

Item No 03:-

21/00549/FUL

**Northfield Garage
London Road
Tetbury
Gloucestershire
GL8 8HW**

Item No 03:-

45 residential dwellings with associated garages/parking, including demolition of existing petrol filling station and other existing buildings at Northfield Garage London Road Tetbury Gloucestershire GL8 8HW

Full Application 21/00549/FUL	
Applicant:	Newland Homes Ltd
Agent:	
Case Officer:	Mike Napper
Ward Member(s):	Councillor Nikki Ind
Committee Date:	9th November 2022
RECOMMENDATION:	DELEGATED PERMISSION subject to i) completion of S106 in respect of Affordable Housing, ii) confirmation of Water Company satisfaction and iii) confirmation of Lead Local Flood Authority satisfaction

1. Main Issues:

- (a) The Principle of the Development
- (b) Design and Visual Impact
- (c) Highways Issues
- (d) Residential Amenity
- (e) Flood Risk

2. Reasons for Referral:

2.1 The Ward Member (Councillor Ind) referred the application for the consideration of the Planning and Licensing Committee for the following reasons:-

"Local Plan Policy S9 - Tetbury

2.2 Whilst this is an allocated Housing development for Tetbury this policy is for 18 Houses (net) on this site - whilst I appreciate this doesn't appear to include the existing petrol station or part of the charity shop, the application for 45 houses is more than double, whilst the increase in site size is not double - it would appear that this could be an overdevelopment of the site. Parking allocation on site is a concern and I also understand that no affordable housing will be provided on this site either, due to the cost in decontamination around the Petrol site, so all housing will be at market value. Given the current cost of living crisis and the need for socially rented houses in the District, I am concerned that this is not a requirement.

2.3 Whilst I understand that there is nothing currently in the Local Plan, consideration of the Climate Emergency declared by Gloucestershire County and Cotswold District Councils would be welcomed, I have noted some allowance in the most recent plans for this site, but

we do need to ensure that we are not building houses which will need to be retrofitted in the next 10 years or so - at a further cost to our residents.

2.4 Policy DS2 - 6.2.6 - Open Spaces, gardens, gaps - Apart from the domestic gardens there is no open space within this development, only grass adjacent to London Road at the entrance to the development. Consideration for the ecological emergency declared by the District Council should also be considered.

Cotswold Design Code

2.5 D10 - Settlements are distinctive in how they sit within the landscape. They have their own unique layouts and patterns of streets. These characteristics should be reflected in the location and design of developments

D11 - tightly arranged

D13- - sense of rhythm

D14 - elevations

I refer to my earlier point about potential overdevelopment of this site.

Policy EN14 - Managing Flood Risk

2.6 Cookspool on opposite side of road is known to flood through the dry-stone wall and across London Road at events of heavy rainfall, consideration must be given to how this could affect the development on the opposite side of the road."

3. Site Description:

3.1 The site of approximately 0.85 ha lies within Tetbury's Development Boundary and is situated on the corner of London Road and Northfield Road and is prominent on a key eastern approach to Tetbury from the A433 (London Road), from which it is accessed. It comprises a former car showroom (formerly Northfield Garage) and a charity shop, with the former Tesco petrol filling (PFS) station to the centre of the London Road frontage. There is existing residential development to the north, south-east and east of the site and Tesco's supermarket is located to the south-west of the site. The terraced housing lining Northfield Road is probably early C20, which gives the site some historic context. The site is outside of the town's Conservation Area, which is drawn around its historic market town core to the south-west of the application site. A mature lime tree at the London Road frontage is the subject of a Tree Preservation Order (TPO).

3.2 The majority of the site (excluding the PFS) is allocated within the Cotswold District Local Plan (site reference T_51) for housing re-development with an indicative net delivery of 18 dwellings.

3.3 The whole site is within the Cotswolds Area of Outstanding Natural Beauty (AONB).

3.4 The site is within Flood Zone 1, which is at least risk of surface water flooding. The site is also located within the inner Source Protection Zone (SPZI) for Long Newton Public Water Abstraction.

4. Relevant Planning History:

- 4.1 CT.0547/3/D Change of use of offices to car showroom: Permitted 20.08.92.
- 4.2 CT.0547/3/K Alterations and extension to existing showroom and workshop: Permitted 27.12.95.
- 4.3 CT.0547/3/N Alterations to existing showroom, workshop and forecourt shop (revised scheme): Permitted 29.11.96.
- 4.4 CT.0547/3/P New Audi showroom and body/paint shop: Permitted 20.12.96.
- 4.5 21/00312/FUL Petrol Filling Station and associated works within car parking area of Tesco: Permitted 12.08.21. **N.B. Adjacent to current application site.**

5. Planning Policies:

NPPF National Planning Policy Framework
DS1 Development Strategy
DS2 Dev within Development Boundaries
EN2 Design of Built & Natural Environment
S9 S9 - Tetbury
S9_NG T_51 - Northfield Garage

6. Observations of Consultees:

- 6.1 Housing Strategy Officer: No objections, subject to completion of S106 legal agreement.
- 6.2 Conservation & Design Officer: No objection.
- 6.3 Highways Officer: No objections.
- 6.4 ERS Officer (Pollution): No objection in respect of air quality, noise or contamination.
- 6.5 Waste Manager: Initial comments - Accessibility for waste collection vehicles appears to be satisfactory, but dependent on location of on-street parking. Carry distance for waste operators appears to exceed required 10m.
- 6.6 Biodiversity Officer: No objection.
- 6.7 Tree Officer: No objection.
- 6.8 Lead Local Flood Authority: Awaiting further comments in respect of highway drainage proposals.
- 6.9 Water Company: Comments awaited.

7. View of Town/Parish Council:

Tetbury Town Council: Objects: "There are too many units on a small parcel of land. The location is out of place on the entrance into Tetbury. There still remains a significant problem about the traffic pulling out from this estate, Northfield Road, Tesco and Conygar all onto London Road."

8. Other Representations:

8.1 30 Third Party Objectors:

i) through thorough viability assessment in relation to Housing policies that seek a minimum 10% Affordable Housing, the development should deliver a minimum of three Affordable Housing units, preferably by commuted sum for off-site provision;

ii) The density of the development is high and is only achievable by having; no common open play space, that would normally be expected in a residential development of this scale; having 3 electric charge points, obstructing the entrance; and having relatively unbroken car spaces, that as laid out will give a relatively cluttered appearance, not being broken up by sufficiently by Landscaping. Such is not possible, given the number of car spaces, to satisfy standards. The density of the surrounding residential areas and recently approved Tetbury new build developments is approximately 28 dwellings per hectare. The applicant is proposing 50 dwellings per hectare (45 dwellings in 0.9 hectares) this is more than twice the local area and 50dph is more akin to inner city areas. The density needs to be substantially reduced. This would reduce the amount of car parking required and allow the central area of housing to be replaced with a central park area of usable green space and wildflower meadow/trees. It is not acceptable that some plots have no private or usable shared amenity space (e.g. plots 39-40). The garden sizes on a number of plots are also vastly insufficient, 3 bedroom homes should expect a garden size of 60m squared not the 25m squared provided (e.g. plots 1 and 2);

iii) having regard to Local Plan Policy SAI, there would seem to be a legitimate case for S106 funding, towards GP facilities. In this case that would be towards the new Healthcare Centre. After all, as the existing Surgery is too small, and needs relocating, with expansion. There is a clear necessity, justifying a S106 Agreement. Also, investigation of any need, related to schooling and library contributions is required;

iv) likely to create extra congestion at the Northfield Rd junction, which is unsafe due to on-street parking and excessive speed. On-site parking is insufficient, which would result in additional cars using roadside parking to the detriment of highway safety; extra traffic generated would create a bottleneck at the nearby London Rd roundabout;

v) the current petrol station should not be decommissioned until the new one is up and running due to there being no other local petrol station as there is no other way for local residents to get petrol other than driving all the way to Cirencester or Malmesbury;

vi) The proposed elevations of the dwellings still do not sit well with the more traditional Cotswold vernacular of Tetbury further design changes are required to meet the Cotswold Design Guide. The porches should take cues from the recent new build developments at either end of Tetbury. The fenestration layout is still not symmetrical and lacks prominent lintels;

vii) Within the development, the street scene is predominantly views of parking. Parking needs to be located to the sides of buildings and not fronting the road. The position of some plots is very far away from their parking space (e.g. 6 and 7) and in reality residents will not be bothered to walk such distances to their car and instead park inappropriately on the

development or Northfield Road. Please look at every recent new build development in Tetbury to see how many cars are parked on the roads due to lack of parking provision. This also makes access for refuse vehicles difficult and dangerous;

viii) The proposed scheme involves the creation of more than 20 dwellings. Criterion 3 of Policy HI states that 'proposals for more than 20 dwellings will be expected to provide 5% of dwelling plots for sale as serviced or self or custom build plots.' Therefore, 2 self-build plots will need to be provided. This is especially important as the recent Bromford development to the north of Tetbury failed to provide any self-build plots even though the policy required them to do so. The lack of self-build plots is especially frustrating for Tetbury residents;

ix) "Tetbury is over populated and cannot cope with new developments. Council should not let big business rough shot [sic] over people's wishes"; "It is about time the residents of Tetbury were able to live in their town which is not in a continual state of being a building site. We have been living with this for well over 5 years now with all the new developments. This land should be used as a green space for residents."; Lack of adequate local infrastructure facilities and local employment opportunities;

x) the mature trees currently on the site should be retained for biodiversity and carbon dioxide absorption reasons, and also for reasons of privacy; xi) site would be better used to provide an urgently needed new surgery and/or other community facilities, including a public car park;

xii) insufficient regard to Sustainable energy/water-use in the design details and layout; xiii) the proposals need to make on-site provision for children's play as it is not safely accessible to existing alternatives;

xiv) the applicant has made no attempt to engage with or involve local nature conservation organisations (who have the required local expertise) in the design of the development;

xv) the development would create noise and air pollution for existing residents;

xvi) Scale of proposed two and a half & three storey dwellings would create lack of privacy and daylight to existing residents on Northfield Rd, including to a difference in ground levels. Proposed tree screening would not be permanent in the longer term;

xvii) poor design of the development could set an irresistible and dangerous precedent for other sites within the District;

xviii) loss of the charity shop on the site would be detrimental to the town; and

ix) potential use of private drive for turning due to limitations of proposed layout.

9. Applicant's Supporting Information:

Planning Statement

Design & Access Statement

Viability Assessment

Sustainability Statement

Flood Risk Assessment & Drainage Strategy

Ground Investigation Report

Ecological Assessment

5 Year Landscape Management Plan

Noise Impact Assessment

Acoustics Report

Waste Management Plan

10. Officer's Assessment:

The Proposals

10.1 Permission is sought for the redevelopment of the application site to provide 45 new-build dwellings (37 houses, 4 flats above garages and 4 apartments in two blocks), now including 8 units (approx. 17%) of Affordable Housing (4 x 1-bed flats for Social Rent (Plots 27, 28, 39 and 40), 2 x 2-bed houses for Affordable Rent (plots 37 and 38) and 2 x 2-bed houses for Shared Ownership (plots 25 and 26)). The overall mix of house sizes proposed is 4 x 1-bed, 12 x 2-bed, 17 x 3-bed and 12 x 4-bed dwellings.

10.2 The proposed dwellings are of a vernacular-influenced contemporary design and comprise a mix of 2 and 2.5 storeys in height of predominantly Cotswold stone and reconstituted stone, with a smaller amount of render walling, together with a mix of natural blue slate and reconstituted stone roofing. The developer adopts a 'fabric first' approach to sustainable energy performance for all of its new buildings with an objective of achieving Band B of the energy efficiency rating range for new houses. Drawings are attached to this report to show examples of the building types.

10.3 The proposed development would have vehicular access from London Road. Parking provision would comprise 100 spaces in total, with 72 garages and undercroft spaces, 19 open allocated, 6 visitor and 3 for unrestricted use. Electric vehicle charging points would be provided or available for each new dwelling.

(a) The Principle of the Development

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 Local Plan Policy DSI (Development Strategy) states that "Sufficient land will be allocated, which together with commitments and dwellings completed since 2011, will deliver at least 8,400 dwellings and at least 24 hectares for B class employment use over the Plan period 2011-2031." The policy then lists the 17 Principal Settlements across the District, including Tetbury, within which the specific allocations are made. The supporting text of the Policy confirms that "The Principal Settlements listed in Policy DSI have been identified as the most sustainable locations to deliver future growth, with Cirencester being the District's main centre by a very considerable margin. These settlements were selected on the basis of their social and economic sustainability, including accessibility to services and facilities. The availability of suitable land capable of delivering sustainable development during the Plan period also helped determine which settlements to include in the Development Strategy." (paragraph 6.1.9).

10.6 In terms of the delivery of the above strategy, which remains up-to-date, Policy S9 (Tetbury) identifies the land allocated as a result of Policy DSI and includes the majority of the current application site for housing as 'T_51 Northfield Garage' with an indicative capacity for 18 dwellings. The policy's supporting text explains that "As part of the site allocation

process, various constraints and issues (including flood risk, archaeology, landscape, form, scale and access) have been taken fully into account. In some instances, these considerations have resulted in the allocation of fewer units or smaller sites areas being assumed to be built than might otherwise have been anticipated. Further high-level guidance on such considerations, and possible means by which they might be addressed, are included in the Local Plan evidence base, particularly the SHELAA. The number of dwellings referred to for each allocated site is an indication of assumed capacity rather than a policy requirement or limit on the amount of development."

10.7 Importantly, the whole site has also been re-assessed as part of the on-going SHELAA (Strategic Housing and Economic Land Availability Assessment) review process as a potential candidate for re-allocation in the Local Plan Review document for 50 dwellings. The supporting text to the Site Capacity section (paragraph 2.10) explains that "A conservative approach has been used when assessing the capacities of sites to ensure that development trajectories are not over-optimistic. The adopted Local Plan policies have guided the assessment of development potential and site capacities, which provides robust and deliverable estimates."

10.8 Paragraph 2.11 further expands that "As a starting point, the capacities of residential sites have been calculated using a Density Multiplier Assumption. This uses a basic assumption of 30 dwellings per hectare but takes account of the patterns of development. For example, larger developments would be required to provide sustainable drainage, green infrastructure, walking and cycling facilities, some new roads and parking areas, recreational space, and so on. This affects the overall density of the development. To reflect this, the Density Multiplier Assumption makes a deduction on the capacity of larger sites. This method has proven to be realistic and deliverable for the site allocations of the adopted Local Plan."

10.9 The application site is located within Tetbury Development Boundary and Policy DS2 (Development Within Development Boundaries) is also applicable to residential development in such locations, which states that:-

'Within the Development Boundaries indicated on the Policies Maps, applications for development will be permissible in principle.'

10.10 Of additional relevance are paragraphs 176 and 177 of the NPPF that relate to development within AONBs, which states that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty and that major development should be refused other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. In this instance, the site is an allocated site within the town's Development Boundary and currently makes no beneficial contribution to the scenic beauty of the AONB. Clause 2 of Local Plan Policy EN5 (Cotswolds Area of Outstanding Natural Beauty) accords with paragraph 177, but clarifies, in paragraph 10.5.2 of the supporting text, that "Clause 2 does not apply to development sites allocated by the Local Plan because the need for those developments and scope for them to be accommodated outside the AONB was assessed during plan preparation."

10.11 In the context of the above policy considerations, the erection of new-build housing on the site is therefore acceptable in principle. Issues of the acceptability of the details of the application, including the impacts of the number of dwelling proposed, will be addressed in

the following sections of this report, assessed against other Local Plan policies and national guidance.

(b) Design and Visual Impact

10.12 Local Plan Policy EN2 (Design of the Built and Natural Environment) policy is applicable to this application, which states 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." Appendix D of the Design Code reinforces and expands upon these principles and requires that development should respond to its context, and its specific townscape setting (paragraph D.9); There should be close attention to the site and its setting, in determining the overall principle, density and grain, scale and form of new buildings (paragraph D.14); and that excessive or uncharacteristic bulk should be avoided. Whatever the architectural approach (vernacular or contemporary), any design should respond to its context and to local distinctiveness. A high quality of materials, details and finishes is also expected (paragraph D.17).

10.13 Policy INF7 (Green Infrastructure) requires that new development proposals must contribute, depending on their scale, use and location, to the protection and enhancement of existing Green Infrastructure and/or the delivery of new Green Infrastructure.

10.14 Tetbury and Tetbury Upton Neighbourhood Plan 2015-2030 was formally 'made' in 2017 and is also a material policy consideration. Policy 1 (Types of Housing) states that "Housing development should, where appropriate and viable, provide for a range of dwelling types and sizes, to reflect local demand." Policy 2 (Enhancement of Tetbury's Townscape and Character) requires that "Development Proposals will be required to pay regard to the Tetbury Townscape and Character Assessment Report 2016 and the Cotswold Design Guide 2000 and any future adopted update to the Cotswold Design Guide."

10.15 Section 12 of the NPPF sets out criteria for achieving well-designed places, with paragraph 130 requiring that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term, but over the lifetime of the development; 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, while not preventing or discouraging appropriate innovation or change (such as increased densities); establish a strong sense of place; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

10.16 Paragraph 131 emphasises that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined.

10.17 Paragraph 134 states that permission should be refused for development that is not well designed and, conversely, development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents and/or outstanding or innovative designs which promote

high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

10.18 Section 14 of the NPPF deals with climate change. Paragraph 157 states that "local planning authorities should expect new development to: (a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and (b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption."

10.19 Concerns have been raised by the local community in respect of the amount of the proposed new development and the site's capacity. It is clear from the above policies that it is nevertheless important to ensure the efficient use of allocated sites, whilst also ensuring that each development appropriately addresses other relevant planning policy considerations, including regarding Policy EN2 and those relating to highways issues which will be addressed in the next section of the report. As explained in the preceding section of this report, the SHELAA review assesses that the site has capacity for 50 dwellings. A large proportion of the proposed units within this scheme are smaller dwellings (33 would be 3-bed or smaller), which is considered to be beneficial having regard to Policy HI (Housing Mix & Tenure to Meet Local Needs) in delivering a suitable mix and range of housing in terms of size, type and tenure.

10.20 The redevelopment of the site creates an opportunity for enhancement from an urban design perspective and there are no significant built heritage constraints that directly inform the design approach. The density of the wider area of the town within which the site is located is itself characteristically relatively high and, in terms of basic layout pattern of this development, officers have also sought to add visual quality to the London Road and Northfield Road streetscenes, and to ensuring an appropriate quality of design within the site. As again will be explained later in this report, officers have also had regard to the impact of the proposals on the amenity of existing residents adjoining the application site. The assessment of the various relevant policy considerations has resulted in officers concluding that the number of dwellings as laid out in the submitted details can be successfully accommodated on the site without material demonstrable harm being caused and in delivering a development of an appropriate quality.

10.21 A feature of the proposed layout is the creation of new residential streetscenes to the prominent London Road and Northfield Road frontages. Along the London Road, the proposed dwellings would be set back thereby allowing the re-landscaping to provide a wide tree'd verge with improved pedestrian footpaths, which are currently interrupted by the two wide vehicular access splays. Existing trees would be retained to the London Road frontage (including the mature lime protected by the TPO), as would mature hedges along the southern boundary abutting existing neighbouring residential development. A new beech hedge would be also be planted to define the verges from the roadside. The new areas of verge will be seeded with native meadow mix grassland, together with areas of native bulb planting, and native tree and shrub planting would be undertaken through the interior of the site to create streetscene character, break up areas of hard surface, and to provide focal points at junctions. The dwellings that would face onto London Road and Northfield Road would have traditional cottage-style frontages with low Cotswold stone walls.

10.22 In terms of the building design approach, the redevelopment of the site lends itself to the 'contemporary vernacular' design approach proposed. Following negotiations, the most

prominent street frontages along London Road and Northfield Road would be primarily of natural stone walling with visual variety created with the use of roughcast render. The remainder of the site would include the addition of reconstituted stone walling. A mix of natural blue slate and reconstituted stone slate would be used for the roofing throughout the site. The buildings would create strong building lines to reinforce the residential streetscene of this town approach, which is considered to be a beneficial, incorporating terraces and semi-detached dwellings in a sympathetic and visually attractive mix of roof forms and elevational treatments, whilst maintaining traditional simplicity of the local vernacular.

10.23 Central to the design approach of the development is to achieve Energy Performance Certificate (EPC) Energy Efficiency Rating band A, which means that each home creates as much Prime Energy (i.e. energy required for lighting, heating and hot water) as it needs and is the current optimum rating. The applicant has stated that all of the company's new-build dwellings now require as standard a Dwelling Emission Rate (DER), as set out in part L1A of the Building Regulations, of 0 kgCO₂/(m²/yr) in terms of its prime energy usage as indicated in the 'As-Built SAP calculations' and as displayed in the PEA's & EPC's, which places them well in excess of the latest Part L Building Regulations. To achieve this standard the dwellings are designed on a 'fabric first' approach to energy conservation and without the use of gas at the properties. The dwellings will be provided with Air Source Heat Pumps for heating and hot water with electricity will be provided to the home on a renewable tariff, and with additional renewable energy from integrated solar panels. Each dwelling would be fitted with a water butt.

10.24 In terms of green infrastructure and biodiversity, the existing site and use has low ecological value and therefore makes a very low level of contribution. The current proposals would provide a positive contribution as a result of the proposed new landscaping, which has been designed to address this issue. Additionally, the proposals will incorporate new nest boxes for birds and bats as recommended within the submitted Ecological Assessment. Although no formal Public Open Space is proposed within the scheme, the development provides ample garden space for the dwellinghouses and the site is well connected to other open space opportunities within the town. On this basis, officers are content that the proposals would accord with Local Plan policies EN2, EN5, EN8 and INF7.

10.25 Overall, it is considered that the proposed development will not have an adverse impact on the character and appearance of the area, and would, in fact, enhance the existing streetscene frontages, whilst also seeking to address the impact of climate change at this allocated redevelopment site and providing affordable homes for local people.

(c) Affordable Housing

10.26 This application seeks permission for more than 10 dwellings and is therefore subject to the requirements of Local Plan Policy H2 (Affordable Housing). Policy H2 seeks to secure up to 30% on-site affordable housing provision. However, in considering the level of affordable provision on the site, it is also necessary to have regard to national guidance and, in particular, the Vacant Building Credit (VBC). Paragraph 026 (Reference ID:23b-026-20190315) of the Planning Practice Guidance (PPG) is a significant material consideration and states:

"National policy provides an incentive for brownfield development on sites containing vacant buildings. 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."

10.27 At the submission of the application, the applicant was uncertain that this 'brownfield' site, with significant challenges resulting from its previous use, could be viably developed with on-site Affordable Housing contribution. Following formal Viability Assessment undertaken by the District Valuer on behalf of officers and subsequent negotiations, the proposals now include 8 units of Affordable Housing (approx. 17%). This meets the results of the Viability Assessment, having taken account of limiting site factors and particularly Vacant Building Credit in respect of existing buildings on the site. Due to the pressing local need for Affordable Housing in Tetbury and the redevelopment constraints of the site, officers have, in this instance, focussed upon maximising the amount of Affordable Housing, rather than the provision of any self-build units on the site, which is also sought by Policy H1 in developments of over 20 units.

10.28 In terms of design, officers are content that the Affordable Housing units would be 'tenure blind' in appearance and would be well-integrated within the overall development. Similarly, officers have ensured that the units would meet the established living space standards required as part of the Council's standards for the relevant S106 legal agreements. As such, officers are content that the proposed development would deliver an appropriate number and type of Affordable Housing, subject to the final completion of the associated legal agreement.

(d) Highways Issues

10.29 At the outset, the Highways Officer has been mindful of the Local Plan indication of the site's capacity for 18 dwellings and local concerns regarding highway safety, congestion and parking resulting from the number of dwellings now proposed. Consequently, during the course of the application, clarification and revisions relating to a number of issues have requested. As a result, further consultation with the Highways Officer has now confirmed that the traffic surveys used to determine vehicle flows on London Road are considered to be reliable, and that the scale of the proposed development would be unlikely to have an adverse impact on the wider network or the local junctions as concluded by the submitted Transport Assessment.

10.30 The parking schedule indicates that 72 allocated parking spaces would be provided and overall the provision is considered to be acceptable. It is noted that the previously proposed potentially problematical parking on Northfield Road has been removed.

10.31 Additional details were provided to confirm the acceptability of the roads for waste collection and other services. Although the Highway Officer and Waste Manager do have some remaining concerns regarding carry distances (in excess of 10m) for a Plots 1-4, the distances are within the Building Regulation parameters and are considered not so significant to be practically problematical to the functionality of the overall development.

10.32 The Highway Officer has confirmed that a robust assessment of the planning application has been undertaken and that, based on the analysis of the information submitted, the Highway Authority concludes that there would not be an unacceptable impact on Highway

Safety or a severe impact on congestion. As such, there are no justifiable grounds on which an objection could be maintained.

10.33 Overall and subject to the separate completion of legal agreements between the developer and the Highway Authority regarding works to the public highway and adoption, it is considered that the proposed scheme can be undertaken without having an adverse impact on highway safety or parking. Provision is also made for electric vehicles and bicycles to encourage more sustainable modes of travel. The proposal is considered to accord with Local Plan Policies INF3, INF4 and INF5. Having regard to paragraph 109 of the NPPF, there is not considered to be an unacceptable impact on highway safety considering the traffic that would be generated if the established use of the existing buildings upon the site was to be recommenced, and that the residual cumulative impacts on the road network would not be 'severe'.

(d) Residential Amenity

10.34 The floorspace of the proposed dwellings meets the Government's Technical Housing Standards, the Nationally Described Space Standards document, as required by Local Plan Policy HI.

10.35 Each dwelling will be provided with an appropriate level of private outdoor garden space which is considered to be commensurate with the size of the dwellings proposed in accordance with guidance in the Cotswold Design Code.

10.36 The proposed dwellings will be orientated and positioned so as to ensure that occupiers of the proposed and existing dwellings will receive adequate levels of light in accordance with guidance in BRE document IP23/12 Site Layout Planning for Daylight.

10.37 The windows of the proposed dwellings will be in excess of 22m of the minimum distance set out in the Cotswold Design Code for facing windows of existing dwellings, unless in relation to facing frontages across the public highways. It is considered that the proposed development can be undertaken without having an adverse impact on privacy.

10.38 Overall, it is considered that the proposed development accords with guidance in the Cotswold Design Code concerning residential amenity.

(e) Flood Risk

10.39 The proposed dwellings will be located in a Flood Zone I which is the lowest designation of flood zone and wherein new residential development can be acceptable in principle. Nevertheless, there has been local concerns regarding flood risk. The applicant has submitted a Flood Risk Assessment (FRA) with the application.

10.40 A full assessment of potential flood risk has been undertaken as part of the application process in consultation with the Lead Local Flood Authority (LLFA). The LLFA has noted that there is a risk that surface water accumulates on site. Much of this will be from rainfall that falls on the site itself so will be managed by the new surface water drainage. There are no records of the site flooding and overland flow will be managed through the overland flow routes. The rate that surface water will leave the site will be reduced by approximately 40% of the current peak runoff rate.

10.41 The applicant has provided a plan to deal with this flooding, which is to incorporate two underground attenuation tanks to store surface water. This strategy is acceptable, subject to a detailed design condition.

10.42 Climate change has been accommodated using a value of 40% added to the peak rainfall intensity, which is in line with the latest Environment Agency estimates. Surface water flow paths, during events greater than the 1 in 100 year rainfall event, would be directed and contained within the highway. Additional confirmation is currently awaited from the LLFA regarding the details of the adoption details for the highways drainage, which will hopefully be reported with any related conditions at the Committee Meeting. Subject to the resolution of these final issues, it is considered that the proposed development can be undertaken without having an adverse impact on foul or surface water drainage in accordance with Local Plan Policy EN14.

10.43 A full consultation has been undertaken with the Council's Environmental Regulatory Services in respect of addressing potential ground pollution in relation to the previous use of the site and no objections have been raised subject to the conditions recommended.

10.44 Comments are awaited from the Water Company to ensure their satisfaction with the proposals and it is expected that an update can be provided at the Committee Meeting.

(f) Other Matters

10.45 Officers can confirm that the new PFS, as previously permitted under application reference 21/00312/FUL in 2021, is now in full operation at the adjacent Tesco Store development to the south-west of the site.

10.46 The proposed development is liable for the Community Infrastructure Levy (CIL). 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. Notwithstanding this, a CIL exemption can be secured if the development is for affordable housing provided by a registered provider. No payment would be required if an exemption is sought prior to the commencement of development.

11. Conclusion

11.1 Subject to the final conclusion of the outstanding issues, it is considered that the proposed development represents the sustainable re-development of a redundant brownfield site, in accordance with the Local Plan allocation. Officers therefore recommend that the application should be permitted on completion of the related S106 legal agreement.

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 number(s): .

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

3. The development hereby permitted shall be completed such that, prior to the occupancy of each dwelling, those dwellings achieve a minimum of Energy Performance Certificate (EPC) Energy Efficiency Rating Band A.

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

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

- Parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of
- neighbouring properties during construction);
- Advisory routes for construction traffic;
- Any temporary access 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;
- 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.

5. Prior to the first occupation of each dwelling forming part of the development hereby permitted vehicle parking, including electric vehicle charging points, and cycle storage shall be provided in accordance with the approved drawings. The parking, storage and charging points shall be maintained for this purpose thereafter.

Reason: To promote sustainable travel and healthy communities

6. Prior to the first occupation of any dwelling forming part of the development hereby permitted a residential welcome pack promoting sustainable forms of access to the development shall be submitted to and approved in writing by the Local Planning Authority. The pack shall be provided to each resident at the point of the first occupation of the dwelling.

Reason: To reduce vehicle movements and promote sustainable access.

7. Prior to the first occupation of any dwelling forming part of the development hereby permitted the site access and associated highway improvement works on London Road shall be provided in accordance with drawing no 776-141-3.

Reason: In the interests of highway safety.

8. Prior to the first occupation of any dwelling forming part of the development hereby permitted visibility splays shall be provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining London Road carriageway, (measured perpendicularly), for a distance in each direction as shown on drawing no 776-141-3. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above carriageway level.

Reason: In the interests of highway safety.

9. Prior to the commencement of the development hereby permitted full details of all proposed street tree planting, root protection systems, future management plan, and the proposed times of planting, shall have been submitted to and approved in writing by the Local Planning Authority, and all tree planting shall be carried out in accordance with those details and at those times.

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

10. No development shall take place until a desk study has been produced to assess the nature and extent of any contamination, whether or not it originated on site, the report must include a risk assessment of potential source-pathway-receptor linkages. If potential pollutant linkages are identified, a site investigation of the nature and extent of contamination must be 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 Remediation Scheme 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.

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 a Verification Report confirming 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 EN15 and Section 15 of the NPPF.

11. The dwellings hereby approved shall be designed and constructed to incorporate measures to ensure that as a minimum, they achieve the internal and external ambient noise levels contained in British Standard 8233:2014 (or later versions) These standards currently require:

- i) Resting 35 dB LAeq,16hour
 - ii) Dining 40 dB LAeq,16hour
 - iii) Sleeping 30 dB LAeq, 8hour
- 45dB LAFmax and any external amenity space(s) should achieve 50dB.

Reason: To protect those living in the dwellings from traffic or other external noise sources in accordance with Cotswold District Local Plan Policy EN15.

12. Prior to the commencement of any works on site (including demolition and site clearance), the tree protection as detailed on Tree Protection Plan , 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.

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 within 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.

13. The entire landscaping scheme shown by drawing number 20265.101 Rev. G 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.

14. 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.

15. All new trees are to be adequately staked, protected and mulched. All works to accord with BS3936-1:1992 Nursery stock. Specification for trees and shrubs and BS 4428:1989 Code of practice for general landscape operations (excluding hard surfaces) and BS 8545:2014 Trees: from nursery to independence in the landscape Recommendations.

Should any of the trees be removed, die or become severely damaged or seriously diseased within 5 years of planting, they must be replaced by trees of a similar size and species to that originally planted. The tree planting 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 the development is completed in a manner that is sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy EN7.

16. Prior to the occupation of each dwellinghouse, surface water attenuation/storage works for the said dwelling hereby permitted shall be provided by the installation of a functioning water butt (minimum capacity 200 litres) in a position to be agreed. The water butt shall thereafter be permanently maintained in working order in the agreed position unless an alternative siting is approved in writing by the Local Planning Authority.

Reason: To enhance water conservation and as a precautionary measure to reduce the possible increased risks of flooding associated with water runoff in accordance with Cotswold District Local Plan Policy EN14.

17. Prior to the construction of any external wall of the development hereby approved, samples of the proposed walling materials (including boundary walling) 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.

18. Prior to the construction of any external wall of the development hereby approved, sample panels of stone and render walling of at least one metre square in size showing i) the proposed stone colour, coursing, bonding, treatment of corners, method of pointing and mix and colour of mortar for stonework and ii) showing the proposed texture and colour of render, 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 panels 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 panels on site during the work will help to ensure consistency.

19. The development shall not be brought into use or occupied until traditional Cotswold drystone walling has been constructed in accordance with the approved drawings and in accordance with construction details (including capping treatment) to be submitted to and approved in writing by the Local Planning Authority. The wall shall then be maintained in accordance with the approved details.

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

20. All door and window frames shall be recessed a minimum of 75mm into the external walls of the building and shall be permanently retained as such thereafter.

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.

21. Prior to the first occupation of the development hereby permitted, the windows and external 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.

22. No windows and doors, garage doors, head and cill treatments, eaves, verges, rooflights, porches and porch canopies, copings, chimneys, and/or dormer windows shall be installed/inserted/constructed in the development hereby approved, until their design and details have been submitted to and approved in writing by the Local Planning Authority.

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.

23. The new rooflights shall be of a design which, when installed, shall not project forward of the roof slope in which the rooflights are located and shall be permanently retained as such thereafter.

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.

24. The development shall be completed in accordance with the recommendations in Section 3 of the Ecological Assessment, dated January 2021, prepared by Tyler Grange as submitted with the planning application. All the recommendations shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the local planning authority, and shall thereafter be permanently retained.

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

Informatives:

1. The development hereby permitted includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out. Contact the Highway Authority's Legal Agreements Development Management Team at highwaylegalagreements@gloucestershire.gov.uk allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Council's costs in undertaking the following actions:

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

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

3. All new streets must be tree lined as required in the National Planning Policy Framework. All proposed street trees must be suitable for transport corridors as defined by Trees and Design Action Group (TDAG). Details should be provided of what management systems are to be included, this includes root protections, watering and ongoing management. Street trees are likely to be subject to a commuted sum.

4. You are advised that as a result of the private nature of the proposed surface water drainage outfall, the internal access road and surface water drainage will not be accepted for adoption by the Highway Authority under Section 38 of the Highways Act 1980.

5. The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980. The exemption from adoption will be held as a Land Charge against all properties within the application boundary.

6. 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, separately. 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