

Demolition of 56 no. existing REEMA non-traditional residential units and 21 lock up garages, stopping up of existing highway and the erection of 82 no. new residential units, the retention and refurbishment of 2 existing residential units, together with associated new proposed adopted highway, access drives, open space, external works and landscaping at Land And Properties At Berkeley Close South Cerney Gloucestershire GL7 5UN

Full Application 23/02101/FUL	
Applicant:	Bromford Housing Association
Agent:	Oakley Architects Ltd
Case Officer:	Andrew Moody
Ward Member(s):	Councillor Juliet Layton
Committee Date:	7 August 2024
RECOMMENDATION:	PERMIT SUBJECT TO THE COMPLETION OF A S.106 UNILATERAL UNDERTAKING TO CONTROL THE FUTURE OCCUPANCY OF THE DWELLINGS AS AFFORDABLE HOUSING AND THE PROVISION OF A FINANCIAL CONTRIBUTION TOWARDS LIBRARY FACILITIES

1. Main Issues:

- (a) Principle of Residential Development and Affordable Housing
- (b) Design and setting of Heritage Assets
- (c) Open Space
- (d) Highways and Parking
- (e) Biodiversity and North Meadow SAC
- (f) Amenities
- (g) CIL
- (h) Other matters

2. Reasons for Referral:

- 2.1 The application is referred to Members for a decision as part of the application site is land within the ownership of the District Council. Members will recall that this application was deferred at the March 2024 meeting of this Committee to 'explore the possibility of green space retention'.

3. Site Description:

- 3.1 The application site covers an area extending to approximately 2.16 hectares at Berkeley Close, South Cerney. The site is accessed from Broadway Lane to the north and south, albeit that bollards prevent through traffic travelling the length of the road. To the west of the site is the village Primary School, to the south-west the recent development at Pochard Way, in addition to other residential development to the

north along Berkeley Close, to the east (Broadway Lane), and to the south/ south-east (Winchcombe Gardens / The Leaze / Beverstone Road).

- 3.2 A total of 56 dwellings within the application site boundary are to be demolished, being a mixture of bungalows, two-storey semi-detached and terraced properties, and two three-storey apartment buildings.
- 3.3 South Cerney is a Principal Settlement designated within the Local Plan, and the site is not subject to any landscape designation. The boundary to the South Cerney Conservation Area runs along the northern side of Berkeley Close.
- 3.4 The application site lies within Flood Zone 1 which is the zone with the lowest risk of flooding according to the Environment Agency. It is also within the Outer Zone of Influence for the North Meadow Special Area of Conservation (SAC).

4. Planning History:

- 4.1 There is a lengthy planning history relating to individual properties at Berkeley Close, however the original planning permissions for the development are below:
- 4.2 CT.2443: Outline Application. Erection of council houses. Mains services. Vehicular access. Granted 29.03.1961
- 4.3 CT.2443/A: Layout of Residential Estate including the construction of estate roads and erection of 7 pairs of semi-detached old peoples bungalows, 5 pairs of semi-detached dwelling houses, 8 blocks of 4 terraced dwellinghouses, 3 blocks of 3 storey flats (6 units) and 39 lock-up garages. Granted 30.08.1962
- 4.4 CT.2443/B: Erection of 2 blocks of 3 storey flats. (In substitution for 6 N.A. dwelling houses). Granted 09.01.1963

5. Planning Policies:

- TNPPF The National Planning Policy Framework
- DSI Development Strategy
- DS2 Dev within Development Boundaries
- EN1 Built, Natural & Historic Environment
- EN2 Design of Built & Natural Environment
- EN4 The Wider Natural & Historic Landscape
- EN7 Trees, Hedgerows & Woodlands
- EN8 Bio & Geo: Features Habitats & Species
- EN9 Bio & Geo: Designated Sites
- EN10 HE: Designated Heritage Assets
- EN11 HE: DHA - Conservation Areas
- EN14 Managing Flood Risk
- EN15 Pollution & Contaminated Land
- INF3 Sustainable Transport
- INF4 Highway Safety
- INF5 Parking Provision

- INF7 Green Infrastructure
- INF10 Renewable & Low Carbon Energy Develop't

6. Observations of Consultees:

- 6.1 Strategic Housing: Fully supports the application
- 6.2 Conservation Officer: No objection subject to conditions
- 6.3 Biodiversity Officer: No objection subject to conditions
- 6.4 Newt Officer: No objection subject to conditions
- 6.5 Highway Authority: No objections subject to conditions
- 6.6 County Archaeologist: No objection
- 6.7 Lead Local Flood Authority: No objection
- 6.8 Thames Water: No objection
- 6.9 GCC Minerals and Waste: No objection
- 6.10 GCC Community Infrastructure: Financial Contribution required towards Library provision
- 6.11 Environment Agency: No comment

7. View of Town/Parish Council:

7.1 Comments upon original submission

South Cerney Parish Council objects to this application on the following grounds:

7.1.1. The Parish Council was profoundly disappointed that the applicant had failed to address any of the concerns raised by the Parish Council, both at the consultation event and via correspondence afterwards.

7.1.2 The "STATEMENT OF COMMUNITY INVOLVEMENT AND RESIDENT CONSULTATION" states: "Bromford have also undertaken a community consultation drop in event between 12noon and 8pm on 25th April 2023 at the Scout Hut on Berkeley Close. The purpose was to inform local residents about the redevelopment and regeneration proposals for the site, prior to the submission of the planning application. The event was well attended by Bromford's customers, residents who live adjacent to the development, other local residents in the vicinity including parents of the children that attend the adjacent school, several of the parish councillors and the district councillor." This statement is incorrect as residents of adjacent properties in Broadway Lane were not invited to the drop in event.

- 7.1.3 The proposed provision of a play area is fundamentally inadequate and does not compensate for the loss of the current large, central, open green space. To suggest that there are adequate play facilities nearby is disingenuous as access to the play facilities at Upper Up is via a public footpath barely 12" wide (totally unsuitable for children's buggies, and also some adults) and crossing a busy village access road without a safe pavement, so are not safely accessible from Berkeley Close, and those facilities in the Wainhomes development are inadequate for anyone other than their residents.
- 7.1.4 The proposal to build on the current parent/bus drop off area is ridiculous to say the least.
- 7.1.5 The current gravel overflow car park adjacent to the school belongs to the county council, not to the school, and there is no guarantee as to its future availability for the use of the school. It is also wholly unsuitable for the use of buses.
- 7.1.6 Building in this area will not only reduce the current school drop-off area thereby creating more congestion and danger in the vicinity of the school, but will also lead to more on-street parking outside the new dwellings and increase congestion and danger even further.
- 7.1.7 When South Cerney Primary School relocated as Ann Edwards School to its current site in 1970, the garages on the drop-off site were moved by the then owners (Cirencester Rural District Council) to their current location between the bungalows and the new school so that this area could be used as a safe drop-off/collection point for school buses and parents' cars. To propose building on this area again displays some ignorance of this area's original intended purpose, and to suggest that there is already sufficient drop-off parking space further shows that Bromford does not understand the situation on the ground.
- 7.1.8 The Parish Council had offered to meet with Bromford onsite and show them the potential issues, but had no response.
- 7.1.9 The Committee was also disappointed that the great potential of a district heating system had not been considered, and this would contravene Cotswold District Council's aspirations.
- 7.1.10 The Committee also agreed that there should be no abstraction of ground water permitted, following the recent ongoing major issues experienced with a neighbouring development.

7.2 Comments upon amended plans

- 7.2.1 The Parish Council welcomes the proposed increased informal play area, but feels that it is only just about adequate. Although the need to balance the amount of green, informal play area with the need for more affordable housing is recognised.

7.2.2 The Parish Council has concerns with regard to potential groundwater abstraction during the construction phase and requests that that the Environment Agency should be approached for a response to the application, particularly following the ongoing illegal abstraction by Wainhomes on the neighbouring site.

7.2.3 The Parish Council still has serious concerns regarding the removal of the drop off point at the school, and are disappointed that the CDC Planning Committee had not taken account of this issue.

8. Other Representations:

8.1 4 objections have been received, making the following comments:

- loss of open green space / play area
- no further ground water abstraction
- loss of drop off area to school
- bollards preventing access along the road should be removed

8.2 With regard to the amended plans, 2 further objections have been received:

- cannot see any difference to the plans
- loss of green space
- insufficient area for children to play
- no mention of preventing ground water extraction
- loss of parking for school

8.3 1 representation has been received in support, commenting that:

- querying why no progress is being made
- waste of perfectly good homes at a time of rising homelessness
- no objection to the concept but want the building to get going

9. Applicant's Supporting Information:

- Planning Statement
- Design and Access Statement
- Affordable Housing Statement
- Arboricultural Impact Assessment
- Biodiversity Self-Assessment Form
- Preliminary Ecological Appraisal
- Contamination Report
- Energy and Sustainability Statement
- Flood Risk Assessment and Drainage Strategy
- Energy Survey
- Open Space Assessment
- Site Waste Management Plan
- Minerals Statement

- Transport Statement
- Travel Plan
- Proposed plans

10. Officer's Assessment:

Introduction

10.1 Following the deferral of this application in March this year, the application has been amended such that it is for the erection of 82 dwellings to replace 56 existing dwellings and 21 lock-up garages at Berkeley Close, South Cerney. This is a reduction by 2 units (both 1-bed flats) to provide for a larger area of open space to be provided. Those dwellings to be demolished comprise a mix of bungalows, two-storey properties and three-storey apartment buildings.

10.2 The new dwellings would comprise the following:

4 x 1-bed flat
7 x 1-bed bungalow
8 x 1-bed house

4 x 2-bed bungalow
29 x 2-bed house

28 x 3-bed house

2 x 4-bed house

10.3 The site area extends to approximately 2.16 hectares. The layout also includes an enlarged informal play area (532 sq. metres) and a toddler play area (178.9 sq. metres), whilst 6 original dwellings are shown to be retained and are not part of the application. By way of comparison, the scheme considered at the March meeting showed the informal play area to be 319 sq. metres in area.

(a) Principle of Residential Development and Affordable Housing

10.4 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 an application would therefore be the current development plan for the District which is the Cotswold District Local Plan 2011-2031.

10.5 The NPPF has at its heart a 'presumption in favour of sustainable development'. It states that there are three overarching objectives to achieving sustainable development: economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.

- 10.6 The site is within the Development Boundary defined for South Cerney within the CDLP, as included within Policy S8 and Inset Map 7 of the Local Plan, where Policy DS2 (Development Within Development Boundaries) states that 'Within the Development Boundaries indicated on the Policies Maps, applications for development will be permissible in principle'.
- 10.7 Policy H1 of the Local Plan requires the housing mix and tenure of development to provide a suitable range of housing in terms of size, type and tenure to reflect local housing need in both the market and affordable housing sectors. Development proposals must also comply with the Nationally Described Space Standard.
- 10.8 Policy H2 includes policy for the provision of affordable housing, with up to 30% of new dwellings gross upon brownfield sites and 40% new dwellings gross on all other sites being provided for this purpose. In addition, the type, size and mix, including the tenure split, of affordable housing will be expected to address the identified and prioritised housing needs of the District.
- 10.9 Considering that the site is surrounded by development which is primarily residential in use, in addition to the Primary School to the west, and that it is within easy walking distance of the facilities in the village, including shops, public houses, village hall and bus stops, then it is considered that this would be a sustainable location for residential development to occur.
- 10.10 The proposed dwellings would be entirely for the provision of affordable housing. Of the affordable housing to be delivered 25 of the units are to be secured by a Unilateral Undertaking (8 Social Rented and 17 Shared Ownership), the remaining 57 properties are intended to be provided as affordable housing including 9 properties for social rent, and 48 for Shared Ownership but not secured as affordable housing in planning terms. Occupation of the dwellings would be in accordance with a proposed Local Lettings Plan, with existing/returning residents having first option, before people with a local connection to South Cerney (i.e. those living, working or with a family connection to the village having second priority. The third level of priority is for those with a local connection to neighbouring parishes, i.e. Siddington, Somerford Keynes, Preston and Driffield.
- 10.11 The Strategic Housing Officer has reviewed the Affordable Housing Statement provided and is satisfied with the content and that this accords with Policy H2. The scheme is also considered to provide a reasonable mix of house sizes in accordance with Local Plan Policy H1.
- 10.12 The occupation of the properties is proposed to be secured by way of a S.106 Unilateral Undertaking which will be completed prior to any decision being issued.

(b) Design and Impact upon Landscape and Heritage Assets

- 10.13 The site the subject of this application lies on the south western side of the village of South Cerney and comprises of existing housing dating from the mid-late C20. The northern edge of the site sits adjacent to the South Cerney Conservation Area boundary. Therefore, the latter should be taken into account in terms of the impact of the proposals upon the setting of the nearby heritage asset in line with paragraph

201 of the NPPF. There are no listed buildings near to the site, the closest being on High Street to the north and screened from the application site by existing development.

10.14 None of the buildings at the site dates from before 1950 and none of the existing buildings at the site are considered to be non-designated heritage assets.

10.15 Section 16 of the National Planning Policy Framework asks that Local Planning Authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. Paragraph 205 states that when considering the impact of the proposed works 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). Paragraph 206 states that harm to, or loss of its significance (from its alteration or destruction or from development within its setting), should require clear and convincing justification. Paragraph 208 states that where proposals will cause harm to the significance of a designated heritage asset that is less than substantial harm, that harm is weighed against the public benefits of those works.

10.16 Section 12 of the NPPF requires good design. Paragraph 135 states that policies and decisions should ensure that developments:

- function well and add to the overall quality of an area;
- are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- are sympathetic to local character and history, including the surrounding built environment and landscape setting;

10.17 Local Plan Policy EN10 - Designated Heritage Assets advises 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.
- 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.

10.18 Policy EN11 - Designated Heritage Assets - Conservation Areas states that:

'Development proposals, including demolition, that would affect Conservation Areas and their settings, will be permitted provided they:

- a. preserve and where appropriate enhance the special character and appearance of the Conservation Area in terms of siting, scale, form, proportion, design, materials and the retention of positive features;
- b. include hard and soft landscape proposals, where appropriate, that respect the character and appearance of the Conservation Area;
- c. will not result in the loss of open spaces, including garden areas and village greens, which make a valuable contribution to the character and/or appearance, and/or allow important views into or out of the Conservation Area;

d. have regard to the relevant Conservation Area Appraisal.'

10.19 Policy EN2 - Design of the Built and Natural Environment states that:

'Development will be permitted which accords with the Cotswold Design Code (Appendix D). Proposals should be of design quality that respects the character and distinctive appearance of the locality.'

10.20 With regard to the Cotswold Design Code, Appendix D to the Local Plan:

D.14 - In designing new development, close attention to the site and its setting should work at all levels, from the overall principle, density and grain, to the scale, form, roofscapes, elevations and detailed features of the buildings, and then to the landscaping surrounding them.

D.16 - New buildings should be carefully proportioned and relate to the human scale, and to their landscape or townscape context.

D.17 - New buildings should generally not dominate their surroundings, but should complement the existing structures or landscape, and sit comfortably within their setting.

D.25 - Some key qualities of the Cotswold Vernacular are:

The use of limestone for walling. Roughcast render is also used, more often in the southern parts of the District.

- A general simplicity of form and design is typical.
- Restricted gable widths, resulting in narrow plan depths to many buildings.
- Steep roof pitches
- Window openings well-spaced and fairly small, with sizeable areas of wall in between.
- Garden areas enclosed by boundary treatments, most typically dry stone walling.

10.21 The proposed density is generally considered to be acceptable. In terms of layout, the proposed buildings generally follow the pattern of development in the area. In some cases there will be an improvement to the existing layout with buildings directly addressing the street - for example the northern edge of Berkeley Close, which sits opposite the boundary of the conservation area, where the removal of the existing lay-by and rear/garden fronting dwellings will be replaced with pairs of dwellings fronting the street.

10.22 Although existing areas of green open space are being reduced in size to accommodate additional residential units, some retention and provision of open space has been proposed. To the south of the site the retention of part of the existing green space, is welcomed. To the north of the site, a small area of green space is proposed as a toddler play area.

10.23 The general scale of buildings proposed which ranges from 1 - 2 storeys is acceptable and appropriate in this context. The house types suggested are of a height, which successfully reflects the existing scale of domestic buildings within the village. The elevations of the buildings are composed and features are designed and proportioned

in a style, which although contemporary are not out of keeping with the prevalent vernacular style.

- 10.24 Generally the house types proposed are considered to be acceptable and in keeping with the prevailing character of the village. The new dwellings generally reflect the form and proportion of traditional buildings.
- 10.25 The 1 bed bungalows and 1 bed flat units are more uncharacteristic of the character of the area, in particular the wide gables of these units. However bearing in mind the existing dwellings at the site and the overall improvements proposed in terms of form and materials, no objections are raised to these designs.
- 10.26 Reconstructed stone is proposed for the walling of the majority of the proposed buildings, replacing the out of keeping smooth cream render of the existing buildings. This will result in a visual enhancement to this part of the village and is welcomed. Render is indicated within some of the units, which is considered acceptable. The design has been amended to increase the extent of the render on some units in response to Officer's concerns, with this to be a traditional roughcast render.
- 10.27 The proposed roofing tiles are indicated as slate grey concrete tiles which, on balance, is considered acceptable. The use of the Logik S Flush Sash Window and the grey finished proposed are considered acceptable, with the UPVC casements proposed should also be flush fitted.
- 10.28 With regard to boundary features, the scheme has also been amended to incorporate some additional boundary treatments (railings) into the design in the area closest to the historic core of the village, which is welcomed. In addition, the extension of the 900mm stone walls to plots 12-28 and 33-45 creating a more coherent end to the walls on the Berkeley Close frontage is proposed, which is also welcomed. This element of the scheme is now considered to be acceptable.
- 10.29 Considering the character and appearance of the existing properties, it is considered that the proposed redevelopment of the site, whilst at a greater density, would lead to less than substantial harm to the significance of this designated heritage asset. When weighing this harm against the public benefits of the proposal, i.e. the provision of affordable housing, it is considered that the requirement of paragraph 208 of the NPPF are addressed.
- 10.30 Therefore, the revisions to the design and materials proposed are considered to be acceptable, such that the proposal accords with Policies EN2 and EN11 of the Local Plan.

(c) Open Space

- 10.31 The existing development has an area of informal open space located to the western side of Berkeley Close, and the loss of this area has been referred to by both the Parish Council and objectors. This has an area of approximately 1750 sq. metres and, as stated above, would be replaced by two areas comprising an informal play area and toddler's play area that would have a combined area of 710.9 sq. metres.

- 10.32 The application has been supported by an Open Space Assessment, (OSA), which references the NPPF, Local Plan Policy, the Council's Open Space and Play Space Strategy and draft Green Infrastructure Strategy, as well as the South Cerney Neighbourhood Character Assessment Report which identifies this area as one of three important green spaces in the Newer Cerney area. The OSA comments that the current open space has a linear arrangement alongside Berkeley Close, and is considered to have too little depth to make it suitable for activities such as ball games, with users would be at risk of balls running into the road into the path of vehicles.
- 10.33 In addition, it is highlighted that the area has an absence of benches, waste bins or other street furniture that further limits the utility of the space, and concludes that the space is considered to be of low quality as a space for informal play.
- 10.34 As stated above, two 1-bed flats have been removed from the proposal to increase the size of the informal play area located to the western side of the road. The Parish Council has commented that it *'welcomes the proposed increased informal play area, but feels that it is only just about adequate. Although the need to balance the amount of green, informal play area with the need for more affordable housing is recognised.'*
- 10.35 In your Officers opinion, considering the increased provision that will be afforded within the new layout, coupled with the wider social benefits of providing additional affordable housing, it is considered that the replacement open space provision is acceptable.

(d) Highways and Parking

- 10.36 Section 9 of the NPPF advocates sustainable transport, including safe and suitable accesses to all sites for all people. However, it also makes it clear that development should only be prevented or refused on highway grounds where there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network are severe.
- 10.37 Local Plan Policy INF3 (Sustainable Transport) supports development that actively supports travel choices with priority to walking and cycling and access provided to public transport. Links with green infrastructure, PROWs and wider cycle networks should be provided. Development that would have a detrimental effect on the amenity of existing infrastructure will not be permitted.
- 10.38 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.
- 1039 Local Plan Policy INF5 (Parking Provision) seeks to ensure sufficient parking provision to manage the local road network.
- 10.40 The County Council has commented that the manual for streets recommends that walkable neighbourhoods are those which have a range of services and facilities within 10 minutes (approximately 800 metres) walking distances. However, this is not an upper limit and industry practice considers that 2km is a maximum walking distance

door to door. Cycling also has the potential to substitute for short car trips, further facilitating sustainable travel, with the National Travel Survey 2019 (Table NTS0306) noting that the average cycle trip is approximately 3.5 miles (5.6km).

- 10.41 The development site is located within easy walking and cycling distances to several services and amenities such as bus stops with regular commutable services to Cirencester, Swindon and Cerney Wick. Paragraph 105 of the NPPF is clear that "(...) opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making".
- 10.42 Local amenities include primary school, convenience stores, pharmacy, and community centre. It is the view of the Highway Authority that the site is located within a sustainable location with a reasonable range of services, facilities, and public transport links to support future occupiers.
- 10.43 Vehicular access is to be achieved via the Berkeley Close junction, 120m west of Broadway Lane / Berkeley Close junction, whilst a number of residential units are to be accessed from the Broadway Lane / The Leaze junction and directly from the Berkeley Close northern section. The latter presently serves some 18 units which are proposed to be demolished and 14 new units be built, and as such, it is not anticipated that the junction will be intensified.
- 10.44 An Automated Traffic Count (ATC) survey was undertaken along the northerly section of Berkeley Close to determine the average and 85th percentile speeds in each direction along the carriageway. The outputs of the survey identified that the 85th percentile speeds north-eastbound were 22.7mph whilst the south-westbound speeds were recorded as 23.9mph, for which Manual for Streets 2 calculations have been used to determine the necessary visibility splays. The resulting visibility splays comprise of 29.1m to the south-west and 31.6m to the north-east, measured from a point 2.4m setback from the carriageway edge along the centre of the junction.
- 10.45 Pedestrian access to the site is to be achieved from the footways adjacent to Berkeley Close, that connect with the footways adjacent to Broadway Lane and The Leaze, which form part of a network of footways within South Cerney. The Highway Authority has concerns in respect to the lack of a pedestrian crossing along Broadway Lane near the junction with High Street when accessing the nearby bus stops and further amenities to the west along that road, and to that effect a suitably worded condition is recommended.
- 10.46 The internal layout of the development accords with the requirements set out in Manual for Gloucestershire Streets. Vehicular parking is proposed with a total of 150 parking spaces, which exceeds the otherwise minimum parking standards 114 spaces for a development of this scale, however this is not perceived to materially impact the manner in which the development will operate.
- 10.47 The TRICS database has been used to determine the number of vehicle trips estimated to be associated with the proposed residential dwellings. The outputs of the assessment indicate that the proposed development is expected to generate 38 and 36 vehicular trips during the AM and PM network peak periods, respectively, which

corresponds to a net increase of 13 and 12 two-way trips in the AM and PM peak times, respectively, when compared against the existing 56 residential units.

- 10.48 Paragraph 111 of the NPPF is clear that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe." It is the view of the Highway Authority that the development proposal is not perceived to result in a severe impact on the operation and safety of the local road network.
- 10.49 The proposal, therefore, accords with Policies INF4 and INF5 of the Local Plan and Section 9 of the NPPF.

(e) Biodiversity and North Meadow SAC

- 10.50 The submitted bat surveys have confirmed the presence of day roosts by a low number of brown long-eared, soprano and common pipistrelle bats within buildings B1, B4, B8, B13, B14 and B17-B19. These buildings will be demolished to facilitate the erection of 84 new dwellings, therefore a licence will need to be obtained from Natural England to enable works to proceed lawfully. In order for a licence to be agreed, a suitable mitigation scheme is required to ensure that suitable compensatory roosts are available post development.
- 10.51 A licence can only be agreed if the proposed development is able to meet the three tests:
1. the consented operation must be for 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'; (Regulation 55(2)(e))
 2. there must be 'no satisfactory alternative' (Regulation 55(9)(a)); and
 3. the action authorised 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range' (Regulation 55(9)(b)).
- 10.52 The proposed mitigation and compensation strategy outlined in Appendix G of the submitted further surveys report and site plan drawing 201732 10N are considered likely to provide adequate compensatory measures that will successfully maintain the population of the species concerned at a favourable conservation status in their natural range and as such, would meet Reg 55(9)(b) of the Habitats Regulations.
- 10.53 It is considered that this derogation test can be met by this application so long as the actions conditioned are implemented in full.
- 10.54 Case law indicates that the process of consideration of the 3 derogation tests should be clearly documented by the Local Planning Authority. Should the application accord with Local Planning Policy all 3 derogation tests have been adequately assessed in accordance with Natural England guidance.
- 10.55 With regard to great crested newts, eDNA analysis of pond PI (approximately 150m east) returned a positive great crested newt result. It is noted that the Newt Officer

has confirmed the proposed development can be covered by the Council's district licence and the applicant has paid all outstanding fees and has been issued with a NatureSpace Report.

- 10.56 The submitted preliminary ecological appraisal has also confirmed habitats on-site, including amenity grassland, defunct hedgerows and tall ruderals provide limited opportunities for protected species. However, it was noted nesting birds, commuting terrestrial mammals and common reptile species could be present or enter the proposed development during the construction site. Appendix F of the submitted further surveys report outlines precautionary mitigation which will need to be adhered to throughout the construction phase.
- 10.57 Ecological surveys undertaken in 2022 identified Himalayan knotweed within the residential garden and land adjoining BI. An invasive species removal method statement is recommended to ensure this species is effectively removed from the site in line with current guidance.
- 10.58 Subject to the conditions recommended, the proposal is considered to accord with Policy EN8 of the Local Plan, in addition to Section 15 of the NPPF.
- 10.59 The site is also within the Outer Zone of the North Meadow Special Area of Conservation (SAC). The payment required would be made in respect of the 28 additional units proposed, with the remaining screened out owing to their being in replacement for the existing dwellings.
- 10.60 The applicant has paid the contribution, by way of a S.I.I.I Agreement. Natural England have, therefore, responded to confirm that there is no objection to the proposal.

(f) Amenity

- 10.61 The Cotswold Design Code states that to ensure adequate privacy, the minimum distance between facing windows of buildings of two storeys should be no less than 22m. The design code refers to facing windows as "...those which can readily be seen into from within principal rooms in another property, including windows at an angle to one another, but excluding windows on front elevations".
- 10.62 In addition, it is stated that 'To ensure adequate garden space, the size of a private garden should relate to the size and nature of the property. A large detached family house should have a substantial garden, capable of providing enough space for different family activities to take place at the same time, (e.g. sitting-out area for adults, children's play space and clothes drying area). An elderly person's bungalow requires a smaller, easily managed private area for quiet sitting-out.'
- 10.63 The distance separation quoted above is met both internally within the site and to neighbouring dwellings.
- 10.64 The floorspace of each of the proposed dwellings meets minimum floorspace standards as required by Local Plan Policy H1.

10.65 The level of garden/amenity space proposed for each dwelling is considered to be acceptable for the size of dwellings being proposed in accordance with guidance in the Cotswold Design Code. The proposal, therefore, is considered to be acceptable having regard to Policy EN2 and the Cotswold Design Code, in addition to paragraph 135(f) of the NPPF.

(g) CIL

10.66 This application is CIL liable and there will be a CIL charge payable. Section 143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive, in payment of CIL is a material 'local finance consideration' in planning decisions.

10.67 As this development is providing affordable housing, the applicant may apply for an exemption for those dwellings.

(h) Other Matters

10.68 The Parish Council comments received in respect of the amended plans also made reference to groundwater abstraction and requested consultation with the Environment Agency (EA). This has been carried out, with the EA making no comment upon the proposal.

10.69 The debate at the March Committee also discussed the loss of land used to park cars in relation to school dropping off and collection times, as well as the public right of way that leads towards the playing fields at Upper Up.

10.70 The Highway Authority has confirmed the extent of the adopted highway, which excludes the lay-by to the southern side of Berkeley Close. In respect of the other comments made, the applicant's agent has made the following response which is included for Members information:

School drop-off area requirements/standards.

10.70.1 Concerns raised by the Parish Council regarding the loss of an area of Berkeley Close used for pupil drop-off and collection are also noted. Bromford agrees that it is of the utmost importance that children are able to safely travel to and from school, and that suitable access is an important contributing factor to this. It is recognised that this was a matter of interest to a number of members at committee, and we would therefore like to reassure members that that safe access to the school will continue to be achievable.

10.70.2 At committee, Cllr Harris and Cllr MacLean sought to better understand whether there are specific requirements in relation to pupil drop-off and pick up. For the benefit of all members the Applicant can advise that there are no standardised technical requirements for pupil dropoff and pick-up in national guidance, or in the Gloucestershire Local Transport Plan or the Gloucestershire Manual for Streets. Instead, specific arrangements for pupil

drop-off and collection are managed at the local level by individual schools themselves (or by academy trusts where relevant).

10.70.3 *In the case of Ann Edwards Primary School, the school site is at the far end of the northern arm of Berkeley Close meaning the school benefits from a cul-de-sac location with minimal passing traffic. Berkeley Close is of sufficient width for two vehicles to pass each other along its full extent. The street is long and straight with clear visibility in both directions. A high quality turning point is provided by the existing roundabout outside the school - this is the safest form of vehicle turnaround feature because, unlike a turning head, vehicles are able to travel towards and away from the school entirely in a forward gear, eliminating the risk of pedestrian conflict whilst reversing. A large area of car parking under the ownership of Gloucestershire County Council is adjacent to the school. Much of Berkeley Close lies outside the school's exclusion zone (the area painted by yellow zig-zag road markings) and supports safe drop-off to the pavement.*

10.70.4 *We believe that collectively these factors provide suitable conditions for a safe and efficient pupil drop-off and pick up process, and it is important to recognise that neither the school itself or Gloucestershire County Council have raised concerns in respect of highway safety or pupil safety. Whilst it is recognised why the matter is of interest to members, there is no evidence to suggest it is one which carries any weight. For avoidance of doubt it is worth restating that the land in question is under the ownership of the Applicant. There is no evidence its current use is protected, for example by historic planning condition or covenant.*

10.71 With regard to the public right of way to the north of Berkeley Close, Officers have revisited the site and walked the length of this.

10.72 The applicant's agent has requested that the following be brought to the attention of Members:

10.72.1 *Bromford notes the debate and discussion at committee in relation to the capacity of public right of way BSC53 (which links Berkeley Close to Upper Up) including Cllr MacLean's question as to whether anything could be done to improve a narrow pinch-point in the path.*

10.72.2 *The southern extent of the footpath is tightly bounded by third-party land and the pinch point itself is formed by a garage structure in private ownership. Therefore, notwithstanding the fact that any works to the footpath would require separate consent from Gloucestershire County Council it does not appear that any such works would be feasible.*

10.72.3 *Whilst the pinch point is unfortunate, it is beyond Bromford's control and cannot reasonably be considered to diminish the footpath's value to such an extent that it offers no benefit. All proposed developments should make best use of existing green infrastructure assets, and Berkeley Close's proximity to footpath BSC53 means that it is well placed to do so.*

11. Conclusion:

- 11.1 The redevelopment of the site is welcomed. The provision of upgraded affordable housing that is more fit-for-purpose is beneficial to the Council's housing strategy. The tenure of the units would be ensured through a S106 Legal Agreement (Unilateral Undertaking).
- 11.2 The proposed development would not result in harm to the character and appearance of the area, to biodiversity neither would it have a detrimental effect upon highway safety. The development is considered to accord with the National Planning Policy Framework and the aforementioned Local Plan Policies.
- 11.13 The recommendation is for planning permission to be granted subject to the completion of the above mentioned S.106 Unilateral Undertaking.

12. Proposed Conditions:

1. 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.

2. The development hereby approved shall be carried out in accordance with the following drawing numbers: 0100-P03; 0101-P03; 0200-P03; 0201-P03; 0500-P01; 100; 17A; 25; 27A; 50B; 51B; 52B; 53B; 54C; 55; 56B; 57B; 58B; 59B; 60C; 61C; 62B; 63B; 64C; 65C; 70B; 71A; 72A; 73B; 74A; 75A; 76A; 77B; 78A; 79B; ADL382-C 1 of 3; ADL382-C 2 of 3; ADL3820C 3 of 3; 4668-BERK-ICS-01-XX-DR-C-100-S2-P04; 4668-BERK-ICS-01-XX-DR-C-200-S2-P04; 4668-BERK-ICS-01-XX-DR-C-201-S2-P04 and 4668-BERK-ICS-01-XX-DR-C-500-S2-P02.

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

3. 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.

4. The roofslopes of the development hereby permitted shall be covered with Flat Concrete Interlocking Tile - Colour State Grey and shall be permanently retained as such thereafter.

Reason: To ensure that, in accordance with Cotswold District Local Plan Policy EN2 the development will be constructed of 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.

5. 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.

6. 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.

7. New render shall be of a roughcast type and be of a mix containing sharp sand, stone dust, pea shingle and lime unless an alternative mix is agreed in writing by the Local Planning Authority. The render shall finish flush with all stone dressings and shall not be belled outwards over the heads of doors, windows or any other opening.

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.

8. Prior to installation/inserted/constructed, design and details of external doors, including their finish, reveals, porch canopies, eaves and verge details, head and cill treatments, railings shall be submitted to and approved in writing by the Local Planning Authority. The use of 'Logic S Flush Casement uPVC Window' in Light Grey (Agate Grey) is acceptable for use upon the development.

The design and details shall be accompanied by drawings to a minimum scale of 1:5 with full size moulding cross section profiles, elevations and sections. The development shall only be carried out in accordance with the approved details and retained as such at all times.

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.

9. The entire landscaping scheme shall be completed by the end of the 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 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.

10. 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 5 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.

11. The development shall be completed in accordance with the submitted 'Energy and Sustainability Strategy - Revision A' dated June 2023. The approved measures shall be installed in the development fully in accordance with the approved details prior to the occupation of the dwelling hereby permitted.

Reason: In order to ensure the creation of an energy efficient development that addresses the impact of climate change.

12. The development shall be completed in accordance with the recommendations contained within Appendix F and G of the consultancy report (Further Ecological Survey Work, Abricon Ltd., dated 19th June 2023) and Site Plan drawing (201732 10N). All of the 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 biodiversity is protected and enhanced in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), the Protection of Badgers Act 1992, Circular 06/2005, paragraphs 174, 179 and 180 the National Planning Policy Framework, 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.

13. Prior to the installation of external lighting for the development hereby approved, a lighting design strategy shall be submitted to and approved in writing by the Local Planning Authority. The details shall show how and where external lighting will be installed (including the type of lighting), so that it can be clearly demonstrated that areas to be lit will not disturb or prevent nocturnal species using their habitats. All external lighting shall be installed only in accordance with the specifications and locations set out in the strategy.

Reason: To protect nocturnal wildlife in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, paragraphs 174, 179 and 180 of the National Planning Policy Framework (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.

14. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR112, or a 'Further Licence') and with the proposals detailed on plan "Berkley Close: Impact plan for great crested newt District Licensing (Version 1)", dated 6th September 2023.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML-OR112, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

15. No development hereby permitted shall take place except in accordance with Part I of the Great Crested Newt Mitigation Principles, as set out in the District Licence WML-OR112 (or a 'Further Licence') and in addition in compliance with the following:

- Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML-OR112, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

16. Prior to the commencement of Phase 2 of the development, an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of Himalayan knotweed from the site. The measures shall be carried out strictly in accordance with the approved scheme.

Reason: To remediate land and enhance biodiversity in accordance with paragraphs 174(f) of the National Planning Policy Framework.

17. The Development hereby approved shall not be occupied until the access, parking and turning facilities that that individual building to the nearest public highway has been provided as shown on drawing 10N.

Reason: To ensure conformity with submitted details.

18. Prior to commencement of the development hereby permitted, other than tree and hedge clearance works, details of a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period. The plan/statement shall include but not be restricted to:

- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of
- neighbouring properties during construction);
- Advisory routes for construction traffic;
- Any temporary access to the site;
- Locations for loading/unloading and storage of plant, waste and construction materials;

- Method of preventing mud and dust being carried onto the highway;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Highway Condition survey;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

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

19. The development hereby permitted shall not be first occupied until the development has been fitted with electric vehicle charging points in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and Manual for Gloucestershire Streets. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging points shall be of the same specification or a higher specification in terms of charging performance.

Reason: To promote sustainable travel and healthy communities in accordance with Policy INF3 of the Cotswold District Local Plan.

20. The Development hereby approved shall not commence, except demolition and site clearance works, until drawings of highway improvements works comprising the provision of a tactile pedestrian crossing near to the junction of Broadway Lane with High Street have been submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until those works have been constructed in accordance with the approved details and the works shall be retained thereafter.

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

Informatives:

1. Please note that the proposed development set out in this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). A CIL Liability Notice will be sent to the applicant, and any other person who has an interest in the land, under separate cover. The Liability Notice will contain details of the chargeable amount and how to claim exemption or relief, if appropriate. There are further details on this process on the Council's website at www.cotswold.gov.uk/CIL.

2. It is recommended that the NatureSpace Best Practice Principles are considered and implemented where possible and appropriate.

3. It is essential to note that any works or activities whatsoever undertaken on site (including ground investigations, site preparatory works or ground clearance) prior to receipt of the written authorisation from the planning authority (which permits the development to proceed under the District Licence WML-OR112, or a 'Further Licence') are not licensed under the great crested newt District Licence. Any such works or activities have no legal protection under the great crested newt District Licence and if offences against great crested

newts are thereby committed then criminal investigation and prosecution by the police may follow.

It is essential to note that any ground investigations, site preparatory works and ground / vegetation clearance works / activities (where not constituting development under the Town and Country Planning Act 1990) in a red zone site authorised under the District Licence but which fail to respect controls equivalent to those detailed in the planning condition above which refers to the NatureSpace great crested newt mitigation principles would give rise to separate criminal liability under the District Licence, requiring authorised developers to comply with the District Licence and (in certain cases) with the GCN Mitigation Principles (for which Natural England is the enforcing authority); and may also give rise to criminal liability under the Wildlife & Countryside Act 1981 (as amended) and/or the Conservation of Habitats and Species Regulations 2017 (as amended) (for which the Police would be the enforcing authority).

4. This permission is subject to, and must be read in conjunction with, a legal agreement under Section 106 of the Town and Country Planning Act (1990) as amended.