

Item No 01:-

18/01615/FUL

**Land At
Ullenwood Court
Ullenwood
Gloucestershire**

Item No 01:-**Residential re-development consisting of 26 residential (C3) units and associated works at Land At Ullenwood Court Ullenwood Gloucestershire**

Full Application 18/01615/FUL	
Applicant:	Churcham Homes (Ullenwood) Ltd
Agent:	Churcham Homes Ltd
Case Officer:	Alison Williams
Ward Member(s):	Councillor Nicholas Parsons
Committee Date:	10th April 2019
RECOMMENDATION:	PERMIT

Main Issues:

- (a) Principle of development
- (b) Development of previously developed land
- (c) Sustainability
- (d) Weight to be afforded to the 'fallback'
- (e) Viability and planning contributions
- (f) Impact on the Green Belt
- (g) Design and Impact on the Cotswold Area of Outstanding Natural Beauty (AONB)
- (h) Loss of Employment sites
- (i) Arboricultural implications
- (j) Heritage Impacts
- (k) Biodiversity
- (l) Archaeology
- (m) Highways
- (n) Flood Risk and Drainage
- (o) Contamination

Reasons for Referral:

The application proposals have a complex planning background and therefore Officers consider it most appropriate for decision to be made by the Planning Committee.

1. Site Description:

The application site measures approximately 6.7 hectares in size. It forms part of a larger parcel of land measuring approximately 13.3 hectares.

Ullenwood Court is located off the B4070 (Leckhampton Hill) approximately 500 metres to the north east of Crickley Hill Country Park and 200 metres to the north west of the National Star College. Crickley Hill Country Park is a Site of Special Scientific Interest (SSSI). The site is also in close proximity to the Cotswold Beechwoods Special Area of Conservation (SAC) which is a European site. The Cotswold Way runs along the site's north-east boundary, which is locally named 'Greenway Lane'.

During the Second World War the application site was used as an emergency military hospital and training camp. The majority of the existing buildings on the application site are therefore characteristic of this use. The site is currently predominately in commercial use and includes 32 commercial properties which fall within either B1, B2 or B8 use class. There are four existing

residential properties within the site, three of which are understood to be holiday lets. Vehicular access is obtained directly from Leckhampton Hill.

The site contains a number of existing mature trees (a number of which are subject to Tree Preservation Orders) located within a 'parkland' setting. The ground levels rise from the south-east to the north-west. The combination of the undulating topography and the extent of existing tree planting means that the site, apart from its open frontage, has a relatively secluded character. The existing buildings on the site are not therefore particularly visible from public vantage points with the exception of existing units located near to the main road, specifically Unit 1, which is visually prominent from Leckhampton Hill.

The site is located within the Cheltenham-Gloucester Green Belt and the Cotswold Area of Outstanding Natural Beauty (AONB) but is classified as previously developed land, which is otherwise known as 'brownfield' land. Agricultural fields lie to the south west of Ullenwood Court. A residential property and its curtilage (Greenway Manor) lie to the north west of the site (which is accessed via Greenway Lane which in turn opens onto the B4070).

The site is located within a Flood Zone 1 as shown on the Environment Agency's online Flood Map.

2. Relevant Planning History:

The application site has a complex history dating back to the Second World War. It is understood that the site operated as a station hospital between 1943 and 1944, by the General Field Hospital at RAF Fairford. The military hospital was built for the American services to prepare for the expected D-Day casualties. Plans dating back to the 1960s show the site containing more structures than what exists today.

In 1991 planning permission was granted for the change of use of 32 of the existing buildings to business (B1) and storage (B8) use (ref: CT.6991/Q) with a number of subsequent permissions pertaining to that use. More recently planning permission was granted in outline for the site's residential redevelopment for 20 dwellings (Ref: 14/05225/OUT) which was subsequently resubmitted to enable revisions to affordable housing provision in 2017 (ref: 17/00323/OUT).

Prior to the grant of these applications, prior approval was given for the change of use of 8 of the B1(a) (Office) units to 23 one and two bedroom residential units (Ref: 14/00721/OPANOT & 14/03008/OPANOT) which, in theory, would bring the total number of residential units on the site to 27.

At the time of application ref: 14/05225/OUT the site contained an (equestrian) riding school which occupied the stables and riding arena on the site. It is understood that the owner of the riding school has ceased trading at the site and now occupies private stables opposite the site off Greenway Lane (ref: 17/03563/FUL).

The planning history relevant to this site is set out as follows:

T.3721/c Outline application for the erection of a farmhouse attached to 55 acre farm. Permitted 17.04.1962.

T.3721/b Conversion of ex-service hospital building (Block 56) to a farmhouse to be attached to a 55 acre farm. Permitted 29.01.1964 (with occupancy restriction)

T.3721/h Change of use of ex-army hut to use as stores, offices and garage in connection with the business of catering equipment supplier. Permitted 30.06.1965.

T.3721/c/API/2 Erection of private farmhouse and private car garage to be attached to a 55 acre farm. Permitted 18.04.1973 (Reserved Matters)

T.3721/M Use of existing buildings for wholesale storage for carton glassware. Refused 05.12.1978.

T.3721/L Use of existing buildings for wholesale storage for carton glassware. Refused 15.08.1978.

T.3721/O Alterations to existing building to provide stables and construction of an exercise and training area in connection with livery and riding school. Permitted 17.04.1984.

CT.6991/P Alterations to existing agricultural workers dwelling to provide 3 holiday units. Permitted 19.03.86

CT.6991/Q Change of use and retention of 32 former MOD hospital buildings to business and storage use. Permitted 12.3.1991

CT.6991/W (04/03132/FUL) Single storey extension to kitchen and dining room at Ullenwood Court. Permitted 24.01.2005.

14/00721/OPANOT & 14/03008/OPANOT Notification under Class J of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 for change of use of 8 offices (B1) to residential (C3). Prior Approval Granted 07.07.2014

14/05225/OUT Outline planning application for residential re-development consisting of 20 units and associated works, and the provision of equivalent replacement stable facilities and riding arena (access, layout and scale to be determined). Permitted 29.01.2016.

17/00323/OUT Outline planning application for residential re-development consisting of 20 units and associated works, and the provision of equivalent replacement stable facilities and riding arena (access, layout and scale to be determined) (resubmission seeking revisions to affordable housing provision). Permitted 12.07.2017.

18/04129/FUL Application for the removal of Condition d. (agricultural occupancy) of planning permission ref: T.3721/C to enable occupation of the residential dwelling without restriction. Permitted 08.02.2019.

In addition, Members should note that an area of land to the north of Ullenwood Court, formerly occupied by buildings associated with Ullenwood Camp off Greenway Lane, has been redeveloped. The site is now occupied by a large detached dwelling, permitted as a replacement dwelling (ref: 04/00968/FUL). The size of the property was justified on the basis that the existing bungalow, scout huts, dormitory and existing storage buildings upon the site would all be demolished. This site is also located within the Green Belt.

3. Planning Policies:

NPPF National Planning Policy Framework
 DS4 Open Market Housing o/s Principal/non-Pr
 DS1 Development Strategy
 H1 Housing Mix & Tenure to meet local needs
 H2 Affordable Housing
 EC2 Safeguarding Employment Sites
 EN1 Built, Natural & Historic Environment
 EN2 Design of Built & Natural Environment
 EN4 The Wider Natural & Historic Landscape
 EN5 Cotswold AONB
 EN7 Trees, Hedgerows & Woodlands
 EN8 Bio & Geo: Features Habitats & Species
 EN10 HE: Designated Heritage Assets
 EN12 HE: Non-designated Heritage Assets

EN15 Pollution & Contaminated Land
 INF3 Sustainable Transport
 INF4 Highway Safety
 INF5 Parking Provision
 INF7 Green Infrastructure
 SP1 Gloucester & Cheltenham Green Belt

4. Observations of Consultees:

Environmental Protection Officer (Contamination) - No objection subject to conditions

Environmental Protection Officer (Noise) - No objection recommended a noise condition

Affordable Housing Officer - No objection subject to legal agreement securing off-site financial contribution for 5.6 affordable units and a custom build plot on site.

Local Lead Flood Authority - No objection subject to conditions

Highways Officer - No objection subject to conditions

Natural England - No objection to the proposals subject to the securement of the recreational facility and homeowner information packs being provided.

Gloucestershire County Council S106 Monitoring Officer - No objection to the proposals subject to financial contributions towards primary school places totally £100,060 and library £5096

Tree Officer - Comments incorporated within Officer Assessment

Landscape Officer - Comments incorporated within Officer Assessment

Biodiversity Officer - Comments incorporated within Officer Assessment

5. View of Town/Parish Council:

Cowley Parish Council - Support the proposals

Coberley Parish Council - Raise concerns regarding the loss of the riding school, potential access from Greenway Lane, seek the inclusion of 6 on-site affordable housing units and School contributions, protection of trees within the development, drainage system capacity and broadband,

6. Other Representations:

21 Third Party letters of Objection: i) Loss of much-loved and valued riding school, including for the disabled, elderly and children, without readily accessible alternative facilities, in the face of a clearly demonstrable need, which would result in harm to the local economy and loss of social benefits.

ii) Loss of the riding school is contrary to the conditions of the 2017 Outline permission, which required retention or replacement of the riding school. The riding school was never offered a new lease.

iii) The proposed development would be harmful to the landscape, and natural and equestrian environments, as an area for leisure activities and community benefits.

iv) The development is unnecessary as more housing is not needed.

v) The increased vehicular traffic resulting from the proposed development would increase the risk to highway safety at dangerous junctions, including to horse riders and walkers, and would increase congestion, especially at peak times. There has been no proper traffic analysis undertaken.

Petition of Objection, including 348 signatures: Object on the basis that the proposals do not include provision for a replacement riding school.

7. Applicant's Supporting Information:

Viability Assessment
Landscape Appraisal
Ecological surveys

8. Officer's Assessment:

Introduction

Planning permission is sought for the redevelopment of Ullenwood Court for the erection of 26 new dwellings and the retention of the existing dwelling (Ullenwood Court Farmhouse) resulting in a total of 27 dwellings on the site. The proposals are submitted in full and would result in the demolition of all (37) of the existing buildings/structures on the site including the existing stables that comprised Ullenwood Court Riding School and livery yard. The Riding School and livery yard are no longer trading.

The application is submitted further to the grant of outline planning permission for residential re-development of the site consisting of 20 units in 2016 and 2017. The application red line for the current application is larger than that approved in 2016 and 2017 and now includes the whole site in addition to the adjacent sewage plant, but is accepted on the basis of the submission of plans confirming the extent of the proposed residential area/residential curtilages.

Pre-Application

Pre-application advice was sought from the applicant in March 2018. The advice given was generally favourable subject to the provision of detailed designs and further information at the application stage. It was considered by officers that an increased number of units would likely be supported subject to there being no material change in circumstances particularly in relation to the plausibility of the 27 unit scheme being undertaken.

(a) Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that 'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.' The starting point for the determination of this application is therefore the current development plan for the District which is the Cotswold District Local Plan 2011-2031.

The site in question is located outside of any Development Boundary as designated in the adopted Local Plan, and the proposal is therefore subject to Policy DS4: Open Market Housing Outside Principal and Non-Principal Settlements.

Local Plan Policy DS4 states that:

'New-build open market housing will not be permitted outside Principal and Non-Principal Settlements unless it is in accordance with other policies that expressly deal with residential development in such locations'.

The proposal is therefore contrary to this policy which is the starting point for the determination of this application. Policy DS4 is in accordance with the guidance set out in paragraph 79 of the NPPF which indicates that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. The term isolated is not defined in the NPPF; however, it is reasonable to interpret it as meaning isolated from any existing settlement, which the application site is.

Nonetheless, the NPPF seeks to boost significantly the supply of housing and paragraph 8 of the NPPF states that there are three overarching objectives that should be considered in the context of the presumption in favour of sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles. These comprise firstly an economic role to help build a strong, responsive and competitive economy. The second role is a social one where it supports strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations. The third role is an environmental one where it contributes to protecting and enhancing the natural, built and historic environment. Paragraph 9 of the NPPF states that these objectives should be delivered through the preparation and implementation of plans and the application of the policies in the Framework. It goes on to state that 'Planning policies and decisions should play an active role in guiding development towards sustainable solutions...'

Paragraph 67 of the NPPF states that Councils should identify a supply of specific, deliverable sites for years one to five of the plan period, and specific, developable sites and growth for years 6 to 10 and, where possible, years 11 to 15 of the plan. Paragraphs 73 and 74 require a five year supply of housing on specific deliverable sites to be provided with a 5%, 10% or 20% buffer, with plans only being considered 'recently adopted' where this has been adopted in the previous or same year, and where an annual position statement has been considered by the Secretary of State. Bearing in mind the recent adoption of the Local Plan, and that this states there to be a 7.6 year housing land supply, the Council can demonstrate a robust five year supply of deliverable housing sites. In terms of the rate of housing delivery, the council can demonstrate that it has provided a 268% of the required housing number for the last 3 years, which comfortably exceeds the 95% Government target to avoid the need for other provisions to be put in place. Policy DS4 is therefore in-date in the context of Paragraph 11 of the NPPF and is to be accorded full weight in the determination of this application.

Notwithstanding the current land supply figures, it is necessary to have full regard to the economic, social and environmental roles set out in the NPPF when assessing this application which are considered in more detail below.

(b) Development of previously developed land

The effective and efficient reuse of previously development land is no longer identified as a core land-use planning principle. Nonetheless, the revised NPPF (Feb 2019) does state that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land (Paragraph 117).

Paragraph 118 requires that planning policies and decisions should, amongst other things, give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land; and promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.

While the application site is considered (in part) previously developed, in line with the definition of previously developed land provided in Annex 2 of the NPPF, the Council is not required to give

the site's redevelopment 'substantial weight' to its proposed use since it is not located within a settlement. Whilst the Council is supportive of better utilisation of the site, this can only be supportable in line with the relevant policy constraints i.e. the site's AONB and Green Belt designations, which impose limitations on the degree to which the site can be developed and given the site's location (outside of a settlement) take precedence.

(c) Sustainability

With regard to sustainability, it is noted that Ullenwood is not identified as a location in the adopted Local Plan as having sufficient facilities and services to accommodate new residential development in the period up until 2031. In fact there is no specific mention of the application site in the emerging Cotswold District Local Plan 2011 - 2031. This is unsurprising given that the application site is not adjacent, or proximate, to an existing settlement.

Given the site's location outside of a settlement and its distance from existing facilities and services, it is the view of Officers that the application site does not represent a sustainable location for new housing development. Typically the Council would not seek to accommodate new housing or significant employment in this, or similar, locations. It is debatable whether the current use of the site would be granted planning permission now but it is a matter of fact that the current use exists which in itself gives rise to a baseline level of use that must be taken into consideration. The fallback position established by the previously approved proposals under current permitted development rights (please see relevant planning history) and the extant Outline permission are also material considerations that carry weight.

It is acknowledged that the NPPF seeks to avoid isolated new homes unless there are special circumstances (NPPF Paragraph 79). However; there is support in the NPPF for the complete or partial redevelopment of brownfield land in the Green Belt which is a material consideration discussed in more detail below. It is also accepted that reservations over the site's sustainability must also be balanced against the fallback position and considered in the light of the previous permissions subject to the weight that can be accorded to them.

(d) Weight to be afforded to the 'fallback'

The pre-application advice note from officers made clear that the starting point for the assessment of the development will be the development plan (which at that time contained a presumption against new build housing in this location). This remains the case in accordance with Policy DS4 of the adopted Local Plan 2011-2031. Decision makers are however, obliged to consider other material considerations which in this case include the previous permissions granted by this Local Planning Authority.

The Courts have held that the fallback does not have to be probable, or even have a high chance of occurring. Rather, in order for it to be a material consideration, a fall-back only has to be more than a merely theoretical prospect. While the likelihood of the fallback occurring may affect the weight to be attached to it, that does not affect its status as a material planning consideration.

The Planning Statement submitted with the application provides a discussion on the applicant's fallback position and states that:

"There is a fallback position at the site, which is a material consideration against which all planning policy and other material considerations relevant to the proposed development must be weighed.

The 2014 prior approval permitting the use of the buildings outlined in red on the plan at Figure 8 below to be changed from offices to 23 dwellings has time-expired, (in May 2016). While this may be so there is a very reasonable prospect for a fresh prior approval to be issued were an application to be made.

6.3 This is because circumstances have not changed. The provisions permitting the change of use of offices to dwellinghouses which applied at the time of the 2014 prior approval remain in

place. Please see Class O Part 3 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), (GPDO)."

With regard to the prior approval, it is agreed that although the 2014 consent has expired and that while prior approval should therefore technically be reapplied for that there would appear to be no reason why the Council would not grant a further prior approval. It is acknowledged that the GPDO now also makes provision for changes of use from light industrial (Class B1(c)) to residential (Class C3) under Class PA. The agent confirms in the submitted Planning Statement that, at the qualification date set by the regulations, 8 units at the site were in B1(c) use. All of these units fall below the 500m2 threshold set by Class PA. There is in the region of 1,500m2 of B1(c) floorspace present on site. Accordingly it is alleged that there is a very reasonable prospect that an additional number of residential units can be delivered at the site through Class PA of the GPDO and in addition to the fallback position established in 2014. Notwithstanding this, it is noted by the Council that no formal notification has been submitted. There in absence of any formal assessment in this respect, the Council is only able to give this 'fallback' moderate weight.

It is suggested by the agent that all the dwellings achieved through the changes of use described above, could be enlarged and extended by exercising Permitted Development rights available under Class A, Part 1, Schedule 2 of the GPDO. However, the Permitted Development rights to extend or alter a dwelling only granted by virtue of Class PA, do not apply.

The fallback position of 17/00323/OUT for the demolition of the existing structures and construction of 20 residential units on site is considered to have significant weight in that the permission is extant.

As such it is considered that there is a realistic fallback position for residential development on the site that overall is afforded significant weight by officers in the planning balance.

(e) Planning contributions and Viability

Vacant Building Credit

Vacant Building Credit (VBC) is a national policy incentive for brownfield development on sites containing vacant buildings. Essentially VBC means that where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace.

National Planning Policy Guidance (NPPG) sets out a process for determining VBC and states as follows:

"Where there is an overall increase in floorspace in the proposed development, the local planning authority should calculate the amount of affordable housing contributions required from the development as set out in their Local Plan. A 'credit' should then be applied which is the equivalent of the gross floorspace of any relevant vacant buildings being brought back into use or demolished as part of the scheme and deducted from the overall affordable housing contribution calculation. This will apply in calculating either the number of affordable housing units to be provided within the development or where an equivalent financial contribution is being provided. The existing floorspace of a vacant building should be credited against the floorspace of the new development."

The NPPG provides the following example:

"Where a building with a gross floorspace of 8,000 square metre building is demolished as part of a proposed development with a gross floorspace of 10,000 square metres, any affordable housing contribution should be a fifth of what would normally be sought."

The NPPG does however, makes it clear that VBC does not apply where the building has been abandoned. In considering how the vacant building credit should apply to a particular development, local planning authorities should have regard to the intention of national policy (i.e. to incentivise brownfield development, including the reuse or redevelopment of empty and redundant buildings). In doing so, the NPPG states that it may be appropriate for authorities to consider:

- i) Whether the building has been made vacant for the sole purposes of re-development, and
- ii) Whether the building is covered by an extant or recently expired planning permission for the same or substantially the same development.

In light of increasing vacancy at the time of the 2014 application where it was becoming difficult for officers to identify the buildings made vacant for purposes unrelated to the re-development of the site Officers agreed a common position with the applicant. This resulted in the submission of information confirming vacancy across the site enabling officers to corroborate the level of vacancy and therefore the VBC to be applied.

Officers have sought to maintain this position but have accepted that the resolution to grant planning permission for the 2014 application would have been the first formal signal to business owner's that the redevelopment of the site was an inevitability.

A vacant building credit of 2,863 sqm has been afforded to the scheme and this has been considered within the viability assessment and this figure has been used by the District Valuer to consider the viability of the scheme.

Affordable Housing

Policy H2 of the Cotswold District Local Plan sets out the policy in relation to affordable housing contributions. This states that "all housing developments that provide 11 or more new dwellings (net) or have a combined gross floor area of over 1000sqm will be expected to contribute towards affordable housing provision to meet an identified need in the district and address the Councils strategic objectives on affordable housing.

Part 2 of the Policy states "The affordable housing requirement on all sites requiring a contribution, subject to viability is:

- i. Up to 30% of new dwellings gross on brownfield sites

As previously highlighted the site is considered to be previously developed and as such a 30% requirement is the starting point which would result in a need for 7.8 affordable units. A viability assessment has been submitted and reviewed by the District Valuer. This has resulted in a reduced affordable housing requirement of 5.6 units. The viability assessment has established that if this was provided as an off-site contribution totalling £744,975. If an on-site contribution was sought the viability assessment has established that this would be limited to 2 shared ownership properties.

The council's affordable housing officer considers that the off-site contribution is acceptable and the UU details the provision of the off-site contribution.

The provision of affordable housing is one of the Council's top corporate priorities. Its provision is therefore a considerable public benefit given the significant affordable housing shortage in the District and weighs significantly in favour of the proposals.

Custom build plot

Policy H1 of the Cotswold District Local Plan sets out the policy to ensure a mix of housing in terms of size, type and tenure. In addition part 3 of the policy sets out that for proposed of more than 20 dwellings at least 5% of dwelling plots would be expected to be provided as self-build or

custom build plots. The proposals generate the need for 1 plot. The developer has provided a Unilateral Undertaking that confirms that plot 16 will be the custom build plot. A condition will be required in relation to the design and detailing of the custom building plot to allow for the purchaser to amend the detailing of the plot.

As such the proposals comply with Policy H1(3) of the Cotswold District Local Plan.

Education

A Primary School Education contribution was previously recommended at the time of the 2015 and 2017 approvals. Initial comments received from the County Council's S106 Officer to the current application confirmed that the latest forecasts showed some spare capacity forecast at Coberley Primary (where numbers are forecast to reduce) as such no education contributions were initially sought.

This position was however, challenged by Coberley Parish Council and Coberley Parish School resulting in a retraction of that response. On the basis of further investigations in this respect, the County Council's S106 Officer has requested a financial contribution of £100,060 for primary education provision. The County Council's S106 Officer latest response (dated 7th February 2019) is set out below:

"Further to my previous emails on this case where I advised that the evidence showed some surplus in the forecast at Coberley Primary sufficient to deal with the additional demand, I now have new evidence provided which indicates that there is a need for mitigation of school places, to be secured through a s106 contribution.

This is on the basis of a detailed review of school places in the area undertaken and by GCC Education Dept. I have set this out below:

1. Coberley Primary School would be unlikely to take all children from this development as it is difficult to expand to accommodate all pupils.
2. A review of Coberley forecasts on which the previous responses to this application were made has shown that the forecast, which had indicated some surplus in the future, does not reflect the numbers on roll - in effect, the forecasts are artificially low due to low local pre-school figures. The school always fills, as it is a popular parental school of choice. We also know that it isn't possible to expand Coberley from its current roll to, say a 1FE school, but that it could remodel to accommodate some additional pupils.
3. Therefore, there is a need also to review the next nearest primary school forecasts (Birdlip Primary School). Birdlip Primary School does have the ability to expand further if required.
4. Birdlip Primary School is approx. 2.5 miles distant to the proposed development. It has a capacity of 105, and is at, and forecast to remain at capacity. It is also a popular school. The combined effect of the lack of surplus places across both of schools, and their popularity, indicates that a contribution towards these schools is justified.
5. Below is the relevant data for the next nearest school, Birdlip, which has the ability and desire to expand if required. This is also a very popular school.

I recommend that, although it is a change from my previous consultation response, that on the evidence now available, that a full contribution should be sought towards the primary schools to accommodate the additional children arising from this development. There is an existing S106 relating to the scheme, which it may be possible to vary by agreement that the amounts are updated to 2018/19 costs, and the named schools are Birdlip and Coberley - this may be quicker than starting from scratch. The current (2018/19) figures would be 6.95 primary places at £14,541 per place = £101,060. The previous s106 had been seeking £58,460 (based on fewer dwellings, and now out-of-date costs per place)."

It has been confirmed that no pre-school or secondary school contributions are sought. In respect of secondary education, the County Council's S106 Officer confirms that the secondary school yield of 3.22 places can be accommodated within Henley Bank Academy which is 3.7 miles from the site. As such, no contribution can be reasonably justified.

A Unilateral Undertaking for the full education contribution has been provided but has not yet been signed at the time of writing the report.

Library Provision

The County Council's S106 Officer has confirmed a library contribution of £5,096 is due to compensate for the additional burden placed on Up Hatherley Library based on the uplift in population, and benchmark figures which show the use of libraries as set out in the GCC Developer Guide.

The County Council's S106 Officer has confirmed that the library contribution towards Up Hatherley will not result in more than 5 contributions being pooled towards Up Hatherley Library (since 2010). There are 2 other signed agreements which contain contributions to this library (signed since April 2010). The contribution is therefore considered to be CIL Regulation Compliant.

A Unilateral Undertaking for the full library contribution has been provided.

Public Open Space

At the time of the 2014 application it was determined that "adequate public and recreation space has been incorporated within the layout. Given the amount of Public Open Space being provided it is not considered appropriate to request that play equipment be provided. This is obviously not required under the fallback position and it is the view of Officers, in this particular case, having regard to the importance of maintaining the scenic beauty of the AONB and openness of the Green Belt, not to require such facilities now. On balance therefore, the proposals are considered to accord with Local Plan Policy 34 of the CDLP."

Notwithstanding this, under the current application plans, have been submitted to show a circular footpath around the site that utilises the woodland block at the western side for recreational use in association with the findings of the Appropriate Assessment undertaken by the Council, a facility which will boost the usability of the Public Open Space within the site.

It should be noted by Members that the Council do not adopt areas of Public Open space. Accordingly, provision will need to be made in the S106 for the setting up of a private management company and the transfer of land to enable the site's management in accordance with an agreed Landscape and Ecological Management Plan.

A Landscape Management has been submitted with the application for consideration and it has been considered acceptable in landscape and biodiversity terms. Accordingly a condition is recommended.

Viability

A viability assessment was submitted by the applicants and has been reviewed by the District Valuer. The Outline planning permission (17/00323/OUT) for residential re-development consisting of 20 units and associated works and the provision of equivalent stable facilities and riding arena granted in July 2017 included an agreed contribution of £778,265 towards affordable housing. However, since the permission was granted Alder King, acting for the applicant state that the contamination cost is significantly greater, resulting in the new application for the increased number of 26 dwellings and the submission of a viability assessment in support of this.

In line with the new Local Plan, for the scheme to be policy compliant in relation to affordable housing it would need to provide 30% affordable housing. However when considering the Vacant Building Credit afforded to the scheme of 2863sqm this results in a revised affordable housing figure of 21.6% which equates to 5.6 on-site affordable units.

The District Valuer's report was also based on the requirement of £101,000 to be provided for primary education. One on-site custom build plot is also proposed and this has also been factored into the District Valuer's review.

The District Valuer's report concludes that a policy compliant scheme for 5 affordable units on site would result in a deficit of £813,546 and as such is unviable.

However, a scheme with an off-site contribution for affordable housing would result in a sum of £766,298 being available for affordable housing.

Alternatively a scheme which includes 2 shared ownership properties on site would also be considered viable.

The Council's Housing Strategy Officer has identified a site within the Coberley Parish that would utilise the off-site contribution. As such, officers are of the opinion that the provision of an offsite contribution for 5.6 units would equate to a figure of £744,975.

A Unilateral Undertaking has been provided to the council and is currently being reviewed by the Council's Legal Team (an update will be provided to members) this confirms the provision of the following:

- 1 x custom build plot on site
- Affordable housing off-site contribution of £744,975
- Financial contribution of £101,060 for primary school education provision
- Financial contribution of £5096 for Library provision

The District Valuer's assessment did not include the consideration of the £5096 for the library contribution, but did include the £101,060 education provision and an off-site affordable housing contribution of £766,298 (based on 6 units) to be viable. As the Council can only seek a contribution of 5.6 dwellings based on the adjusted affordable housing provision of 21.6% rather than the 6 dwellings considered by the District Valuer, this results in an off-site affordable housing contribution of £744,975. This would result in £21,323 remaining available, as such the inclusion of the £5096 for the library contribution would still make the scheme viable and the additional £16,227 would go back within the applicant's profits.

(f) Impact on the Green Belt

The application site is located within the Cheltenham-Gloucester Green Belt as shown on the Proposals Map of the adopted Local Plan 2011-2031. The part of the Cheltenham-Gloucester Green Belt that resides within the District comprises an approx. 1.1 km² area, which includes Crickley Hill Country Park, situated on top of the Cotswold escarpment.

The Government's advice is clear that "Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans" (NPPF, Paragraph 136). It is noted in the subtext to Local Plan Policy SP1 (Gloucester and Cheltenham Green Belt) that the authorities (Gloucester, Cheltenham and Tewkesbury) undertook a review of the Green Belt in 2011. While the small area within Cotswold District was not included, the review did conclude that the area adjacent to the Cotswolds makes a significant contribution to the purposes of the Green Belt because "it forms a critical connection between wider countryside to the east and west".

While it was considered in the Cotswold District Preferred Development Strategy Consultation that the Green Belt should be revised, it was subsequently decided to retain this area of Green

Belt. The application site being located within the Green is therefore a matter of fact rather than a matter of planning judgement. Full weight must therefore be accorded to the relevant policies that pertain to the site's location within the Green Belt.

Local Plan Policy SP1 states that "Inappropriate development within the Green Belt will not be permitted, having regard to national planning policy". To determine therefore the application's compliance with Policy SP1, one must consider the content of the NPPF.

Section 13 of the NPPF is clear in that it attaches great importance to Green Belts. The fundamental aim of Green Belt policies being to prevent urban sprawl by keeping land permanently open and identifies that the essential characteristic of Green Belts are their openness and their permanence. (NPPF, Paragraph 133).

Paragraph 134 states that the Green Belt serves five purposes:

- a) to check the unrestricted sprawl of built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling or derelict and other urban land.

As with previous Green Belt Policy, the NPPF confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances' (NPPF, Paragraph 143). When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. The NPPF clarifies that 'very special circumstances' will not exist unless the potential harm to the Green Belt, by reason of its inappropriateness, and any other harm, is clearly outweighed by other considerations (NPPF, Paragraph 144). The proposal's impact on the Green Belt is therefore critical in terms of whether or not the proposals are acceptable in principle.

Paragraph 145 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. There are however exceptions and the list of exceptions (with relevance to this application) includes:

(g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

not have a greater impact on the openness of the Green Belt than the existing development; or
not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Paragraph 145 represents a greater flexibility in identifying inappropriate development that could cause harm to the openness of the Green Belt in comparison with the previous version of the NPPF before a development is considered inappropriate, albeit only in specific cases (i.e. where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority).

In assessing whether or not the development constitutes 'inappropriate development', the decision maker the council must first be clear on the extent to which the development results in harm to the openness of the Green Belt. If the proposal has a greater impact than existing development but would not cause substantial harm, then it must contribute to meeting an identified affordable housing need within the area of the local planning authority. If not, then the development would be deemed inappropriate and very exceptional circumstances would need to be found to support the application.

At the time of the original outline application (ref: 14/05225/OUT) attention was drawn to the High Court Judgement delivered by Mr Justice Ouseley (Neutral Citation Number: [2015] EWHC 185 (Admin)). In brief, the judgement sought to establish whether the Local Planning Authority had

acted unlawfully in its assessment of an application for the redevelopment of 90 dwellings on a 'previously developed site' in the Green Belt. While Justice Ousley concluded that the Local Planning Authority had acted unlawfully, one of the key points evaluated was the extent to which the site could be considered as being previously developed since only half of the site contained buildings that fell within the definition set out in Annex 2 of the NPPF. What was clear from this judgement is that the extent of previously developed land does not necessarily run with the extent of ownership. It may therefore be appropriate to effectively split a site, that falls within one ownership, into two parts (undeveloped and previously developed). This is a critical distinction in terms of the application of Green Belt policy since it would necessitate the application of two very different policy tests and was the approach adopted in respect of this site.

The advice from Counsel at the time of the 2014 application was as follows:

"Having regard to the density of the existing buildings on the application site and their close proximity to one another as shown on the application plan 'Existing and Proposed Footprints,' and accepting that a degree of flexibility needs to be applied, it may reasonably be judged that the application site is appropriately described as 'previously developed land' for the purposes of applying the exception 'complete redevelopment of previously developed sites (brownfield land)' in NPPF 89.

In short, the Broxbourne case applied to the circumstances of the application site supports the judgement that the site, as existing, is 'previously developed land' as defined in the Glossary in Annex 2 to the NPPF and a candidate site for 'complete redevelopment' in the Green Belt within paragraph 89 of the framework." (paragraphs 10 and 11)

On this basis Officers have sought to apply a degree of flexibility in the assessment of this proposal and have accepted in principle the inclusion of proposed Unit 2 despite there being no existing unit to replace. However, the visual impact of the proposal, including the inclusion of Unit 2, and therefore its overall impact on the openness of the green belt still falls to be considered.

The High Court decision delivered by Mr Justice Hickenbottom (Neutral Citation Number: [2018] EWCA Civ 489) is also notable and, in particular, the following paragraphs in respect of the proper assessment of impact on openness, is so far as it relates to more than just spatial impact alone.

1. "I can only conclude, therefore, that the advice given to the committee by the officer was defective. It was defective, at least, in failing to make clear to the members that, under government planning policy for mineral extraction in the Green Belt in paragraph 90 of the NPPF, visual impact was a potentially relevant and potentially significant factor in their approach to the effect of the development on the "openness of the Green Belt", and hence to the important question of whether the proposal before them was for "inappropriate" development in the Green Belt - and, indeed, in implying that the opposite was so. She ought to have advised the members that they were entitled to take visual impact into account when determining that issue. One can go further. On the officer's own assessment of the likely effects of the development on the landscape, visual impact was quite obviously relevant to its effect on the openness of the Green Belt. So the consideration of this question could not reasonably be confined to spatial impact alone.

2. Even the first of those two defects, on its own, shows a failure to understand national planning policy properly and to apply it lawfully. The officer's approach was inconsistent with Sales L.J.'s analysis in Turner (in particular, in paragraphs 14, 15, 16, 23, 25 and 26). She adopted an overly narrow conception of the "openness of the Green Belt", and, in consequence, failed to exercise the planning judgments required by paragraph 90 of the NPPF. In my view, therefore, the advice in her report was significantly misleading (see paragraph 42(3) of my judgment in Mansell). "

In this case it is considered by officers that the starting point for consideration is whether the proposals have a greater impact on the openness of the Green Belt and the purpose of including

land within it, than the existing development on the site, in accordance with Paragraph 145 of the NPPF.

It is explained in the submission that in developing the revised scheme the applicant has sought to ensure that the visual impact of the increased number of dwellings is not greater than that of the previously approved scheme. This has been achieved by a reduction in size of the individual dwellings overall, reconfiguration of the vehicular access around the site to enable the dwellings to be positioned in areas where the natural topography of the site assists with minimising the visual impact of the proposed dwellings, positioning the proposed dwellings such that they make best use of the natural screening afforded by the existing trees on site and retaining the architectural language and aesthetic as proposed in the original application.

It is also noted that the most visible existing business unit (Unit 1) is to be removed and will not be replaced as part of the proposals, although one must weigh the benefit of this against the introduction of Unit 2 and the location of residential buildings closer to the Cotswold Way Public Right of Way (PROW) than was approved previously.

The existing buildings on site have a floor area of 10,901sqm (117,295sqft). The total of all the building footprints, road ways, driveways and hard surfaced pathways equates to 28,828sqm. The previous consent, including the residential units and the retained riding school proposed a total building footprint of 11,628sqm. The applicant has confirmed that the combined gross internal area of the units proposed by this planning application amounts to 10,248.48sqm and is therefore less than existing development and that already approved.

Whilst the application site is designated as Green Belt, its development is considered not to conflict with the five purposes of Green Belt designation. The application site is not located adjacent to a built-up area and is not specifically relied upon to prevent towns from merging, neither is it important to the preservation of the setting or special character of an historic town. The proposals are also considered to assist with safeguarding the countryside from encroachment since the proposed dwellings will largely be sited within the part of the site that is previously developed. It is also recognised that there are unexpected and unique circumstances in this case that cannot be easily repeated elsewhere specifically. The proposals will assist the re-use of previously development land, part of which can be described as derelict.

Furthermore, Officers are content that given the placement of the proposed units and the sympathetic heights overall, the volume and the scale of existing buildings on the site in addition to proposed landscaping (which in this case is considered to be of benefit to the character and appearance of the site, which has been poorly managed) the proposal will result in no greater visual or spatial impact than existing development on the site.

Accordingly, it is concluded that the proposals would not have a greater impact on the openness of the Green Belt over and above the existing use and would not conflict with the purposes of the inclusion of this land within the Green Belt. The proposals are therefore not considered to be inappropriate development in the Green Belt in accordance with Paragraph 89. Granting planning permission for the proposals would not therefore conflict with the NPPF and thereby Policy SP1 in this regard. However, to ensure that the Council has the ability to control the impact of the final development, it is recommended that a condition restricting some Permitted Development rights is imposed across the site (i.e. extensions, means of enclosure, containers, walls/fences, hard standings and outbuildings).

(g) Design and Impact on the Cotswold Area of Outstanding Natural Beauty (AONB)

The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB). Section 85 of the Countryside and Rights of Way (CROW) Act 2000 states that relevant authorities have a statutory duty to conserve and enhance the natural beauty of the AONB.

Policy EN2 Sets out that development will be permitted which accords with the Cotswold Design Code. Proposals should be of design quality that respects the character and distinctive

appearance of the locality. The Cotswold Design Code (Appendix D) states that development should respond to its context, and its specific landscape setting (D.9). D.17 states that excessive or uncharacteristic bulk should be avoided and that new buildings should generally not dominate their surroundings, but should complement the existing structures or landscape, and sit comfortably within their setting. And D.18 states that the height of buildings should respond to local context.

Policy EN4 within the Local Plan states that :

- "1. Development will be permitted where it does not have a significant detrimental impact on the natural and historic landscape (including the tranquillity of the countryside) of Cotswold District or neighbouring areas.
2. Proposals will take account of landscape and historic landscape character, visual quality and local distinctiveness. They will be expected to enhance, restore and better manage the natural and historic landscape, and any significant landscape features and elements, including key views, the setting of settlements, settlement patterns and heritage assets."

Policy EN5 Cotswolds Area of Outstanding Natural Beauty (AONB) states:

- "1. In determining development proposals within the AONB or its setting, the conservation and enhancement of the natural beauty of the landscape, its character and special qualities will be given great weight.
2. Major development will not be permitted within the AONB unless it satisfies the exceptions set out in National Policy and Guidance.

Paragraph 170 of the NPPF sets out that 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;
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate."

Paragraph 172 of the NPPF states that planning permission should be refused for major development within the AONB other than in exceptional circumstances, and where it can be demonstrated that they are in the public interest. Paragraph 172 goes on to state that consideration of such applications in the AONB should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b) the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

Paragraph 180 of the NPPF states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including

cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a) mitigate, and reduce to a minimum, potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life;
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
- c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

It was concluded by the Council at the time of the original Outline application that, taking into account the application site being previously developed land, the number of existing buildings including associated infrastructure and open spaces, and the spatial constraints employed in the design of the proposed development to reasonably reflect the footprint of the existing developed site (both in terms of area and height of built development) having regard to the 'existing context' of this part of the AONB and the 'proposal in question' that, on any objective view, the proposed development would not constitute 'major development' in the Cotswold AONB.

Whilst Officers consider this to remain the case in respect of the current scheme, it is nonetheless pertinent to give great weight to conserving the landscape and scenic beauty of the AONB. As such the Council must come to a view on the proposal's impact in this regard.

The application site is located within the Cheltenham and Gloucester Green Belt. The LVIA notes that:-

"... this part of the green belt is an existing and established developed site with current consent for the development of up to twenty residential dwellings. The five purposes of green belt are assessed in light of the current site use and condition and therefore it is concluded that the proposed development will not compromise the five purposes".

A Landscape and Visual Impact Assessment, dated April 2018, has been submitted in support of the proposal. An assessment of local and wider distance views was undertaken and it was considered that the visual effects are largely contained to a narrow visual envelope. It was also noted that the greatest magnitude of change are likely to be limited to walkers using the network of Local Rights of Way to the south and those on Leckhampton Hill. No significant visual effects have been identified.

At worse the effect would be Moderate Adverse, for those using the Gloucestershire Way to the south and the Cotswolds Way on Leckhampton Hill. Over time, with mitigation planting, the resulting significance would be Slight Adverse. It is concluded that the site largely conforms to the previously approved scheme for development and that the proposals for redevelopment would likely cause no greater visual or landscape harm than those of the already consented scheme.

Officers agree with the conclusions above. It is also accepted that the site is an existing developed site with uncharacteristic architecture and a degraded landscape setting. Consequently, the overall effect on the magnitude of change to views will be less than of the site were not redeveloped.

The submitted Plan Comparison Layout (18.20.006 PL007 rev. b) indicates that the proposed built development is largely confined to the previous developed area and the approved Outline scheme. Units 1-3 and 9-12 would encroach into the open space. It is considered that while this would impact upon the openness of the site in part, large areas of open space would remain and the broken built massing would allow for the infiltration of structural landscaping, including to the sensitive boundaries. As a result, the Officer's do not raise any objections to the updated layout in terms of the impact on the openness of the Green Belt as explained under the previous heading.

To protect the character and appearance of the Cotswolds AONB and the visual amenity it is essential that the detailing responds sympathetically to the context i.e. building heights, level of glazing, scale and massing. Further information has been submitted which has provided a clearer picture of the visual impact of individual units which is considered to be acceptable on balance subject to conditions.

Lighting & Tranquillity

It is considered by officers that external lighting must be restricted on the site to limit the wider visual impact and the impact on the dark skies of the Cotswolds AONB landscape. The submitted Lighting Strategy (17065.108 rev. C) indicates that the road would be lit with LED lighting bollards which is welcomed. The latest plan, which has been updated to include a reduced number of lighting units, is now considered to be acceptable.

To prevent impact of light and glare in views, officers consider that large areas of glazing should also be avoided, particularly in prominent locations such as those in close proximity to the Cotswold Way. Having assessed the updated elevation drawings officers note that the glazing has been reduced within the units that lie close to Greenway Lane and to the southern boundary which is welcomed. There remains a high level of glazing within units 9, 10 and 14 but, on balance, the scheme as a whole is considered not to warrant refusal.

In initial comments to the application, the Officer's expressed concern regarding the proximity of first floor balconies adjacent to the Cotswold Way and thus their impact upon tranquillity. It is noted that first floor terraces to units 1, 2, 25 and 26 have since been repositioned to the front (away from the Cotswold Way). A terrace is still shown to unit 14. Whilst it is advised that this be omitted, on balance, the scheme as a whole is considered not to warrant refusal.

(h) Loss of Employment Sites

The site is not allocated for employment purposes within the Local Plan and the Local Plan does not have a policy which seeks to protect employment land in countryside locations. In fact, its employment development and protection policies are focussed upon a "settlement first" approach, and plans for and anticipates that employment generating uses will be located and will remain within the District's urban areas.

Policy EC2 presumes against the development of established Class B employment sites to non-employment use however, this needs to be weighed against the lack of protection afforded to this site, the previous permissions granted and the potential to convert a number of the existing building on the site to residential under the GPDO - a loss which the Council is unable to prevent.

As the Ullenwood Court Business Park is not allocated for employment use, loss of employment land remains a material consideration particularly since there is an apparent lack of supply of employment land across the District which has come to light as a result of the advancement of the now adopted Local Plan. The loss of employment land therefore needs to be considered and would weigh against the proposal.

However, it is noted that whilst Officers considered the total loss of employment land on this site to be regrettable at the time of the original Outline application, this loss was considered to be mitigated, to a significant extent, by the benefits of the proposals and, in particular, the social and economic benefits that could at that time be attached to the delivery of new homes and, in particular, affordable homes. It has however, been accepted in recent appeal decisions that new jobs in construction/future site management and increased local spending as a result of the delivery of homes carries limited weight. Furthermore, the Council now has an adopted Local Plan and robust housing land supply position. As such, only limited weight can be afforded to the economic and social benefits of the proposal with regard to the delivery of market homes, although affordable housing provision can be afforded significant weight, particularly in light of the local and District affordable housing need, which has the potential to outweigh employment loss on the site.

Officers therefore continue to consider that, on balance, the loss of employment on the application site would not have such a significant adverse effect on the local rural economy to warrant refusal of the application.

The employment uses on the site are unfortunately not protected and, in this particular case, there is reason to conclude that the redevelopment of the site will bring about other benefits which need to be afforded weight in determining this application.

Loss of Riding School

The proposal will not retain the existing riding school as a part of the development proposal. Since the grant of the 2014 planning permission, the operator of the commercial riding school has left the premises which remains vacant. It is suggested in the submission that the lack of use of the riding school since the previous occupier left the premises identifies that there is no ongoing need for such a facility at the site. This would not, however, appear to be the case in light of the third party comments and petition received to the application. Officer's cannot therefore be sure whether this lack of use has been as a result of a lack of need or simply because the buildings have not been re-let following the departure of the previous occupier given the intention to re-develop the site.

Notwithstanding this, there is no policy within the Local Plan or NPPF that explicitly protects against the loss of such a facility. Accordingly, it would be unreasonable for the Council to refuse the application on this basis alone although it remains a material consideration.

(i) Arboricultural Implications

The application site is subject to a Tree Preservation Order (TPO 15/00001). As such the trees are protected and Local Plan Policy EN7 applies. Policy EN7 states that where such natural assets are likely to be affected, development will not be permitted that fails to conserve and enhance, inter alia, trees of high landscape, amenity, ecological or historical value. Policy EN7 goes on to state that where trees, woodland or hedgerows are proposed to be removed as part of development, compensatory planting will be required.

The subtext to Policy EN7 clarifies that 'In some cases, where the public benefit of development may outweigh the importance of retaining the trees on the development site, compensatory tree planting may be required on or near the site.'

An Arboricultural Survey, Impact Assessment and Method Statement have been submitted with the planning application, which has been amended to provide additional information sought by the Council's Tree Officer. The majority of the trees around the periphery of the site are to be retained, including the entrance avenue of trees. On this basis the officers are content that the proposals are acceptable subject to conditions requiring compliance with the relevant method statement and tree protection plans submitted. The proposal is therefore considered to accord with Cotswold District Local Plan Policy EN7 and Section 15 of the NPPF.

(j) Heritage Impacts

With regard to the historic value of the site, it is notable that there are no listed buildings or Conservation Areas within or near to the application site, apart from the two listed lodge houses at the National Star College. Due to their distance from the application site and lack of visual connection, there are no concerns regarding setting impacts. There is therefore no risk that the redevelopment of the site could harm the setting of any designated heritage assets. As such the proposal is considered to accord with Local Plan Policies EN10 (Designated Heritage Assets) and EN11 (Designated Heritage Assets - Conservation Areas) and Section 16 of the NPPF.

Nonetheless, the existing buildings are considered to be of heritage value. At the time of the original Outline application, the existing buildings on site were noted to be typical of rapid

assembly, cheap WWII wartime construction and were structures that served their purpose with only a limited anticipated lifespan. The less altered units are noted to be of a concrete frame construction, with the walls built up in hollow ceramic blocks with Crittal style windows. The existing buildings lack conventional architectural merit, but the construction techniques and character of the buildings are of significance to their historic wartime context and should be classed as non-designated heritage assets, albeit more for their significance in terms of the nation's wartime history than their physical attributes. This view remains unchanged.

Local Plan Policy EN12 deals specifically with non-designated heritage assets and states that development affecting non-designated heritage assets will be permitted where it is designed sympathetically having regard to the significance of the asset. Proposals for demolition or total loss of a non-designated heritage asset will be subject to a balanced assessment taking into account the significance of the asset and the scale of harm or loss.

Policy EN12 is consistent with Section 16 of the NPPF which requires Local Planning Authorities to take account of the desirability of sustaining or enhancing the significance of heritage assets. Paragraph 197 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application and that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The proposal involves the total loss of the existing buildings on the site which is regrettable in terms of the historic interest and significance of the site. However, it is recognised that many of the existing buildings are unlikely to be easy to convert. In any event, very few of the buildings survive relatively unaltered. The surviving heritage significance of the buildings and the complex, as a whole, is considered not to be so significant that their retention, as non-designated heritage assets, could be insisted upon. Nevertheless the buildings are considered to have significance and form part of the tangible physical remains of wartime infrastructure. A full recording of the wartime structures, prior to their demolition, is therefore recommended which can be imposed by condition (as suggested below) in accordance with Paragraph 199 of the NPPF, which states that LPAs should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner appropriate to their importance and impact (although the ability to record evidence should not be a factor in deciding whether such loss should be permitted).

(k) Biodiversity

Para 170 of the NPPF seeks to ensure that policies and decisions minimise impacts on and provide net gains for biodiversity. With Paragraphs 174 and 175 setting out the principles of protecting and enhancing biodiversity and habitats.

Policy EN8 of the Cotswold Local Plan supports the principles set out in the NPPF. stating that development will be permitted that conserves and enhances biodiversity and geodiversity, providing net gains where possible.

Natural England has commented on the Appropriate Assessment and has removed its objection to the application. The appropriate assessment provides details of the requirements for mitigation in relation to the effects of increased recreational pressure on the Cotswold Beechwoods SAC. The mitigation requirements are the provision of a circular footpath around the site and the production of a Homeowner Information Pack.

Amended landscaping details have been submitted and these show a circular footpath around the site utilising the woodland block at the western side of the site and a buffer alongside the northern boundary hedgerow. Although the length of the footpath has decreased slightly the provision of a circular path around the site will still meet the mitigation requirement as a result of the HRA.

The Homeowner Information Pack will need to be submitted for approval to the LPA as a condition of planning permission. The aim of the pack is to provide information on recreational

opportunities in the local area, describe the sensitivities of locally designated sites such as Cotswold Beechwoods SAC and Crickley Hill SSSI, and explain how the residents can minimise their impact (e.g. using alternative sites). This would need to be submitted to the LPA before occupation of the development.

Bat Surveys

A copy of the Dusk Emergence and Pre-Dawn Re-Entry Surveys for Bats report dated June 2018 (27/06/18) by All Ecology has been submitted, which provides sufficient information on the use of the site by roosting bats.

Habitat's Regulation Assessment (HRA)

The Council's Biodiversity Officer has carried out a Habitat's Regulation Assessment (HRA) on the advice of Natural England.

The assessment concluded that there are no likely significant effects on the integrity of the Cotswold Beechwoods Special Area of Conservation (SAC) as a result of the proposed development.

Therefore it is considered that the proposals would maintain and enhance biodiversity and habitats in accordance with Policy EN8 of the Cotswold Local Plan and the NPPF subject to conditions.

(I) Archaeology

Policy EN10 of the Cotswold District Plan states that in considering proposals that affect a Designated Heritage Asset or its setting, great weight will be given to the asset's conservation. The more important the asset, the greater the weight should be.

Para 193 of the NPPF states that when considering the impact of a proposed development on the significance of a Designated Heritage Asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Development proposals that sustain and enhance the character, appearance and significance of Designated Heritage Assets (and their settings), and that put them to viable uses, consistent with their conservation, will be permitted.

Proposals that would lead to harm to the significance of a designated heritage asset or its setting will not be permitted, unless a clear and convincing justification of public benefit can be demonstrated to outweigh that harm. Any such assessment will take account, in the balance of material considerations:

- the importance of the asset;
- the scale of harm; and
- the nature and level of the public benefit of the proposal.

At the time of the Outline application Historic England (formerly English Heritage) confirmed that the application site lies close to two scheduled monuments: Crippets Long Barrow (680m north east of Dryhill Farm -1017040) and two bowl barrows, known as Crippet's Wood round barrows (560m and 590m north east of Dryhill Farm - 1017041).

Historic England advised that the three barrows all lie on the west facing slope of the Cotswold Plateau looking over the valley below towards the River Severn. Their significance lies mainly in the evidential value of the buried archaeology surviving within the structures and filled in ditches and this will not be affected by the development. Another factor of their significance lies in their location on the edge of the scarp slope seemingly looking into the valley. Following assessment

of the original Outline application, including the proposed landscape strategy, Historic England confirmed that, in their view, the new buildings will have no impact on the significance of the barrows, a conclusion which remains relevant to the current proposal given that it largely respects the parameters set by the extant Outline application.

The current planning application is now supported by a document entitled Written Scheme of Investigation for Historic Building Recording and Archaeological Watching Brief (Oxford Archaeology, June 2018).

The County Archaeologist confirms that the Written Scheme of Investigation provides for an appropriate programme of historic building and archaeological recording. As such, he raises no objections to the proposals subject to a condition for a programme of historic building recording and an archaeological watching brief, as is proposed in the Written Scheme of Investigation for that work (Oxford Archaeology, June 2018). It is therefore considered that subject to conditions the provision for a programme of mitigation would record and ensure advanced understanding of any heritage assets which will be lost, and to maintain adequate records of the heritage assets on the application site in accordance with the NPPF and Local Plan Policy.

(m) Access and Highways

The NPPF does not set minimum or maximum parking standards. However, it sets out at paragraph 105 that local planning authorities should take into account, the accessibility of the development, the type, mix and use of development, the availability of and opportunities for public transport, local car ownership levels; and an overall need to reduce the use of high-emission vehicles.

Local Plan Policy INF4 (Highway Safety) supports development that is well integrated with the existing transport network and beyond the application site, avoiding severance resulting from mitigation and severe impact upon the highway network. Developments that create safe and secure layouts and access will be permitted.

Local Plan policy INF5 (Parking Provision) requires development to make provisions for residential vehicle parking where there is clear and compelling evidence that such provision is necessary to manage the local road network.

Paragraph 79 of the NPPF states that: "Planning policies and decisions should avoid the development of isolated homes in the countryside unless (...) the development would re-use redundant or disused buildings and enhances its immediate setting (...)". While the site in principle is considered unsustainably located for new build development, officers are mindful of the fallback position of the permitted development rights afforded to the existing buildings that could be converted to dwellings. The government does not put the onus on accessibility via alternatives to the private car for the re-use of buildings as the sustainability of re-using redundant buildings overcomes the unsustainable location.

The County Highways Officer has commented on the proposals as below and raises no objection subject to conditions.

The proposed change of use from an existing business park to 26 dwellings would be expected to result in a significant decrease in potential AM, PM and daily vehicle trips which has been confirmed with a TRICS database analysis.

It is also accepted the site has extant approval for 20 dwellings and a riding school and the proposed dwellings would not be expected to generate a significant difference in vehicle trips on the highway network. Therefore on the basis of reduced potential vehicle trips between the existing and proposed site uses the existing visibility splays of the site access are considered accepted.

The redevelopment of the site from mixed business uses to a 26 dwelling residential housing estate will create either a public or private shared street environment open to public visitors and servicing requirements. Therefore suitable inter-visible passing from the site entrance across the shared estate roads for the largest area refuse vehicle and an estate car similar to that provided as part of the previous 14/05225/OUT consent for 20 dwellings and the riding school is required.

It is considered there is sufficient space within the site red line to provide suitable inter-visible, two-way swept path passing for the largest area refuse vehicle.

Emerging splays of 2m x 15m from driveways onto the shared estate road would be sought by condition.

The application states 108 parking spaces will be provided for the 26 dwellings which equates to approximately 4 spaces per dwelling which should be sufficient for estimated demand based on local census car ownership.

As such it is considered that the proposals would provide safe access and egress from the site and would not result in harm to the surrounding road network. The proposals allow for safe movements within the site and more than sufficient off street parking provision. Therefore subject to conditions it is considered that the proposals would comply with the NPPF and Local Plan policies in relation to highways impacts.

(n) Flood Risk and Drainage

The site is not identified as being at risk of flooding having regard to the Environment Agency's indicative Flood Map. However, since the site is over 1 hectare in size, a site-specific Flood Risk Assessment and Drainage Strategy has been submitted with the planning application.

It is intended that surface water will be dealt with by filter drains and swales located along the edges of the internal road towards infiltration basins. There would be 3 infiltration basins to manage the surface water runoff from the impermeable areas of the site and would then infiltrate into the ground.

It is intended that foul water will be dealt with by a drainage network that would collect the foul water from each proposed dwelling, according to the design flow rate of 4,100 litres per day, recommended by Sewer for Adoption (7th Edition), towards a Sewage Treatment Plant (STP).

The surface water drainage information for the proposed site confirmed that the proposal meets the requirements of a major application for which the Local Lead Flood Authority (LLFA). The site is situated principally within Flood Zone 1. The LLFA have no objections to this application based upon the surface water management proposals for the site subject to conditions.

The development site is located above a Principal Aquifer (previously called Major), which is described as a geology that exhibits high permeability and/or provide a high level of water storage. The Environment Agency has no objection to the proposed development provided that conditions are imposed requiring the submission of foul and surface water drainage details along with informative regarding SuDs.

With regard to sewerage, Severn Trent water company has confirmed that as the proposal has minimal impact on the public sewerage system (as a result of the utilisation of a private system) and has no objections to the proposals.

(o) Contamination

Policy EN15 of the Cotswold District Local Plan sets out that development will be permitted that will not result in an unacceptable risk to public health or safety, the natural environment or the amenity of existing land uses. Part 3 of the policy states that in respect of affect sites the

developer and/or landowner will be required to undertake appropriate investigation(s) and to carry out necessary remedial work.

The application was accompanied by the following reports:

WSP, Geo-environmental Desk Study Ullenwood Court, Gloucester, dated 20/02/15, Ref: 70004759-002

Hydrock, Hydrogeological Risk Assessment Desk Study, Ullenwood Court, Ullenwood, Gloucestershire, Ref: R/14985/002, dated March 2015

WSP, Leckhampton Estates (Ullenwood) Limited, Ullenwood Court, Phase 2 Geo-Environmental Assessment, October 2017, Ref: 70037140-001.

The Council's Environmental Health officer has reviewed the documents and raised a number of comments on the reports that requires further information. However this can be controlled by condition and as such officers have no objection subject to the inclusion of a number of conditions in relation to the site investigation and remedial works.

Other matters

Noise

As the site is to be redeveloped the only potentially significant external noise source likely to affect the proposed dwellings is Leckhampton Hill Road which deals with a high level of traffic.

The Council's Environmental Protection Officer raises no objections to the proposals subject to a condition requiring appropriate internal noise levels to be achieved in bedrooms, Living rooms and open spaces in residential properties post construction.

It is noted that the previous permission for the redevelopment of the site did not include such a condition. It is considered that given that the adjacent land uses are residential/agricultural land and the distance from the proposed dwellings to the adjacent highway additional noise mitigation above that required by building regulations is not required. As such it is considered that the recommended condition is not required.

Waste

In comments to the application, the Council's Waste Officer has highlighted the standard stipulations as set out in the planning guidance document for environmental services, concerning vehicle size, weight and accessibility to receptacles.

It is considered by officers that the proposals provide space on plot for the storage of waste and recycling containers with collection points available kerb-side at the entrance to private drives in accordance with the Local Planning Authority's guidance. There are therefore no objections in this respect.

9. Conclusion

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. The above report sets out the material conditions relevant to this application. Policy DS4 of the Local Plan carries significant weight against the granting planning permission. However Officer's recommendation is drawn in the interests of boosting significantly the supply of homes in accordance with paragraph 59 of the NPPF, directing new build open market housing to previously developed sites in accordance with the core principles of the NPPF and securing benefits over and above the applicant's fallback position, including the provision of affordable housing, education provision and library contributions, which weighs significantly in favour of the proposals. The information submitted with the application demonstrates that the proposals can be

built without any significant harm to the character or scenic beauty of the AONB or the openness of the Green Belt. The long term impact is considered to be neutral to slightly beneficial.

The above report recognises that the loss of employment on the site. However the Local Plan Policy EC2 does not designate the site as a safeguarded employment site and it is not located adjacent a Principal Settlement. Its redevelopment is also permissible under paragraph 117 and 118 of the NPPF, subject to the proposals impact on openness, which in this case is considered to be neutral.

Given that the NPPF should be read as a whole, there remains a concern about the overall sustainability of the site given its relative isolated location, but it is accepted that the existing use of the site and previous Prior Approval are material considerations in this regard. Residential use is a lower trip generator than what currently exists on the site. The number of car movements to and from the site (albeit only one measure of sustainability) will be significantly less than the existing use. While residents of the site will be reliant on the private car to access services and facilities, this is not unusual in rural areas and this would certainly be the case in the event that the fallback position is implemented. A refusal on sustainability alone is therefore not considered to be a reasonable ground for refusal in the particular circumstances of this case.

Overall the proposals are considered to be acceptable and, subject to the signing of the Unilateral Undertaking, would accord with CDLP Policies and the provisions of the NPPF.

While finely balanced, there are clearly material considerations that exist which indicate that planning permission should be granted despite the provisions of Local Plan Policy DS4.

10. Proposed conditions:

The development shall be started by 3 years from the date of this decision notice.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

The development hereby approved shall be implemented in accordance with the following drawing number(s):

PL001 Site location Plan
 PL003 Proposed Block Plan Rev C
 PL005 Proposed Site Layout Rev I
 PL006 Proposed Levels Rev E
 PL007 Nolli Comparison plans Rev B
 PL008 Hard surface comparison plans Rev B
 PL009 Boundary Plans Rev D
 PL010 Proposed Fencing Plans Rev E
 PL015 - Indicative retaining wall details

APLT01001 Plot 01 plans and elevations
 BPLT02001 Rev C Plot 02 plans
 BPLT02002 Rev A Plot 02 elevations
 HPLT03001 Rev A Plot 3 Plans
 HPLT03002 Rev A Plot 3 Elevations
 DPLT04001 Rev A Plot 04 plans and elevations
 CPLT05001 Plot 05 Plans
 CPLT05002 Rev A Plot 05 Elevations
 BPLT06001 Plot 06 Plans
 BPLT06002 Plot 06 Elevations
 BPLT07001 Rev A Plot 07 plans
 BPLT07002 Plot 07 Elevations
 APLT08001 Plot 08 plans and elevations

FPLT09001 Plot 09 Plans
 FPLT09002 Plot 09 Elevations
 FPLT10001 Plot 10 Plans
 FLPT10002 Plot 10 Elevations
 CPLT11001 Plot 11 Plan
 CPL11002 Rev A Plot 11 Elevations
 DPLT12001 Plot 12 plans and elevations
 G2PLT13001 Plot 13 plans
 G2PLT13002 Plot 13 Elevations
 G1PLT14001 Rev A Plot 14 plans
 GLPLT14002 Rev A Plot 14 elevations
 BPLT15001 Rev a Plot 15 Plans
 BPLT15002 Plot 15 Elevations
 APLT16001 Plot 16 Plans and elevations
 CPLT17001 Plot 17 Plans
 CPLT17002 Rev A Plot 17 elevations
 DPLT18001 Plot 18 plans and elevations
 FPLT19001 Plot 19 Plans
 FPLT19002 Rev A Plot 19 elevations
 EPLT20001 Plot 20 Plans
 EPLT20002 Plot 20 elevations
 DPLT21001 Plot 21 plans and elevations
 APLT220001 Plot 22 plans and elevations
 EPLT23001 Plot 23 plans
 EPLT23001 Plot 23 elevations
 APLT24001 Plot 24 plans and elevations
 EPLT25001 Plot 25 plans
 EPLT25002 Rev A Plot 25 elevations
 CPLT26001 Plot 26 plans
 CPLT26002 Rev A Plot 26 elevations

PL PLT 01 02 Rev C Plot Plan - Plots 01 02
 PL PLT 03 04 05 06 Rev C - Plot Plan -Plots 03 04 05 06
 PL PLT 07 08 09 10 Rev B - Plot Plan -Plots 07 08 09 10
 PL PLT 11 12 Rev A - Plot Plan -Plots 11 12
 PL PLT 13 Rev A - Plot Plan - Plot 13
 PL PLT 14 Rev B - Plot Plan - Plot 14
 PL PLT 15 16 23 24 Rev A - Plot Plan - Plots 15 16 23 24
 PL PLT 17 18 Rev A - Plot Plan - Plots 17 18
 PL PLT 19 20 Rev A - Plot Plan - Plots 19 20
 PL PLT 21 22 Rev B - Plot Plan - Plots 21 22
 PL PLT 25 26 Rev C - Plot Plan - Plots 25 26

Reason: For purposes of clarity and for the avoidance of doubt, in accordance with the National Planning Policy Framework.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any other statutory instrument amending or replacing it, no alterations to the residential dwellings hereby approved shall be made including the erection, construction or siting of extensions, means of enclosure, containers, walls/fences, hard standings or outbuildings within the curtilage of the dwellings hereby approved, other than that permitted by this Decision Notice or subsequent Reserved Matters approval(s).

Reason: To ensure that the character of the buildings and the appearance of the site is conserved in accordance with Cotswold District Local Plan Policy EN2, EN4 and EN5 and the provisions of the National Planning Policy Framework given the site's location in the Cotswold AONB and Cheltenham-Gloucester Green Belt.

a. No development shall take place until additional site investigation works to fully characterise the site have been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority before any development begins.

b. The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority written confirmation that all works were completed in accordance with the agreed details.

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

Reason: To ensure any contamination of the site is identified and appropriately remediated in accordance with Cotswold District Local Plan Policy EN11 and Section 15 of the NPPF.

No development shall take place (with the exception of demolition only) until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 (with an allowance for climate change) critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. Prior to occupation the scheme shall be implemented in accordance with the approved details. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

Reason: To prevent the increased risk of flooding in accordance with the provisions of the National Planning Policy Framework. It is important that these details are established prior to the commencement of development so that it can be shown that such measures can be satisfactorily accommodated within the approved scheme thereby reducing the risk of flooding in the locality. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage in the locality.

The development hereby permitted shall not be commenced (with the exception of demolition only) until such time as a scheme to dispose of foul water has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding and pollution in accordance with Cotswold District Local Plan Policy INF15 and the provisions of the National Planning Policy Framework. This site is located over the Birdlip Limestone (Principal Aquifer) and groundwater feeds the springs at the source of the Ullenwood Stream located to the South East of the site. Whilst it is appreciated that sewage is currently treated on site by a private system that discharges to a reed bed the Local Planning Authority need to ensure that the current system has capacity to deal with this proposed residential development. The Local Planning Authority also need to know what management scheme will be in place to deal with ongoing maintenance of a reed bed system. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage in the locality.

Prior to the commencement of development (apart from demolition) an exceedance flow routing plan for flows above the 1 in 100+40% climate change event and overland flows shall be submitted to and approved in writing by the Local Planning Authority. The proposed scheme shall identify exceedance flow routes through the development based on proposed topography with flows being directed to highways and areas of public open space. Flow routes through gardens and other areas in private ownership will not be permitted. The scheme shall subsequently be completed in accordance with the approved details prior to first occupation.

Reason: To ensure satisfactory drainage of the site and avoid 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 in the locality.

Prior to first occupation 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, shall be submitted to and approved in writing by the Local Planning Authority. The plan should fully detail the access that is required to reach surface water management components for maintenance purposes. It should also include a plan for safe and sustainable removal and disposal of waste periodically arising from drainage system, detailing the materials to be used and standard of work required including method statement. 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.

No development hereby permitted (other than demolition) shall be commenced until details have been submitted to and approved in writing with the Local Planning Authority illustrating two-way inter-visible passing across the site layout between the area refuse vehicle and an estate car (minimum 1.715m x 4.223) on the estate roads. No dwelling shall not be occupied until the site layout streets have been completed in accordance with the approved details.

Reason: To reduce potential highway impact by ensuring that adequate visibility and street space is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework and Local Plan Policy INF4.

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:

- i. specify the type and number of vehicles;
- ii. provide for the parking of vehicles of site operatives and visitors;
- iii. provide for the loading and unloading of plant and materials;
- iv. provide for the storage of plant and materials used in constructing the development;
- v. provide for wheel washing facilities;
- vi. specify the intended hours of construction operations;
- vii. measures to control the emission of dust and dirt during construction

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance with the National Planning Policy Framework and Local Plan Policy INF4.

The driveway vehicular accesses onto the estate roads hereby permitted shall not be brought into use until visibility splays extending from a point 2m back along the centre of the access measured from the shared estate road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 15m distant in both directions (the Y points) have been provided. The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.

Reason:- To reduce potential highway impact by ensuring that adequate visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework and Local Plan policy INF4.

No development shall commence on site (other than demolition) until a scheme has been submitted to, and agreed in writing by the Council, for the provision of fire hydrants / fire water supply system (served by mains water supply) and no dwelling shall be occupied until the hydrant / water supply system serving that property has been provided in accordance with the approved details.

Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire.

Prior to first occupation, details of the proposed arrangements for future management and maintenance of the streets within the development shall be 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 conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework.

No building on the development shall be occupied until the shared surface carriageway(s) (including surface water drainage/disposal, vehicular turning head(s) and any street lighting) providing access from the nearest public highway to that dwelling have been completed and to surface binder course level and the footway(s) to surface course level.

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

The dwellings(s) hereby permitted shall not be occupied until the vehicle parking and manoeuvring facilities have been completed in all respects in accordance with the approved details and they shall be similarly maintained thereafter for that purpose.

Reason:- To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.

The works shall be completed in accordance with the arboricultural recommendations laid out in the Tree Protection and Arboricultural Method Statement Plan - Site Clearance and demolition drawing number 1805.501. REV A and Tree Protection and Arboricultural Method Statement Plan - Construction Drawing Number 18085.502 Rev A. All of the recommendations shall be implemented in full according to any timescales laid out in the recommendations, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the retained/protected tree/s in accordance with Cotswold District Local Plan Policy EN7.

Prior to the commencement of any works on site (including demolition and site clearance), the tree protection as detailed on Tree Protection and Arboricultural Method Statement Plan - Site Clearance and demolition drawing number 1805.501. REV A and Tree Protection and Arboricultural Method Statement Plan - Construction Drawing Number 18085.502 Rev A, shall be installed in accordance with the specifications set out within the plan and BS5837:2012 'Trees in relation to design, demolition and construction - recommendations' and shall remain in place until the completion of the construction process. No part of the protection shall be removed or altered without prior written approval of the Local Planning Authority. No services shall be installed within the root protection areas or canopies of retained trees.

Fires on site should be avoided if possible. Where they are unavoidable, they should not be lit in a position where heat could affect foliage or branches. The potential size of the fire and the wind direction should be taken into account when determining its location, and it should be attended at all times until safe enough to leave. Materials that would contaminate the soil such as cement or diesel must not be discharged with 10m of the tree stem. Existing ground levels shall remain the same within the Construction Exclusion Zone and no building materials or surplus soil shall be stored therein. All service runs shall fall outside the Construction Exclusion Zone unless otherwise approved in writing by the Local Planning Authority.

Reason: To safeguard the retained/protected tree/s in accordance with Cotswold District Local Plan Policy EN7. It is important that these details are agreed prior to the commencement of development as works undertaken during the course of construction could have an adverse impact on the well-being of existing trees.

The landscaping scheme shall be completed and managed in accordance with the submitted landscape proposal plans (17065.101 Rev I and , 102, 103, 104, 106 and 107 all Rev H) and the 10 Year Landscape Management Plan (17065 V3).

Reason: To ensure the development is completed in a manner that is sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy EN2.

The existing hedgerow on the north eastern boundary shall be gapped up as per the approved plans by the end of the first planting season following the commencement of development. The hedgerow must be fences of in its entirety during construction to protect against construction activity.

Reason: To ensure that the landscaping is carried out and to enable the planting to begin to become established at the earliest stage practical and thereby achieving the objective of Cotswold District Local Plan Policy EN4.

The approved landscaping scheme shall be completed in full by the end of the first planting season immediately following the completion of the development or the site being brought into use, whichever is the sooner.

Reason: To ensure that the landscaping is carried out thereby achieving the objective of Cotswold District Local Plan Policy EN4.

Any trees or plants shown on the approved landscaping scheme to be planted or retained which die, are removed, are damaged or become diseased, or grassed areas which become eroded or damaged, within 10 years of the completion of the approved landscaping scheme, shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size and species as those lost, unless the Local Planning Authority approves alternatives in writing.

Reason: To ensure that the planting becomes established and thereby achieves the objective of Cotswold District Local Plan Policy EN2.

A 10-year Landscape and Ecology Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority prior to first occupation of the development.

The content of the LEMP shall include, but not necessarily be limited to, the following information:

- i. Description and evaluation of features to be managed; including location(s) shown on a site map;
- ii. Landscape and ecological trends and constraints on site that might influence management
- iii. Aims and objectives of management;
- iv. Appropriate management options for achieving aims and objectives;
- v. Prescriptions for management actions;
- vi. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 10 year period);
- vii. Details of the body or organisation responsible for implementation of the plan;
- viii. Ongoing monitoring and remedial measures;
- ix. Timeframe for reviewing the plan; and
- x. Details of how the aims and objectives of the LEMP will be communicated to the occupiers of the development.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body (ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented. The LEMP shall be implemented in full in accordance with the approved details.

Reason: To maintain and enhance biodiversity, and to ensure long-term management in perpetuity, in accordance with the NPPF (in particular Chapter 15), policies EN1, EN2, EN7 and EN8 of the Cotswold District Local Plan 2011-2031 and in order for the council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

Prior to the commencement of development (apart from demolition), a Homeowner Information Pack shall be submitted to, and approved in writing by, the local planning authority. The Pack shall include, but not necessarily be limited to, the following details:

- i. Descriptions of the sensitivities of designated nature conservation sites in the local area, including the Cotswold Beechwoods Special Area of Conservation and Crickley Hill Site of Special Scientific Interest (SSSI);
- ii. Methods to minimise recreational impact on these sensitive sites, including details of alternative recreational opportunities in the local area (e.g. site names, locations and facilities); and
- iii. Confirmation of how the pack will be made available to residents.

The Homeowner Information Pack shall be made available to the residents of the development as approved before occupation.

Reason: To ensure adequate mitigation for recreational impact on the Cotswold Beechwoods Special Area of Conservation (SAC) in line with the Habitats Regulations Assessment of the application in accordance with Policy EN9 of the Cotswold District Local Plan 2011-2031, The Conservation of Habitats and Species 2017 and the EC Habitats Directive.

The development shall be completed in accordance with the details of bat boxes shown in Plan 2 contained within the Dusk Emergence and Pre-Dawn Re-entry Surveys for Bats dated June 2018 prepared by All Ecology Ltd. All the bat boxes shall be installed according to the approved details, unless otherwise agreed in writing by the Local Planning Authority, and thereafter permanently retained.

Reason: To ensure that compensation for roosting bats is delivered in accordance with The Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 as amended, Circular 06/2005, the National Planning Policy Framework (in particular Chapter 15), Policy EN8 of the Cotswold District Local Plan 2011-2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

The development shall be completed in accordance with the amended landscaping drawings (17065.101 REV I , 17065.102 REV H, 17065.103 REV H, 17065.104 REV H, 17065.105 REV H, 17065.106 REV H , 17065.107 REV H), external lighting details (17065.108 REV C) and the recommendations in the following reports prepared by All Ecology Ltd:

Section 6.3 and 6.5 to 6.12 (inclusive) of the Dusk Emergence and Pre-Dawn Re-entry Surveys for Bats dated June 2018;

Section 6 of the Reptile Survey dated April 2018;

Section 5 of the GCN e-DNA Analysis dated April 2018; and

Section 4 of the Ecological Appraisal dated April 2018

17065.101 REV I

17065.102 REV H

17065.103 REV H

17065.104 REV H

17065.105 REV H

17065.106 REV H

17065.107 REV H

The approved landscaping drawings and all the report recommendations shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the Local Planning Authority, and thereafter permanently retained.

Reason: To ensure that protected and priority species and habitats are protected, and to ensure the implementation of specific mitigation for the Cotswold Beechwoods Special Area of Conservation (SAC) in accordance with The Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 as amended, policies EN1, EN2, EN7, EN8 and EN9 of the Cotswold District Local Plan 2011-2031, Circular 06/2005, the National Planning Policy Framework (in particular Chapter 15) and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan - Biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include, but not necessarily be limited to, the following:

- i. Risk assessment of potentially damaging construction activities;
- ii. Identification of 'biodiversity protection zones';
- iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- iv. The location and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset);
- v. The times during construction when specialists ecologists need to be present on site to oversee works;
- vi. Responsible persons and lines of communication;
- vii. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person(s);
- viii. Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period; and
- ix. Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To ensure that protected and priority species (including bats, birds, reptiles, badgers, amphibians and hedgehogs) and priority habitats (including hedgerows and woodland) are safeguarded in accordance with The Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 as amended, The Hedgerow Regulations 1997, Circular 06/2005, the National Planning Policy Framework (in particular Chapter 15), policies EN1, EN2, EN7, EN8 and EN9 of the Cotswold District Local Plan 2011-2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

A report prepared by a professional ecologist or the Ecological Clerk of Works (if applicable) certifying that the required mitigation and/or compensation measures identified in the CEMP: Biodiversity have been completed to their satisfaction, and detailing the results of site supervision and any necessary remedial works undertaken or required, shall be submitted to the Local Planning Authority for approval within 3 months of the date of substantial completion of the development or at the end of the next available planting season, whichever is the sooner. Any approved remedial works shall subsequently be carried out under the strict supervision of a professional ecologist following that approval.

Reason: To ensure compliance with the approved CEMP: Biodiversity and the effective implementation of habitat retention, creation and restoration measures.

Prior to the first occupation of the development hereby approved, details of the provision of integrated nest boxes for house sparrows and swifts, externally mounted nest cups for house martins and other bird boxes (e.g. as specified in the Ecological Appraisal report dated April 2018 prepared by All Ecology Ltd), in/on the new dwellings shall be submitted to and approved in writing by the Local Planning Authority. At least 5 boxes/cups for each species shall be provided (total of 15) on the north and/or east-facing elevations of the dwellings. The details shall include a drawing showing the locations and types of features and a timetable for their provision. The development shall be completed fully in accordance with the approved details and the approved features shall be retained in accordance with the approved details thereafter.

Reason: To provide compensation for existing nesting birds and additional nesting sites as a biodiversity enhancement, in accordance with the Directive 2009/147/EC (the "Wild Birds Directive") paragraphs 170 and 175 of the National Planning Policy Framework, policies EN1, EN2, EN7, EN8 and EN9 of the Cotswold District Local Plan 2011-2031 and Section 40 of the Natural Environment and Rural Communities Act 2006

A programme of historic building recording and an archaeological watching brief, shall be carried out in accordance with the Written Scheme of Investigation (Oxford Archaeology, June 2018) and the resulting historic building record report will be submitted to the Local Planning Authority within 3 months of completion of the onsite recording being undertaken.

Reason: To make provision for a programme of mitigation so as to record and ensure advanced understanding of any heritage assets that would be lost and to maintain adequate records of the heritage assets on the application site, in accordance with Section 16(para 199) of the NPPF.

In the event that Plot 16 is sold as a custom build plot in accordance with the terms set out within the legal agreement, prior to the commencement the above ground works the design and details of the custom build unit shall be submitted to and approved in writing with the Local Planning Authority. The development thereafter shall only be carried out in accordance with those approved details.

Reason: To ensure that in accordance with Cotswold District Local Plan Policy EN2, EN4 and EN5, the development will be constructed in a design and materials that are appropriate to the site and its surroundings. It is important to protect and maintain the character and appearance of the area in which this development is located.

Prior to the construction of any external wall of the development hereby approved, samples of the proposed walling and roofing materials shall be approved in writing by the Local Planning Authority and only the approved materials shall be used.

Reason: To ensure that, in accordance with Cotswold District Local Plan Policy EN2, the development will be constructed of materials of a type, colour, texture and quality that will be appropriate to the site and its surroundings.

Prior to the construction of any external wall of the development hereby approved, a sample panel of walling of at least one metre square in size showing the proposed stone colour, coursing, bonding, treatment of corners, method of pointing and mix and colour of mortar shall be erected on the site and subsequently approved in writing by the Local Planning Authority and the walls shall be constructed only in the same way as the approved panel. The panel shall be retained on site until the completion of the development.

Reason: To ensure that in accordance with Cotswold District Local Plan Policy EN2, the development will be constructed of materials of a type, colour, texture and quality and in a manner appropriate to the site and its surroundings. Retention of the sample panel on site during the work will help to ensure consistency.

Prior to the construction of any external wall of the development hereby approved, a sample panel of render of at least one metre square in size showing its proposed texture and colour shall be erected on the site and subsequently approved in writing by the Local Planning Authority and the walls shall be constructed only in the same way as the approved panel and shall be permanently retained as such thereafter. The panel shall be retained on site until the completion of the development.

Reason: To ensure that in accordance with Cotswold District Local Plan Policy EN2, the development will be constructed of materials of a type, colour, texture and quality and in a manner appropriate to the site and its surroundings. Retention of the sample panel on site during the work will help to ensure consistency.

Prior to the first occupation of the development hereby permitted, the windows and doors, shall be finished in a colour to be first submitted to and approved in writing by the Local Planning Authority and shall thereafter be permanently retained in the approved colour unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy EN2.

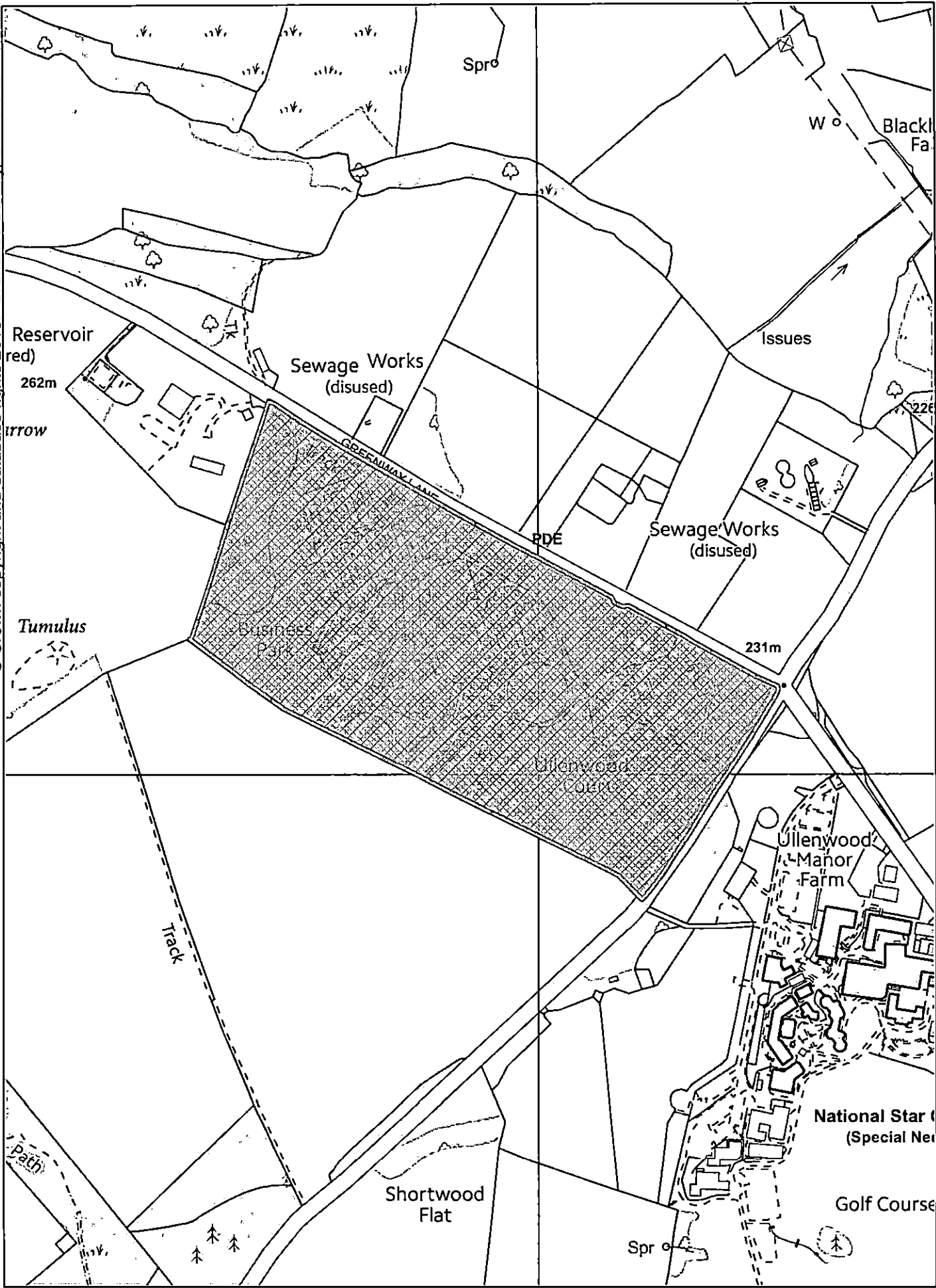
No external woodwork shall be installed in the development hereby approved, until a sample of the external woodwork finished in the proposed finish has first been submitted to and approved in writing by the Local Planning Authority. The external woodwork shall be finished fully in accordance with the approved details within one month of its installation and shall be retained as such thereafter unless a similar alternative is first agreed in writing by the Local Planning Authority.

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy EN2. The colour of the finish of the external woodwork will have a material effect on the appearance of the proposed development.

Informative:

Please note that this consent does not override this statutory protection afforded to bats and their resting places (roosts). All British bat species are protected under The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended). This protection extends to individuals of the species and their roost features, whether occupied or not. A derogation licence from Natural England is required before any works affecting the buildings used by roosting bats are carried out.

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LAND AT ULLENWOOD COURT ULLENWOOD GLOS

Scale: 1:5000

Organisation: Cotswold District Council

Department:

Date: 28/03/2019



COTSWOLD
DISTRICT COUNCIL





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- Preliminary
- Feasibility
- Planning
- Building Regulations
- Tender
- Construction issue
- As Built

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- Revisions
- 01 08/01/18 AH Preliminary feasibility advised
 - 02 08/01/18 SP Line of access opened to tracking
 - 03 08/01/18 AH Gate to shared surface access amended
 - 04 10/01/18 DK Layout revised
 - 05 12/01/18 DK Layout revised
 - 06 02/01/18 AH Amended to suit revised landscaping proposals
 - 07 02/01/18 AH Amended to suit revised landscaping proposals
 - 08 02/01/18 AH Gate added to manage space rear of plots 1 and 2

Drawing title: Proposed Site Layout

Client: Churcham Homes (Ullenwood) Ltd
 Drawn by: AH Checked: JE
 Project No: 18.20.006

Project: Ullenwood Court,
 Ullenwood, Cheltenham

Scale: 1:1000 @ A1
 Date: June 2018

Project / Drawing No: 18.20.006 PL005 rev 1

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