

APPLICATION NO: 18/02171/OUT		OFFICER: Michelle Payne
DATE REGISTERED: 27th October 2018		DATE OF EXPIRY: 26th January 2019 (extended until 29th March 2019 by agreement with the applicant)
WARD: Battledown		PARISH: Charlton Kings
APPLICANT:	William Morrison (Cheltenham) Ltd & Trustees of the Carmelite Charitable Trust	
AGENT:	SF Planning Limited	
LOCATION:	Land Adjacent To Oakhurst Rise Cheltenham	
PROPOSAL:	Outline application for residential development of up to 69 dwellings including access, layout and scale, with all other matters reserved for future consideration (revised scheme following refusal of application ref. 17/00710/OUT)	

Update to Officer Report

1. OFFICER COMMENTS

Corrections

- 1.1. It has been noted that there is a need for a couple of corrections to the main report. Paragraph 6.4.9 should read *“even when affording”* instead of *“even if affording”*; whilst paragraph 7.6 should read *“The benefits”* instead of *“The public benefits”*.
- 1.2. In addition, paragraph 6.11.1 should read:

Saved LP policy CP4 and adopted JCS policy SD14 seek to ensure that new development does not result in unacceptable harm to the amenity of adjoining land users and the locality. In addition, paragraph 127 (f) of the NPPF (2019) highlights the need to *“create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience”*.

Viability

- 1.3. The financial viability of the scheme has been questioned in relation to the offer of 40% affordable housing; suggesting that a financial viability assessment of the development is required to show that the development would be sound with the agreed level of affordable housing and necessary CIL contributions. However, planning practice guidance (Paragraph: 007 Reference ID: 10-007-20180724) advises that *“Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable”*. A viability assessment would normally only be expected at the time of the decision where the applicant is suggesting that a policy compliant scheme would be unviable.
- 1.4. A 2016 appeal decision (APP/B1605/W/16/3152390) in respect of a residential development to the rear of the Nuffield Hospital, Hatherley Lane is particularly relevant in this regard. Paragraphs 22-24 of the Inspector’s report reading:

22. The Council refers to saved Policies HS 4 and CP 8, however, there is nothing within these policies, or the Supplementary Planning Guidance made in 2004 and linked to policy HS 4, that supports the need for financial viability to be demonstrated where the requirement of policy are being met. Moreover, the national

Planning Practice Guidance (PPG) says in paragraph 16 regarding 'Viability' that "decision taking on individual applications does not normally require consideration of viability. However where the development may be compromised by the scale of planning obligations and other costs, a viability assessment may be necessary".

23. In this case, the appellant does not argue that the requested scale of provision of affordable housing and other contributions will make the scheme unviable and a formal Unilateral Undertaking has been submitted to put that into effect. A material change in circumstances may result in the requirements of any formal agreement being reviewed and that would need to be considered on the individual circumstances at that time, and the fact that a scheme may have been shown to be viable earlier would not prejudice a subsequent review.

24. Overall on this issue I find that there is no support for the Council's insistence on a financial viability assessment of the scheme now in either the development plan or the national planning guidance and the proposal now separately makes formal provision for affordable housing, and for education and library development in accordance with the relevant policies in the development plan. Moreover, there is no evidence before me to indicate that the terms of the Obligation do not meet the restrictions imposed in the NPPF and the CIL Regulations in terms of being necessary to make the development acceptable in planning terms; and being directly, fairly and reasonably related to the development. Nor is the evidence that the limit on pooled contributions would be exceeded. I can therefore take the Undertaking into account.

1.5. The associated costs decision stating:

7. Overall, I conclude that that the Council's insistence on a financial appraisal to demonstrate viability at this stage, where the policy requirements are agreed and where no there is no submission that these should be reduced, flies in the face of clear and specific government guidance and has no sound planning justification. This constitutes unreasonable behaviour and has resulted in the appellant incurring, in part, additional costs.

8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has been demonstrated and that a partial award of costs is justified.

1.6. There has been no subsequent change to relevant local or national policy since 2016 that would suggest a different conclusion would now be reached.

Housing land supply

1.7. In response to the publication of the updated National Planning Policy Framework on 19th February 2019, the Planning Policy Team have provided the following statement:

The August 2018 Five Year Housing Land Supply Position Statement sets out council's most recent statement on its housing land supply figure. The final figure is calculated at 4.6 years.

Paragraph 73 of the NPPF (2019) sets out how to determine which buffer should be added to the five year housing land supply requirement. Cheltenham has been considered to have a recent history of under delivery and has applied a 20% buffer. This is reflected in the August 2018 statement.

However, on the 19 February 2019 the Ministry of Housing, Communities & Local Government published the Housing Delivery Test: 2018 measurement. The results show that Cheltenham Borough has delivered 108% of its required homes over the past three years.

In accordance with paragraph 73 and footnote 39 of the NPPF (2019) Cheltenham Borough has not had significant under delivery of housing over the previous three years. This suggests that a 5% buffer should be applied to the five year housing land supply instead of 20%.

It remains unclear whether the change in buffer is appropriate and what impact this would have on the housing land supply in Cheltenham. Also, it is not possible to prejudge the outcome of the ongoing Cheltenham Plan examination which may alter the housing trajectory.

The Government has introduced an Annual Position Statement where local authorities can confirm their 5 year housing land supply position once in a given year. This requires an engagement process and an assessment carried out by the Planning Inspectorate. When this process is followed a minimum buffer of 10% will be used.

Given the uncertainty around the new position statement process, the novelty of the housing delivery test results and the ongoing Cheltenham Plan examination the council currently (21st February 2019) is unable to determine its five year housing land supply.

Other matters

1.8. Officers would also like to provide the following clarification on a number of issues that have been raised in correspondence to Members:

- The Council's Conservation Officer has visited the site, the School Grounds, and viewed the site from Charlton Manor during the course of the previous application, ref. 17/00710.OUT; the Conservation Officer being present on Planning View in July last year. The Conservation Officer did not consider it necessary to revisit Charlton Manor when commenting on this revised scheme.
- The heights of the buildings are not yet known, other than storey heights; as such, it is not possible to determine that the buildings now proposed would be higher than those proposed within the previously refused scheme.

2. RECOMMENDATION

2.1. The recommendation remains to grant planning permission subject to a signed S106 agreement to secure the affordable housing provision, and the following revised schedule of conditions:

3. SUGGESTED CONDITIONS / INFORMATIVES

Note: Condition 6 (now condition 4) and condition 11 set out in the main report have been updated.

- 1 The outline planning permission hereby granted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To accord with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 Application(s) for approval of the reserved matters (appearance and landscaping) must be made not later than the expiration of three years from the date of this decision.

Reason: To accord with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 The outline planning permission hereby granted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 4 The application for approval of landscaping as a reserved matter shall include full details of the surface water drainage proposals; and the information submitted shall be in accordance with the principles set out in the approved drainage strategy. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in The SuDS Manual, CIRIA C753 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

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

The surface water drainage works shall thereafter be implemented strictly in accordance with approved details, prior to the commencement of any building works above ground level.

Reason: To ensure the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem, and to minimise the risk of pollution for the lifetime of the development, in accordance with adopted policy INF2 of the Joint Core Strategy (2017). The detailed surface water drainage proposals are required at reserved matters stage as they form an inherent part of the landscaping proposals.

- 5 Prior to the commencement of any works on site, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period and shall:
- a. specify the type and number of vehicles;
 - b. provide for the parking of vehicles of site operatives and visitors;
 - c. provide for the loading and unloading of plant and materials;
 - d. provide for the storage of plant and materials used in constructing the development;
 - e. provide for wheel washing facilities; and
 - f. identify routes for construction traffic.

Reason: To minimise disruption on the public highway and adjacent land users and to accommodate the efficient delivery of goods and supplies during the course of the construction works in accordance with adopted policy INF1 of the Joint Core Strategy (2017) and paragraph 110 of the National Planning Policy Framework. Approval is required upfront because without proper mitigation the construction works could have an unacceptable highway impact.

- 6 Prior to the commencement of development, including ground works and vegetation clearance, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Any modifications to the approved details for example as a result of requirements of a protected species license must be submitted to and agreed in writing by the Planning Authority. The CEMP shall include the following details:

Ecology

- (i) Badger Mitigation Strategy based on Section 4.6 of the Confidential Badger Appendix by Aspect Ecology dated October 2018.
- (ii) Mitigation measures MM1 (Hedgerow & Tree Protection), MM2 (Veteran Trees), MM4 (Soft-felling of Trees), MM5 (Re-installation of any affected existing Bat Boxes), MM7 (Wild Mammal Safeguards), MM8 (Reptile & Amphibian Safeguards) and MM9 (Timing of Works to avoid Nesting Birds) based on the Ecological Appraisal by Aspect Ecology dated October 2018.
- (iii) Mitigation measure MM3 (Updated Surveys) based on the Ecological Appraisal by Aspect Ecology dated October 2018.

Other

- (iv) Procedures for maintaining good public relations including complaint management, public consultation and liaison.
- (v) Arrangements for liaison with the Council's Pollution Control Team.
- (vi) Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites which shall be used to minimise noise disturbance from construction works.
- (vii) Procedures for emergency deviation of the agreed working hours.
- (viii) Waste and material storage.
- (ix) Control measures for dust and other air-borne pollutants.

Reason: To protect the local environment including its landscape and biodiversity value, to ensure that adequate mitigation/compensation measures are provided in order to safeguard protected species, and to reduce any potential impact on local residents, in accordance with saved policy CP4 of the Cheltenham Borough Local Plan (2006), adopted policies SD9 and SD14 of the Joint Core Strategy (2017) and paragraphs 8, 170, 175 and 180 of the National Planning Policy Framework. This information is required up front because without proper mitigation the construction works could have an unacceptable impact on protected species and the amenity of adjoining land users at the beginning of construction.

- 7 Notwithstanding previously submitted details, prior to the commencement of development, drainage plans for the disposal of foul water shall be submitted to and approved in writing by the Local Planning Authority. The approved drainage shall be implemented in accordance with the approved details prior to first occupation of the development

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 in accordance with adopted policy INF2 of the Joint Core Strategy (2017). Approval is required upfront as any works on site could have implications for drainage, flood risk and water quality in the locality.

- 8 Prior to the commencement of development, a Lighting Scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on mitigation measure MM6 (Sensitive Lighting) within the Ecological Appraisal by Aspect Ecology dated October 2018, and shall include the following details:

- (a) the position, height and type of all lighting;
- (b) the intensity of lighting and spread of light as a lux contour plan;
- (c) the measures proposed must demonstrate no significant effect of the lighting on the environment including preventing disturbance to bats so that light falling on vegetated areas and features used by bats will be below or not exceed 2.0 lux; and
- (d) the periods of day and night (throughout the year) when such lighting will be used and controlled for construction and operational needs.

The approved scheme shall be implemented for the duration of the development and thereafter maintained in accordance with the manufacturer's recommendations and scheme details.

Reason: To provide adequate safeguards for protected species on the site, and to ensure that foraging and commuting of bats is not discouraged at this location, in accordance with adopted policy SD9 of the Joint Core Strategy (2017), ODPM Circular 06/2005, paragraphs 109, 118 and 125 of the National Planning Policy Framework and Section 40 of the Natural Environment and Rural Communities Act 2006.

- 9 Prior to the commencement of development, plans showing the existing and proposed ground levels and slab levels of the proposed and adjacent buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented strictly in accordance with the agreed details.

Reason: To ensure a satisfactory relationship between the proposed development and adjacent buildings and land, having regard to saved policies CP4 and CP7 of the Cheltenham Borough Local Plan (2006) and adopted policies SD4 and SD14 of the Joint Core Strategy (2017). Approval is required upfront to allow the impact of the development to be accurately assessed.

- 10 Prior to the commencement of development, a method statement for the building foundation design, which takes account of existing soil types and adjacent trees so as to prevent future subsidence to new buildings and demands for the removal or heavy pruning of retained trees, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the retained trees in accordance with saved policies GE5 and GE6 of the Cheltenham Borough Local Plan (2006), adopted policy INF3 of the Joint Core Strategy (2017) and paragraph 175 of the National Planning Policy Framework. Approval is required upfront to ensure that important trees are not permanently damaged or lost.

- 11 No later than 3 months following the commencement of the development, a Landscape and Ecological Management Scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on the Landscape Strategy drawing no. 18125.101 D dated 16th October 2019; include all of the Ecological

Enhancements set out within the Ecological Appraisal by Aspect Ecology dated October 2018; and shall comprise of a drawing and document that covers:

- (a) Aims and objectives of the scheme including conservation of protected and priority species and a net gain for biodiversity appropriate green infrastructure;
- (b) A plan with annotations showing the soft landscape, hard landscape, habitat, vegetation and artificial features to be retained, created and/or managed;
- (c) Measures (including establishment, enhancement and after-care) for achieving the aims and objectives of management;
- (d) Provision for and control of some public access;
- (e) A work and maintenance schedule for 5 years and arrangements for beyond this time;
- (f) Monitoring and remedial or contingency measures; and
- (g) Organisation or personnel responsible for implementation of the scheme.

Reason: To conserve and enhance the landscape and biodiversity value of the land and in accordance with adopted policies SD6 and SD9 of the Joint Core Strategy (2017), paragraphs 8, 170 and 175 of the National Planning Policy Framework, and ODPM Circular 06/2005.

- 12 Prior to the commencement of any above ground works, a scheme for the provision of fire hydrants (served by mains water supply) shall submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the hydrant serving that property has been provided.

Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire in accordance with adopted policy INF6 of the Joint Core Strategy (2017) and paragraph 110 of the National Planning Policy Framework.

- 13 Notwithstanding the submitted details, prior to the commencement of any building works above ground level, details of a scheme for the provision and future maintenance of multi-functional green infrastructure to include areas of informal play shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the development.

Reason: To ensure that the development makes a positive contribution towards green infrastructure and provides opportunities for play and recreation in accordance with adopted policies INF3 and INF6 of the Joint Core Strategy (2017) and paragraphs 69 and 109 of the National Planning Policy Framework.

- 14 Notwithstanding previously submitted details, prior to the commencement of any building works above ground level, full details of a hard and soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify the number and location of all new trees and hedges to be planted; their species, size, spacing/density of hedges, root types, tree pit details (including details of introduced soil amelioration plans); and protection from deer and other predators as well as protection for the street trees from vehicles etc.

The scheme shall also include:

- a. a short, medium and long term management for all trees to be planted;
- b. details of the restoration and remedial surgery to parts of the existing hedge to be retained;
- c. details of the proposed pond in the communal open space to the south of the site; and
- d. wild flower strips in the public open spaces.

All hard landscaping works shall be carried out in accordance with the approved details prior to first occupation of the development unless otherwise agreed in writing by the Local Planning Authority.

All soft landscaping shall be carried out in the first planting and seeding season following completion of the development or first occupation of the development (whichever is sooner). Any trees which within a period of 5 years, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of the same size or species unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area in accordance with saved policies CP7, GE5 and GE6 of the Cheltenham Borough Local Plan (2006), and adopted policies SD4 and INF3 of the Joint Core Strategy (2017). Approval is required upfront because the landscaping is an integral part of the development and its acceptability.

- 15 All details of protection, working methods and practices etc. within the submitted FLAC report (Instruction Ref: SC38-1036) must be adhered to for the duration of the development. A retained arboriculturalist must be employed to oversee tree protection and workings in accordance with an Arboricultural Monitoring programme which shall include details of (i) person(s) to conduct the monitoring; (ii) the methodology and programme for reporting; and (iii) a timetable for inspections which shall first be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the retained trees in accordance with saved policies GE5 and GE6 of the Cheltenham Borough Local Plan (2006), adopted policy INF3 of the Joint Core Strategy (2017) and paragraph 175 of the National Planning Policy Framework. Approval is required upfront to ensure that important trees are not permanently damaged or lost.

- 16 Any works taking place within the root protection area of trees or adjacent to the site, shall be carried out by hand and no roots over 25mm to be severed without the advice of a qualified arboriculturalist or without the prior written permission from the Local Planning Authority.

Reason: To safeguard the retained trees in accordance with saved policies GE5 and GE6 of the Cheltenham Borough Local Plan (2006), adopted policy INF3 of the Joint Core Strategy (2017) and paragraph 175 of the National Planning Policy Framework. Approval is required upfront to ensure that important trees are not permanently damaged or lost.

- 17 No trees, shrubs or hedges within the site which are shown to be retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed, without the prior written permission from the Local Planning Authority. Any retained trees, shrubs or hedges removed without such permission, or which die or become severely damaged or seriously diseased within 5 years from the completion of the development hereby permitted, shall be replaced with trees, shrubs or hedge plants of a similar size and species during the next planting season unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the retained trees in accordance with saved policies GE5 and GE6 of the Cheltenham Borough Local Plan (2006), adopted policy INF3 of the Joint Core Strategy (2017) and paragraph 175 of the National Planning Policy Framework.

- 18 All paths, parking areas and other forms of hard landscaping that fall within Root Protection Areas (RPAs) of the retained trees shall be constructed using a no-dig

method as per the submitted drawings. Prior to the commencement of development, full details of the proposed no-dig method shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be implemented strictly in accordance with the details so approved.

Reason: To safeguard the retained trees in accordance with saved policies GE5 and GE6 of the Cheltenham Borough Local Plan (2006), adopted policy INF3 of the Joint Core Strategy (2017) and paragraph 175 of the National Planning Policy Framework. Approval is required upfront to ensure that important trees are not permanently damaged or lost.

- 19 No tree and/or hedge clearance shall be carried out during bird nesting season (1st March to 31st August inclusive) unless the site has been surveyed in advance for breeding birds and a scheme to protect breeding birds has first been submitted to and approved in writing by the Local Planning Authority. Any such scheme shall be implemented in accordance with the approved details.

Reason: To provide adequate safeguards for protected species on the site in accordance with adopted policy SD9 of the Joint Core Strategy (2017) and paragraph 118 of the National Planning Policy Framework.

- 20 No construction works and/or ancillary operations which are audible at the site boundary shall be carried out on site outside the following hours:

Monday to Friday - 8am to 6pm

Saturday – 8am to 1pm

There shall be no working on Sundays or Public or Bank Holidays.

Deliveries to, and removal of plant, equipment, machinery and waste from, the site shall only take place within the permitted hours detailed above.

Reason: To ensure that any impact on the amenity of the occupiers of adjacent dwellings is minimised and controlled in accordance with saved policy CP4 of the Cheltenham Borough Local Plan (2006) and adopted policy SD14 of the Joint Core Strategy (2017).

- 21 No external facing or roofing materials shall be applied unless in accordance with:
a) a detailed written specification of the materials; and
b) physical samples of the materials.
The details of which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the external appearance of the development is appropriate to its surroundings in accordance with saved policy CP7 of the Cheltenham Borough Local Plan (2006), adopted policy SD4 of the Joint Core Strategy (2017) and guidance set out within Section 12 of the National Planning Policy Framework.

- 22 No boundary treatments, including boundary walls, fences or other means of enclosure shall be constructed unless in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall thereafter be implemented in accordance with the approved details prior to first occupation of the development hereby permitted.

Reason: To ensure that the external appearance of the development is appropriate to its surroundings in accordance with saved policy CP7 of the Cheltenham Borough Local

Plan (2006), adopted policy SD4 of the Joint Core Strategy (2017) and guidance set out within Section 12 of the National Planning Policy Framework.

- 23 Prior to first occupation of the development, the first 20m of the proposed access road, including the junction with the existing public road and associated visibility splays, shall be completed to at least binder course level.

Reason: To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with adopted policy INF1 of the Joint Core Strategy (2017) and paragraphs 108 and 110 of the National Planning Policy Framework.

- 24 Prior to first occupation of the development, details of a Homeowner's Information Pack resource providing information on recreation resources in the locality shall be submitted to and approved in writing by the Local Planning Authority. The pack should reference:

- Alternative local recreation opportunities (off site), e.g. website information for Cotswolds AONB and recreation 'offer'
 - <https://www.cotswoldsaonb.org.uk/visiting-and-exploring/>
- Relevant adopted Cheltenham, Gloucester and Tewkesbury JCS policy (e.g. INF3 green infrastructure) and supporting text (e.g. 5.4.6 re. Green Infrastructure strategy 'vision').

Each dwelling shall be provided with an approved Homeowner Information Pack on occupation.

Reason: To ensure that appropriate measures to mitigate for any adverse effects to the Cotswold Beechwoods SAC that could potentially occur as a result of the proposal, are suitably addressed in accordance with adopted policy SD9 of the Joint Core Strategy (2017) and paragraphs 175, 176 and 180 of the National Planning Policy Framework.

- 25 Prior to first occupation of the development, refuse and recycling storage facilities shall be provided in accordance with a scheme which shall have first been submitted to and approved in writing by the Local Planning Authority. The storage facilities shall thereafter be retained for that purpose.

Reason: In the interests of sustainable waste management and recycling, having regard to Policy W36 of the Gloucestershire Waste Local Plan.

- 26 Prior to first occupation of the development, leaf guards for the guttering and down pipes of the dwellings shall be installed in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority, and shall be maintained as such thereafter.

Reason: To reduce levels of tree-related inconvenience experienced by residents during the occupancy of the development.

- 27 Prior to first occupation of the development, the car parking associated with each building within the development (including garages and car ports where proposed) has been provided in accordance with Drawing No. 16.20.034 PL005 A, and those facilities shall be maintained available for that purpose thereafter.

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

in accordance with policy INF1 of the Joint Core Strategy (2017) and paragraphs 108 and 110 of the National Planning Policy Framework.

- 28 Notwithstanding the submitted details, the development hereby permitted shall not be occupied until a delineated at grade pedestrian corridor with a minimum width of 1.2m from parking bays 16-19 and 60-69 linking to the associated dwelling entrances have been made available for use for the duration of the development.

Reason: To ensure safe and suitable access to the site can be achieved for all users; to give priority to pedestrians and to address the needs of people with disabilities in accordance with policy INF1 of the Joint Core Strategy (2017) and paragraphs 108 and 110 of the National Planning Policy Framework.

- 29 Notwithstanding the submitted details, the development hereby permitted shall not be occupied until signing and lining has been provided adjacent to 19 Oakhurst Rise creating a T-junction ensuring that is clear for drivers where the major flow is to/from.

Reason: To avoid an unacceptable impact on highway safety by ensuring that it is clear for drivers where the major flow is to/from minimising the scope for conflicts between pedestrians, cyclists and vehicles in accordance with policy INF1 of the Joint Core Strategy (2017) and paragraphs 108 and 110 of the National Planning Policy Framework.

- 30 Notwithstanding the submitted details, the construction of the car parking associated with each building within the development (including garages and car ports where proposed) shall be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Reason: To ensure that the development incorporates facilitates for charging plug-in and other ultra-low emission vehicles in accordance with paragraph 110 of the National Planning Policy Framework.

- 31 Prior to first occupation of the development, secure and covered cycle storage facilities for a minimum of one bicycle per dwelling shall be provided in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To give priority to cycle movements by ensuring that adequate cycle parking is provided, to promote cycle use and to ensure that the opportunities for sustainable transport modes have been taken up in accordance with adopted policy INF1 of the Joint Core Strategy (2017) and paragraph 108 of the National Planning Policy Framework.

- 32 Prior to first occupation of the development, the carriageway(s) (including surface water drainage/disposal, vehicular turning head(s) and street lighting) providing access from the nearest public highway to that dwelling shall be completed to at least binder course level and the footway(s) to surface course level.

Reason: To avoid an unacceptable impact on highway safety by ensuring that adequate visibility is provided and maintained, and to ensure that a safe, secure and attractive layout which minimises the scope for conflicts between pedestrians, cyclists and vehicles, is provided in accordance with adopted policy INF1 of the Joint Core Strategy (2017) and paragraphs 108 and 110 of the National Planning Policy Framework.

- 33 Prior to first occupation of the development, details of the proposed arrangements for the future management and maintenance of the proposed streets within the development shall have been submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.

Reason: To ensure that safe, suitable and secure access is achieved and maintained for all people that minimises the scope for conflict between traffic and cyclists and pedestrians, and to establish and maintain a strong sense of place to create attractive and comfortable places to live, work and visit in accordance with adopted policy INF1 of the Joint Core Strategy (2017) and paragraphs 108, 110 and 127 of the National Planning Policy Framework.

- 34 Notwithstanding the submitted details, prior to first occupation of the development, pedestrian improvements for the installation of a connecting section of footway (2m wide) with tactile dropped crossing between Beaufort Road and Ewens Road (north side) and an extension to the footway (2m wide) and dropped kerb tactile crossing point across the Charlton Court Road cul-de-sac junction shall be carried out and made available for public use.

Reason: To ensure that safe and suitable access to the site can be achieved for all users and that the priority is first given to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and secondly, so far as possible, to facilitating access to high quality public transport, in accordance with adopted policy INF1 of the Joint Core Strategy (2017) and paragraphs 108 and 110 of the National Planning Policy Framework.

- 35 Prior to first occupation of the development, the pedestrian dropped tactile crossing to the west of plots 1 & 69 shall be constructed in accordance with drawing ref. 16.20.034 PL005 A and made available for public use.

Reason: To ensure that safe and suitable access to the site can be achieved for all users and that the priority is first given to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and secondly, so far as possible, to facilitating access to high quality public transport, in accordance with adopted policy INF1 of the Joint Core Strategy (2017) and paragraphs 108 and 110 of the National Planning Policy Framework.

- 36 Prior to first occupation of the development, the widening of the approach lane widths on the westbound A40 arm, adjustments to the kerb radius on the southbound Hales Road entrance link and the signal controller intervention (adding a UG405 / Mova unit to the existing ST900 controller and upgrading the connection to ADSL) shall be constructed in accordance with the approved plans.

Reason: To ensure that cost effective improvements are undertaken to the transport network that mitigate the significant impacts of the development in accordance with adopted policy INF1 of the Joint Core Strategy (2017) and paragraph 108 of the National Planning Policy Framework.

- 37 Notwithstanding the submitted details, prior to first occupation of the development, a bus shelter shall be provided, and made available for public use, for Bus Stop ID: glodtwmt located on Beaufort Road.

Reason: To ensure that appropriate opportunities to promote sustainable transport modes have been taken up in accordance with adopted policy INF1 of the Joint Core Strategy (2017) and paragraph 108 of the National Planning Policy Framework.

- 38 Means of vehicular access to the development hereby granted shall be from Oakhurst Rise only.

Reason: To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with adopted policy INF1 of the Joint Core Strategy (2017) and paragraphs 108 and 110 of the National Planning Policy Framework.

- 39 The forward visibility splays as demonstrated on Drawing No. CTP-16-332-SK22-B shall include no vertical features over 600mm high. These areas shall be kept clear of vertical features over 600mm high for the duration of the development.

Reason: To reduce potential highway impact by ensuring that adequate visibility is provided and maintained and to ensure that a safe, secure and attractive layout which minimises the scope for conflicts between pedestrians, cyclists and vehicles is provided in accordance with adopted policy INF1 of the Joint Core Strategy (2017) and paragraphs 108 and 110 of the National Planning Policy Framework.

- 40 The approved Travel Plan shall be implemented in accordance with the details and timetable therein, and shall be continued thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: The development will generate a significant amount of movement; and to ensure that the appropriate opportunities to promote sustainable transport modes are taken up in accordance with adopted policy INF1 of the Joint Core Strategy (2017) and paragraphs 108 and 111 of the National Planning Policy Framework.

INFORMATIVES

- 1 The applicant/developer is advised that to discharge condition 33 the local planning authority will require a copy of a completed dedication agreement between the applicant and the local highway authority or the constitution and details of a private managements and maintenance company confirming funding, management and maintenance regimes.
- 2 The proposed development will require the provision of a footway/verge crossing and the applicant/developer is required to obtain the permission of the County Council before commencing any works on the highway.
- 3 The proposed development will involve works to be carried out on the public highway and the applicant/developer is required to enter into a legally binding highway works agreement (including the appropriate bond) with the County Council before commencing those works.
- 4 The applicant/developer is advised to contact Amey Gloucestershire on 08000 514 514 to discuss whether the development will require traffic management measures on the public highway.
- 5 The developer will be expected to meet the full costs of supplying and installing the associated infrastructure.

- 6 The applicant/developer will require a badger licence from Natural England before carrying out works on site under the Protection of Badgers Act 1992.