



Appeal Decision

Hearing held on 5 July 2017

Site visits made on the 25 April and the 5 July 2017

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 August 2017

Appeal Ref: APP/F1610/W/17/3167827

Land adjacent to Berkeley Close, South Cerney, Glos, GL7 5UN.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Gladman Developments Ltd. against the decision of Cotswold District Council.
 - The application Ref. 16/02598/OUT, dated 24 June 2016, was refused by notice dated 21 December 2016.
 - The development proposed is residential development up to 92 dwellings including up to 50% affordable housing, demolition of the existing garages, landscaping, informal public space, surface water flood mitigation and attenuation, vehicular access from Berkeley Close and associated ancillary works.
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Decision

1. The appeal is allowed and outline planning permission is granted for residential development up to 92 dwellings including up to 50% affordable housing, demolition of the existing garages, landscaping, informal public space, surface water flood mitigation and attenuation, vehicular access from Berkeley Close and associated ancillary works, at land adjacent to Berkeley Close, South Cerney, Glos, GL7 5UN, in accordance with the terms of the application, Ref. 16/02598/OUT, dated 24 June 2016, and the plans submitted with it, as amended, subject to the conditions set out in the attached Schedule.

Application for costs

2. An application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.

Preliminary matters

3. The application is in outline format with all detailed matters other than the access to the site reserved for subsequent consideration.
4. The appeal was scheduled to be determined by the written representations procedure but following my assessment of the representations made and the evidence submitted, particularly about the issue regarding the risk of flooding, a Hearing was held so that this evidence could be discussed and appraised.
5. A Planning Obligation made under section 106 of the Act, dated 18 April 2017 and signed by the land owners, Bromford Housing Association and the appellant company, has been submitted with the appeal documents. In this, the appellant company and owners of the land covenant to make provision for

affordable housing and make financial contributions towards the provision of library facilities, playschool and school facilities and the transfer and management of open space, should permission be granted for the development and it be commenced on site. I have had regard to the Obligation as a material consideration subject to my comments in paragraphs 37-39 below.

Main Issues

6. The main issues are:

- Whether the development accords with the strategy in the development plan;
- The effect of the scale of the development proposed on the character and appearance of the area;
- The effect of the proposed residential development on flood risk.

7. The local community also raises objections to the development in respect of: the effect of additional traffic on highway and pedestrian safety, congestion and the flow of traffic.

Reasons

Background

8. The site forms part of a larger arable field which lies on the south-western edge of the village of South Cerney. The site lies to the west of existing residential properties fronting Berkeley Close; to the south of Ann Edwards County Primary School; and to the north of the Lakeside Business Park where a public footpath runs along an intervening belt of landscaping. The western edge of the larger field is bounded by the Shire Ditch, a local water course (and referred to sometimes as the Cerney Wick Beck), whereas the River Churn flows through the north of the village and is a tributary to the River Thames. The village is partly enclosed by substantial lakes to the south arising from former gravel workings, but the appeal site and surrounding land does not have any special landscape or heritage designation.
9. It is proposed in outline to develop up to 92 dwellings on the site of which up to 50% would be affordable housing. The access to the site is to be considered at this outline stage and it is proposed to be obtained from Berkeley Close by the demolition of two blocks of about 20 garages in total.

Policy context and housing land supply

10. The development plan for the area includes saved policies in the Cotswold District Local Plan (2001-2011) adopted in 2006. The Council is also preparing a new Cotswold Local Plan which at the time of the Hearing is about to be examined and the objections to it considered. The main parties agree that only very limited weight can be given to the provisions of this plan at this stage in the plan-making process and I concur.
11. From the officer's report to the planning committee it is clear that in recent years the Council's ability to demonstrate a five year supply of new housing sites in accordance with paragraph 47 of the Framework has varied. The Council refers to appeal cases where the Inspectors had concluded that the policy of restraint on housing development outside of defined settlement

boundaries put forward in the adopted plan had to be regarded as 'out of date'. In particular, Inspectors had attached reduced weight to the adopted plan as it preceded the National Planning Policy Framework; the new housing development proposed is now 'spent' as it has been implemented; and the level of development put forward did not match the Framework's requirement to meet the current full objectively assessed housing need in order to facilitate sustainable development and significantly boost the supply of housing as set out in paragraph 47.

12. Now, as a result of decisions made on individual planning applications and appeals, the Council advises that it can demonstrate in excess of a 7 year supply of deliverable housing sites and this figure is not disputed by the appellant. Accordingly, on this basis I find that the provisions of paragraph 49 of the Framework are not engaged in this case.
13. Nevertheless, while there is evidence of the supply side, it appears to me that it has not been demonstrated that the overall housing need is being met at the moment or in the near future, pending the examination and adoption of the emerging Local Plan. Therefore, only moderate weight can be placed on the provisions of the adopted Local Plan Policy 19, which restricts new build open market development outside of settlement boundaries, as this places a restriction on housing supply and it has not been shown to be consistent with the present aim of paragraph 47 of the Framework and the overall intention to significantly boost the supply of housing and achieve sustainable development.
14. As such, Policy 19 of the adopted Local Plan is acknowledged by the main parties to be out-of-date the provisions of the final bullet point of Paragraph 14 apply in this case to the weighing up of material considerations in the planning balance. Nevertheless, within this, Footnote 9 of paragraph 14 emphasises that regard has to be given to policies in the Framework which indicate that development should be restricted such as in locations at risk of flooding.

Accord with the development strategy

15. Saved Policy 18 of the adopted Local Plan recognises South Cerney as one of the principal settlements of the district and advises that, in general terms, new development will be permitted within the settlement boundary. I also note that the emerging new Local Plan (Submission Draft Plan (June 2016)) identifies the village as one of 17 settlements in the district that has sufficient services to accommodate new residential development in the period up to 2023, and therefore the village is regarded as a sustainable location.
16. However, the appeal site lies outside of the village settlement boundary for South Cerney as defined in the adopted Local Plan. As such the proposal for a significant element of open market housing development conflicts with saved Policy 19 which generally resists (along with other criteria) open market housing unless necessary to meet the special social and economic needs of those living in rural areas. Although the proposal is for up to 50% affordable housing the thrust of the proposal is not in accordance with the main criteria to justify an exception for development outside of the defined village. The defined settlement boundary for South Cerney is also retained in the emerging Local Plan.

17. I therefore conclude that the proposal does not accord with the development strategy set out in the adopted on the emerging Local Plans, although very little weight can be placed on the latter at this stage.

Effect on the character and appearance of the area

18. Although the proposal is in outline form without a detailed layout plan, the Council submits that that the scale of development proposed of up to 92 dwellings would result in a density of development of up to about 26 dwellings per hectare (dph) that would harm the character of the area, and especially the edge of the village in a countryside setting, and the need for new buildings to sit comfortably in the landscape. In support of this point, the Council refers to the fourth bullet point of paragraph 47 of the Framework. While this says that Councils should 'set out their own approach to housing density to reflect local circumstances', the Council has not referred to any policy or guidance which advocates any specific limit on density for this area.
19. I have therefore considered the scale of the development proposed on its individual merits and assessed the likely general presence and impact of development from Berkeley Close and from the public footpath which runs to the south of the site. I have also had regard to the local density study undertaken by the appellant and shown on plan 5577-L-06A. The densities shown on this plan were not disputed by the other parties at the Hearing. The proposal for residential development with an overall limit of about 26 dph compares with an average density of housing in the locality of 36 dph as shown on the plan referred to above. Further, the existing housing on the edge of the settlement and partly adjacent to the appeal site has an average density of between 29 and 49dph. This includes a mixture of development types with three storey flatted buildings, semi-detached and terraced housing and bungalows. Even so I saw that most of the housing was of a traditional form with front and rear gardens and the flats were surrounded by extensive open areas of grass. The existing housing development called 'The Leaze' is the only local area identified where the average density of development at 23dph is lower than that proposed and this development appeared to be semi-detached houses within substantial plots, whereas 'Winchcombe Gardens' has a higher density of development at 43 dph but still affords a pleasant residential environment.
20. At the request of the parties and following the formal site visit at the Hearing I visited the Redrow Homes development on the outskirts of South Cerney which was said to have a gross density of about 23 dwellings per hectare.
21. In my judgement, in principle the density proposed need not result in an overly imposing urban form on the edge of the countryside and the detailed layout scheme should be able to incorporate landscaping to soften the new edge of the village and still ensure a good residential environment. There is an opportunity for the new development proposed to have a less harsh visual relationship than the present form and mass of buildings along the field edge and in any event density could be varied throughout the site to adjust the form of the layout.
22. Overall, on this issue, I conclude that the scale of development proposed would not in principle have a harmful impact on the character and appearance of the rural edge of South Cerney nor be in conflict with saved Policy 42 and the need to ensure that development meets the terms of the local Cotswold Design Code

and respects the distinctiveness of the District. I find that, as far as can be considered at an outline stage, the format of development indicated on the illustrative plan reasonably accords with the emphasise placed on good design in the Framework.

Effect on flood risk

23. In assessing this issue I have considered in particular the Flood Risk Assessment (FRA) and Foul Drainage Analysis prepared by/on behalf of the appellant company; the Council's representations; the detailed representations made by South Cerney Parish Council as amplified by the Review of Flood Risk undertaken by JBA Consulting (JBA Review) on behalf of the Parish Council. In the light of these representations I drafted a number of detailed questions related to the risk of flooding and drainage and the parties' submitted written responses to these which formed the structure of the discussion at the hearing.
24. I have considered the flood risk issue in the context that at the application stage the Environmental Agency (EA) expressed 'No objection' to the development on flood risk and that Thames Water requested that 'Grampian' style conditions, to include a drainage strategy, be imposed on any permission. The other context is that the local community supplied and referred to considerable evidence which shows that South Cerney has regularly suffered from river flooding in the village and there is a high watertable and consequently the community also regularly faced problems arising from the disposal of foul sewerage.
25. The FRA indicates that based on EA Maps the appeal site lies in Floodzone 1 with a low flood risk, but the remainder of the field leading westwards to the Shire Ditch (Cerney Wick Beck) is in Floodzones 2/3 with a medium or high risk of flooding. The appellant's team say that the application site has been chosen so as not to extend on to the land with a higher risk of flooding and therefore the location of the site accords with the guidance set out in paragraphs 100-101 of the Framework.
26. The local community, as supported by the JBA Review, considers that the FRA does not adequately assess the flood risk stemming from the Shire Ditch as a main river itself, separate from the flood map of the River Churn, nor does the FRA add an appropriate allowance for climate change¹. However, on the basis of the evidence presented I do not consider that these factors would make a significant difference to the extent of Floodzone 1 and the practical separation and alignment with Floodzone 2/3.
27. Great concern is also raised by the fact that the Shire Ditch is used as the outfall of treated water from the Cirencester/Shorncombe Sewerage Treatment Works and it is likely that this will have to accommodate a major development of some 2,300 houses at Chesterton Farm to the south of Cirencester. I am satisfied that such a scale of development is a realistic possibility and the effect of this, in terms of the additional output of treated water into the Shire Ditch through the treatment works, needs to be taken account of. The appellant's team advises that the treatment works were upgraded in 2013 and the additional capacity created included the projected development at Chesterton Farm. In any event the appellant's evidence indicates that treated effluent is released at a controlled rate into the watercourse, in this case the Shire Ditch,

¹ As introduced by the Environment Agency in February 2016.

in accordance with consented levels. The Parish Council says that at times of flood these levels have been breached and this has contributed to the flood problem, but the JBA Review assessment accepts that the volume of waste water alone arising from the major development proposals would not significantly increase the flow in the Shire Ditch.

28. Overall on this element of flood risk, I find that the evidence before me does not paint a clear picture that the extent of Flood Zone 1 is seriously underestimated in the FRA by a lack of appreciation about the effects on the Shire Ditch. It is therefore reasonable to conclude that the site lies in Floodzone 1- an area of land which has the lowest probability of flooding and the proposal for residential development on this site does not conflict with the guidance on the location of new development set out in the Framework.
29. In terms of the disposal of surface water and foul sewerage, the appellant's engineers propose to design the detailed scheme for the disposal of surface water by incorporating physical capacity within the system to ensure that there is no greater run-off from the land of the application site than experienced at the moment. The foul sewage system will be designed for adoption by TW and would meet their standards. Further, it is clear that TW are aware of the high water table and the detailed scheme would need to take that into account. The Parish Council expresses concern that the drainage system would involve the digging of trenches below the water table and such channels, even when back filled, may result in the seepage of water and increase the risk of flooding into existing houses to the east of the site. However, on the evidence before me I do not consider that there are clear technical reasons why such seepage is likely to occur. To the contrary, I consider that the proposal to slightly increase the level of the land to allow for the new houses to be serviced through a modern drainage system, and which would take up the run-off, would be more likely to aid local drainage rather than make present conditions worse.
30. Bearing in mind that the proposal is in outline format to test the principle of development, and given the conclusions of the statutory bodies responsible for overseeing drainage and flooding issues, I am satisfied that the concern expressed is capable of being overcome by the imposition of detailed drainage conditions, as set out by the main parties and included with the Statement of Common Ground.
31. Overall, on this issue I conclude that the evidence presented reasonably demonstrates at this outline stage that the development proposed is unlikely to be at risk from either river or surface water flooding nor has it been shown to be likely to result in a greater risk of such flooding elsewhere. The location of the site is in an area with the lowest risk of flooding and generally accords with the national advice in section 10 of the Framework.

Effect on highway and pedestrian safety and the flow of traffic

32. This issue is raised by the Parish Council and local residents rather than the Council who acknowledge that the Highway Authority did not raise objection to the development on highway/pedestrian safety or capacity grounds.
33. The local concern is about the scale of traffic generation that would arise from up to 92 houses proposed and the way in which this could be accommodated on the existing highway network. At my site visits I considered the route that vehicles would be likely take from the A317, the main though route to the east

of South Cerney. Because Berkeley Close is closed to through traffic near the Ann Edwards Primary school, the road is a cul-de-sac. Access would have to be obtained through residential roads to Broadway Lane. I noted that this main access road for the village has, at each time of my visits, a considerable degree of on-street parking in the vicinity of the Lakeside Business Park/Industrial estate. There was also a degree of on-street parking in the residential roads of The Leaze and together with a right angled bend in this residential street with evidence of a tyre track from a large vehicle over-sweeping the pavement. Residents say that the width of the road is below the 4.8m width recommended by the Highway Authority and the presence of parked cars effectively reduces the carriageway to a single width of less than 3m wide. The appellant's team says that the local roads have been surveyed in detail and confirm that the minimum width is achieved throughout the route.

34. In assessing the highway aspects I have also had regard to the general principles set out in Manual for Streets 2². Although the access route from the appeal site to the main road system uses residential roads it appeared to me at the site visits that these were of a reasonable standard to accommodate the scale of traffic that would be generated by the proposed housing development. Although there is much evidence of on-street parking, this did not appear to materially hold up the flow of traffic, and the available street width still allows for the passage of emergency vehicles. In my experience while driving the route, the disruption caused by vehicles parked on the road, where a driver had to wait for on-coming vehicles to pass before moving on, was a short-term inconvenience rather than a substantial delay or serious highway hazard. In many ways, the on-street parking and the sharp bend in The Leaze helps to slow down traffic and such a feature is often used as a design tool in the layout of new residential development.
35. In terms of the various highway aspects that were pointed out to me at the site visit, I was satisfied that there was reasonable and adequate visibility at the junction of The Leaze and Broadway Lane. Further, I am also satisfied that the proposed junction of the appeal site access into Berkeley Close is of adequate width to accommodate the use of the driveways of the existing frontage houses in Winchcombe Gardens.
36. Overall, I agree with the conclusion of the Highway Authority that there is no clear objection in principle to the form and scale of the development proposed and this would not have a harmful impact on highway or pedestrian safety in the vicinity of the site. In terms of the guidance in paragraph 32 of the Framework, I find that it has not been demonstrated that the proposal would be likely to result in a severe residual cumulative impact on the transport network. Neither do I find any clear conflict of the proposals with the relevant guidance in paragraphs 58 and 59 of the Framework, to ensure high quality development takes place, as suggested by the Parish Council.

Other matters

37. A Planning Obligation in the form of a unilateral undertaking was submitted as part of the appeal scheme as mentioned in paragraph 5 above. In summary, this covenants the owners of the land to pay the specified contributions regarding improvements to play, library and additional education facilities;

² As published in 2010 by the Chartered Institute of Highways and Transportation

together with the transfer of open space; and the arrangements for the provision of the affordable housing.

38. In terms of the contributions specified, following the Hearing the Council submitted a Statement which sets out why the contributions are needed; how the sums are calculated; and where the contribution will be spent.
39. On the evidence put to me I am satisfied that the terms of the obligation are necessary to make the development proposed acceptable in planning terms; and that it is directly, fairly and reasonably related in scale and kind to the development. It therefore complies with the tests set out in Regulation 122 of the Community Infrastructure Levy Regulations and paragraph 204 of the Framework. Further, the evidence does not indicate that the limit on 'pooled contributions' would be exceeded. I will therefore take the obligation into account.

Planning Balance

40. Bringing together my conclusions on the main issues, I have found that while South Cerney is a sustainable location, where the principle of some new development is acceptable, the appeal site lies outside the settlement boundary defined in the adopted (and emerging) local plans. Accordingly, the proposal conflicts with saved Policy 19 of the adopted Local Plan. However, for the reasons I have set out in paragraphs 10-14 above, only moderate weight can be given to this policy, which in part restricts the supply of housing, as the policy is out-of-date as it is in part at odds with the provisions of the more recent Framework in needing to meet the full objectively assessed local housing need. Further, very limited weight can be placed on the emerging plan at this stage.
41. In terms of the local impact of the development I have taken account of the rural setting of the site on the fringe of the village. However, I do not agree with the Council or the local community that the scale of development proposed would be bound to result in a form of development that would be harmful to the character and appearance of the rural edge of the village. The appellant's evidence demonstrates that, in principle, the density of housing would be broadly consistent with the form of development that exists. Further, the illustrative layout shows an opportunity to have a 'softer' visual and physical relationship with the remainder of the field and the countryside than the present end of gardens and communal space around the blocks of flats. I am satisfied that the scale of development proposed accords with the requirements of saved Policy 42 of the Local Plan and the resulting detailed scheme can be designed to accord with the relevant design principles in the Cotswold Design Code.
42. In relation to the flooding issue, I recognise that South Cerney has experienced significant problems with river flooding and land drainage over a long period. Nevertheless, in terms of the particular circumstances of the appeal site I have concluded that it lies within Floodzone 1, which has the lowest risk of flooding. I have looked at the stated shortfalls in the Flood Risk Assessment and in particular the effects of climate change and additional development 'upstream' on the Shire Ditch but there is not a clear picture that the evidence put forward in the FRA is so deficient that a material change in the status of the Floodzone of the site is likely. Nor has it been demonstrated that the carrying out of the development would be likely to result in a greater risk of flooding to existing

property and land nearby. I found that the introduction of new foul and surface water systems are more likely to reduce local drainage problems than make them worse. Overall, I am satisfied that outstanding detailed drainage matters can reasonably be controlled and mitigated by the imposition of conditions on a permission.

43. I have also considered the effects of the development proposed on highway and pedestrian safety and the flow of traffic and concluded that there is no clear objection on these grounds and that the proposal would accord with the relevant criteria set out in the Framework.
44. In the overall planning balance, the benefits of the development have to be weighed up with the adverse effects. In particular I have taken account of the high level of affordable housing that is put forward in the scheme and required through the legal Obligation. The Council accepts that this would support local housing needs and is a significant benefit. The Council also accepts that there no material landscape or visual impact harm would be caused by the residential development of the site and I note that the Council advises that the site is not subject to any special landscape or heritage designation whereas much of the rest of the district forms part of the Cotswold Area of Outstanding Natural Beauty. I also acknowledge the appellant's submission about the economic activity that would result from the carrying out of the development and the resulting residents using local businesses, services and facilities.
45. Regarding the adverse effects, in addition to the conflict with saved Policy 19 I recognise that there would be a material change to the character of the field on the edge of the village but the effects of flood risk and on highway and pedestrian safety do not constitute adverse effects. As such, the proposal is not subject to the constraints set out in Footnote 9 to paragraph 14 of the Framework.
46. Overall, I conclude that the proposal would fulfil the economic, social and environmental roles of sustainable development set out in the Framework. Given that the current local plan saved Policy 19 is recognised to be out-of-date, the 'tilted balance' put forward in paragraph 14 of the Framework applies. Within this there is a presumption in favour of sustainable development and planning permission should be granted unless the adverse effects of doing so would significantly and demonstrably outweigh the benefits. In this case I find that the benefits of the proposal clearly outweigh the conflict with saved policy 19 of the Local Plan, to which only moderate weight can be applied, and the limited adverse effects that arise. I will therefore allow the appeal.

Conditions

47. In terms of conditions, the Council recommend 30, which the appellant has commented on, and I will consider under the same numbering.
48. Conditions 1, 2 and 3 give effect to the statutory requirements that this is an outline application where further details of the development permitted are necessary and which regulate the timing of the submission of these details and the implementation of development. Condition No.4 is necessary to provide clarity over the plans that are approved. In order to ensure that the development is carried out in an appropriate manner without harming ecological or landscape interests I will impose conditions 5, 6, 7, 8 and 9.

49. Conditions 10 and 11 require a detailed landscaping scheme and its implementation which is needed to ensure that the appearance of the development is acceptable. I will also impose conditions 12 and 13 so that any ground contamination is surveyed and removed prior to the residential development taking place in the interests of ensuring a sound housing environment. Conditions 14, 15, 16 18, 19 20 and 21 are reasonable and necessary in the interests of highway and pedestrian safety and I will impose them. Further, a Construction Method Statement is also necessary to regulate the construction phase in the interests of amenity and highway safety but I will revise the terms of condition 17 to avoid duplication with the recommended condition 28.
50. In terms of drainage in order to ensure that the drainage facilities for the development are sufficient and do not result in problems with the disposal of surface water or foul sewerage from the site I will impose conditions 22 to 26 although I will revise these as appropriate to reflect good engineering practice. Further, I am satisfied that it is reasonable to specify an addition of 30% rather than 40% for an event to reflect the general EA advice. Condition No.28 is no longer necessary and I will not impose it. Further, notwithstanding the appellant's comments and the separate provisions of the Water Industry Act, the local circumstances of the site are such that it is reasonable that the terms of the planning permission should ensure that there is adequate capacity available for the proper disposal of foul sewerage and I will impose condition 29. Regarding condition 30 it has not been demonstrated that the supply of water to the site is a concern at the outline planning stage and I will not impose this condition.
51. Finally, the parties agree that condition 31 regarding affordable housing is not now necessary as it duplicates the formal legal Obligation.

Conclusion

52. For the reasons given above I conclude that the appeal should be allowed.

David Murray

INSPECTOR

Schedule of Conditions

- 1) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 2) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 3) Details of the appearance, landscaping, layout, and scale of the development, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 5577-L-02 P, 5577-L-04 A, and TPMA1512-100.
- 5) No development shall take place (including demolition, ground works, vegetation clearance) until a 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:
 - a. Mitigation recommendations from Section 4 of the Ecological Appraisal by FPCR dated May 2016
 - b. Risk assessment of potentially damaging construction activities
 - c. Identification of 'biodiversity protection zones'
 - d. 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)
 - e. 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)
 - f. The times during construction when specialists ecologists need to be present on site to oversee works
 - g. Responsible persons and lines of communication
 - h. The role and responsibilities on site of an ecological clerk of works (ECow) or similarly competent person(s)
 - i. Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period
 - j. Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.
 - k. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

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

- 6) A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority before commencement of the development. The content of the LEMP shall include, but not necessarily be limited to, the following information:
- a. Translation of all the mitigation and enhancement recommendations in Section 4 of the Ecological Appraisal by FPCR dated May 2016 with the addition of other biodiversity enhancements, including integrated bird and bat boxes within dwellings (e.g. at the northern, western and southern edges of the development), and specific features for hedgehogs and reptiles.
 - b. Information about the future use of the remainder of the arable field adjacent to the western boundary of the development.
 - c. Full specification of habitats to be created, including locally native species of local provenance and locally characteristic species
 - d. Description and evaluation of features to be managed; including location(s) shown on a site map
 - e. Landscape and ecological trends and constraints on site that might influence management
 - f. Aims and objectives of management
 - g. Appropriate management options for achieving aims and objectives;
 - h. Prescriptions for management actions;
 - i. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5-10-year period
 - j. Details of the body or organisation responsible for implementation of the plan;
 - k. Ongoing monitoring and remedial measures;
 - l. Timeframe for reviewing the plan
 - m. Details of how the aims and objectives of the LEMP will be communicated to the occupiers of the development.

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

identified, agreed and implemented. The LEMP shall be implemented in full in accordance with the approved details.

- 7) Prior to occupation, a 'lighting design strategy for biodiversity' shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging and commuting; and
 - 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 territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

- 8) Where it is intended to create semi-natural habitats, all species used in the planting proposals shall be locally native species of local provenance unless otherwise agreed in writing with the local planning authority.
- 9) Surveys for protected species shall be carried out before works (for e.g. bridge, culvert or river channel modification) that will affect the river and associated riparian habitats are carried out, including otter, water vole and white-clawed crayfish, by a suitably qualified ecologist.
- 10) Prior to the first use/occupation of the development hereby approved, a comprehensive landscape scheme shall be approved in writing by the Local Planning Authority. The scheme must show the location, size and condition of all existing trees and hedgerows on and adjoining the land and identify those to be retained, together with measures for their protection during construction work. It must show details of all planting areas, tree and plant species, numbers and planting sizes. The proposed means of enclosure and screening should also be included, together with details of any mounding, walls and fences and hard surface materials to be used throughout the proposed development.
- 11) A detailed arboricultural method statement (AMS) and tree protection plan (TPP) shall be submitted to the Local Planning Authority with any reserved matters application. The AMS and TPP shall be in accordance with the guidance in BS 5837:2012 "Trees in relation to design, demolition and construction. Recommendations" and shall include details of:
- Defined root protection areas of all retained trees;
 - The timing of all tree protection measures;

- Details of proposed finished ground levels and any retaining structures within the defined root protection areas of all retained trees
 - Details of tree protection fencing and excluded activities
 - Details of temporary ground protection measures where access and working space is needed outside the tree protection fencing but within the root protection area of any tree
 - Details of any underground services within the root protection areas of any retained trees and how they will be installed.
 - Details of method of construction of any surface which is to be of a 'no dig' construction method, in accordance with the current industry best practice.
 - Details of how the tree protection measures will be monitored by the site manager
- 12) 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 report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority before any development begins.
- 13) The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority written confirmation that all works were completed in accordance with the agreed details.
- If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.
- 14) No works shall commence on site (other than those required by this condition) on the development hereby permitted until the first 20m of the proposed access road, including the junction with the existing public road and associated visibility splays, has been completed to at least binder course level.
- 15) The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge (the Y point) of the public road 54m to the right and 53m to the left. The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as

to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.

- 16) No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.
- 17) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:
 - i. specify the type and number of vehicles;
 - ii. Provide for the parking of vehicles of site operatives and visitors;
 - iii. Provide for the loading and unloading of plant and materials;
 - iv. Provide for the storage of plant and materials used in constructing the development (including ensuring that the storage of plant and materials takes place in areas away from where infiltration is proposed to avoid the compaction of soli in such locations);
 - v. provide for wheel washing facilities;
 - vi. Specify the intended hours of construction operations;
 - vii. Measures to control the emission of dust and dirt during construction
- 18) The details to be submitted for the approval of reserved matters shall include vehicular parking, turning and 19 space residential parking area to replace the garage block, the building(s) hereby permitted shall not be occupied until those facilities have been provided in accordance with the approved plans and shall be maintained available for those purposes for the duration of the development.
- 19) Details of the layout and access, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in accordance with the approved plans. No dwelling on the development shall be occupied until the carriageway(s) (including surface water drainage/disposal, vehicular turning head(s) and street lighting) providing access from the nearest public Highway to that dwelling have been completed to at least binder course level and the footway(s) to surface course level.
- 20) No development shall commence on site until a scheme has been submitted to, and agreed in writing by the local planning authority, for the provision of fire hydrants (served by mains water) and no dwelling shall be occupied until the hydrant serving that property has been provided to the satisfaction of the local planning authority.
- 21) No works shall commence on site until details of a pedestrian dropped kerb tactile crossing point connecting the site access to the footway on

- the east side of Berkeley Close to be submitted to and approved in writing by the Local Highway Authority and the crossing point shall be constructed in accordance with the approved details and made available to the public prior to occupation of the dwellings hereby permitted.
- 22) No development shall take place until a soakaway tests has been carried out in accordance with BRE Digest 365, or such other guidance as may be agreed in writing by the Local Planning Authority (LPA). The results of the tests shall be submitted to and agreed in writing by the LPA. The scheme shall subsequently be completed in accordance with the approved details before the development is first brought into use/occupied.
- 23) Prior to the commencement of development details of surface water attenuation/storage works shall be submitted to and approved in writing by the Local Planning Authority. The volume balance requirements should be reviewed to reflect actual development proposal, agreed discharge rate and the extent of impermeable areas and runoff to be generated. The scheme shall subsequently be completed in accordance with the approved details before the development is first brought into use/occupied.
- 24) Development shall not take place until an exceedance flow routing plan for flows above the 1 in 100+30% event has been submitted to and approved in writing by the Local Planning Authority. The proposed scheme shall identify exceedance flow routes through the development based on proposed topography with flows being directed to highways and areas of public open space. The scheme shall subsequently be completed in accordance with the approved details before the development is first brought into use/occupied.
- 25) Development shall not take place until a scheme for surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The proposed scheme shall reduce the surface water discharge rate as close as practicable to the Greenfield runoff rate, i.e. equivalent to the previously undeveloped character of the site. Any attenuation feature should be designed to attenuate all flows up to and including the 1 in 100 year event +30% for climate change. The scheme shall subsequently be completed in accordance with the approved details before the development is first brought into use/occupied.
- 26) No development shall take place until acceptable evidence has been submitted to and agreed by the LPA showing that the seasonally high groundwater table is sufficiently deep enough for the proposed "infiltration". The design should reflect the design requirements stated in the CIRIA Document C753: The SuDS Manual. An alternative drainage strategy as set out in the submitted Flood Risk Assessment (6037/R1 - June 2016) would be required if ground conditions and water table are inappropriate for infiltration.
- 27) No development shall be put in to use/occupied until a Sustainable Drainage System (SuDS) maintenance plan for all SuDS/attenuation features and associated pipework 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.

- 28) Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

Richborough Estates

APPEARANCES

FOR THE APPELLANT:

Mr J Tait, MRTPI.	Planning Consultant , Director of Planning Prospects
Mr J Lees, BSC, C.Eng, MICE, MCIWEM	Director, Lees Roxburgh, Chartered Engineers
Mr A Day	Director of Utility Law Solutions
Mr A Vogt, BSC, MSC, MCIHT, TPP	Technical Director of Curtins, Transport and Highway Engineers.
Mr C Dodds, MRTPI.	Associate Director of Planning Prospects.
Ms P Twigg, MRTPI	Project Manager, Gladman Developments Ltd.

FOR THE LOCAL PLANNING AUTHORITY:

Mr J Seymour	Senior Case Officer, Cotswold District Council.
Mr G Eves, CEng, MICE, MCIHT	Consultant Engineer (acting on behalf of the Council)

INTERESTED PERSONS:

Mr P Nicholas	Chairman of the South Cerney Parish Council
Mr J Harris	Local resident, former parish councillor and Village Flood Warden.
Mr P Eccleston	JBA Consulting
Ms R Tolhurst	Local resident
Ms J Layton	Local resident
Mr C Godfrey	Local resident
Mr T Slator	Local resident

DOCUMENTS HANDED IN AT THE HEARING

1. Notes in response to questions raised by the Planning Inspectorate, 4 July 2017 from Mr P Eccleston on behalf of Parish Council.

2. Letter in response to Inspectors Questions 3rd July 2017 from Mr Lees on behalf of the appellant.

DOCUMENTS SUBMITTED AFTER THE HEARING

3. Planning Obligations CIL Compliance Statement - from the District Council

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