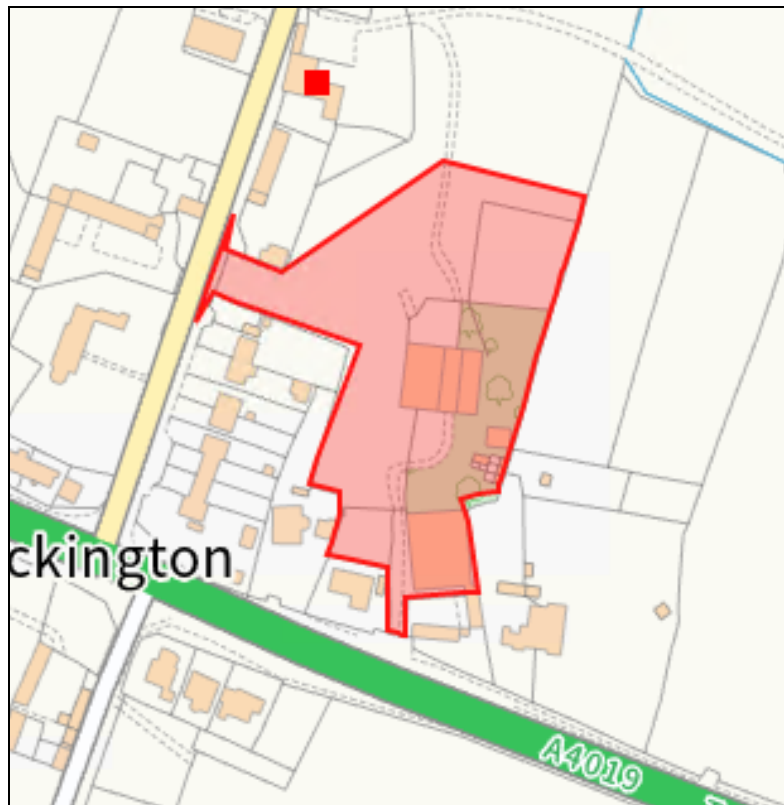


Planning Committee

Date	18 June 2024
Case Officer	Curtis McVeigh
Application No.	22/01163/FUL
Site Location	Uckington Farm, The Green, Uckington
Proposal	Demolition of agricultural buildings and erection of 16 no. dwellings, creation of access, landscaping and associated works.
Ward	Severn Vale South
Parish	Uckington
Appendices	Site layout plan Illustrative Streetscene Example housetype elevations (PB3, HT4, PL4, WH4, GT5, 12B2P M4(3)GF, 12B2P M4(1)FF, 2B4P M4(2), 3B5P M4(2)) Single and Double Garage Elevations
Reason for Referral to Committee	Full or outline application for the erection of 10 or more residential units
Recommendation	Delegated Permit

Site Location



1. The Proposal

- 1.1** Full application details are available to view online at:
- [22/01163/FUL | Demolition of agricultural buildings and erection of 16 no. dwellings, creation of access, landscaping and associated works. | Uckington Farm The Green Uckington Cheltenham Gloucestershire GL51 9SR \(tewkesbury.gov.uk\)](https://www.tewkesbury.gov.uk/22/01163/FUL%20|%20Demolition%20of%20agricultural%20buildings%20and%20erection%20of%2016%20no.%20dwellings,%20creation%20of%20access,%20landscaping%20and%20associated%20works.%20|%20Uckington%20Farm%20The%20Green%20Uckington%20Cheltenham%20Gloucestershire%20GL51%209SR)
- 1.2** The submitted application seeks full planning permission for the removal of existing agricultural buildings and the re-development of the site with 16 dwellings, 10 x detached properties, 2 x semi-detached bungalows and a terrace of 2 x two storey dwellings and 2 x apartments.
- 1.3** Vehicular access would be created onto 'The Green' with pedestrian access to the south of the site linking to the A4019.
- 1.4** An area of public open space would be located in the northeastern corner of the site consisting of orchard trees and wildflower meadows. A retained route of agricultural access is to be provided beyond the northern turning head, allowing agricultural vehicles through to the fields when required, as well as facilitating access to the open space areas for maintenance as required.
- 1.5** 16 dwellings are proposed, of which 6 (37.5%) would be affordable, of a range of tenures.
- 1.6** Open Market:
- 3 bedroom: 2 units
 - 4 bedroom: 7 units
 - 5 bedroom: 1 unit
- 1.7** Affordable:
- 1 bedroom: 2 units
 - 2 bedroom: 2 units
 - 3 bedroom: 2 units
- 1.8** All dwellings would have dedicated parking, 10 units would have garages.
- 1.9** The design of the individual house types and the proposed facing materials have been amended during the course of determination of the application. Some of the traditional design features within the area as identified in the submitted Design and Access statement have been incorporated within the dwellings such as dormers, brick arches, brick cills, dentil courses on the eaves and some chimneys.
- 1.10** The submitted materials contains an indication of the brick type to be used but does not include details of final proposed brick and tile types, these can be secured via condition.

2. Site Description

- 2.1** The application relates to a parcel of land at Uckington Farm (approximately 1 hectare in size) which is located on the eastern side of the village of Uckington, to the east of The Green, approximately 100 metres north of the junction of The Green and the A4019. The site has previously been utilised for agricultural use and currently comprises a number of agricultural buildings along with associated agricultural land. The site is generally flat and is currently accessed from the A road to the south but has no right-hand turn facility. The site also links to The Green between existing houses but there is currently no access at this point and a stone wall adjoins The Green.
- 2.2** The majority of the site is located within the defined Uckington settlement boundary. The scheme has been amended to ensure all built development proposed will be located within the village development boundary as set out in the Tewkesbury Borough Local Plan Proposals Map. The proposed open space would be located outside the defined boundary, the Neighbourhood Development Plan is not yet made but identifies the site as green space.
- 2.3** The site is not within a conservation area however, it is located within the setting of a number of listed and curtilage listed buildings including Uckington Farmhouse and associated buildings which are Grade II Listed.
- 2.4** Uckington is a small-scale settlement but is listed as an urban fringe settlement on the outskirts of Cheltenham within the Tewkesbury Borough Local Plan. The existing buildings on the site are modern agricultural buildings and the neighbouring dwellings adjoining the site are a mix of scale and styles and of a variety of ages ranging from traditional brick listed buildings and former traditional agricultural buildings to late 20th century brick and render properties. The existing dwellings within the vicinity of the site front onto The Green and the main A4019.
- 2.5** The site is located within Flood Zone 1 and therefore within an area at low risk of flooding.
- 2.6** The site lies within a Great Crested Newts red area.

3. Relevant Planning History

Application Number	Proposal	Decision	Decision Date
04/00652/FUL and 04/00653/LBC	Conversion of redundant dairy barn into one residential property and removal of redundant agricultural shed	Approved	04.05.2005
04/00654/FUL and 04/00655/LBC	Conversion of redundant agricultural barn into offices and B1 units	Approved	03.03.2005
05/01540/FUL and 05/01541/LBC	Conversion of redundant agricultural barn to 3 no. residential properties. Construction of vehicular access.	Approved	31.01.2006
07/01133/FUL and 07/01134/LBC	Conversion of redundant agricultural barn to 3 No. residential properties. Construction of vehicular access. (Part retention)	Approved	16.11.2007

4. Consultation Responses

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

4.1 Uckington Parish Council (Original comments December 2022) – Objection on the following grounds:

- Whilst acknowledging the need for more housing regrets the loss of more countryside
- Significant archaeological requirements are outstanding
- There is no land classification survey given that the land is identified as Grade 1 agricultural land.
- Consider whether the proposed development lies within the HSE consultation Zone for gas pipeline crossing the site
- Why is there an agricultural access being retained when it is stated that no farming activity is carried out at Uckington Farm.
- Flood Risk and Drainage Strategy states that the site is high risk of surface water flooding, It was noted that in 2007 the lane from the A4019 Tewkesbury Road to the Lee Brook was seriously flooded as to be impassable and that, the old dairy was flooded out.
- The Parish Council is of the view that the need for the affordable/social housing element. Is being addressed by the Elms Park proposals and that the site in the circumstances prevailing, is inappropriate for such housing.
- The Parish Council is unimpressed and disappointed as the overall presentation of the proposed housing unit as illustrated in the house type pack.
- The planning statement and heritage statement. Is clear as to the quality of housing required. It should be sympathetic. Design approach. With traditional palette found in the immediate locality with reference to Post Box Cottage Landing and Elton Lawn as non designated heritage assets. The design and access statement. States that the detailed design, housing layout and mitigation proposed. Would need to reflect the character of the historic environment in the settlement. It is regrettable that the requirement of these statements have not been met.
- Concerns have been raised of overlooking of the properties near and adjacent to the site.
- The Parish Council is at a loss to understand why 38 parking spaces should be required for 16 dwellings, which will only serve to encourage unacceptable car dependency.
- The parish council has been unable to identify any proposals as to the lighting and will be pleased to know if there are any and, if so, where they might be.
- The proposed access to the green should be considered in conjunction with a new access to be constructed from Pigeon House Farm close by on the other side of the lane.
- It is not clear from the plans which hedgerow boundaries are to be reinforced, and likewise the plans do not bear out the Ecological Impact Assessment that the existing traditional orchard should be retained.
- The Parish Council is firmly of the view that the proposed development and changes impact negatively, causing an unacceptable level of harm both on the Grade II listed Uckington farm and associated buildings and on the non-designated heritage assets.
- Parish Council supports the proposed demolition and removal of the unsightly agricultural barns and Tewksbury Road entrance and would consider more favourably a revised application which addresses the representations made in this response. These are intended to be constructive and it is hoped they are found to be

helpful.

4.2 Uckington Parish Council - (Further comments following amendments September 2023) – Objection on the following grounds:

- Significant part of the proposed development site lies outside the Uckington settlement boundary.
- The proposal fails to be of a design that respects the character, appearance and amenity of the surrounding area and is not capable of being well integrated within it (ref: TB Local Plan 2011-31 Policy RES5).
- To any extent that the proposal is within the settlement boundary, it is not of an appropriate scale having regard to the size, function and accessibility of the settlement and its character and amenity (ref: Policy RES5).
- To the extent that the proposal constitutes an edge of settlement site, it does not respect the form of the settlement and its landscape setting and is an unacceptable intrusion into the countryside failing to provide any sense of transition between the settlement and open countryside (ref: Policy RES5).
- The proposal causes an unnecessary and unacceptable intrusion into the countryside and further an unnecessary and unacceptable loss of open space which is important to the character and amenity of the immediate area (ref: Policy RES5).
- The proposal is not in keeping with the local traditional build style principally of brick and tile and therefore fails to complement, let alone enhance, the local area.
- The proposal represents a piecemeal encroachment into open countryside and the consequent erosion of the local rural character (ref: TB Local Plan 2011-31 para 3.29).
- The proposal will cause a negative impact on the form, character and landscape setting of the Uckington settlement; in particular, it would harm an open space that makes a positive contribution to the character of the settlement, including views and vistas (ref: para 3.30).
- The changes to the location and the increased heights of some of the units will serve to increase the negative impact on the Grade II Listed Buildings and possibly the non-designated heritage assets.
- As the site does not form part of the settlement hierarchy as identified in the Joint Core Strategy (JCS), a restrictive approach should be taken to a proposal of this nature. This proposal is contrary to the JCS approach to residential development (JCS policies SP2 and SD10) which generally seeks to direct new development to the main urban centres and restrict new development within the open countryside.
- It is noted that the position as to land supply and housing targets is set out in paras 3.22 (a) and (b) of the TB Local Plan. This states that within the five year period 2020/21 to 2024/25 the Council can demonstrate a 7.15 years supply with a surplus of 609 dwellings and that housing delivery is expected to exceed the cumulative requirements up until 2029/30. Only for the final two years of the plan period, as currently indicated, would there be a shortfall of 518 dwellings to be met via strategic allocations in the JCS review. In any event this is a small number and cannot justify approval of what the Parish Council considers to be an inappropriate development for the reasons set out. Further, it should be acknowledged that the Levelling Up and Regeneration Bill, when enacted, is likely to relieve Local Authorities of the need to meet mandatory housing targets and the five year land supply rule.
- The Parish Council has lodged with TBC a draft Neighbourhood Development Plan which states that the proposed site, together with other land, is designated as Local Green Space.
- The Parish Council repeats its representations made on 19th December 2022. It considers that these have not been addressed. For example, it is noted that

significant archaeological requirements remain outstanding. There is no Agricultural Land Classification Survey Report. Further, there is no improvement in the quality and presentation of the housing units as criticised at paras 8.1 and 8.2.

- It is clear that the level of harm from the proposal would substantially outweigh any benefit it could provide.

4.3 Uckington Parish Council - (Further comments following amendments May 2024) –

Objection on the following grounds:

- The Parish Council repeats its representations made on 19th December 2022 and 11th September 2023.
- FLOOD RISK ASSESSMENT and DRAINAGE SURVEY - 29th February 2024 - It is noted that there are several references (viz: paras 2.7.2, 3.2.5 and 6, 4.1.3, 5.4.2 and 5.6.1) to “ditch/stream to the North”. This is presumably the Leigh Brook which begins at the rear of the market gardens and joins up with the River Chelt which runs into the River Severn.
- AGRICULTURAL LAND ASSESSMENT - 25th March 2024 - It is noted that this is simply an assessment and not an Agricultural Land Classification Survey. Consequently, only minimal weight can be attached to it. Further the identity and qualifications of its author are not shown and it was undertaken in only one hour.
- The assessment confirms the site is classified on the Agricultural Land Classification maps for the South West as being Grade 1 best and most versatile agricultural land and described as excellent quality agricultural land.
- The presumption, therefore, is that the site is Grade 1. To demonstrate otherwise, it would be necessary for a site-specific Agricultural Land Classification survey to be carried out. This has not been done and, therefore, the presumption that the site is Grade 1 has not been rebutted and must stand.
- The assessment fails to give any recognition to the probability of the surface soil structures reverting to their natural condition on removal of the offending ground surfaces of muck heaps, scrub, hardcore, concrete etc: as described.
- In clause 12 there are references to intensive agricultural activities / intensive agricultural purposes / high productive agricultural practices / intensive agricultural production all as being a prerequisite for the functioning of Grade 1 agricultural land. With respect these references are, not only misconceived but, totally irrelevant to the functioning of agricultural land. One is not aware of any requirement in the NPPF or elsewhere of any provision that Grade 1 land should have intensive production potential. Indeed, entirely to the contrary, small areas of Grade 1 agricultural land can be extremely beneficial to local food production.
- An Agricultural Land Classification survey is an independent and objective exercise. This assessment, totally fails in this respect, firstly, because of its limitations as noted, and secondly, as is confirmed in the Introduction. It has been prepared in support of the subject application.
- In conclusion it is submitted, as mentioned in clause 3.1 above, the assessment carries, at best, little weight and realistically should be disregarded.
- The Parish Council do not consider the further amended details address the representations / comments previously submitted and that accordingly the application should be refused.

4.4 Lead Local Flood Authority – No objection subject to conditions

- 4.5 **Natural England** – No objection subject to mitigation being secured via condition or s106 agreement to ensure no adverse impact on the Beechwoods SAC
- 4.6 **Gloucester County Council Highways** – No objection subject to conditions
- 4.7 **Gloucester County Council Archaeology** – No objection
- 4.8 **Historic England** – No comment
- 4.9 **Conservation Officer** – No objection
- 4.10 **Severn Trent Water** – No objection subject to conditions
- 4.11 **Environmental Health** - No objections subject to conditions
- 4.12 **Ecology** – No objection subject to conditions
- 4.13 **Tree Officer** – No objection subject to conditions (most recent comments used 29/09/2023)
- 4.14 **Minerals and Waste** – No objection
- 4.15 **Housing Strategy and Enabling Officer** – No objection subject to contributions secured through S106 due to shortfall of at least 40% affordable homes provision (Jan 2023 comments)
- 4.16 **GCC Developer Contributions Investment Team** – No objection subject to contributions for education secured through S106 (Dec 2022 comments)

5. **Third Party Comments/Observations**

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

- 5.1 The application has been publicised through the posting of a site notice for a period of 21 days and 17 representations have been received. The contents of these are summarised below:

5.2 Objection

- Solution to achieve the required visibility splays makes the road more dangerous for through traffic
- Access substandard
- Exiting onto the Green is already very difficult due to traffic levels
- Creation of additional traffic
- Highway safety issues
- The development lies mostly outside the Uckington settlement boundary and would cause the loss of more green space in the parish
- Floodwater should be dealt with on site and not allowed on to The Green which already floods
- Drainage and flood issues
- Parking calculations and allocations are flawed
- Unallocated visitor parking spaces create visibility risks and are not located in convenient points

- The access to agricultural land on the Northern boundary is inappropriate and would endanger users of the open space, especially if agricultural use is redundant as stated
- Impact on the curtilage of the existing setting of listed buildings
- Housing density too high, much higher than surrounding development
- Plots 1 and 2 have been raised in height and will have a significant impact on neighbouring properties
- Loss of light and privacy to neighbouring occupiers
- Design, materials and layout of the buildings are not appropriate to the setting and the character of the surrounding area
- No local facilities
- Some areas of landscaping do not maintain the rural character of the site
- The site is still being used as agricultural land and is not 'redundant'
- Impact on wildlife
- Additional lighting introduced by the proposed development will impact the current residents and wildlife

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

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

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

6.2 National guidance

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

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

- Policy SP1 (The Need for New Development)
- Policy SP2 (The Distribution of New Development)
- Policy SD4 (Design Requirements)
- Policy SD6 (Landscape)
- Policy SD8 (Historic Environment)
- Policy SD9 (Biodiversity and Geodiversity)
- Policy SD10 (Residential Development)
- Policy SD11 (Housing Mix and Standards)
- Policy SD12 (Affordable Housing)
- Policy SD14 (Health and Environmental Quality)
- Policy INF1 (Transport Network)
- Policy INF2 (Flood Risk Management)
- Policy INF4 (Social & Community Infrastructure)
- Policy INF3 (Green Infrastructure)
- Policy INF6 (Infrastructure Delivery)
- 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 Development)
- Policy RES12 (Affordable Housing)
- Policy RES13 (Housing Mix)
- Policy LAN2 (Landscape Character)
- Policy NAT1 (Biodiversity, Geodiversity and Important Natural Features)
- Policy ENV2 (Flood Risk and Water Management)
- Policy TRAC9 (Parking Provision)
- Policy DES1 (Housing Space Standards)
- Policy HER2 (Listed Buildings)
- Policy HER5 (Locally Important Heritage Assets)
- Policy TRAC1 (Pedestrian Accessibility)
- Policy TRAC2 (Cycle Network and Infrastructure)
- Policy TRAC9 (Parking Provision)

6.5 Neighbourhood Plan

There is no Neighbourhood Development Plan relevant to the proposal.

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** Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses. As such when determining planning applications this authority has a duty under sections 16(2), 66(1) & 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the area and listed buildings and their settings.
- 7.3** Chapter 16 of the National Planning Policy Framework sets out the importance of protecting and enhancing the historic environment and conserving heritage assets in a manner appropriate to their significance. Paragraph 194 of the NPPF states that: In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
- 7.4** 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.
- 7.5** The relevant policies are set out in the appropriate sections of this report.
- 7.6** 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** The published Tewkesbury Borough Five Year Housing Land Supply Statement, October 2023, confirms the Council's position 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 3.4 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.

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- 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** The NPPF states that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.5** The NPPF at Chapter 5 seeks to deliver a sufficient supply of homes.
- 8.6** Policy SP1 (The Need for New Development) of the JCS states that provision will be made for 35,175 new homes, within existing urban areas through District Plans, existing commitments, urban extensions, and strategic allocations.
- 8.7** 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.
- 8.8** Uckington is identified as an 'urban fringe settlement' within the Tewkesbury Local Plan and has a defined settlement boundary on the adopted policies map. These settlements do not fit into the Borough's settlement hierarchy as in strategic planning terms they are considered to form part of the urban fringe of Gloucester and Cheltenham. They do however represent sustainable settlements possessing a good range of services and good accessibility to Gloucester and Cheltenham. Policy RES2 states that within urban fringe settlements the principle of residential development is acceptable subject to the application of all other policies within the Local Plan and that development must comply with the relevant criteria set out at Policy RES5.
- 8.9** Policy RES5 sets out the general design and development management considerations that will normally be applicable to residential development proposal. The criteria set out in policy RES5 is applicable to the proposal which should:
- be of a design and layout that respects the character, appearance and amenity of the surrounding area and is capable of being well integrated within it;
 - be of an appropriate scale having regard to the size, function and accessibility of the settlement and its character and amenity, unless otherwise directed by policies within the Development Plan;
 - where an edge of settlement site is proposed, respect the form of the settlement and its landscape setting, not appear as an unacceptable intrusion into the countryside and retain a sense of transition between the settlement and open countryside;
 - not cause the unacceptable reduction of any open space (including residential gardens) which is important to the character and amenity of the area;
 - provide an acceptable level of amenity for the future occupiers of the proposed dwelling(s) and cause no unacceptable harm to the amenity of existing dwellings;

- make provision for appropriate parking and access arrangements and not result in the loss or reduction of existing parking areas to the detriment of highway safety;
- incorporate into the development any natural or built features on the site that are worthy of retention;
- make provision for the delivery of efficient and effective high-quality household waste collection services that supports the implementation of the waste hierarchy and encourages the practice of resource efficiency and waste reduction;
- address any other environmental or material planning constraints relating to the site.

8.10 The proposal has been subject to several amendments to address concerns raised by consultees and, as the officer report outlines, the scheme is now considered to comply with the requirements of Policy RES5. It is noted that part of the site is located outside of the defined settlement boundary for Uckington as outlined on the adopted policies proposals map, however this part of the site would provide open space with no built development located within it. Therefore, subject to further determining criteria below, the development is supported, in principle, by national guidance, local development plan policies and associated guidance.

8.11 It should also be noted that the proposed development would create an additional 16 dwellings within the Borough. The Council cannot at this time demonstrate a five year supply of deliverable housing land and the five year supply of deliverable housing sites is, at best, 3.4 years, which is agreed to be a significant shortfall. The development would therefore contribute towards the supply of housing to help meet the housing need.

Loss of Agricultural Land

8.12 According to the Agricultural Land Classification Map for the South West, the application site forms part of a larger parcel of Grade 1 Land, extending to the west of the site and the to the east of the towards Cheltenham. This is a high level assessment and to confirm the continued classification of the site as Grade 1 a site-specific Agricultural Land Classification would be required.

8.13 Natural England describes Grade 1 agricultural land as excellent quality: Land with no or very minor limitations. A very wide range of agricultural and horticultural crops can be grown and commonly includes:

- Top fruit eg apples and pears
- Soft fruit eg raspberries and blackberries
- Salad crops
- Winter harvested vegetables

Yields are high and less variable than on lower land quality.

8.14 Paragraph 180 of the National Planning Policy Framework (NPPF) states the following; 'Planning policies and decisions should contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland'.

- 8.15** Annex 2 of the NPPF defines the best and most versatile agricultural land as ‘Land in grades 1, 2 and 3a of the Agricultural Land Classification’.
- 8.16** A note to paragraph 180 of the NPPF provides that ‘Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. The availability of agricultural land used for food production should be considered, alongside the other policies in this Framework, when deciding what sites are most appropriate for development’.
- 8.17** Policy SD14 (Health and Environmental Quality) of the adopted JCS amongst other things states that new development must take into account the quality and versatility of any agricultural land affected by proposals, recognising that the best agricultural land is a finite reserve.
- 8.18** Neither the NPPF nor the adopted JCS rule out development on Grade 1 agricultural land, though the benefits of development must plainly be considered in the planning balance against the loss of productive farmland. Natural England has also been consulted and has not objected to the development on Grade 1 land.
- 8.19** To confirm the over-arching land classification of the site, the applicant has undertaken a site-specific Agricultural Land Assessment in support of the proposed development. The assessment outlines that the site consists of a single soil type, which is described as being a freely draining soil type with moderate lime-rich fertility. A land assessment and inspection of the soil types and land covers has been conducted over 6 distinct areas within the site, categorised as orchard, pasture, scrub and buildings/yards/tracks. The results of the Desk Study and Ground Investigations found the soils to consist largely of slightly clayey sandy gravel. Topsoil depths were recorded as ranging from 0.10m to 0.40m and noted as including frequent rootlets. The report concludes that the site-specific assessment identifies only 16% of the site area (1600sqm or 0.4 acres) as having the capacity to be assigned as Grade 1 agricultural land, with the remaining land appearing to display characteristics of lower grades and not deemed as versatile land and therefore not protected under agricultural land policies of the NPPF or the TBP. Overall, the report concludes that the land fails to meet the classification of Grade 1 agricultural land and should generally be considered at best Grade 3b.
- 8.20** In addition to the information submitted by the applicant, it should be noted that the majority of the site is located within the established settlement boundary for Uckington, which is defined as an ‘urban fringe settlement’ whereby the principle of residential development is accepted. It is therefore considered by Officers that the principle of development is firmly established for the majority of the site in the context of the adopted development plan.
- 8.21** Officers acknowledge the land is outlined as high-quality farmland within the published Agricultural Land Classification Map and recognise that Grade 1 agricultural land in the Gloucestershire and beyond is a finite resource. However, based on the submitted Land Classification Assessment, the applicant has demonstrated that a large proportion of the site would not fall within a Grade 1 classification. The development would however result in the
- 8.22** loss of some Grade 1 land, albeit in this case by a relatively small amount. The loss of any Grade 1 agricultural land is a harm which falls to be considered in the planning balance.

Scale, character and design

- 8.23** 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. These requirements closely align with the requirements of the National Design Guide. 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.
- 8.24** The proposal comprises 16 units which is considered to be compatible with the scale and function of the settlement, which currently comprises approximately 40 properties around the central core where The Green adjoins the Tewkesbury Road in the immediate vicinity of the site.
- 8.25** In terms of visual impact, the development as a whole is not considered to have significant impacts. Given the proximity of the existing development adjacent the site to the west at The Green and to the south along Tewkesbury Road, the additional visual impact over and above that development would not be excessive.
- 8.26** The proposed design and layout reflects the form of the settlement, which is characterised by a denser core comprising short terraces and semi-detached dwellings, extending to looser grained and generally set-back properties towards its edges. The scheme also reflects the mixture of scales and proportions in this location, comprising single storey, one and half storey and two-storey dwellings.
- 8.27** The development would comprise a mix of housing types of detached and semi-detached dwellings. All of the properties would have access to private gardens along with off street parking with the majority benefitting from a dedicated garage. Dwellings would be set back from the road behind small landscaped front gardens. The layout would provide an attractive frontage and good natural surveillance.
- 8.28** The surrounding character of the area displays a mixed palette of materials, with a predominance of brick. The proposed dwellings would be constructed in brick with some grey weatherboard detailing, and roofs would be finished in slate effect and plain tiles. Some of the traditional design features within the area as identified in the submitted Design and Access statement have been incorporated within the dwellings such as dormers, brick arches, brick cills, dentil courses on the eaves and some chimneys.
- 8.29** The materials plan contains an indication of the materials finishes to be used but does not include details of final proposed brick and tile types and this is proposed to be conditioned.
- 8.30** Overall, in terms of scale, character and design, the development is considered to accord with the requirements of JCS Policy SD4, and TBP Policy RES5.

Access and highway safety

- 8.31** Policy INF1 'Transport Network' states that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters. A Transport Statement has been submitted in support of the application; this outlines that access into the site would be taken from a new priority junction on to the Green. The access to the site would be approx. 5.5m in width. An ATC survey was undertaken between Wednesday 21st September and Tuesday 27th September 2022. The report concludes that the highways impact is materially insignificant; and that the proposals can be accessed and

egressed safely and sustainably, hence there is no reasonable cause for objection on traffic, transportation or highway grounds.

- 8.32** Throughout the course of the application, it is noted that a series of amendments have been made to the proposed access and highways arrangements at the site following initial concerns that were outlined by the Local Highway Authority (LHA) in respect of site access visibility, swept path tracking and layout.
- 8.33** The Local Highway Authority (LHA) have fully assessed the proposal and the amendments that have been submitted by the applicant in support of the application. The LHA have advised that the latest plans submitted for the proposed development illustrate suitable emerging visibility onto The Green from 2.4 metres inside the site access with a widening of the existing footway along The Green. This will subsequently deliver suitable visibility between emerging site vehicles and oncoming traffic based on recorded approach speeds. In addition, the footway widening aids pedestrian accessibility along The Green past the site which is currently an existing narrow footway.
- 8.34** The LHA have noted that there are a series of proposed works that may require alteration before being brought forward within any highway legal agreement application including the kerb line build out of the north side of the site, the proposed footway widening and site access crossover works and connecting the southern shared use path to the footway on the A4019 Tewkesbury Road.
- 8.35** Overall, subject to conditions the LHA have concluded that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. Therefore, there are no justifiable grounds on which an objection could be maintained.
- 8.36** Given the above it is considered that the proposal would not have a detrimental impact on highway safety or the capacity of the network. Access can be achieved and sufficient turning and parking provisions would be available. Overall, the development is considered to accord with the requirements of JCS Policy INF1 and TBP Policy RES5.

Residential amenity

- 8.37** Policy SD4 (Design Requirements) of the adopted JCS seeks to avoid visual intrusion, noise, smell, and pollution in development. Policy SD14 (Health and Environmental Quality) goes further to ensure that new development causes no unacceptable harm to local amenity including neighbouring occupants. Development should have no detrimental impact on the amenity of existing or new residents or occupants.
- 8.38** The Environmental Health Officer has been consulted and has identified that potential harm to amenity may exist from noise and contamination unless appropriate conditions are imposed.
- 8.39** A contamination report has been submitted. The ground investigation element of the report quantifies potential contamination risks following an intrusive investigation at the site where shallow surface soils have been tested for contamination following the installation of 6 boreholes and the digging of 10 trial pits. The Environmental Health Officer has commented stating 'whilst the extent of site investigation across the more northern areas of the site is considered sufficient to characterise potential ground contamination risks, it is recommended that further intrusive investigation works are completed within the footprint and surrounding the farm buildings at the centre and south of the site to quantify contamination risks in these areas and update the conceptual site model. The submitted

information is considered acceptable to meet the requirements of a Phase I Desk Study for the site and can be approved. The Phase II Ground Investigation is not considered sufficient to quantify potential ground contamination risks for the entire site and would need to be updated pending further intrusive ground investigation works. This further site investigation work may be easier to complete after demolition of the existing building structures.' The requirements relating to the submission of additional information in relation to contamination can be appropriately conditioned to any approval.

- 8.40** Potential harm to amenity may also occur from noise, arising from air source heat pumps and from A4019 traffic. In order to safeguard amenity, the Environmental Health Officer has recommended an appropriate condition to secure a noise impact assessment prior to the commencement of development, including the implementation of mitigation measures in the event that the noise assessment identifies any exceedences.
- 8.41** Policy HEA 1 (Healthy and Active Communities) of the adopted TBP seeks to ensure that potential impacts to health and wellbeing are considered in new development. Further, Policy DES1 (Housing Space Standards) requires new development to adopt nationally described space standards. According to submitted plans for each house type, dwellings meet or exceed the government's space standards.
- 8.42** Overall, Officers consider the development provides sufficient space between dwellings, and sufficient private garden space for each. Dwellings are positioned set back from the site boundary, so that (to the extent it would be required), there would be no issue with overlooking or impacts on privacy on existing neighbouring dwellings, or unwelcome views into the development. The arrangement of individual plots raises no concerns regarding overlooking or privacy. Residential amenity is also enhanced by the provision of open space with natural surveillance and landscaping. Officers consider that, subject to appropriate conditions, the development complies with the requirements of Policies SD4 and SD14 of the adopted JCS, and Policies HEA1 and DES1 of the adopted TBP.

Ecology

- 8.43** Government Circular 06/05 states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. When determining planning applications, Paragraph 180 of the NPPF states if significant harm to biodiversity resulting from a development cannot be avoided through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 8.44** 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.
- 8.45** An ecological impact assessment has been submitted in support of the application. The report concludes that subject to the implementation of effective mitigation measures there will be no long term adverse ecological impacts on habitats or protected/notable species. Alongside the enhancement measures the proposal is expected to deliver a beneficial

ecological effect on the traditional orchard and on foraging/commuting hedgehog utilising the site.

- 8.46** A Biodiversity Net Gain (BNG) Assessment has also been provided which demonstrates how the development would achieve the required minimum 10% BNG. The BNG Assessment details the site is capable of achieving a net gain in habitat units of 18.02% and hedgerow units of 22.59%.
- 8.47** The council's ecologist has been consulted and has no objections to the proposal subject to conditions relating to the submission of a Construction and Ecological Enhancement management Plan (CEMP), a Landscape and Ecological Management Plan (LEMP) and a lighting design strategy for biodiversity, which can be conditioned.
- 8.48** Policy INF3 (Green Infrastructure) of the adopted TBP seeks to conserve and enhanced the green infrastructure network where of local and strategic importance. The Cotswolds Beechwoods SAC requires consideration under INF3. Specifically, Policy NAT5 (Cotswold Beechwoods SAC) of the adopted TBP requires that proposals have regard to any adverse impacts.
- 8.49** A Shadow Habitats Regulation Assessment has been submitted in relation to the potential impacts upon the Cotswolds Beechwoods SAC. Natural England has raised no objection, subject to a strategic mitigation contribution from the applicant to support the maintenance of the site and production of an access strategy in line with the Site Improvement Plan (SIP) for the Cotswold Beechwoods SAC. This would be secured through the S106 and is calculated at £673 per dwelling. Further, as recommended by the Council's ecologist, public information leaflets for new residence are to inform new occupiers of the recreational opportunities available to them and the sensitivities of local nature conservation sites.

Trees and Landscaping

- 8.50** 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. These requirements closely align with the requirements of the National Design Guide. 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.
- 8.51** The site layout illustrates a landscaping layout comprising tree planting in garden areas alongside the access road and alongside site boundaries, small landscaped front gardens and an area of green open space in the north east part of the site laid out as an orchard. A detailed landscaping scheme for both hard and soft landscaping has been submitted setting out the proposed approach. The landscaping is considered to effectively assist in integrating the development into its edge of settlement location. It is considered acceptable in principle subject to the submission of planting schedules, hard landscaping and boundary materials, which can be confirmed through condition.
- 8.52** The submitted Arboricultural impact Assessment explains several trees and tree groups are to be removed to facilitate development, comprising of 2 moderate 'B' grade trees, 1 low quality 'C' grade tree and 3 poor quality 'U' grade trees and three groups of trees, consisting of two low quality 'C' grade groups and one poor quality 'U' grade group. The loss of these trees will be mitigated by extensive new tree planting within the proposed Landscape scheme.

- 8.53** The Council's Tree Officer has raised no objection to the proposals, subject to appropriate conditions including full details of new tree/hedgerow planting, all planting to be carried out in the first planting season, any removal of trees/scrub/hedgerows to be carried out between 1st March and 31st August inclusive in any year and measures to protect retained trees/hedgerows on and adjacent the site.
- 8.54** Officers consider the development demonstrates a satisfactory landscape layout that ensures the site would be well integrated into the edge of village location would not cause an unacceptable level of harm to the landscape or trees. It is considered to comply with the requirements of Policy SD4 of the JCS and RES5 of the TBP.

Affordable housing

- 8.55** 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.
- 8.56** JCS Policy SD12 sets out that on sites outside of strategic allocations, a minimum of 40% affordable housing will be sought, which is mirrored in Policy RES12 of the TBP. It follows that they should be provided on site and should be seamlessly integrated and distributed throughout the development scheme.
- 8.57** Affordable units proposed are 37.5% of the development overall. This is noted as a shortfall of 2.5% to the overall required 40% as outlined within Policy SD12 of the JCS and Policy RES12 of the TBP. The Housing Strategy and Enabling Officer has commented on the application and stated the proposal for 16 dwellings generates a 40% minimum requirement of 6.4 houses. The applicant can either offer 7 units on site or offer 6 and pay a commuted sum for the outstanding balance of 0.4 units. This is calculated as £60K as a blended value for affordable housing values. This sum should be secured by way of the provisions of the S106 agreement. The applicant has agreed to provide 6 affordable homes on the site and make a contribution of £60K which can be secured through a S106 legal agreement. The agreed affordable housing tenure mix to be secured by a S106 is:

- 1 bedroom: 2 units comprising 1 x Social Rent and 1 x Shared Ownership
 - 2 bedroom: 2 units comprising 1 x Social Rent and 1 x Shared Ownership
 - 3 bedroom: 2 units comprising 1 x Social Rent and 1 x Shared Ownership
- It is therefore considered that scheme would comply with the affordable housing requirements set out in Policy SD12 of the JCS and Policy RES12 of the TBP.

Drainage and flood risk

- 8.58** JCS Policy INF2 advises that development proposals must avoid areas at risk of flooding and must not increase the level of risk to the safety of occupiers of a site and that the risk of flooding should be minimised by providing resilience and taking into account climate change. It also requires new development to incorporate Sustainable Urban Drainage Systems (SuDS) where appropriate to manage surface water drainage. This is reflected in Policy ENV2 of the TBP and the NPPF.
- 8.59** The site is located within Flood Zone 1 and not therefore within an area at low risk of flooding.
- 8.60** The application has been accompanied by a Flood Risk Assessment and Drainage Strategy which advises that a SuDs system would be designed to discharge surface water by utilising

permeable paving and driveways within the site. No concerns have been raised by the Lead Local Flood Authority who have confirmed no objection subject to a condition relating to the submission of a SuDS Management and Maintenance Plan which would be added to any approval.

- 8.61** The existing sewer system would be utilised to dispose of foul water. Severn Trent Water have commented on the submitted application and confirmed no objection subject to conditions relating to the disposal of foul and surface water flows, which would be added to any approval.
- 8.62** The development is therefore considered to accord with the NPPF, Policy INF2 of the JCS and Policy ENV2 of the TBP.

Historic Environment

- 8.63** JCS Policy SD8 concerns the historic environment, stating that development should make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment.
- 8.64** Policy HER2 of the TBP requires that development which comprises the change of use of listed buildings or development within their settings will be expected to have no adverse impacts on the elements which contribute to their special architectural or historic interest including their settings. The materials to be used on building works should normally be undertaken using traditional materials and building techniques.
- 8.65** Policy HER5 (Locally Important Heritage Assets) of the TBP states that: Locally Important Heritage Assets will be conserved having regard to the significance of the asset and its contribution to the historic character of the area. Proposals affecting a Locally Important Heritage Asset and/or its setting will be expected to sustain or enhance the character, appearance, and significance of the asset. Proposals that seek the preservation and/or enhancement of these assets will be encouraged. Historically important groups of farm buildings will be protected from proposals for destructive development or demolition.
- 8.66** The proposal is to create 16 new dwellings on land currently occupied by agricultural/storage buildings. None of the buildings to be developed are of historic interest.
- 8.67** The site is not within a conservation area however, it is located within the setting of a number of listed and curtilage listed buildings including Uckington Farmhouse and associated buildings which are Grade II Listed.
- 8.68** As such when determining planning applications, the authority has a duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have regard to the desirability of preserving listed buildings and their settings.
- 8.69** There are also three properties to the south of the site that are considered to be non-designated heritage assets (Box Cottage, Landean and Elton Lawn).
- 8.70** Despite some later less sympathetic development the historic character of this particular part of the settlement is distinctive, featuring single storey brick farm buildings running along the lane.
- 8.71** The Conservation Officer has been consulted on the submitted application offering the following comments in regard to the proposal. 'The proposal is to demolish a modern metal

clad farm buildings and create 16 new dwellings. The current buildings are of no historic merit and demolition is acceptable. 'The development would infill a gap between existing developments and could accommodate new buildings without detriment to the setting of the listed buildings and the historic character of the area. As such the principle of the construction of 16 dwellings on this plot is considered acceptable. The design of the houses are generally a modern housing estate type with front projecting gables and integral garages and takes little inspiration from the historic vernacular. However, the houses will be tucked away out of site and would not have a particularly negative impact upon the setting of the listed buildings.

- 8.72** An Archaeological Written Schem of Investigation has been submitted and the County Council Heritage Team has been consulted. No significant archaeology remains have been found. The County Archaeologist agrees there is a low risk of remains being adversely affected by development and no further investigations or recording are recommended.
- 8.73** Overall, the development is considered to comply with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, section 16 of the NPPF, JCS Policy SD8 and Policies HER2 and HER5 of the TBP.

Education Provision

- 8.74** Gloucestershire County Council as Local Education Authority (LEA) has been consulted on the application and has requested contributions to secondary school places in the area. The number of dwellings would be expected to generate an additional demand for 2.38 secondary (11-16) places; schools are forecast to be full. Therefore, Gloucestershire County Council is seeking a secondary (11-16) contribution of £56,584.50 towards the provision of those places.

Section 106 and CIL

- 8.75** The Community Infrastructure Levy (CIL) Regulations allow local authorities to raise funds from developers undertaking new building projects in their area. Whilst the Council does have a CIL in place, infrastructure requirements specifically related to the impact of the development will continue to be secured via a Section 106 legal agreement. The CIL regulations stipulate that, where planning obligations do not meet the tests, it is 'unlawful' for those obligations to be taken into account when determining an application.
- 8.76** These tests are as follows:
- necessary to make the development acceptable in planning terms.
 - directly related to the development; and
 - fairly and reasonable related in scale and kind to the development.
- 8.77** 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.

8.78 Requests have been made by consultees to secure the following contributions via S106 obligations:

- Affordable Housing: 6 Affordable Units (37.5% of overall provision)
- Offsite contribution for provision of affordable housing: £60,000
- Education: £56,584.50 for secondary schools
- Cotswolds Beechwoods SAC Strategic Mitigation Contribution: £10,768
- Refuse and Recycling: £1,168 (£73 per dwelling)

8.79 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. Final details of the S106 would be agreed and signed prior the decision being issued.

9. Conclusion

9.1 Section 38(6) of the Town and Country Planning Act 1990 provides that, if regard is to be had to the development plan, the determination must be made in accordance with the development plan unless other material circumstances indicate otherwise. Section 70(2) of the Act provides that the Local Planning Authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.

9.2 The application site is not allocated for housing development and neither is it a defined Service Village. Uckington is however identified as an 'urban fringe settlement' within the Tewkesbury Local Plan and has a defined settlement boundary on the adopted policies map. Policy RES2 of the TBP states that within urban fringe settlements the principle of residential development is acceptable. The majority of the site is located within the established settlement boundary for Uckington but a small portion to the north east falls outside of it, which technically engages the tilted balance.

9.3 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** Securing biodiversity net gain, the provision of publicly accessible open space, education and other planning obligations are a benefit . However, given the planning obligation benefits are directly related to the development and required to make the proposal acceptable in planning terms, officers afford these benefits limited weight.

Harms

- 9.9** Whilst the larger part of the site is compliant with the development plan, harm arises insofar part of the site falls outside the Uckington settlement boundary, albeit this part of the site would be laid to the public open space serving the development. Whilst this technically engages the tilted balance, the harm arising is considered modest.
- 9.10** The proposal would also result in the loss of a proportion of Grade I agricultural land, which is considered a modest harm arising from the proposal.
- 9.11** 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 education, off-site recycling facilities or ecological mitigation. These matters are capable of being resolved in terms of the planning balance.

Neutral

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

Overall Conclusion

- 9.13** 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.
- 9.14** For these reasons officers recommend that authority be delegated to the Associate Director of Planning to PERMIT the application subject to appropriate conditions and planning obligations.

10. Recommendation

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 and affordable housing contrary to JCS Policies SD12, INF4, INF6 and INF7.

11. Conditions

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

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

- 2 The development hereby permitted shall be carried out in accordance with the following documents:

Location Plan 829 - DRN - 01 Rev A
Topographical Survey 22980-200-01
Site Layout P21-0510DE_01 Rev G
Building Heights P21-0510DE_02 Rev D
Land Use Plan P21-0510DE_03 Rev C
Movement Plan P21-0510DE_04 Rev D
Adoption Plan P21-0510DE_05 Rev C
External Works P21-0510DE_06 Rev D
Refuse Strategy Plan 829 - 147 Rev C
Materials Plan P21-0510DE_09 Rev D
House Type Plan PB3 P21-0510_08 Rev B
House Type Plan HT4 P21-0510_08 Rev B
House Type PL4 Plan and Elevation 829 - 32 Rev A
House Type PL4 DA Plan and Elevation 829 - 33 - Rev A
House Type WH4 Plan and Elevation 829 - 31 Rev A
House Type Plan GT5 P21-0510_08 Rev B
House Type Plan 2B4P M4(2) P21-0510_08 Rev B
House Type Plan 1B2P/3B5P P21-0510_08 Rev B
Single Garage Plan P21-0510_08

Double Garage Plan P21-0510_08
Illustrative Street Scene P21-0510_10 Rev C
Highway Arrangement Plan 829 - 105 Rev F
Proposed Site Access - Junction Layout 829 - ED - 04 Rev D
Proposed Site Access - Junction Layout - With Tracking 829 - ED - 05 Rev C
Proposed Site Access - Junction Layout - With Junction Visibility 829 - ED - 06 Rev C
Drainage Layout 829 - 142 Rev E
Swept Path Analysis 829 - 144 - 1 Rev F
Swept Path Analysis 829 - 144 - 2 Rev C
Swept Path Plans 829 - 144 - 3 Rev A
Parking Allocation Plan 829 - 145 Rev C
Flood Routing Plan 829 - 146 Rev D
Refuse Strategy Plan 829 - 147 Rev C
Fire Appliance Strategy Plan 829 - 148 Rev B
Detailed Landscape Proposals 22/558/02 E

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

- 3** The development hereby approved shall not be occupied/brought into use 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 43 metres southwest and 46 metres northeast according to plan 829 - ED - 06 Rev C. 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.

- 4.** The Development hereby approved shall not be occupied/brought into use until pedestrian visibility splays of 2m x 2m measured perpendicularly back from the back of footway shall be provided on both sides of the access according to plan 829 - ED - 06 Rev C. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above the adjoining ground level.

Reason: To ensure motorists have clear and unrestricted views of approaching pedestrians when pulling out onto the adopted highway, in the interest of highway safety.

- 5** Notwithstanding the submitted plans and details the shared footway from the south end of the site road to the A4019 Tewkesbury Road footway shall be at least 3 metres wide for shared pedestrian and cycle access with vehicle restraint features such as bollards, staggered railings or similar erected at each end.

Reason: To maximise accessibility for pedestrians and cyclists.

- 6** The Development hereby approved shall not be occupied until the highway improvements/offsite works/site access works comprising: Footway Widening generally as shown on drawing 829 - ED - 04 Rev D, have been constructed and completed.

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

- 7** 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.

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

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

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

- 9** 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.

- 10** No development shall commence on site until a detailed design, maintenance & management strategy and timetable of implementation for the surface water drainage strategy presented in the submitted Flood Risk Assessment/Drainage Strategy has been submitted to and approved in writing by the Local Planning Authority. The detail must 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 scheme for the surface water drainage shall be carried out 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.

- 11** No development shall be brought in to use/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.

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

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

- 13** 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 -6.00 pm, 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.

- 14** Prior to commencement of any development within the site 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 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

- 15** Development shall take place only 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.

- 16** There shall be no burning of any waste or other materials on the site during the construction phase. All waste produced onsite shall be disposed of in an appropriate manner.

Reason: To protect the amenity of nearby residential properties.

- 17** Prior to the commencement of development a noise assessment shall be undertaken to ascertain any potential impact of the following;

- Road traffic noise from the A4019
- Noise associated with Heat pumps (Both individual and cumulative impact)

The noise should be assessed in accordance with BS 8233:2014, BS4142:2019 (or any amended or superseding standard) and any other relevant British Standards. The report shall include the following;

- A baseline noise survey
- An assessment of likely impact.
- Predicted modelled noise levels.
- Where appropriate, mitigation measures to reduce the noise to within acceptable levels at the proposed development and/or existing properties.

The report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and any identified mitigation measures shall be implemented prior to the occupation of the dwellings to which they relate.

Reason: To protect proposed and existing properties from the impacts of medium and long-term exposure to noise.

- 18** Prior to the commencement of any works on-site, a Construction and Ecological Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP will follow recommendations to protect wildlife during the construction phase made within the EclA report (Tyler Grange, October 2022). The CEMP should include:

- A bat sensitive lighting strategy that will ensure light spill around the boundary commuting features is minimal and will follow the lighting plan guidance set out within Lighting Report (Iain Macrae, September 2022, V.3);
- Details to outline demolition of the buildings and vegetation removal to occur outside the bird nesting season, that is outside the period March to August. Where this is not possible an Ecological Clerk of Works (EcOW) will be present to undertake a nesting bird check;
- Methods to protect mammals during the construction phase (including for hedgehogs and badgers);

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

- 19** Prior to commencement of any works on-site, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will include ecological mitigation and enhancement details as outlined in the EclA report (Tyler Grange, October 2022) and identified on the Enhancement Plan Layout (Edenstone Homes, Sep 2022). The EclA identifies that a net gain in both habitats and hedgerows can be achieved on-site with the proposed scheme, however, it is noted that this is based on outline soft landscape proposals. Following the finalisation of the soft landscape proposals (to be included in the LEMP), the biodiversity metric will need to be updated and submitted to the local planning authority for review to ensure that positive net gain can still

be achieved.

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

- 20** Prior to commencement of 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.

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

- 21** Before the first use/occupation of the development hereby permitted, full details of proposed tree/hedgerow planting shall be submitted to and approved in writing by the Local Planning Authority. The details shall include location, species and sizes, planting specifications, maintenance schedule, provision for guards or other protective measures. The details shall include the tree pit design and location, type and materials to be used for hard landscaping and boundary treatments, including specifications.

All planting shall be carried out in accordance with the approved details in the first planting season following the completion or first occupation/use of the development, whichever is the sooner. 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: To ensure adequate provision for trees/hedgerows, in the interests of visual amenity and the character and appearance of the area.

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

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

- 23** 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.

- 24** 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

- 25** Prior to first occupation, refuse bin storage facilities shall be provided in accordance with the approved plans. The approved facilities shall thereafter be maintained for the lifetime of the development.

Reason: To ensure adequate refuse storage facilities are incorporated in the development and to ensure high quality design.

- 26** Prior to the commencement of the development, other than that required to secure access and demolish buildings identified for removal, a further element of Phase 2 site investigation shall be carried out by a competent person in accordance with relevant British Standards and the Environment Agency's Land Contamination Risk Management (LCRM) procedures for managing land contamination. This is to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals in those areas of the site not investigated. This shall be submitted in writing and approved by the local planning authority. A Phase 3 remediation strategy, validation plan, and/or monitoring plan shall also be submitted to and approved by the local planning authority to ensure the site will be suitable for its proposed use.

Reason: To ensure that any soil and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use.

- 27** The development shall not be occupied until any approved remedial works have been carried out and a full validation report has been submitted to and approved by the local planning authority.

Reason- To ensure that any soil and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use.

- 28** Any contamination that is found during construction of the approved 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 any soil and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use.

- 29** Prior to the commencement of development details of existing and proposed site sections and full details of finished floor and site levels relative to dwellings on the boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. 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.

12. Informatives

- 1** In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing the to the Council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.
- 2** The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out.

Contact the Highway Authority's Legal Agreements Development Management Team at highwaylegalagreements@gloucestershire.gov.uk allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Councils costs in undertaking the following actions:

Drafting the Agreement
A Monitoring Fee
Approving the highway details
Inspecting the highway works

Planning permission is not permission to work in the highway. A Highway Agreement under

Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.

- 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 You are advised that as a result of the proposed layout and construction of the internal access road, the internal access road will not be accepted for adoption by the Highway Authority under Section 38 of the Highways Act 1980. The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980, unless and until you agree to exempt the access road. The exemption from adoption will be held as a Land Charge against all properties within the application boundary.
- 5 The Developer is requested to erect a sign at the boundary of the new estate street with the nearest public highway providing the Developer's contact details and informing the public that the County Council is not responsible for the maintenance of the street.
- 6 Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.
- 7 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.
- 8 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.
- 9 The development includes a retaining wall adjacent to the highway and the Applicant/Developer is required to have regard to Section 167 of the Highways Act 1980,

which in some circumstances requires plans, sections and the specification of the retaining wall to be submitted to the County Council for its separate approval before works on the development can commence.

- 10** 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.
- 11** 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