

Application No: 22/03495/FUL

**Land West Of Worwell Farmhouse
Cirencester Road
Tetbury
Gloucestershire
GL8 8RY**

Mixed use development comprising healthcare facility, 27 dwellings (including 11 affordable units), landscaping, site access, internal estate road and associated works at Land West Of Worwell Farmhouse Cirencester Road Tetbury Gloucestershire GL8 8RY

Full Application 22/03495/FUL	
Applicant:	Stonewood Partnerships Ltd
Agent:	
Case Officer:	Harrison Bowley
Ward Member(s):	Councillor Chris Twells
Committee Date:	26th April 2023
RECOMMENDATION:	DELEGATED PERMISSION subject to i) completion of S106 in respect of Affordable Housing, ii) completion of S106 in respect of library contribution, and iii) subject to the finalisation of discussions regarding the Highways Officer's conditions and legal arrangements for the payment of Travel Plan monitoring contributions

UPDATE: This application was deferred at the 26 April 2023 Planning and Licensing Committee Meeting to allow for a Sites Inspection Briefing. The purpose of the S.I.B. was to assist Members in their consideration of the application with regard to the impact of the proposal on the AONB and Conservation Area.

Please note the report to the April committee meeting below is subject to updates that were published in *Additional Pages dated 21 April 2023* and *Additional Pages Update dated 25 April 2023*. For ease of reference the updates and addition of conditions have been populated in bold text in section 12. *Proposed Conditions* of the report.

Since the April committee meeting, further updates have been received:

- Two further letters of support have been received. The first constitutes a letter from Dr Peter Hill of the Phoenix Health Group setting out the healthcare providers position in relation to the background to the development. The second representation of support comments that: the existing surgery is not fit for purpose; any healthcare development will have a degree of harm on the AONB; there are advantages of the current scheme; and, considering hypothetical alternatives, for which planning applications do not exist is not relevant.
- One further letter of objection raising additional comments of: acknowledging the points made by Dr Hill and the background narrative and the NHS GICB Policy; the influence of the November press release.

- **A further consultation response from GCC LLFA following revisions to Proposed Foul and Surface Water Drainage Strategy**
- **Revised plans for House Type II which now includes the provision of a side external door to serve the utility room.**
- **The submission of a Technical Note relating to Proposed Foul and Surface Water Drainage Strategy.**

REPORT - 26 APRIL 2023

1. Main Issues:

- (a) Principle of Development
- (b) Housing Mix and Affordable Housing
- (c) Proposed scale, design and layout of development
- (d) Impact on the setting of Tetbury Conservation Area
- (e) Impact on the Cotswolds Area of Outstanding Natural Beauty
- (f) Impact on Residential Amenity
- (g) Biodiversity and Geodiversity
- (h) Highways Impact
- (i) Flood risk and Drainage

2. Reason for Referral:

2.1 Officers considered it appropriate for this application to be determined by the Planning and Licensing Committee in this instance, due to the complexity of issues relating to public benefits and the housing strategy.

3. Site Description:

3.1 The application site comprises around 2.1 hectares of land to the north-east of Tetbury, set to the east of Cirencester Road. The site lies mainly within Tetbury Upton Parish, with the southernmost part within the administrative boundary of Tetbury Town Council. The land forms part of the former Worwell Farm and is currently used for grazing. The site is outside of the principal settlement of Tetbury, albeit adjacent to it, with the development boundary terminating around 25m west of the site.

3.2 The site slopes gradually down to the southern part and contains a small copse of semi-mature trees within the south-western corner. Cirencester Road runs the length of the western boundary, with Jasmine Gardens and Quercus Road beyond this. To the north lies Old Ilsom Farm Road, with Worwell Farm located to the east. Beyond the existing built form to the north, south and east lies open countryside and woodland. Tetbury Town Football Club lies around 230m to the south of the site.

3.3 The site is located within the Cotswolds Area of Outstanding Natural Beauty and a Public Right Of Way (Footpath NTU46) runs in an east/west direction along the southern boundary of the site and this connects to bridleway NTU47 and footpath NTE6A to the east.

4. Relevant Planning History:

None relevant.

5. Planning Policies:

TNPPF The National Planning Policy Framework
CDCLP CDC LOCAL PLAN 2011-2031
DS1 Development Strategy
DS2 Dev within Development Boundaries
DS4 Open Market Housing o/s Principal/non-Pr
SA1 South Cotswold - Principal Settlements
NPTTP1 Pol 1 : Types of housing
NPTTP2 Pol 2 : Tetbury's Townscape & Character
NPTTE TETBURY/TETBURY UPTON NP 2015-2030
NPTTP5 Pol5:Com Facilit's & Assets of Com Value
EN1 Built, Natural & Historic Environment
EN2 Design of Built & Natural Environment
EN4 The Wider Natural & Historic Landscape
EN5 Cotswolds AONB
EN7 Trees, Hedgerows & Woodlands
EN8 Bio & Geo: Features Habitats & Species
EN10 HE: Designated Heritage Assets
EN11 HE: DHA - Conservation Areas
INF2 Social & Community Infrastructure
INF3 Sustainable Transport
INF4 Highway Safety
EN14 Managing Flood Risk
H1 Housing Mix & Tenure to meet local needs
H2 Affordable Housing

6. Observations of Consultees:

- 6.1 *Forward Planning - "The proposed development would offer a deliverable solution that would resolve this issue. The doctor's surgery part of the development is consistent with Local Plan policy INF2. The expansion or relocation of Romney House Surgery is also an identified strategic infrastructure requirement of Local Plan Policy SA1. From an accessibility perspective, the proposed development is better suited to a Doctor's Surgery than the two potential alternative sites for a Doctor's Surgery, identified through the SHELAA process. The two alternative sites are also both in the AONB and are not without their difficulties in terms of landscape harm.*

It remains the case that, amongst other things, the proposed development would have a harmful impact on an attractive pastoral greenspace within the AONB; the setting of Worwell (the source of the River Avon); the rural setting of the historic town of Tetbury and its designated Conservation Area; it would make adjoining land more susceptible to further development; and that the housing element is contrary to the adopted Local Plan development strategy.

The delivery of a doctor's surgery is welcomed but in order for the benefits of the application to outweigh the harm, it is the view of Forward Planning that the application needs to deliver more than is currently proposed."

- 6.2 Natural England - No Objection.
- 6.3 Local Highways Authority - Objection on grounds of sustainability and highways safety.
- 6.4 Landscape Officer - It has been assessed that there would be landscape and visual harm arising from the proposed development this needs to be set against the benefits of the surgery and should be considered in the planning balance.
- 6.5 Conservation & Design - Objection on the grounds of layout and architectural design of the buildings.
- 6.6 Lead Local Flood Authority - The LLFA has no further objections to the proposal and does not require any conditions.
- 6.7 Tree Officer - No objection subject to site specific tree protection measures and new tree planting, including new street tree planting.
- 6.8 Biodiversity Officer - No objection subject to conditions.
- 6.9 Public Rights of Way Officer - No objection raised, observations made regarding impact on PROW.
- 6.10 Gloucestershire County Council Community Infrastructure - Library contribution has been requested.
- 6.11 ERS Contamination officer - No objection subject to conditions.
- 6.12 Gloucestershire County Council Archaeologist - Field evaluation required prior to determination.
- 6.13 Gloucestershire County Council Minerals and Waste - No objections, however, further clarity on waste reduction and net-zero contributions should be sought.
- 6.14 Housing Strategy - review of affordable housing arrangement and layout required.
- 6.15 GCC Archaeologist - No objection subject to condition.
- 6.16 Bristol Water - Request for pre-planning discussions outside of the application proposal.
- 6.17 Wessex Water - Requirement for the developer to demonstrate a viable foul drainage strategy to agree proposals for the Section 104 adoption connections and submit details to Wessex Water for technical review prior to construction.
- 6.18 Cotswolds National Landscape Board - Draw attention to the local planning authorities (LPA) statutory duty to have regard to the purpose of conserving and enhancing the natural beauty of the National Landscape.

7. View of Town/Parish Council:

7.1 Tetbury Upton Parish Council:

"Whilst supporting the application, Tetbury Upton PC hope the following concerns will be taken into account -

7.1.1 Inadequate parking

7.1.2 Access not easy for patients with mobility issues

7.1.3 Lack of street lighting and pavement access particularly on the Ilsom side of the proposed development.

7.1.4 The local plan (policy DS4) does not allow for new build open market housing outside the town development boundary which this development clearly would be leaving concerns as to the impact on the landscape and wild life.

7.1.5 There is no allowance for bungalows as per the Tetbury and Tetbury Upton Neighbourhood plan."

7.2 Tetbury Town Council stating:

7.2.1 Tetbury Town Council has concerns about the lack of street lighting within this area if this application is approved.

7.2.2 Working within the Tetbury and Tetbury Upton Neighbourhood Plan 4.1.2 Types of Housing Preferred, it is noted that no bungalows have been considered on this development.

7.2.3 Tetbury Town Council is concerned about the impact this will have on the landscape and the proposed application being outside the permitted development area.

7.2.4 Tetbury Town Council are aware of the consequences if this planning application is not approved as we will lose a vital service for the town.

7.2.5 Tetbury Town Council are also concerned about the lack of transport within Tetbury as our residents would have to travel out of town for a medical appointment.

7.3 A second comment from the Town Council was received on 02/12/2022 advising:

7.3.1 "Tetbury Town Council supports this application"

8. Other Representations:

8.1 Sixty-seven Third Party representations have been received objecting on the grounds of:

- i. Loss of outlook;**
- ii. Impact from light pollution;**

- iii. Increase in traffic and unsafe access and road/footways for cars and pedestrians;
- iv. Loss of existing habitats and wildlife;
- v. Anti-social behaviour arising from the car park;
- vi. Benefits of doctors surgery does not outweigh environmental harms;
- vii. Site should be preserved for environmental enhancement;
- viii. Contrary to Local Plan Policy DS4;
- ix. Lack of justification of need for dwellings;
- x. No record of pre-application public meetings;
- xi. Changes to speed limits required;
- xii. Transport and access options;
- xiii. Inaccuracies and omissions within travel plan;
- xiv. Development is contrary to pre-app advice and 2021 SHELAA ;

- xv. Impact on source of the river;
- xvi. Lack of facilities to support more housing;
- xvii. Reliance on car/motorised vehicles to access surgery;
- xviii. Cumulative extensions to Tetbury's boundaries;
- xix. Conflict with Neighbourhood Plan;
- xx. Flooding issues;
- xxi. Site is in an unsustainable/inaccessible location outside of town centre;
- xxii. Overdevelopment of this part of the town;
- xxiii. Disruption to local residents from increase in traffic, bottlenecks and pollution;
- xxiv. Impact on Worwell water source and a Ground Water Source Protection Zone;
- xxv. Lack of aesthetic character of dwellings;
- xxvi. Inadequate parking provision;
- xxvii. Implications of the inconsistent narratives and background to the development;
- xxviii. Lack of prior public consultation;
- xxix. False narratives created by press release;
- xxx. Lack of exploration of alternative sites for the surgery;
- xxxi. Opportunities at Tetbury Hospital site;

8.2 One-hundred and twenty one (06/03) third party representation have been received offering support on the grounds of:

- i. Contribution towards Local Plans identified housing need;
- ii. Development would satisfy strategic need for a healthcare centre;
- iii. Sustainability of the location;
- iv. Compliance with affordable housing requirements;
- v. Limited landscape impact on the AONB;
- vi. Net gains in biodiversity;
- vii. Excellent climate credentials;
- viii. Requirements to update speed limits along Cirencester Road and London Road;
- ix. There is a need for an up-to-date doctors surgery;
- x. Precedent set by recent development;
- xi. Development boundaries are not fixed;
- xii. Development would be in keeping with the existing character;
- xiii. The design meets the functional needs;
- xiv. Inadequate alternative options;
- xv. Lack of sustainable alternative sites;

8.3 Three (15/11) general comment has also been received on the grounds of:

- i. Positive inclusion of carbon neutral buildings and porous surface treatments;
- ii. Request for adequate inspection to ensure design features are achieved;
- iii. Impact from surface water run-off;

9. Applicant's Supporting Information:

9.1 Proposed and Existing Plans; Archaeological Desk-Based Assessment; Malford Environmental Consulting Ecological Appraisal; Design and Access Statement; Flood Risk Assessment; Land Contamination Assessment; Landscape and Visual Impact Appraisal; Phase I Desk Study and Phase 2a Preliminary Ground Investigation; Proposed Foul & Surface Water Drainage Strategy; Residential Travel Plan; Statement of Community Involvement; Transport Assessment; Waste Management Plan; Waste Minimisation Statement; Workplace Travel Plan; Construction Management Plan; Renewable Energy Statement; Landscape & Ecology Management Plan; Archaeological Evaluation; Highways Technical Note; Walking, Cycling and Horse-Riding Assessment Review.

10. Officer's Assessment:

10.1 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.'

10.2 The starting point for the determination of this application is therefore the current development plan for the District which is the adopted Cotswold District Local Plan 2011 - 2031 (CDLP).

10.3 The Tetbury and Tetbury Upton Neighbourhood Development Plan 2011 - 2031 was adopted in December 2017. Section 38(3A) of the Planning and Compulsory Purchase Act 2004 states that 'for the purposes of any area in England (but subject to subsection (3B)) a neighbourhood development plan which relates to that area also forms part of the development plan'.

10.4 The policies and guidance within the revised National Planning Policy Framework (NPPF) are also a material planning consideration.

Background and Proposed Development

10.5 The application proposes a mixed use development, consisting of a healthcare facility and twenty-seven residential dwellings. The residential element would include the provision of eleven affordable dwellings.

10.6 The development would contain 3 two-bedroom dwellings, 6 three-bedroom dwellings; 14 four bedroom dwellings and 4 one-bedroom flats. Of the affordable dwellings, 3 units are proposed as First Homes, whilst 8 are proposed as Affordable Rent.

10.7 The development would primarily contain two-storey buildings, set within a sloping landscape that descends to the south. The buildings are of a gabled design, constituting a generally contemporary design approach, with elements of the vernacular.

10.8 The healthcare centre would be located along the western boundary, and would comprise a two storey gable, with single storey projecting 'wings'. The building would be of a contemporary design approach, utilising large glazed elevations.

10.9 The development would be finished in a mix of Natural and Reconstituted Stone and render to the residential element, with the healthcare centre finished in natural stone and metal cladding.

(a) Principle of Development

10.10 The application site lies within the northern part of the town of Tetbury, the second largest settlement in the District after Cirencester. Tetbury is a Principal Settlement and is considered to include the developed parts of adjacent parishes that abut, and are effectively part of, the built-up area of the town. The town has been defined by a Development Boundary within the CDLP development strategy. Development boundaries are drawn around the Principal settlements identified as a central element of delivering the Council's Development Strategy. The CDLP outlines at paragraph 6.2.2 and 6.2.3 that: *"the Development Boundaries essentially define the existing built-up areas of Principal Settlements, including sites that are under construction; and have been granted planning permission. They also include housing and employment sites proposed for development to meet the District's objectively assessed needs to 2031, including the Strategic Site."*

10.11 The site the subject of the current application lies outside of the defined Development Boundary; but adjoins it to the west. The boundary runs partially along the Cirencester Road parallel to the site frontage before leading north-west along Quercus Road. The development strategy remains up-to-date and has been supported in a number of Appeal decisions for new-build residential development adjacent to, or close to, development boundaries.

10.12 In the case of the current application, the site is located outside of the Development Boundary of the Principal settlement of Tetbury and therefore Local Plan Policy DS4 is of most relevance in terms of the residential element of the proposals. Policy DS4 deals with open market housing outside development boundaries and non-principal settlements, and states:

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

10.13 In addition to the delivery of new-build dwellings within development boundaries under policies DS1 and DS2, the supporting text for policy DS4 states that:

"Besides the provisions of paragraph 55 (the equivalent in the current NPPF is now paragraph 80) of the NPPF, which makes an exception for country houses that are truly outstanding or innovative, the Local Plan has policies that potentially allow for certain types of housing development in the countryside including:

- *affordable housing on rural exceptions sites (Policy H3);*
- *housing for rural workers (Policy H5);*
- *sites for gypsies and travellers (Policy H7);*
- *and conversion of rural buildings (Policy EC6)"*

10.14 The Tetbury and Tetbury Upton Neighbourhood Development Plan 2011 - 2031 does not set out any strategic policies relating to the location of new residential development. The Plan acknowledges that: *"The LPA is currently progressing a new Local Plan, which is due to be submitted for examination this summer. The previous Adopted Local Plan is the official Plan policies in this document have to be in general conformity with, but in order that this Plan is 'future-proofed', regard has also been paid to policies in the emerging Local Plan 2011-2031."* The Plan contains a number of policies relating to mix of dwelling types, affordable housing and townscape, which will all be considered in subsequent sections of this report.

10.15 The current application proposes the provision of a mixed use development including 27 residential dwellings, 40% of which are proposed as affordable, and a healthcare facility. It is therefore evident that the proposed residential development would not be applicable to any of the policy exceptions listed within the supporting text of DS4. The development would therefore be contrary to Local Plan Policy DS4.

10.16 The applicant contends that the *"site is not an isolated site, nor can it be considered rural as it is surrounded on two sides by development."* The developer therefore argues that the site is not located in an un-sustainable location and instead, sits on the edge of the second largest principal settlement within the District and on the edge of the settlement limits. It is therefore outlined within the applicants' supporting information that they consider the site to be sustainable and that the housing is required for a special circumstances; to support the delivery of a bespoke healthcare facility. Nevertheless, the amount of proposed housing has not been promoted by the applicant as solely enabling development.

10.17 Notwithstanding this, it is necessary to consider the application as a whole, in order to assess the balance against other relevant policies and material considerations. As well as the residential element, the application proposes a healthcare facility along the western edge of the site, adjoining Cirencester Road. The provision of this piece of infrastructure would be assessed against Local Plan policies SA1 and INF2. Notably, policy INF2 states:

"Proposals for community facilities, including open spaces, either in their own right or as a consequential requirement of development in the area will be permitted where, as appropriate, it is demonstrated that:

- a. Where associated with another development, provision is synchronised with the scale, timing/phasing and needs of the associated development;*
- b. account has been taken of existing facilities and services in the area, including the quantity and quality of provision;*
- c. the proposal is economically viable in terms of its ongoing maintenance, and there is demonstrable local need for it;*

- d. *the facility or service is well-linked and accessible to the local community by foot, bicycle or public transport both at present and having regard to development proposals of the Local Plan;*
- e. *the feasibility of multi-purpose use of the facility or service has been rigorously explored and, where possible, implemented in the proposal; and*
- f. *provision is made for the on-going management/maintenance of the facility or service."*

10.18 The supporting text to Policy INF2 outlines that " *the purpose of this policy is to make sure that as communities grow, supporting infrastructure can correspondingly grow or change whilst maintaining provision at an appropriate level*"(Paragraph 11.2.3). The policy goes on to outline that "The right location for a community facility will depend on its scale and function. Facilities that serve the day-to-day needs of a community should be located in local centres close to the communities they serve and should be fully accessible and inclusive. The location of higher-level facilities, such as leisure centres, should be accessible to all members of the community and directed to an allocated site (where the Local Plan makes such provision) or other appropriate site in an area of identified under-supply" (Paragraph 11.2.5); and that "New facilities should be located so as to minimise the need to travel by car by being safely accessible by walking, cycling and public transport. Mixed-use developments can help ensure that houses and businesses are close to services. Facilities that are flexible and provide a range of uses can also help to generate higher levels of activity as well as making more efficient and effective use of land"(Paragraph 11.2.6).

10.19 Moreover, Policy 5 of the Neighbourhood Plan outlines that when considering Protecting Identified Community Facilities, that "any replacement provision should meet or exceed the existing benefit to the community of the current facility especially with regard to safety and accessibility" and identifies a doctors' surgery as an Identified Community Facility.

10.20 It is considered that the development of the healthcare facility satisfies criterion b, c, e and f of CDLP Policy INF2 with their being an identified need. The business case for the new facility was accepted on 17/04/2023, further demonstrating the viability of the facility and the facility would incorporate complementary uses including a pharmacy, dispensary and training rooms. The sustainability of the location will be considered in subsequent sections of this report. The facility would provide an upgraded and updated level of healthcare provision, in accordance with Policy 5 of the Neighbourhood plan. The principle of the healthcare facility element of the development would therefore be supported by the policies, subject to consideration of criteria a) to f) of the policy.

10.21 In the context of the above commentary, it is therefore necessary to consider the potential public benefits of the scheme as a whole, most notably the provision of the policy compliant healthcare facility, given that there is tension between the policy support for the healthcare facility and the proposed new-build housing, which is contrary to the adopted housing strategy. Firstly, it is clear that there is an established need for a new healthcare facility within the town, as identified by Policy SAI, which acknowledges that the expansion or relocation of the existing surgery in Tetbury is a strategic infrastructure requirement for the South Cotswolds Sub-Area. As has been explained earlier in this report, this is also reflected within the Tetbury and Tetbury Upton Neighbourhood Plan 2015-2030, which outlines that: "the provision of Infrastructure including medical and educational provision will be promoted and supported wherever possible"

10.22 In response to the application, the Associate Director for NHS Gloucestershire's Integrated Care Board (GICB) has advised that *"Tetbury was identified as a key priority for GICB in a Primary Care Infrastructure Plan (PCIP), first published in 2016. The local NHS wishes to ensure the patients of Tetbury have access to the primary care facilities they need for the long term. The Local NHS has been liaising with the Practice over the last few years as it has attempted to progress plans."* The Board also advised within their comments that *"GICB knows from working with the Practice over the last seven years, it has proven to be very challenging to identify suitable and/or affordable sites with some opportunities being initially progressed but then being unable to proceed."*

10.23 It is therefore evident that the provision of a new healthcare facility in the town is a much needed piece of infrastructure. GICB and the Council's officers have been seeking to identify a potential site for a number of years for Local Plan allocation. To date, however, no such site has been forthcoming with sufficient certainty to do so.

10.24 It is outlined within the applicant's supporting information that the current facilities within the town centre are subject to a lease expiring in 2025, and that the existing facilities are otherwise outdated and in need of upgrading. Officers do not contest the narrative put forward by the applicants, which is consistent with the views of the GICB, and the Council's officers. The proposed facility would offer a bespoke, modern healthcare facility, which would meet one of the strategic infrastructure requirements for the South Cotswolds Sub-Area, and the need identified by the GICB. This would therefore constitute a significant material public benefit, that could therefore be afforded substantial weight when assessing the planning balance.

10.25 The current application site adjoining Worwell Farm offers viable and deliverable healthcare infrastructure that would meet the identified needs of the town.

10.26 When considering the weight that should be afforded to the development of the healthcare facility, it is necessary to also consider whether alternative sites have been sufficiently considered, and whether the public benefit would be otherwise achievable through a less intensive form of development. It is important and material to acknowledge that the residential aspect of this scheme has NOT been submitted or justified by the applicant as enabling development, nor has a viability case therefore been submitted. The applicant contends that Local Plan Policy DS4 contains scope for flexibility which this current scheme exercises through the sites sustainable location and surrounding context, as well as the provision of the healthcare infrastructure.

10.27 Third Party concerns have been raised that a sequential test of potential alternative sites has not been undertaken correctly. The applicant and healthcare providers have, however, entered into an exclusivity deal limiting options to this single site. Notably, a public comment has been submitted by Blue Fox Planning on behalf of Redrow Homes Limited advising of a second potential site at Hampton Street in North Tetbury, which is also noted as having been consistently identified as available within the Council's Strategic Housing and Economic Land Availability Assessment (SHELAA). The SHELAA States: *"Tetbury has a long-standing need for a new doctor's surgery. This site could potentially resolve this issue."* This site has not as yet come forward, however, and the SHELAA outlines a number of practical issues with the site, including access. This nevertheless constitutes a potential alternative that has not been fully explored. A further alternative site has been identified by officers, this being the site to the north of the Miller Homes development at Highfield Farm.

10.28 Despite these sites being potential alternatives to the current proposal, they were discounted from the sequential tests which is regrettable. The applicants instead contend that *"a total of 19 sites were investigated and only a limited number of sites brought forward were considered to be suitable. However, for many reasons, the most important factors being cost and immediate delivery, most were discounted."*

10.29 Officers are not satisfied that the sequential test has been conducted thoroughly or transparently, with the application's supporting information lacking details of the considerations made. Notwithstanding this shortcoming, the applicant and healthcare provider have entered into an exclusivity agreement. This agreement has led to a single site being progressed, and brought forward as part of the current application.

10.30 Notwithstanding this shortcoming, it is evident that other options exist and the sequential test conducted has not adequately demonstrated that this constitutes the only viable site for the proposed services. The existing facilities are, however, constrained, both in terms of the impending expiry of the current lease agreement and the outdated facilities, and the closure of the facility is likely to occur in January 2025.

10.31 Whilst it is apparent that the loss of the healthcare provision cannot be discounted as a potential outcome, this does not directly relate to the outcome of the current application. Within the GICB submission it is outlined that if the current application were not approved: *"the development of primary care facilities in Tetbury would remain a key priority. GICB would continue to work with the Practice to deliver a new surgery for Tetbury. GICB fully supports the strategy to deliver a new purpose built primary care facility for the Town. In the meantime, GICB would also work with the Practice to understand ongoing service provision. If at a future point, existing facilities were to become unavailable, GICB would work with the Practice and key stakeholders to do everything possible to put in place interim arrangements. This would undoubtedly be challenging. However, subject to finding a suitable building for refurbishment, or land for temporary accommodation, it would mean residents of the Town would continue to have access to primary care services until a long term solution was delivered."*

10.32 This narrative is further reflected within the healthcare providers website, where it is stated within the 'Frequently Asked Questions' that should the development not be built then it would *"...need to work with the Clinical Commissioning Group to try and find a solution..."*, albeit it explains that it does *"...not currently believe there is an alternative option that is satisfactory for its Patients."*

10.33 As such, when considering the weight that should be applied to the healthcare facility provision, it is evident that there is an established need that is not currently being fulfilled elsewhere. Whilst alternative sites may be available, the current scheme proposes a deliverable proposal with an agreement in place between the applicant/developer and healthcare provider for a 30 year lease of the building. It is currently the only site where an application has been forthcoming. Whilst it may be that the same provision could be accommodated elsewhere with a lesser impact on the development strategy, it is also clear that the alternative sites would also have policy difficulties, and would also lie outside of the town centre, as is the case with the current proposal.

10.34 Overall, the proposed mixed use development would result in harm to the CDLP development strategy through conflict with Policy DS4, as a result of the new-build housing element. It is, however, considered that the public benefits provided by the opportunity that

it affords to deliver the healthcare facility could, in this instance, outweigh the housing strategy harm and could therefore be acceptable, on balance, in principle. There are, however, other policy considerations that are also material to officer's overall conclusions and they are addressed in the following sections of this report

(b) Housing Mix and Affordable Housing

10.35 Local Plan Policy H1 requires that:

- "1. All housing developments will be expected to provide a suitable mix and range of housing in terms of size, type and tenure to reflect local housing need and demand in both the market and affordable housing sectors, subject to viability. Developers will be required to comply with the Nationally Described Space Standard.*
- 2. Any affordable accommodation with two or more bedrooms will be expected to be houses or bungalows unless there is a need for flats or specialist accommodation.*
- 3. Proposals of more than 20 dwellings will be expected to provide 5% of dwelling plots for sale as serviced self or custom build plots unless demand identified on the Local Planning Authority's Self-Build and Custom Register, or other relevant evidence, demonstrates that there is a higher or lower level of demand for plots.*
- 4. Starter Homes will be provided by developers in accordance with Regulations and National Policy and Guidance.*
- 5. Exception sites on land that has been in commercial or industrial use, and which has not currently been identified for residential development, will be considered for Starter Homes."*

10.36 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 40% of new dwellings gross on all non-brownfield sites as affordable. The Policy outlines that:

"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 and designed to be tenure blind and distributed in clusters across the development to be agreed with the Council. It will be expected that affordable housing will be provided on site as completed dwellings by the developer, unless an alternative contribution is agreed, such as serviced plots."

10.37 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' 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."

10.38 The application proposes a mix of open market dwellings, comprising 1, 2, 3 and 4 bed dwellings. The housing mix is considered appropriate and responds to local demand in the area. Whilst the Neighbourhood Plan outlines a demand for bungalows within the supporting

text for Policy I, it is acknowledged that this demand is below that of 'houses'. The scheme also offers 11 affordable units, meeting the 40% policy requirement. As such, it is considered that the housing mix is reasonable in this instance, despite the absence of bungalows within the development.

10.39 The tenure mix of the proposed affordable units has been subject to discussions between the applicant and officers. Notably, this is in relation to the provision of First Homes. The Planning Practice Guidance, updated December 2021, outlines that:

"A minimum of 25% of all affordable housing units secured through developer contributions should be First Homes. It is expected that First Homes (and the mechanism securing the discount in perpetuity) will be secured through section 106 planning obligations.

In accordance with paragraph 62 of the National Planning Policy Framework, affordable housing is expected to be delivered on-site unless off-site provision or a financial contribution in lieu can be robustly justified, and the agreed approach contributes to the objective of creating mixed and balanced communities.

Paragraph: 012 Reference ID: 70-012-20210524"

10.40 In response, the Council sets a policy requirement for a tenure mix of 25% First Homes, 70% Affordable Rent with the remaining 5% Affordable Home ownership (Shared Ownership, First Homes or Discount Sale); with the aim for the Affordable Rent to beat least 45% social rent. The application proposes a policy compliant affordable housing tenure mix being 25% First Homes (3 units) and 70% Affordable Rent (8 total).

10.41 Local Plan Policy H1 requires proposals of more than 20 dwellings to provide 5% of dwelling plots for sale as serviced self or custom build plots. The current scheme does not propose any self-build plots, citing site constraints relating to ground works and costs as the reason. It is therefore acknowledged that the development fails to meet this policy requirement.

10.42 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.

10.43 Overall, it is acknowledged that the proposed development would not deliver a self-built plot or a dwelling under Affordable Home Ownership. Notwithstanding this, it is acknowledged that the development would deliver a policy compliant 40% affordable housing provision, including First Homes and would otherwise provide a reasonable housing mix. 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.

(c) Proposed Design, Scale and Layout

10.44 Local Plan Policy EN1 outlines that new development will, where appropriate, promote the protection, conservation and enhancement of the historic and natural environment by:

- a. ensuring the protection and enhancement of existing natural and historic environmental assets and their settings in proportion with the significance of the asset;
- b. contributing to the provision and enhancement of multi-functional green infrastructure;
- c. addressing climate change, habitat loss and fragmentation through creating new habitats and the better management of existing habitats;
- d. seeking to improve air, soil and water quality where feasible; and
- e. ensuring design standards that complement the character of the area and the sustainable use of the development.

10.45 Local Plan Policy EN2 supports development which accords with the Cotswold Design Code and respects the character and distinctive appearance of the locality.

10.46 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.

10.47 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."

10.48 Section 12 of the NPPF requires good design, providing sustainable development and creating better place to live and work in. Paragraph 130 states decisions should ensure that development 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. Development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, which are sympathetic to local character and history maintaining a strong sense of place.

10.49 Section 14 of the NPPF addresses climate change. Paragraph 153 of the NPPF states that, 'in determining planning applications, local planning authorities should expect new development to 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. Development should also take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'

10.50 The application has been subject to a number of amendments during the course of the application, following feedback from officers. Prior to the submission of the application, commentary was also provided through pre-application advice. In response, three versions of the proposed development have been forthcoming, with amendments proposed to the materials and elevational treatments.

10.51 Contextually, the application site sits within an awkward juxtaposition between the modern estate-based built form of northern Tetbury and the wider open countryside to the east and south-east. The site itself forms an open field, set over a steep gradient that declines to the south, with the landscape opening up into a green valley to the south-east. The site is visible from the old Cirencester Road, which is acknowledged as being a principal route into the town within the Draft Tetbury Townscape and Character Assessment (TTCA), which forms part of Policy 2 of the Neighbourhood Plan. The TTCA goes on to characterise Cirencester Road as *"leafy and pleasant 19th and 20th century estates are now being enlarged with further estates of proposed dwellings along the old Cirencester Road, replacing open fields and old industrial buildings with 21st century buildings. These offer new clusters of dwellings built to higher densities and with a higher person to m2 internal space"* (Paragraph 2.2.3).

10.52 Owing to its undeveloped appearance, and its characterful gradient leading out towards the open valley beyond, the site is considered to more closely relate to the open rural character of the wider countryside surrounding the town, rather than as part of its built-up form. A Public Right of Way (Tetbury Upton Footpath 46) runs along the southern boundary of the site. The site is experienced from this point, with the path currently cutting between the steep landscape to the north and the more open fields to the south. Despite its distinctly rural character, it is important to also acknowledge the visual backdrop of the modern, housing estate to the north and west, which are currently experienced from the footpath and within the wider site.

10.53 Having regard to the proposed layout, within a rural edge-of-settlement location, officers consider it more typical to see simple straight roads reflective of functional agricultural layouts. In contrast, the current proposal is set around a rather contrived suburban 'S' bend arrangement, with an uncharacteristically deep curving road. The approach to the layout fails to reflect the site's rural context, instead replicating the layout found within the nearby housing estates. Officers encouraged the applicant to reconsider the layout, but no such amendments were forthcoming. The applicants have acknowledged that the proposed layout has been *"developed to make best use of the contours of the land and to ensure that built form will not appear as an intrusive addition in the landscape."* It is important to acknowledge the site's more urban context to the north and west. The site sits with a backdrop of modern housing estates, which have altered the context of the plot. Moreover, by virtue of the steep gradient and highways and drainage engineering requirements, it is necessary for the road to work with the slope. Whilst a more creative approach would have been preferable for the site, owing to the wider site context, and the practical limitations, the submitted design approach to the layout is considered acceptable.

10.54 There are, of course, two distinct elements to the design of the individual buildings, which comprises both the residential aspect and the proposed healthcare facility. Turning first to the residential element, the scheme has adopted a simple design approach, focussing on gabled elevations with relatively steep pitches and unfussy facades. The materials palette has been refined during the course of the application, and now proposes an unassuming mix of Cotswold Stone, reconstituted stone and cream render, creating consistent yet varied textures and finishes. The applicant was advised and encouraged through discussions that the scheme should seek to achieve a distinct architectural identity that reflects the rural, transitional character of the site.

10.55 Notwithstanding the simple, unassuming approach taken, the scheme seeks to achieve a blend between simple vernacular and contemporary elements. The contemporary aspects

include the large windows without glazing bars, the use of stone and render texture to some windows surrounds and simple canopies.

10.56 Officers consider, however, that the overall appearance and finish neither achieves a high quality contemporary design, nor a more traditional vernacular appearance. The development lacks a coherent architectural narrative, and shares a closer resemblance to the modern estate housing to the east, than a sympathetic rural vernacular scheme or a distinctly modern, contemporary addition to the town. This is similarly reflected within the street scene, which is considered to lack characterful variety of scale, form and massing. That being said, certain views work more successfully than others, and whilst there is an unfortunate repetitive monotony to certain aspects, such as Sections B-B and E-E within the submitted Street Elevations (see attached), there is a reasonable level of variation and architectural interest present, notably at the entrance and through the centre of the site.

10.57 Notwithstanding the preferred approach as recommended by officers, it is evident that there is merit in the simple design approach taken. Whilst the general design approach is unfortunate, the development would reflect, and in instances improve upon, the design approach of the adjoining modern estates. Spacing between buildings within the northern portion, the coherent application of materials and the more sympathetic treatments of the more prominent facades along Cirencester Road, and the rear elevations facing the Public Right of Way, achieve a reasonable design quality. The materials pallet is not unreasonable and would respond to the locality, subject to conditions securing final proposals and finishes.

10.58 It is also important to acknowledge that the building design achieves a high energy performance, which responds positively to the requirements of Section 14 of the NPPF, which requires development to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources; and support renewable and low carbon energy and associated infrastructure. The residential components of the scheme would be built with a 'fabric first' approach and would utilise air-source heat pumps, integrated solar-voltaics, mechanical extract ventilation and will be constructed from FSC certified timber frame. The submitted energy performance report outlines that this would achieve a total saving and reduction of 36.8%, or 20,300Kg CO₂ per annum, against standard CO₂ emissions over Approved Document Part L (ADL) of Building Regulations 2013. A large part of this energy performance reduction is achieved through the incorporation of a 'fabric first' design approach and integrated low carbon energy source, prior to the incorporation of PV panels.

10.59 Turning to the healthcare centre, the building incorporates both an aesthetic and functional requirement, with it required to meet a number of minimum standards including a Building Research Establishment Environmental Assessment Method (BREEAM) excellent rating. A BREEAM certified rating reflects the performance achieved by a project and its stakeholders, as measured against the BREEAM sustainability assessment framework and its benchmarks, including energy performance.

10.60 The proposed building incorporates a large, utilitarian appearance, incorporating a two-and-half storey glazed gable to the front, with broad, single-storey projecting wings. The result is a somewhat monolithic, industrial style building finished in metal cladding and natural stone, that does not reflect the wider character of the site. The Cotswold Design Code supports in principle the contemporary design approach taken, acknowledging that *"it is often difficult to reconcile larger buildings and the Cotswold vernacular style, as there are few traditional*

precedents, so a contemporary approach can be more suitable." Whilst the design approach is not therefore inherently objectionable, the resultant building does appear as a large, and incongruous addition to the landscape, that fails to incorporate sufficient breaks in the mass or horizontal articulation of the building. Notwithstanding this, it is acknowledged that the building is required to incorporate a minimum level of facilities, which is reflected in the internal layouts. The majority of the building's accommodation is provided at ground floor, with first floor accommodation minimised to the central gable and thus, resulting in an overall lower form of built profile. It is also acknowledged that the building achieves a BREEAM rating of excellent, and would constitute valuable local healthcare infrastructure. Whilst the design is somewhat unsympathetic within its landscape, it would achieve a building that meets the functional requirements of the healthcare infrastructure. Additionally, the building would be of a high energy performance and would provide space for a mix of uses, including a pharmacy, dispensary and training rooms.

10.61 Overall, it is considered that the design of the proposed development is acceptable, on balance. Whilst the residential aspect lacks a contextually sympathetic layout and clear architectural distinction, it offers a simple form of development that would reflect, and improve upon, the design approach of the adjoining modern estates. Both the residential and healthcare elements would be of a high energy performance and would make use of carbon reducing technologies and renewable energies, which also constitutes a material public benefit of the development. As such, the design, scale and layout are considered, on balance, acceptable.

(d) Impact on the setting of the Tetbury Conservation Area

10.62 The site lies outside, but within the setting of, the Tetbury Conservation Area, wherein the Local Planning Authority is statutorily obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the area, in accordance with Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

10.63 Local Plan Policy EN11 states that development proposals, including demolition, that would affect Conservation Areas and their settings, will be permitted provided they 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. Development in conservation areas will not result in 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.

10.64 Section 16 of the NPPF (2018) seeks to conserve and enhance the historic environment and is consistent with Policies EN10 and EN11.

10.65 The application site lies around 0.7km north of the Tetbury Conservation Area, which terminates to the south-west along Cirencester Road. Whilst the site lies within significant separation from the heritage asset, it nevertheless contributes to the rural approach to the town, and Conservation Area, and therefore contributes toward its setting.

10.66 The proposed development would result in the development of the currently open green space, leading to the suburbanisation of the currently rural character of the road, reducing the retained open space to more of a 'gap' in development as oppose to a rural

frontage. The development would therefore erode the rural character of the approach to the Conservation Area, harming its setting.

10.67 Whilst harm to the designated heritage asset has been identified, there are a number of mitigating circumstances that must be considered. Whilst lying on the approach to the heritage asset, the level of separation does provide some mitigation, in terms of receptors where any harm would be perceived and experienced from. Moreover, it is noted that development already existing to the north and west of the site. Whilst the presence of existing harmful development does not justify further harmful development, it nevertheless contributes towards the existing, partially suburban context of the site.

10.68 When considering the level of harm resulting from the further development and erosion of rural character, it is considered the harm would fall within the category of 'less than substantial'. Paragraph 202 outlines that:

"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."

10.69 The development would result in the provision of a healthcare facility, which is an established need within the town, as was previously established. As well as the healthcare facility, the development would also provide policy compliant affordable housing, buildings of a high energy performance responding to the Climate Crisis, ecological enhancements and; footpath and pedestrian connectivity improvements.

10.70 It is therefore considered that the proposed development would result in less than substantial harm to the setting of the Tetbury Conservation Area, however; in accordance with Paragraph 202 of the NPPF the harm would be outweighed by the public benefits of the proposal.

(e) Impact on the Cotswolds Area of Outstanding Natural Beauty

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

10.72 Local Plan Policy EN5 relates specifically to the Cotswolds AONB, and states that in determining development proposals within the AONB, or its setting, the conservation and enhancement of the natural beauty of the landscape, its character and special qualities will be given great weight.

10.73 Section 15 of the NPPF seeks to conserve and enhance the natural environment. More specifically Paragraph 176 states Great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty (amongst other sensitive areas), which have the highest status of protection in relation to these issues.

10.74 The site is situated within Landscape Character Type (LCT) '11A Dip-slope Lowland: South and Mid Cotswolds Lowlands' as defined in Cotswold Conservation Board's 'Landscape Character Assessment' and 'Landscape and Strategy Guidelines'. The Councils Landscape Officers has advised that key characteristics of this LCT include a broad area of gently sloping,

undulating lowland with a predominantly south-easterly fall, gently dissected by infrequent small watercourses.

10.75 The application proposes major development, as defined by footnote 60 of the NPPF, within the AONB. Footnote 60 outlines that *for the purposes of paragraphs 176 and 177, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.*"

10.76 As a result, paragraph 177 of the NPPF is engaged, which states:

"When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

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

10.77 The application proposes a mixed use development, including a healthcare facility. As has been established within previous sections, the provision of new or upgraded healthcare infrastructure remains a priority within Tetbury, as outlined within CDLP Policy SA1, Neighbourhood Development Plan Policy 5 and the GICB representation in response to the application. The delivery of this infrastructure is considered to constitute an exceptional circumstance. With regard to the criterion of paragraph 177, the development would support the local economy, achieving needed infrastructure to support the growth and development of the town. Owing to the current nature of new-build healthcare delivery and commissioning, it is necessary for such developments to be developer led. Additionally, the entirety of Tetbury lies within the AONB and as such, any provision of a healthcare centre would need to be located within the designated area. Finally, the development would incorporate green infrastructure, ecological enhancements and landscape planting. The development would also preserve the public footpath to the south of the site. It is therefore considered that the proposed development would meet the requirements of paragraph 177 and major development is not objectionable in principle.

10.78 With regard to the landscaping scheme itself, a Landscape and Visual Impact Assessment (LVIA) has been submitted and highlights the high sensitivity of this nationally valued AONB landscape. The LVIA acknowledges that the open agricultural character of the field would be lost and replaced with urban built form which would cause harm to the scenic and rural character of the AONB. When considering the level of harm caused, it is necessary to consider the site context, which contains existing development to the north and west. The development would not therefore appear as a protrusion from the settlement edge and entirely incongruent, thus lessening any harm.

10.79 Additional planting on the boundaries would be an enhancement to the landscape character and would reinforce the historic field pattern present within the area, and the amendments to the footpath would be uncontentious.

10.80 Whilst mitigation measures would therefore soften the harm caused, the development would nevertheless result in the loss of an open, rural space and would erode the transitional, edge-of-settlement qualities of this part of the town. The development would therefore result in landscape and visual harm to the special qualities of the AONB.

(f) Impact on Residential Amenity

10.81 Local Plan Policy EN2 refers to The Design Code (Appendix D) which sets out policy with regard to residential amenity. This expects proposals to respect amenity in regards to garden space, privacy, daylight and overbearing effect. Section 12 of the NPPF requires good design with a high standard of amenity for existing and future users.

10.82 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.

10.83 Additionally, each dwelling would be provided with an appropriate level of private outdoor garden space, commensurate with the size of the dwellings proposed. The development would therefore meet the requirements of the Cotswold Design Code. The proposed dwellings would 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, also contained with the Design Code.

10.84 The level of separation between windows, both proposed and existing, would exceed 22m, and would therefore be in accordance with the requirements set within the Design Code for facing windows. It is therefore considered that the proposed development can be undertaken without having an adverse impact on privacy.

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

(g) Biodiversity and Geodiversity

10.86 Local Plan Policy EN8 outlines that development will be permitted that conserves and enhances biodiversity and geodiversity, providing net gains where possible. Furthermore, it outlines that proposals that would result in the loss or deterioration of irreplaceable habitats and resources, or which are likely to have an adverse effect on internationally protected species, will not be permitted.

10.87 Section 15 of the NPPF also outlines that development should conserve and where possible enhance biodiversity and geodiversity and should not result in the loss or deterioration of irreplaceable habitats and resources.

10.88 The application has been submitted with an Ecological Appraisal and Landscape & Ecology Management Plan. The reports confirm that the site supports a small population of

reptiles (slow worms), suitable navigational corridors and foraging habitat for bats, suitable habitat for nesting birds and an off-site pond located approximately 200m from the proposed site that supports breeding great crested newts. The development proposes mitigation which is the Council's Biodiversity Officer considers to be appropriate.

10.89 With regards to ecological enhancements, as required by paragraphs 174, 179 and 180 of the National Planning Policy Framework and Local Plan policy EN8, the applicant has submitted a biodiversity net gain metric. The metric demonstrates that the scheme will provide new habitat features including tree planting and a comprehensive landscape and ecological management plan has been submitted demonstrating measures that will be implemented to secure long-term benefits for biodiversity.

10.90 Overall, it is considered that subject to conditions and compliance with the submitted reports, the proposed development would secure an appropriate level of ecological mitigation an enhancement in accordance with Local Plan Policy EN8 and Section 15 of the NPPF.

(h) Highways Safety

10.91 Local Plan Policy INF4 states that development will be permitted that provides safe and suitable access and has regard, where appropriate, to the Manual for Gloucester Streets.

10.92 Section 9 of the NPPF promotes sustainable transport. Paragraph 110 of the NPPF states that in applications for development, it should be ensured that:

- (a) appropriate opportunities to promote sustainable transport modes can be - or have been taken up, given the type of development and its location;
- (b) safe and suitable access to the site can be achieved for all users; and
- (c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and
- (d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

10.93 The application proposes a mixed use development, comprising of a healthcare facility and twenty-seven residential dwellings. The development is therefore required to accommodate the transport needs of both residential and commercial uses.

10.94 In terms of sustainability, concerns have been raised by the Local Highways Authority regarding the suitability of the location for the healthcare facility. The development would be on the outskirts of the town, and outside of the town centre. Concerns have been raised regarding access to sustainable transport modes when accessing the medical facility. Whilst EV charging facilities and cycle storage is proposed, the existing footpaths along Cirencester Road are considered to be sub-standard and poorly lit, and the bus stop lies more than 500m away.

10.95 In response to concerns, the applicants have proposed financial contributions towards footpath improvements, and to relocate the bus stop to be within closer vicinity to the

healthcare facility. It is acknowledged that adjoining roads through the new developments are not adopted, however; this does not prevent pedestrians and cyclists using the existing road and footpaths to access the proposed facility. It is also of note that, owing to the required 0.4 hectares of land required for the proposed healthcare facility, any potential site is likely to be outside of the town centre, and may have similar access concerns.

10.96 The proposed development would offer enhancements to the existing footpath, the adoption of a new footpath and the relocation of an existing bus stop. These alterations would all promote sustainable transport modes for the healthcare facility, with contributions secured through S106 agreement, subject to the confirmation of the Local Highways Authority that the contributions are sufficient to address the concerns raised.

10.97 With regard to highways and pedestrian safety, the proposed access and internal layout would see a new vehicle access would be created from Cirencester Road to serve the site. The layout details of the access are considered to be suitable and would provide visibility splays from the access junction in accordance with Manual for Streets guidance and commensurate with vehicle speeds that have been derived from traffic survey. Pedestrian access would be made from Cirencester Road in the south western corner of the site, where there would be a pedestrian crossing facility. A 2m wide footway would be provided from the access point, routeing within the site to link to the medical centre. The footway has been offered for highways adoption and is designed to appropriate minimum standards. The proposed internal road layout of the development is considered to be acceptable and is demonstrated to be suitable to accommodate the turning movements of a service vehicle.

10.98 Overall, it is considered that, subject to securing appropriate contributions to enhance the existing local infrastructure to be agreed with the Local Highways Authority via legal agreement, which would also offer a modest public benefit for nearby residents, the development would be in accordance with Local Plan Policies INF3 and INF4 and Section 9 of the NPPF.

(i) Flood Risk

10.99 Local Plan Policy EN14 states that 'the design and layout of development proposals will take account of flood risk management and climate change and will include, unless demonstrably inappropriate, a Sustainable Drainage System (SuDS)'.

10.100 Paragraph 159 of the NPPF states that 'inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.'

10.101 The application has been submitted with a Flood Risk Assessment, demonstrating that the site is in Flood Zone 1 and is at low risk of surface water flooding. The application has also been submitted with a Foul and Surface Water Drainage Strategy. The strategy outlines that, where space is permitting, soakaways for the housing will be in the gardens of each property with some shared soakaways within shared spaces. The GP surgery and its car park will discharge to soakaways beneath the car park and the highway drainage will be stored in a culvert beneath the road. The drained design approach is reasonable and infiltration tests have demonstrated that a relatively low rate would be possible, which is acceptable. Climate change

has been incorporated into the design at a value of 45%, which is in line with the latest Environment Agency estimates for the area.

10.102 The submission of a subsequent Technical Design Note also confirms that the proposed oil interceptor will adequately manage water quality, clarifies the maintenance arrangements and provides an exceedance flow route plan.

10.103 The Lead Local Flood Authority have not raised an objection to the proposed development, subject to conditions.

Other Matters

10.104 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.

10.105 A geophysical survey report was submitted with the application which identified features of possible archaeological interest within the proposed development site. This included possible ditches and pits likely to be a continuation of a Middle Iron Age pit and Romano British ditches uncovered during excavations northwest of the site. A Written Scheme of Investigation for archaeological trial trench evaluation was subsequently approved and the results of the investigation submitted. An Archaeological Evaluation was submitted and deemed acceptable, subject to conditions, by the County Councils Archaeologist.

11. Conclusion:

11.1 The application proposes a mixed use development, comprising of a healthcare facility and twenty-seven residential units, including 40% as affordable dwellings. The residential development would, in principle, be contrary to the development strategy as outlined within the Cotswold District Local Plan. Moreover, the development would result in less the substantial harm to the setting of the conservation area, and harm to the special qualities of the Cotswold Area of Outstanding Natural Beauty.

11.2 Notwithstanding these concerns, the development proposed would ensure the viable delivery of a much needed healthcare facility for the town and its adjoining communities, which itself would be policy compliant. Whilst the healthcare facility is not considered, in and of itself, to outweigh the harm identified within this report, the development would also achieve a policy compliant level of affordable housing, including 25% First Homes, high energy performance in all buildings, ecological enhancements and improvements to the nearby footpaths.

11.3 Although the Committee may, of course, reach a different conclusion and feel that the public benefits do not outweigh the harm explained in this report, when considered in its entirety, officers have concluded that the material benefits of the scheme in this specific and exceptional instance are therefore considered, on balance, to outweigh the harm identified.

11.4 As such, the development is recommended for permission, subject to the final conclusion of the outstanding issues including the completion of the related S106 legal agreement.

12. Proposed Conditions:

1. The development shall be started within 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 permitted shall be implemented in strict accordance with the following approved plans: The Location Plan (Drawing No. 001); Proposed Surgery Site Plan (Drawing No. 22632-100 REV 03); Proposed Surgery Floor Plans (Drawing No. 22632-200); Proposed Surgery Elevations (Drawing No. 22632-300 REV 02); Proposed Surgery Elevations (Drawing No. 22632-301 REV 02); Site Layout (Drawing No. PL01/ A); Floor Plans Plots 12,13,14 and 15 (Drawing No. PL10/ A); HT1 Elevations (Drawing No. PL11 REV B); Floor Plans Plots 4,5 and 6 (Drawing No. PL12/ A); HT2 Elevations (Drawing No. PL13 REV B); Floor Plans Plots 7 and 8 (Drawing No. PL14/ A); HT3A Elevations (Drawing No. PL15 REV B); Floor Plans Plots 16 and 17 (Drawing No. PL16/ A); HT3B Elevations (Drawing No. PL17 REV B); HT6 Floor Plans (Drawing No. PL18 REV B); HT6 Elevations (Drawing No. PL19 REV C); Floor Plans Plots 9 and 10 (Drawing No. PL20/ A); HT8 Elevations (Drawing No. PL21 REV B); Floor Plans Plots 1,3,18 and 2 (Drawing No. PL22/ A); HT12A Elevations (Drawing No. PL23 REV B); HT12A Elevations (Drawing No. PL24 REV B); HT12B Elevations (Drawing No. PL25 REV B); HT11 Floor Plans (Drawing No. PL26 REV C); HT11 Elevations (Drawing No. PL27 REV C); Elevations Sheet 2 (Drawing No. PL28/ A); Single Garage Plans and Elevations (Drawing No. PL29 REV B); Garage Plans and Elevations (Drawing No. PL30 REV B); Street Elevations Sheet 1 (Drawing No. PL31 REV B); Street Elevations Sheet 2 (Drawing No. PL32 REV B); HT12B Elevations (Drawing No. PL33 REV B); Hard Landscape Layout (Drawing No. 350 REV P06); Tree and Hedgerow Layout (Drawing No. 351 REV P07); Soft Landscape Layout (Drawing No. 352 REV P06); Boundary Treatment Layout (Drawing No. 353 REV P05); Materials Layout (Drawing No. 354 REV P01).

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

3. Prior to the occupation of the twentieth dwelling on site, the healthcare facility shall be completed and made available for occupation.

Reason: In order to ensure the development is synchronised with the timing of the residential development and needs of the facility in accordance with Local Plan Policy INF2, and that the material public benefit is brought forward.

4. Prior to the construction of any external wall of any dwelling 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.

5. Prior to the construction of any external wall of any healthcare facility 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.

6. Prior to the construction of any external wall of the dwellings 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.

7. Prior to the construction of any external wall of the healthcare facility 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.

8. Prior to the first occupation of the dwellings 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.

9. 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 dwellings of 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.

10. No windows and doors, eaves, verges, or rooflights shall be installed/inserted/constructed in the healthcare centre of 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.

11. Prior to the occupancy of each dwelling and the healthcare facility hereby permitted, each building shall be constructed in accordance with the submitted 'Energy Strategy Report' by Stonewood Homes.

Reason: To ensure a form of development that delivers high energy conservation performance, having regard to Local Plan Policy EN2 and the provisions of the NPPF.

12. No construction, demolition works or deliveries shall be undertaken on the site before 0800 on weekdays and 0900 on Saturdays, nor after 1800 on weekdays and 1300 on Saturdays, nor at any time on Sundays or Bank Holidays.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Cotswold District Council Local Plan Policy EN15.

13. 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;**
- **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.

14. Prior to the first occupation or operational use of any part of the development hereby permitted, the access, parking and turning facilities shall have been provided as shown on the approved drawings.

Reason: In the interests of highway safety.

15. Prior to the first occupation or operational use of any part of the development hereby approved, sheltered, secure and accessible bicycle parking complying with the Manual for Gloucestershire Streets shall have been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The parking facilities shall be maintained for this purpose thereafter.

Reason: To promote sustainable travel and healthy communities

16. Prior to the first operational use of the medical centre hereby permitted, the associated car parking, including the electric vehicle infrastructure, shall be provided in accordance with the approved drawings. The electric vehicle charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851, and Manual for Gloucestershire Streets. The charging points installed shall be retained thereafter unless replaced or upgraded to an equal or higher specification.

Reason: To promote sustainable travel and healthy communities.

17. No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a 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.

Reason: To ensure any contamination of the site is identified and appropriately remediated and the environment is protected.

18. 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 with evidence 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 and the environment is protected.

19. No part of the development hereby approved shall commence (including demolition, ground works and vegetation clearance) until a revised Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include, but not necessarily be limited to, the following:

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

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

Reason: To ensure that protected and priority species and priority habitats are safeguarded in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), The Hedgerow Regulations 1997, 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.

20. No below or above ground development shall commence until a detailed site waste management plan or equivalent has been submitted to and approved in writing by the local planning authority. The detailed site waste management plan must identify: - the specific types and amount of waste materials forecast to be generated from the development during site preparation & demolition and construction phases; and the specific measures will be employed for dealing with this material so as to: - minimise its creation, maximise the amount of re-use and recycling on-site; maximise the amount of off-site recycling of any wastes that are unusable on-site; and reduce the overall amount of waste sent to landfill. In addition, the detailed site waste management plan must also set out the proposed proportions of recycled content that will be used in construction materials. The detailed site waste management plan shall be fully implemented as approved unless the local planning authority gives prior written permission for any variation.

Reason: To ensure the effective implementation of waste minimisation and resource efficiency measures in accordance with adopted Gloucestershire Waste Core Strategy: Core Policy WCS2 - Waste Reduction and adopted Minerals Local Plan for Gloucestershire Policy SR01.

21. No above-ground development shall commence until full details of the provision made for facilitating the management and recycling of waste generated during occupation have been submitted to and approved in writing by the local planning authority. This must include details of the appropriate and adequate space and infrastructure to allow for the separate storage of recyclable waste materials. The management of waste during occupation must be aligned with the principles of the waste hierarchy and not prejudice the local collection authority's ability to meet its waste management targets. All details shall be fully implemented as approved unless the local planning authority gives prior written permission for any variation.

Reason: To ensure the effective implementation of waste minimisation and resource efficiency measures in accordance with adopted Gloucestershire Waste Core Strategy: Core Policy WCS2 - Waste Reduction.

22. No development shall be brought in to use/occupied until a SuDS management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime, has been submitted to and approved in writing by the Local Planning Authority. The approved SUDS maintenance plan shall be implemented in full in accordance with the agreed terms and conditions.

Reason: To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding.

23. 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.

24. The entire landscaping scheme shall be completed by the end of the first full planting season (1st October to the 31st March the following year) immediately following the first occupation of the development hereby permitted.

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 EN2.

25. 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.

26. The development shall be completed in accordance with the following documents and drawings as submitted with the planning application:

- Section 7, Appendix F and Appendix B of the consultancy report (Ecological Appraisal, Malford Environmental Consulting, dated 27th September 2022)
- Soft Landscape Layout (Drawing No. 352 REV P06)
- Tree and Hedgerow Layout (Drawing No. 351 REV P07)
- Site Layout (Drawing No. PL01/ A)
- Landscape & Ecology Management Plan, prepared by APG, dated 1st November 2022;
- Ecological Appraisal Addendum, prepared by Malford Environmental Consulting, dated 5th April 2023.

All the recommendations shall be implemented in full, unless otherwise agreed in writing by the LPA, and thereafter permanently retained.

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

27. Prior to the installation of external lighting for the development hereby approved, a lighting design strategy for biodiversity shall be submitted to and approved by the Local Planning Authority. The strategy will:

- a) identify the areas/features on site that are particularly sensitive for foraging bats;
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their commuter route.

All external lighting shall be installed only in accordance with the specifications and locations set out in the strategy.

Reason: To protect nocturnal species 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.

28. No development including demolition, site clearance, materials delivery or erection of site buildings, shall start on the site until measures to protect trees/hedgerows on and adjacent to the site have been installed in accordance with details that have been submitted to and approved in writing by the local planning authority.

These measures shall include:

1. Temporary fencing for the protection of all retained trees/hedgerows on and adjacent to the site whose Root Protection Areas (RPA) fall within the site to be erected in accordance with BS 5837(2012) or subsequent revisions (Trees in Relation to Design, Demolition and Construction). Any alternative fencing type or position not strictly in accordance with BS 5837 (2012) shall be agreed in writing by the local planning authority prior to the start of development. The RPA is defined in BS5837(2012).

2. Construction Exclusion Zone (CEZ): The area around trees and hedgerows enclosed on site by protective fencing shall be deemed the CEZ. Excavations of any kind, alterations in soil levels, storage of any materials, soil, equipment, fuel, machinery or plant, site compounds, cabins or other temporary buildings, vehicle parking and delivery areas, fires and any other activities liable to be harmful to trees and hedgerows are prohibited within the CEZ, unless agreed in writing with the local planning authority.

The approved tree protection measures shall remain in place until the completion of development or unless otherwise agreed in writing with the local planning authority.

Reason: To ensure adequate protection measures for existing trees/hedgerows to be retained, in the interests of visual amenity and the character and appearance of the area.

29. Prior to any excavations or surface treatments within the root protection areas (RPA) of retained trees and hedgerows, full details shall be submitted to and approved in writing by the local planning authority before any development starts. The RPA is defined in BS5837:2012. Details shall include the proposed locations of excavations and/or surface treatments, proposed methods & specifications of excavations and/or surface treatments and any post excavation remedial works. All excavations or surface treatments shall be carried out in accordance with the approved details.

Reason: To ensure adequate protection measures for existing trees/hedgerows to be retained, in the interests of visual amenity and the character and appearance of the area.

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

All planting shall be carried out in accordance with the approved details in the first planting season following the completion or first occupation/use of the development, whichever is the sooner. The planting shall be maintained in accordance with the approved schedule of maintenance. Any trees or plants which, within a period of five years from the completion of the planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

31. Notwithstanding the provisions of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or the equivalent to that Class in any statutory instrument amending or replacing the 1987 Order or any other change of use permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015; the approved healthcare facility as identified on Site Layout (Drawing No. PL01/ A), shall be used only for use as a healthcare facility and GP surgery and for no other purpose.

Reason: It is essential that the Local Planning Authority retains control over the use of the development in accordance with Cotswold District Local Plan Policies SA1 and INF2.

32. The healthcare facility hereby approved shall be completed and made available for occupation within three years of the commencement of development on site.

Reason: In order to ensure the development is synchronised with the timing of the residential development and needs of the facility in accordance with Local Plan Policy INF2, and that the material public benefit is brought forward.

33. No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

Reason: It is important to agree a programme of archaeological work in advance of the commencement of development, so as to make provision for the investigation and recording of any archaeological remains that may be destroyed by ground works required for the scheme. The archaeological programme will advance understanding of any heritage assets which will be lost, in accordance with paragraph 205 of the National Planning Policy Framework

34. Prior to the first occupation or operational use of any part of the development hereby permitted, visibility splays shall have been provided from a point 0.6m above carriageway level at the centre of the principal access to the

application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 76.8 metres towards the northeast and 86.4 metres towards the southwest measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6 metres from the edge of the carriageway. 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.

35. Prior to the commencement of any part of the development hereby permitted, drawings of the prescribed off-site highway improvements and site access works shall be submitted to and approved in writing by the Local Planning Authority; and no part of the development shall be first occupied or brought into operational use until those works have been constructed in accordance with the approved details.

Prescribed Works

- A** The principal site access including footway provisions around the access junction and extending to a point approximately 25 metres northwest with an informal pedestrian crossing point.
- B** Footway connection to the existing footway infrastructure on Old Ilsom Farm Road
- C** Vehicle access on Cirencester Road from Wormwell Farm
- D** Pedestrian crossing point on Cirencester Road near to the junction with Jasmine Gardens
- E** Two bus stops on Cirencester Road in the vicinity of the development site, the southbound stop to comprise a pole, flag, information case, hard standing and shelter with seats and carriageway box marking, and the northbound stop to comprise a pole, flag, information case and hard standing and carriageway box marking.
- F** Footway connections and informal pedestrian crossing point associated with the bus stop provision
- G** Improvements to the width and surfacing of the existing footway on the west side of Cirencester Road

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

36. Prior to the first occupation of any dwelling hereby permitted, the residential car parking shall have been provided to comply with the Manual for Gloucestershire Streets and in accordance with the approved drawings.

Reason: In the interests of highway safety.

37. Prior to the commencement of any part of the development hereby permitted, drawings detailing the extents of all carriageways and footways

proposed to become adopted as public highway shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of all users of the development.

38. No commercial deliveries to the medical centre shall be permitted to occur during the opening hours of the centre.

Reason: In the interests of safety of the users of the centre

39. The Residential Travel Plan hereby approved shall be implemented and monitored in accordance with the regime contained within the Plan. In the event of failing to meet the targets within the Plan, a revised Plan shall be submitted to and approved in writing by the Local Planning Authority to address any shortfalls, and where necessary make provision for and promote improved sustainable forms of access to and from the site. The Plan thereafter shall be implemented and updated in agreement with the Local Planning Authority and thereafter implemented as amended.

Reason: To reduce vehicle movements and promote sustainable access.

40. The Workplace Travel Plan hereby approved shall be implemented and monitored in accordance with the regime contained within the Plan. In the event of failing to meet the targets within the Plan a revised Plan shall be submitted to and approved in writing by the Local Planning Authority to address any shortfalls, and where necessary make provision for and promote improved sustainable forms of access to and from the site. The Plan thereafter shall be implemented and updated in agreement with the Local Planning Authority and thereafter implemented as amended.

Reason: To reduce vehicle movements and promote sustainable access.

Informatives:

Works on the Public Highway

The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out.

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

- **Drafting the Agreement**
- **A Monitoring Fee**
- **Approving the highway details**

- Inspecting the highway works

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

Highway to be adopted

The development hereby approved includes the construction of new highway. To be considered for adoption and ongoing maintenance at the public expense it must be constructed to the Highway Authority's standards and terms for the phasing of the development. You are advised that you must enter into a highway agreement under Section 38 of the Highways Act 1980. The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980.

Contact the Highway Authority's Legal Agreements Development Management Team at highwaylegalagreements@gloucestershire.gov.uk. You will be required to pay fees to cover the Councils cost's in undertaking the following actions:

- Drafting the Agreement
- Set up costs
- Approving the highway details
- Inspecting the highway works

You should enter into discussions with statutory undertakers as soon as possible to co-ordinate the laying of services under any new highways to be adopted by the Highway Authority.

The Highway Authority's technical approval inspection fees must be paid before any drawings will be considered and approved. Once technical approval has been granted a Highway Agreement under Section 38 of the Highways Act 1980 must be completed and the bond secured.

Street Trees

All new streets must be tree lines 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.

Public Right of Way Impacted

There is a public right of way affected by the proposed development. The applicant will be required to contact the PROW team to arrange for an official diversion, if the applicant cannot guarantee the safety of the path users during the

construction phase then they must apply to the **PROW** department on 08000 514514 or highways@gloucestershire.gov.uk to arrange a temporary closure of the right of way for the duration of any works.

We advise you to seek your own independent legal advice on the use of the public right of way for vehicular traffic.

The site is traversed by a public right of way and this permission does not authorise additional use by motor vehicles, or obstruction, or diversion.

Access Via Public Right of Way

Access to the site is via a public right of way and the applicant's attention is drawn to the restrictions imposed by Section 34 of The Road Traffic Act, 1988, regarding the driving of motor vehicles over public footpaths/bridleways.

Impact on the highway network during construction

The development hereby approved and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authorities Network Management Team at Network&TrafficManagement@gloucestershire.gov.uk before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.