground levels is proposed between 15 and 90 centimetres in parts of the site.
- 8.49** The proposed foul drainage for this application site has also been designed to cater for the pumped flows from the proposed residential development for 120 dwellings east of Fiddington Lane as allowed on appeal (22/01320/OUT).

### ***Biodiversity and Trees***

- 8.50** 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 TBLP states that development proposals that will conserve, and where possible restore and/or enhance biodiversity will be permitted.
- 8.51** A desk study was carried out along with various ecological surveys by the applicant in 2020, 2021 and 2023. The main part of site where the 30 dwellings are proposed comprises the northern part of a field of species-poor semi-improved grassland bordered by hedgerows with trees to the east and west.
- 8.52** The field to the east where the sustainable drainage system (SuDS) basin is proposed comprises species-poor semi-improved grassland with a hedgerow along the western boundary. The area to the north where a cycle / pedestrian link will be implemented through this proposal (or provided under application 23/1320/OUT) comprises a woodland belt, species-rich grassland, and a group of horse chestnut trees. There is a hedgerow along the eastern boundary.

- 8.53** The Council's Ecologist notes that there is potential for nesting and foraging birds in the hedgerows, trees, scrub and buildings. The development would result in the loss of the majority of the species-poor grassland in the main site to housing. A small area of species-poor grassland in the eastern field would be affected by construction of the SuDS basin although this has been considered previously under the allowed appeal scheme. All of the existing hedgerows and trees in the main site and eastern site would be retained.
- 8.54** The mitigation set out in the Ecological Assessment, as amended, is considered acceptable by the Council's Ecologist. These include the provision of Public Open Space with wildflower meadow; new native and locally sourced tree, shrub and hedgerow planting; planting up gaps in retained hedgerows; a sensitive operational phase lighting scheme to minimise impacts on bats; installation of bat and bird boxes on trees; provision of log piles for invertebrates; and long-term favourable management of all habitats on site. Bat roosting and bird nesting features are also proposed to be incorporated into the new dwellings and measures for hedgehogs incorporated into the development including gaps at the base of permanent fencing and the provision of hedgehog houses and insect houses.
- 8.55** The Biodiversity Net Gain (BNG) calculation shows that the habitat mitigation and enhancements proposed would result in a net gain in biodiversity of approximately 13% for habitats and 40% for hedgerows. The development as indicated in the Illustrative Masterplan would therefore meet the BNG requirements. The BNG assessment only covers the main site, and not the areas to the east (SuDS basin) or north (cycle / pedestrian link) but this would be potential 'double counting' since these areas are considered with the allowed appeal scheme to the east. The BNG assessment would need to be revised when more detailed landscape plans are developed at future planning stages.

### ***Archaeology***

- 8.56** The NPPF states that where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. Policy SD8 of the adopted JCS seeks to protect Heritage Assets and Policy HER4 of the TBLP also seek to ensure that new development will have no adverse impact on archaeological remains of interest.
- 8.57** The County Archaeologist has advised that a Geophysical Survey and Trench Evaluation has previously been undertaken at the site and identified no significant archaeological remains. Therefore, there is a very low risk that archaeological remains would be adversely affected by the development proposal. As a consequence, the County Archaeologist recommends that no archaeological or recording needs to be undertaken in connection with the scheme.

### ***Open Space***

- 8.58** The NPPF sets out that planning decisions should aim to achieve healthy, inclusive and safe communities including promoting social interaction. Planning decisions should enable and support healthy lifestyles including through the provision of safe and accessible green infrastructure and sports facilities.

- 8.59** JCS Policy INF4 states that where new residential development will create or add to, a need for community facilities, it will be fully met as on-site provision and/or as a contribution to facilities or services off-site. JCS Policies INF6 and INF7 support this requirement.
- 8.60** Policy RCN1 of the TBP requires that new development shall provide appropriate public open space, sports pitches and built sports facilities to meet the needs of local communities and that provision should be informed by the most up to date evidence base.
- 8.61** The application proposes a Local Area of Play (LAP) within the site as part of the provided open space on the site of .22ha. Given the relatively small scale of the site contributions to off-site open space provision will be sought through the completion of a S106 Agreement. There are a number of identified improvements to existing public sports and recreation facilities in the Tewkesbury area that could benefit. No agreement on the details of this has been reached with the applicant at this stage. A verbal update will be provided to Members at Planning Committee.

### ***Education, Libraries and Community Provision***

- 8.62** Gloucestershire County Council as Local Education Authority (LEA) has been consulted on the application and originally requested contributions to primary school places in the area but following further information being provided by the applicant has now not sought to require such a contribution. The County Council has requested a Library contribution of 5,880 (£196 pre dwelling) in order to mitigate the impact of increasing library users arising from the development. This would be utilised for improvements to Tewkesbury library. The applicant has agreed this planning obligation.
- 8.63** The Communities team have noted that the development would generate a need for 9 square metres of community hall provision at a cost of £14,551 and Ashchurch Village Hall have identified plans in order to extend their facility. However, the applicant contends this as they consider that the proposal aligns with the community provision already identified within the adjacent development. A verbal update will be provided to Members on this aspect at Planning Committee.

### ***Section 106 obligations***

- 8.64** 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.
- 8.65** 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.



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

**8.67** Requests have been made by consultees to secure the following obligations/contributions:

Affordable Housing (policy compliant)	
Libraries:-	£5,800
Community Centre Contribution:-	£14,551
Off site Open Space	£69,539
Refuse and Recycling	£2,190 (£73 per dwelling)

**8.68** There is currently no signed agreement to secure these contribution requests, but they are capable of being resolved through the signing of an appropriate planning obligation and legal agreement. A verbal update on progress to resolve the outstanding matters will be provided to Members at Planning Committee.

## **9. Conclusion**

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**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 TBLP. The application therefore conflicts with Policy SP2 and SD10 of the JCS and Policy RES3 of the TBLP and the conflict with these adopted development plan policies is the starting point for decision making.

**9.3** However, on the basis that the Council cannot at this time demonstrate a five-year supply of deliverable housing sites, having a significant shortfall at 3.24 years of deliverable supply, the most important policies for determining the application are deemed to be out of date and less weight can be given to them. Paragraph 11(d) of the NPPF therefore applies.

**9.4** Paragraph 11 of the NPPF, the presumption in favour of sustainable development indicates that permission should be granted unless policies for protecting areas or assets of particular importance in the NPPF provide a clear reason for refusing the development proposed, or any adverse impacts of permitting the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

### ***Benefits***

- 9.5 The application would give rise to a number of benefits.
- 9.6 The development would contribute towards the supply of housing, both market and affordable housing to help meet the need for housing in the Borough. The provision of affordable housing is considered to be a significant benefit of the proposals to be weighed in the planning balance.
- 9.7 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.
- 9.8 The provision of a new cycle route and pedestrian access to the north is also a benefit of the proposal as well as securing biodiversity net gain and the proposed tree planting although the proposed cycle/pedestrian link is to be provided by the nearby development too if that Permission were to be implemented.
- 9.9 There are also benefits arising directly from the proposals including the provision of publicly accessible open space and off-site planning obligations. Given that these benefits are directly related to the development, to make the proposal acceptable in planning terms, officers afford these benefits limited weight.

### ***Harms***

- 9.10 Harm arises from the conflict with development plan policies and the spatial strategy relating to housing, particularly Policies SP2 and SD10 of the JCS and Policy RES3 of the TBLP.
- 9.11 The proposal would also result in the loss of agricultural land/equine land and this is considered a modest harm arising from the proposal.
- 9.12 At this stage there is no signed S106 Agreement to secure affordable housing; nor is there a signed Agreement to provide for financial contributions required towards libraries, off-site recreational facilities, recycling facilities, or community facilities. Albeit these matters are capable of being resolved in terms of the planning balance.

### ***Neutral***

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

### ***Overall Conclusion***

- 9.14 This is a case where the 'tilted balance' is engaged through the provisions of the NPPF. Having carefully considered all of the submitted comments and representations, and reviewed the relevant policy and material planning considerations, officers consider that whilst planning harms have been identified, as set out above, these harms, would not significantly and demonstrably outweigh the benefits of the proposed development in the overall planning balance.

**9.15** For these reasons officers recommend that authority be delegated to the Associate Director: Planning to **PERMIT** the application subject to appropriate conditions and planning obligations.

## **10. Recommendation**

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**10.1** It is therefore recommended:

A. That the Associate Director of Planning is given delegated authority to GRANT planning permission subject to the conditions set out below, and any additional or amended conditions, and subject to completion of S106 legal agreements securing the requirements specified in the S106 Obligations section of the report subject to any amendments arising from ongoing discussions. Where the S106 agreements have not been concluded prior to the Committee, a period not exceeding twelve weeks after the date of the Committee shall be set for the completion of the obligations.

B. In the event that the agreement has not been concluded within the twelve-week period and where, in the opinion of the Associate Director of Planning, there are no extenuating circumstances which would justify a further extension of time, the Associate Director of Planning is given Delegated Authority to REFUSE planning permission for the following reason on the basis that the necessary criteria essential to make what would otherwise be unacceptable development acceptable have not been forthcoming:

1. The applicant has failed to agree to planning obligations to secure the necessary infrastructure contributions, affordable housing and required on site open space contrary to JCS Policies INF4, INF6 and INF7 and TBLP Policy RCN1.

## **11. Conditions**

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1. The development for which permission is hereby granted shall not be begun before detailed plans thereof showing the access, appearance, landscaping, layout and scale (hereinafter referred to as "the reserved matters") have been submitted to and approved by the Local Planning Authority.

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

2. Applications for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

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 two years from the date of approval of the last of the reserved matters to be approved,  
whichever is the later

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

4. The details to be submitted as part of the Reserved Matters application pursuant to Condition 1 shall include a plan indicating the positions, design, materials and type of boundary treatments to be erected to the boundaries of the proposed dwellings. The boundary treatments shall be completed in accordance with the approved plan/details before the dwellings are occupied.

Reason: In the interests of the visual amenity of the area and the amenities of the occupiers of neighbouring properties.

5. The details to be submitted as part of the Reserved Matters application pursuant to Condition 1 shall include precise details and/or samples of all walling and roofing materials to be used externally, and all surface materials within their curtilages, proposed to be used. Development shall be carried out in accordance with the approved details/samples.

Reason: To ensure that the materials and exterior building components harmonise with their surroundings.

6. The details to be submitted for the approval of Reserved Matters pursuant to Condition 1 shall include the layout and internal access roads within the site, and the development shall be carried out in accordance with the approved plans. No dwelling on the development shall be occupied until the carriageway(s) (including surface water drainage/disposal and vehicular turning head(s)) providing access from the nearest public highway to that dwelling have been completed to at least binder course level and the footway(s) to surface course level.

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

7. The details to be submitted for the approval of Reserved Matters pursuant to Condition 1 shall include vehicular parking and turning facilities within the site, and the dwellings shall not be occupied until those facilities have been provided in accordance with the approved plans and shall be maintained available for those purposes for the duration of the development.

Reason: To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided.

8. Prior to commencement of the development hereby permitted details of a Construction (and demolition) Environmental Management Plan (CEMP) 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 vehicles 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/exit to the site.

- Staff/contractor facilities and travel arrangements.

- Dust mitigation.

- Noise and vibration mitigation (Including whether piling or power floating is required.

White noise sounders will be required for plant operating onsite to minimise noise when in

operation/moving/ reversing).

- Mitigation of the impacts of lighting proposed for the construction phase.
- Measures for controlling leaks and spillages, managing silt and pollutants.
- Plans for the disposal and recycling of waste.
- 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 CEMP to staff, visitors and neighbouring residents and businesses.

The mitigation measures set out in the updated Ecological Assessment that apply to the site clearance and construction phase of the development shall also be included in the CEMP with detailed Method Statements.

Reason: To protect existing and proposed properties from the impacts of short-term exposure to noise, vibration, light and dust nuisance, the protection of wildlife and in the interests of safe operation of the adopted highway.

- 9.** The Development hereby approved shall not commence until detailed drawings of highway improvements works comprising:
- An active travel corridor for pedestrians and cyclists shall be provided from the site to the A46 via the C87/Fiddington Lane.
- has been submitted to and approved in writing by the Local Planning Authority; and no dwelling shall 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.** 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. The approved details shall be maintained for this purpose thereafter.
- Reason: To promote sustainable travel and healthy communities.

- 11.** The Development hereby approved shall not be occupied until the applicant has submitted to and had approval in writing from the Local Planning Authority for a residential welcome pack promoting sustainable forms of access to the development. The pack shall be provided to each resident at the point of the first occupation of the dwelling.

Reason: To reduce vehicle movements and promote sustainable access.

- 12.** No works or development shall take place until full details of all proposed street tree planting, root protection systems, future management plan, and the proposed times of planting, have been approved in writing by the Local Planning Authority, and all tree planting shall be carried out in accordance with those details and at those times.

Reason: To ensure the continued wellbeing of the trees in the interests of the amenity, safety of road users and environmental quality of the locality.

13. No building works hereby permitted shall be commenced until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. The information submitted shall be in accordance with the principles set out in the approved drainage strategy. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in The SuDS Manual, CIRIA C753 (or any subsequent version), and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
- i. include a timetable for its implementation; and
  - ii. Provide a full risk assessment for flooding during the groundworks and building phases with mitigation measures specified for identified flood risks; and
  - iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

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

14. No below or above ground development shall commence until a detailed site waste management plan or equivalent has been submitted to and approved in writing by the local planning authority. The detailed site waste management plan must identify: - the specific types and amount of waste materials forecast to be generated from the development during site preparation & demolition and construction phases; and the specific measures that will be employed for dealing with this material so as to: - minimise its creation, maximise the amount of re-use and recycling on-site; maximise the amount of off-site recycling of any wastes that are unusable on-site; and reduce the overall amount of waste sent to landfill. In addition, the detailed site waste management plan must also set out the proposed proportions of recycled content that will be used in construction materials. The detailed site waste management plan shall be fully implemented as approved unless the Local Planning Authority gives prior written permission for any variation.

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

15. The details to be submitted for the approval of Reserved Matters pursuant to Condition 1 shall include the location of the storage space for waste and recycling facilities associated with each dwelling and a refuse and recycling bin collection management plan. The approved scheme shall be implemented in accordance with the approved details prior to the first occupation of the development and thereafter maintained for the life of the development.

Reason: To ensure a satisfactory form of development in the interests of the visual amenities of the built environment.

- 16.** The details to be submitted for the approval of Reserved Matters pursuant to Condition 1 shall include details of noise levels within the dwellings hereby permitted, to demonstrate that these shall not exceed those set out in BS8233:2014 “Sound Insulation and Noise Reduction for Buildings”, and details of noise levels measured from enclosed outdoor private amenity areas (gardens) to demonstrate that these shall attain the 50dB(A) desirable criteria (Considered to be the LOAEL) and not exceed the upper limit recommended within BS8233:2014 being 55dB(A) (Considered to be the SOAEL).

Reason: To protect the residential amenity of future occupiers.

- 17.** The details to be submitted for the approval of Reserved Matters pursuant to Condition 1 shall include existing and proposed site sections and full details of finished floor and site levels. All development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenity of the area and the amenities of the occupiers of neighbouring properties.

- 18.** The details to be submitted for the approval of Reserved Matters pursuant to Condition 1 shall include a Housing Mix Statement setting out how an appropriate mix of dwelling sizes, types and tenures will be provided in order to contribute to a mixed and balanced housing market to address the needs of the local area, including the needs of older people, as set out in the local housing evidence base, including the most up-to-date Strategic Housing Market Assessment for the area at the time of the submission of the reserved matters. The development shall be implemented in accordance with the approved Housing Mix Statement.

Reason: To ensure the delivery of a mix of dwelling sizes to meet existing need and the creation of a mixed and balanced community.

- 19.** The details of landscaping to be submitted for the approval of Reserved Matters pursuant to Condition 1 shall include a landscape scheme for the whole site. The submitted design shall include the proposed new landscaping scheme on scaled drawings accompanied by a written specification clearly providing full details of proposed tree and hedgerow planting to include location, species, sizes, densities and planting numbers. Development shall be carried out in accordance with the approved details. The submitted drawings shall also include accurate details of all existing trees and hedgerows with their location, species, size, condition, any proposed tree surgery and which are to be removed and how those to be retained are to be protected (a tree protection plan to BS5837:2012 or subsequent revisions). Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

- 20.** The details of landscaping to be submitted for the approval of Reserved Matters pursuant to Condition 1 shall include full details regarding adequate measures to protect trees and hedgerows. This shall include:

A. Fencing. Protective fencing must be installed around trees and hedgerows to be retained on site. The protective fencing design must be to specifications provided in BS5837:2012 or subsequent revisions, unless agreed in writing with the local planning authority. A scale plan must be submitted and approved in writing by the local planning authority accurately indicating the position of protective fencing. No development shall be commenced on site or machinery or material brought onto site until the approved protective fencing has been installed in the approved positions and this has been

inspected on site and approved in writing by the local planning authority. Such fencing shall be maintained during the course of development,

B. Tree Protection Zone (TPZ) The area around trees and hedgerows enclosed on site by protective fencing shall be deemed the TPZ. Excavations of any kind, alterations in soil levels, storage of any materials, soil, equipment, fuel, machinery or plant, citing of site compounds, latrines, vehicle parking and delivery areas, fires and any other activities liable to be harmful to trees and hedgerows are prohibited within the TPZ, unless agreed in writing with the local planning authority. The TPZ shall be maintained during the course of development.

Reason: To ensure adequate protection to existing trees which are to be retained, in the interests of the character and amenities of the area.

- 21.** All planting, seeding or turfing in the approval of reserved matters for landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

- 22.** Before the commencement of any building works details of the surfacing treatments to be used on the approach road and the turning and parking areas shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure adequate off-street parking and access arrangements are provided.

- 23.** 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.

- 24.** Any contamination that is found during the course of construction of the development that was not previously identified shall be reported immediately to the local planning authority. Development on that part of the site affected shall be suspended and a risk assessment carried out by a competent person and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development (or relevant phase of development) is resumed or continued.

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.



25. The enhancement measures outlined in the updated Ecological Assessment should be further expanded on in a Landscape and Ecology Management Plan (LEMP). Management should be applicable for a minimum period of five years, though in relation to BNG this should be for 30 years and include a monitoring regime to ensure habitats establish well and that wildlife features remain in good condition. The LEMP should include plans showing locations and extent of all habitats and wildlife features, and a timetable of activities. A Responsible Person / organisation should be stated and the method by which the protection of retained, enhanced and created habitats would be secured. The extent and location of removed, retained and newly created habitats presented in the LEMP should match that set out in the BNG assessment. The LEMP should demonstrate that the BNG proposed in the BNG assessment would be achieved. It should be submitted to and approved in writing by the LPA prior to commencement. Details of the mitigation measures in situ shall be provided to the Local Planning Authority prior to the occupation of each dwelling for approval in writing.

Reason: In the interests of biodiversity.

26. Prior to commencement of development, details of external lighting should be submitted to and approved in writing by the Council. The details should clearly demonstrate that lighting will not cause excessive light pollution of the boundary habitats and areas of open space. The details should include, but not be limited to, the following:
- i) A drawing showing sensitive areas and/or dark corridor safeguarding areas;
  - ii) Description, design or specification of external lighting to be installed including shields, cowls or blinds where appropriate;
  - iii) A description of the luminosity of lights and their light colour including a lux contour map;
  - iv) A drawing(s) showing the location and where appropriate the elevation of the light fixings; and
  - v) Methods to control lighting control (e.g. timer operation, passive infrared sensor (PIR)).

All external lighting should be installed in accordance with the specifications and locations set out in the approved details. These should be maintained thereafter in accordance with these details. No additional external lighting shall be installed unless agreed in writing by the LPA.

Reason: In the interests of biodiversity.

## 12. **Informatives**

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- 1 In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing the to the Council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.
- 2 Works on the Public Highway  
The development hereby approved includes the carrying out of work on the adopted highway. The developer is advised that before undertaking work on the adopted highway they 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](mailto:highwaylegalagreements@gloucestershire.gov.uk) allowing sufficient time for the preparation and signing of the Agreement. Fees are required to cover the Councils costs in undertaking the following actions:

Drafting the Agreement

A Monitoring Fee

Approving the highway details

Inspecting the highway works

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

### 3 Highway to be adopted

The development hereby approved includes the construction of new highway. To be considered for adoption and ongoing maintenance at the public expense it must be constructed to the Highway Authority's standards and terms for the phasing of the development. The developer is advised that you must enter into a highway agreement under Section 38 of the Highways Act 1980. The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980.

Contact the Highway Authority's Legal Agreements Development Management Team at [highwaylegalagreements@gloucestershire.gov.uk](mailto:highwaylegalagreements@gloucestershire.gov.uk). Fees are required to cover the Councils cost's in undertaking the following actions:

- Drafting the Agreement

- Set up costs

- Approving the highway details

- Inspecting the highway works

The developer should enter into discussions with statutory undertakers as soon as possible to co-ordinate the laying of services under any new highways to be adopted by the Highway Authority.

The Highway Authority's technical approval inspection fees must be paid before any drawings will be considered and approved. Once technical approval has been granted a Highway Agreement under Section 38 of the Highways Act 1980 must be completed and the bond secured.

### 4 Street Trees

All new streets must be tree lined 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.

### 5 Public Right of Way Impacted

There is a public right of way running through the site, the applicant will be required to contact the PROW team to arrange for an official diversion, if the applicant cannot guarantee the safety of the path users during the construction phase then they must apply to the PROW department on 08000 514514 or [highways@gloucestershire.gov.uk](mailto:highways@gloucestershire.gov.uk) to arrange a temporary closure of the right of way for the duration of any works. We advise you to seek your own independent legal advice on the use of the public right of way for vehicular traffic.

The site is traversed by a public right of way and this permission does not authorise

additional use by motor vehicles, or obstruction, or diversion.

**6** Impact on the highway network during construction

The development hereby approved and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authorities Network Management Team at [Network&TrafficManagement@gloucestershire.gov.uk](mailto: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.

**7** Construction Environmental Management Plan (CEMP)

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 CMP 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.

**8** The Lead Local Flood Authority (LLFA) will consider to how the proposed sustainable drainage system can incorporate measures to help protect water quality, however pollution control is the responsibility of the Environment Agency.