



Appeal Decision

Inquiry held on 28 & 29 February, 1 & 2 March 2012

Site visit made on 1 March 2012

by Terry G Phillimore MA MCD MRTPI

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

Decision date: 28 May 2012

Appeal Ref: APP/C1625/A/11/2165865

Land at Sellars Farm, Hardwicke, Gloucestershire GL2 4QD

- 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 Robert Hitchens Limited and Redrow South West against the decision of Stroud District Council.
 - The application Ref S.11/1190/OUT, dated 15 June 2011, was refused by notice dated 8 November 2011.
 - The development proposed is residential development (up to 200 dwellings) including infrastructure, ancillary facilities, open space and landscaping; construction of new vehicular access from the C223/Sellars Road.
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Decision

1. The appeal is allowed and planning permission is granted for residential development (up to 200 dwellings) including infrastructure, ancillary facilities, open space and landscaping; construction of new vehicular access from the C223/Sellars Road on Land at Sellars Farm, Hardwicke, Gloucestershire GL2 4QD in accordance with the terms of the application, Ref S.11/1190/OUT, dated 15 June 2011, subject to the conditions set out in the attached schedule.

Procedural Matters

2. At the inquiry an application for costs was made by the appellants against the Council. This application is the subject of a separate Decision.
3. The appeal relates to an outline planning application with all matters reserved other than means of access.
4. On 25 January 2012 a direction was issued by the Secretary of State pursuant to the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 that the development is not Environmental Impact Assessment development.
5. Prior to the inquiry the Council indicated that it did not intend pursuing its reason for refusal relating to flooding and pollution.
6. The appellants have made planning obligations under section 106 of the Act with respect to affordable housing, education, a travel plan and highway works.
7. A large part of the evidence and submissions at the inquiry related to Government guidance in PPS3 *Housing* and the then draft National Planning Policy Framework. Following the inquiry the final version of the Framework

came into force on 27 March 2012, replacing PPS3 amongst other existing documents. The main parties and others who participated in the inquiry were subsequently invited to submit written representations on relevant matters raised by the Framework, with a further period allowed for responses to the representations made. The appeal is determined having regard to the contents of the Framework and the written submissions received.

Main Issues

8. The main issues are:

- a) having regard to the location of the site outside the defined settlement boundary as identified in the development plan, whether its current release for development is justified by housing land supply considerations, including taking into account concern about prematurity;
- b) whether the location of the site would discourage the use of more sustainable modes of transport;
- c) the impact the development would have on highway conditions in the vicinity.

Reasons

Housing land supply

9. The 8.65ha site comprises farmland on the southern edge of urban Gloucester in the Quedgeley/Hardwicke area. It lies outside the Harwicke settlement boundary defined in the Stroud District Local Plan 2005, and therefore is in countryside. The proposal does not accord with policy HN10, which is that outside the defined settlement boundaries residential development will not be permitted unless it is essential to the efficient operation of agriculture or forestry. Given the restrictive nature of the policy, this is a fundamental conflict with the development plan.
10. Objectives in the National Planning Policy Framework include widening the choice of high quality homes. To boost significantly the supply of housing, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide 5 years worth of housing against their housing requirements, with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land.
11. Previous Government guidance in PPS3 also required a continuous 5 year supply of deliverable housing sites to be maintained. In this context elements of agreement were reached between the main parties during the inquiry on the current 5 year housing land supply position in the District. The agreed calculations gave a range in the supply from 2.47 to 4.48 years. There was thus no dispute that a 5 year supply does not presently exist. The main disagreements were in relation to the source of the 5 year requirement figure and the treatment of past shortfalls in terms of whether these should be front loaded into the 5 year requirement or spread throughout the remaining plan period. A further area of dispute which related to the potential delivery from a small number of specific sites made only a limited difference to the results. At the inquiry the appellants were prepared to cede this point in favour of the

Council's inclusion of these in the 5 year supply, which it calculated at 2,203 dwellings.

12. Further calculations have been submitted by the main parties following the inquiry which take the Framework's 5% buffer into account. The appellants have also put forward an additional set of calculations based on an increased buffer of 20%, which the Framework advises should be provided where there has been a record of persistent under delivery of housing. However, taking into account the District's completions in the last 5 years as being most relevant, the pattern of fluctuations both above and below an annual requirement of 470, and a total shortfall of around 360 dwellings during this period affected by recession, does not amount to such a record.
13. Additional differences have arisen with respect to the treatment of windfall sites, having regard to the advice in the Framework that an allowance may be made for these if an authority has compelling evidence that such sites have consistently become available in the local area and will continue to prove a reliable source of supply. Discussion between the parties has resulted in elimination of some double counting in the Council's original revised figures, but there remains a disagreement on the detail of the allowance. With the differing inputs, there is in the final submitted figures a range in the calculated 5 year supply (with a 5% buffer in the requirement) of between 2.35 and 4.59 years. Thus it continues to be the case that the existence of a shortfall in supply against the 5 year requirement is undisputed.
14. With respect to the source of the requirement, the appellants' position is to use the Gloucestershire Structure Plan Second Review 1999 figure for the District for the period 1991-2011 of 9,400 dwellings, giving an annual requirement of 470. Rolling this forward and adding on the previous under-provision against the requirement and a 5% buffer gives an annual requirement of 863. While the Structure Plan remains part of the development plan, and is reflected in the Local Plan, its housing requirement figure is not based on an up-to-date assessment. The Council's preference is to use its locally agreed requirement figure of 9,350 dwellings for 2006-2026 less completions to date plus 5%, giving an annual rate of 517. The figure derives from the emerging Regional Spatial Strategy for the South West updated by more recent projections. Although the RSS will not now be adopted, this evidence base is more current than that of the Structure Plan, and takes into account previous undersupply against the Structure Plan. The figure remains subject to consultation, but appears to have a sound derivation, and is to be preferred.
15. With regard to the shortfall in completions against this requirement over the period 2006-2011, there is no definitive guidance or binding local precedent on how this should be treated. However, in view of the emphasis in Government policy on delivery, and with no strong local case for rolling forward the backlog over the longer period, the shortfall should be added to the 5 year target, giving an annual requirement of 565. A third possible calculation of the requirement using the 2008 based ONS predictions gives similar results.
16. With the Council's figure for existing commitments of 2,371 (which includes a higher allowance for small site windfalls), it is concluded on this basis that there is a current housing land supply in the District of no more than 4.2 years. The proposal at 200 units represents significantly less than 0.5 years supply.

17. Evidence at the inquiry addressed the considerations for deciding planning applications set out in paragraph 69 of PPS3. This paragraph required having regard to: achieving high quality and a good mix of housing; the suitability of a site for housing; using land effectively and efficiently; and ensuring that a proposal is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and not undermining wider policy objectives. The Council accepted that the proposal complies with all of these identified objectives, with the exception of transport and highways matters as an aspect of environmental sustainability, which are dealt with below. The Council's Strategic Housing Land Availability Assessment identifies the site as being suitable, available and deliverable for housing. The main parties properly agree that it is in a generally sustainable location, with education, community and other facilities being readily accessible within the area and within walking and cycling distance. It is also common ground that demand arising from any potential shortage of facilities can be remedied through planning obligations, as considered below.
18. The Framework encourages the use of brownfield land. However, housing development on greenfield sites is envisaged as being necessary in the emerging Core Strategy, and this part of the District is identified as an appropriate location for this. The Core Strategy seeks to accommodate a residual requirement of 3,119 dwellings. While Hardwicke is not identified as a preferred option for further growth, the proposal represents only some 6.4% of this target. The scale of the scheme in this context is relatively minor. The proposed development is not so substantial, nor would there be a cumulative effect of such significance, that granting permission could prejudice the Core Strategy to a material degree by predetermining decisions about the scale, location or phasing of new development which it is addressing. In addition, the Core Strategy remains at consultation stage, with adoption not anticipated until the summer of 2013. It therefore still has some way to progress and carries limited weight.
19. The site was promoted for inclusion as an allocation at the time of preparation of the Local Plan, but this was rejected by the Local Plan Inspector. He was concerned that housing developed on the site would be in competition with the strategic housing allocations. However, there has since been considerable progress in development of the latter, and their prospects do not appear to be markedly vulnerable in this respect, despite the extension to Hunts Grove envisaged in the Core Strategy. The Inspector's further concern about imbalance due to concentration of housing development in this part of the District also no longer applies in the context of the spread of sites anticipated in the Core Strategy. There is no reason to disagree his finding that development of the site, although it is greenfield, would be acceptable in visual terms and a natural and logical extension to Hardwicke if required. The nature of the site would substantially change, which would be perceived especially by local residents, but there would be no overriding conflict with the recognition given in the Framework to the intrinsic character and beauty of the countryside.
20. The development would therefore help address an identified shortfall in housing land supply in the area. The site is suitable for the proposed development, and is in an acceptable location for housing. There is insufficient potential prejudice to the Core Strategy to warrant withholding permission on grounds of prematurity. National policy in the Framework seeks to boost significantly the

supply of housing, and this provides a strong consideration in favour of the current release of the site contrary to the protection given by Local Plan policy HN10.

Sustainable transport

21. Policy TR1 of the Local Plan refers to sustainable transport. It indicates that permission will be granted for development that deals satisfactorily with a number of issues. The only specified ones in dispute between the main parties are nos. 1 and 2, which refer respectively to the need to minimise travel and to provide access to development via a wide choice of transport modes.
22. The site is located adjacent to the Gloucester urban area, which is one of the locations identified in the policy where development should be focussed. As noted above, the location is agreed to be sustainable and accessible.
23. Detailed points have been raised with respect to the distances to local bus services and the frequencies of these. References are made to the criteria annexed to RPG10. Taking an overall view of the available services, and having regard to the potential of a travel plan to encourage their use and the circumstances of the site's location on the edge of the urban area, these services provide an acceptable level of accessibility by public transport. While the new footpath leading from the site to the north west would be of limited width, an existing wider path is available in that direction across the road and provides a satisfactory alternative. The absence of street lighting on Sellars Road southwards does not appear to give rise to any existing problem and is unlikely to be a serious issue with the use of this road arising from the development. Satisfactory sight lines could be achieved from the new pedestrian and cycle access points along the east side of the site. The proposal would not give rise to any safety issues such as to result in a conflict with policy GE5 of the Local Plan.
24. The location of the site would enable a reasonable choice of sustainable transport modes.

Highways impact

25. Vehicular access to the development would be from near to the existing School Lane/Sellars Road roundabout at the north end of the site, which would be modified. The main parties agree that, with these alterations, there is no need for improvement to any of the junctions examined in the submitted transport assessment as a result of the predicted traffic impact of the scheme, and there are no material capacity issues.
26. The roads to the south of the site (Church Lane, Pound Lane, Green Lane) have a rural nature, exemplified by some narrow sections only suitable for single way working, an absence of footways and lighting, and intermittent frontage development. They are not statutorily designated 'quiet lanes', but have some of the characteristics of these which are clearly valued by local residents. They are used by walkers, cyclists and horseriders, but also carry vehicular traffic including as an access to the A38 and M5. In this context, and as identified in the transport assessment, there is scope for improvements to conditions on the Lanes by way of traffic calming measures, illustrated by the appellants' indicative scheme comprising works to the carriageways and verges.

27. The main parties have agreed forecasts of traffic flows associated with the development. Different views on the likely flows are taken in local representations, but the forecasts are based on a reasonable expert technical assessment and there is no compelling reason to disagree with them. In the Lanes the forecast maximum increase in am/pm peak hour flows would be an additional 1 vehicle on Green Lane and 44 vehicles each on Church Lane and Pound Lane. The latter would be an increase of some 18% on forecast flows at the opening year of 2016. Under background traffic growth the resultant flow levels would not be reached until 2030, and an erroneous comparison in this respect was made by the County Council as local highway authority in its assessment.
28. However, in absolute terms the maximum change to flows would be about the addition of 1 vehicle every 80 seconds, and flows would remain below a peak of 300 vehicles per hour which can be regarded as a relatively low level. The Council at the inquiry confirmed that it did not allege a safety issue under policy GE5 would arise from this, and there is no firm evidence to indicate otherwise. The environmental impact at this scale of increased use would also be minimal, including the effect on conditions for other road users, even without traffic calming measures. On this basis the proposal would not give rise to an adverse change in the environment of the Lanes or significant effect on local quality of life.
29. The proposal would have an acceptable impact on highway conditions.

Planning Obligations

30. The Framework sets out policy tests for the seeking of planning obligations, and there are similar statutory tests contained in Regulation 122 of the Community Infrastructure Levy Regulations (2010) which must be met for obligations to be given weight. These tests apply to the submitted obligations.
31. Provision for affordable housing is necessary to address local and national policy requirements and help meet local needs for such housing. A contribution towards education is needed to accommodate the additional pressure on facilities that would arise from occupation of the development. Provision for a travel plan is necessary to encourage sustainable transport use. These obligations are all directly related to the development, and are fairly and reasonably related to it in scale and kind, as well as being necessary to make it acceptable. They can therefore all be given weight in its favour.
32. A further obligation is for a payment of £86,000 towards traffic calming measures on Church Lane, Pound Lane and Green Lane. As set out above, these works would enable an improvement in environmental conditions on these Lanes. However, in view of the marginal effect that the proposal would have on existing conditions, the obligation is not necessary to make the development acceptable in planning terms. It cannot therefore be taken into account in this decision.

Other Matters and Overall Balance

33. Following withdrawal of the Council's reason for refusal on flooding and pollution, the main parties agreed that there are no issues in this respect that should prevent the development going ahead and that the submitted Flood Risk Assessment meets the requirements of PPS25. There is nothing in the new Technical Guidance to the Framework on Flood Risk, which replaces PPS25, to

indicate that a different conclusion should be reached. While there remain third party concerns on this matter, the technical evidence and views of the Environment Agency support the position that the proposal is acceptable on this ground, subject to appropriate conditions.

34. The substance of the objection made by Gloucester City Council is dealt with above under the main issues. With respect to the concern of British Waterways, there is no evidence that there would be a material adverse effect on the adjoining canal or bridge, subject to a condition on treatment of the boundary. On ecology, appropriate surveys have been submitted, and provision can be made within the development secured by way of a condition on biodiversity.
35. There are substantial local objections to the development. These have been taken into account, including the photographic and video submissions, but do not override the findings of the above assessment made on the merits of the proposal in terms of an absence of serious adverse impacts from the development.
36. Having regard to the advice in the Framework, taken overall the proposal is considered to be a sustainable form of development. The Framework sets out a presumption in favour of sustainable development. Policy HN10 of the Local Plan is in significant conflict with the Framework because the preclusion on residential development outside the defined settlement boundary at Hardwicke does not allow for a sustainable development which would help meet a shortfall in provision for the currently identified housing requirement. The advice in the Framework outweighs the inconsistency of the proposal with this element of the development plan and justifies granting permission for the development.

Conditions

37. The application is in outline and appropriate conditions are required relating to submission and approval of the reserved matters. Given the scale of the development it is appropriate for these to be divided into phases. Although only 2 residential phases are currently anticipated, it could be more, and a design code is needed to ensure adequate consideration of the interrelationships between the phases. In order that the development is in keeping with the surroundings, and reflects the Design and Access statement, a restriction on height of dwellings is required. Coordination of infrastructure provision also warrants a phasing arrangement for this, together with provision of fire hydrants.
38. Whatever the final details of the reserved matters, a need can be anticipated for controls on provision of open space, recreational areas and landscaping including protection of retained trees and hedgerows to ensure that these important components are properly provided for within the development.
39. To safeguard highway conditions in the area and provide satisfactory links with the surroundings, requirements relating to temporary and permanent access provision are needed. In view of the scale of the development and likely impact of construction on the surrounding area, implementation according to an approved method statement is warranted, together with control on the hours of works.
40. Potential archaeological interest necessitates investigation of this. The boundary of the neighbouring canal should be properly treated for safety and

security. External lighting requires control in the interests of appearance and amenity.

41. As set out above, the proposal is acceptable in terms of flooding and pollution, but implementation of drainage measures is needed to ensure appropriate provision, together with separate control on recreational areas. In the interests of biodiversity, mitigation and enhancement measures for ecology should be carried out in accordance with the submitted assessments.
42. Differing versions of a condition relating to the carrying out of highway works for traffic calming in the Lanes were put forward at the inquiry. In the same way as found above on the planning obligation on this matter, the works are not required to make the development acceptable, and the condition does not meet the test of necessity. It is therefore not imposed.

Conclusion

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

T G Phillimore

INSPECTOR

Schedule of Conditions

- 1) No development shall take place until a Phasing Plan and Programme for the development has been submitted to and approved in writing by the local planning authority. The submitted details shall indicate the extent of each phase, the approximate number of units proposed within each phase and the associated timetable of works, and shall broadly accord with the development layout indicated on the illustrative Masterplan R.0234_03-1D. The development shall then be constructed in accordance with the approved Phasing Plan and Programme.
- 2) Before any development is commenced in respect of any phase approved in connection with condition 1, details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") of that phase shall be submitted to and approved in writing by the local planning authority. The submitted details shall include all building facing materials and finishes; surface material finishes for the highways, footpaths, cycleways, private drives and all other hard surfaces; screen walls, fences and other means of enclosure; existing and proposed ground levels, proposed finished floor levels and building heights. The submitted reserved matters shall accord with the parameters and objectives laid out in the Design and Access Statement June 2011 Ref: R.0234.15D and the illustrative Masterplan R.0234_03-1D. The development shall be carried out in accordance with the approved details.
- 3) Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
- 4) The development hereby permitted shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.

- 5) Prior to the submission of any reserved matters application relating to dwellings, a phase related Design Code framework for the whole of the development shall be submitted to and approved in writing by the local planning authority. The submitted Design Code shall accord with the submitted Design and Access Statement June 2011 Ref: R.0234.15D and shall include the following details for each phase: a) a full and detailed design analysis of the surrounding built form and its key characteristics; b) a design approach which reflects and builds on these identified characteristics; c) approximate housing numbers, mix and density, identifying development blocks with an indication of building heights; d) the location of landmark buildings and key frontages; e) the approximate location, number and mix of affordable housing units; f) off-street parking arrangements; g) landscape treatments; h) areas of public open space indicating their function and facilities to be provided and their location; i) access and circulation including footpaths and cycleways. All applications for reserved matters shall accord with this Design Code.
- 6) No single dwelling house shall exceed a maximum of 12 metres in height above ground level, including attic and roof space accommodation, in any phase.
- 7) No development shall commence until a detailed Infrastructure Phasing Plan has been submitted to and approved in writing by the local planning authority. The Infrastructure Phasing Plan shall include the programme for the provision of the following infrastructure both with regard to individual phases, the interconnectivity of each phase and its linkage to the wider external networks: a) highway and drainage infrastructure; b) pedestrian and cycle ways; c) hard and soft landscaping implementation; d) all informal and formal recreation areas. The development shall then proceed strictly in accordance with the approved Infrastructure Phasing Plan.
- 8) Prior to the occupation of any dwelling fire hydrants served by mains water supply shall have been installed in that phase in accordance with a scheme for that phase previously submitted to and approved in writing by the local planning authority.
- 9) The reserved matters referred to in condition 2 shall include further details of the siting, design, external appearance, landscaping, means of access and play equipment for all formal and informal recreation areas at a level that accords with the land areas specified in the approved Design and Access Statement June 2011 Ref: R.0234.15D. These areas shall then be provided in strict accordance with the approved details and the Infrastructure Phasing Plan required by condition 7.
- 10) No occupation shall commence in any phase that includes open space until a Management Strategy for the maintenance and management of all areas of formal and informal space within that phase not subject to adoption by public authorities has been submitted to and approved in writing by the local planning authority. The Strategy shall include details of any Management Company proposed and its terms of reference and long term safeguarding.
- 11) All landscaping schemes submitted in pursuance of condition 2 shall be fully implemented in the first complete planting and seeding seasons following the occupation of the buildings, or the completion of the phase

to which they relate, whichever is the sooner. Any trees or plants which, within a period of five years from the completion of the relevant development phase die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

- 12) No work within an individual phase, including any felling, uprooting, removal or pruning of any tree or hedgerow, shall take place on the site until further details of all trees and hedgerows to be retained within the individual phase have been submitted to and approved in writing by the local planning authority ("the retention scheme"), together with the measures for their protection ("the protection scheme") during the course of construction works. The retention scheme shall accord with the illustrative Masterplan R.0234_03-1D and the approved Design and Access Statement June 2011 Ref: R.0234.15D and the level of retention contained therein. The protection scheme shall accord with BS5837 "Trees in Relation to Construction".
- 13) Development shall only be carried out in accordance with the approved retention scheme under condition 12. All trees and hedgerows to be retained shall be protected during the course of construction works in accordance with the approved protection scheme which shall be maintained in its approved form for the duration of the construction phase. Within the protected areas, land levels shall not be changed, no fires shall be lit, no equipment, machinery or vehicles shall be operated, no materials shall be stored or disposed of and there shall be no mixing of cement or use of contaminating materials or substances.
- 14) No development shall begin until details of a temporary access to accommodate construction traffic have been submitted to and approved in writing by the local planning authority. The approved temporary access shall be completed within 4 weeks of any development commencing on the site and shall be the sole means of vehicular access to the site from then until such time that the approved permanent access shown on plan no. SF/PA/OPT2A rev B has been completed and made available for use.
- 15) Development shall not begin until full engineering details of the permanent vehicle access arrangements generally in accordance with the details shown on plan no. SF/PA/OPT2A rev B have been submitted to and approved in writing by the local planning authority. No residential unit shall be occupied until those access arrangements have been constructed in accordance with the approved details and thereafter they shall be retained as such.
- 16) The sole means of permanent vehicular access to the permitted development shall be from the C223/Sellars Road as indicated on Drawing SF/PA/OPT2A rev B.
- 17) No development shall begin until details of two pedestrian/cycleway links to be provided between the site and Sellars Road have been submitted to and approved by the local planning authority. No dwelling shall be occupied until the scheme as approved is fully operational in connection with the phase to which it relates and thereafter the scheme shall be retained as such.

- 18) No dwelling shall be occupied until the access road between that dwelling and the existing county highway, including footways and turning heads (where applicable), has been laid out in accordance with the submitted plans and constructed to at least basecourse level.
- 19) No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be implemented in full prior to the commencement of the development and shall be adhered to throughout the construction period or relevant phase. The Statement shall provide for:
 - i. the parking of vehicles of site operatives and visitors;
 - ii. loading and unloading of plant and materials;
 - iii. storage of plant and materials used in constructing the development;
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v. wheel washing facilities;
 - vi. measures to control the emission of dust and dirt during construction;
 - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works. There shall be no burning of any waste or other materials on the site, except in an incinerator, in accordance with details which shall have been previously submitted to and approved in writing by the local planning authority prior to the commencement of development;
 - viii. a routing strategy for all construction traffic serving each phase including the designated means of access to the development via the local road network together with associated highway signage.
- 20) No construction site machinery or plant shall be operated, no process shall be carried out and no construction-related deliveries taken at or dispatched from the site except between the hours 08:00 and 18:30 on Mondays to Fridays, between 08:00 and 14:00 on Saturdays and not at any time on Sundays, Bank or Public Holidays.
- 21) No development shall take place within the application site until the applicant, their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation previously submitted to and approved in writing by the local planning authority.
- 22) Notwithstanding the information shown in the submitted plans, prior to the commencement of development, details and an implementation timetable shall be submitted to and agreed in writing by the local planning authority of suitable boundary treatments to be provided along the western edge of the site to prevent the risk of members of the public entering onto British Waterways land and adjoining canal. The development shall subsequently be implemented in accordance with the approved details and thereafter retained as such.

- 23) Prior to the commencement of any phase of the development hereby permitted, details of the external lighting for that phase shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved scheme and thereafter retained as such and no other external lighting of any description shall be erected within that phase.
- 24) No development on any phase shall take place until a supplemental drainage and flood strategy to the submitted Flood Risk Assessment dated April 2011 prepared by Phoenix Design and the addendum documentation "Response to Drainage and Flood Risk Comments", for the whole of the development, has been submitted to and approved in writing by the local planning authority. The submitted strategy shall accord with the recommendations of the "Peer review of Flood Risk Assessment and Drainage Assessment" Document 2, dated 27 September 2011 prepared by Halcrow. The supplemental strategy shall amongst other matters include:
- i. Further investigations into the existing groundwater regime and associated soil/ground conditions;
 - ii. Surface water run-off and attenuation measures;
 - iii. Levels and flood routes;
 - iv. Drainage infrastructure (foul, surface water, ground water and SuDS);
 - v. Phasing of the drainage infrastructure; and
 - vi. The adoption and maintenance of the drainage infrastructure.

Prior to commencement of any phase of the development, full details of the drainage, levels and flood routes for that phase, in accordance with the approved supplemental strategy, shall be submitted to and approved in writing by the local planning authority.

Prior to commencement of any phase of the development, a scheme for the adoption and maintenance for drainage infrastructure within that phase, in accordance with the approved supplemental strategy, shall be submitted to and approved in writing by the local planning authority. The scheme shall include details for the adoption by a public authority, statutory undertaker, registered provider or management company together with details of the under-writing of such arrangements.

The development shall then be carried out in strict accordance with the approved strategy and details and shall be maintained as such thereafter.

- 25) No development of phased recreational space as approved under Condition 9 shall take place until detailed drainage proposals for all formal recreation spaces (as defined in the approved Design and Access Statement June 2011 Ref: R.0234.15D) in accordance with the Supplemental Drainage and Flood Strategy approved under Condition 24 have been submitted to and approved in writing by the local planning authority. The submitted scheme shall be prepared in direct reference to Sport England and National Playing Field Association guidance to ensure that such areas can be made available for recreation use and shall include full details as to the maintenance of the drainage infrastructure and its long term adoption by a public authority, registered provider or

management company. The drainage shall then be provided in strict accordance with the approved details prior to the bringing into use of the areas and shall be maintained as such thereafter in accordance with the approved maintenance regime.

- 26) No works of any description shall commence on site until a comprehensive wildlife enhancement and mitigation strategy for the whole development has been submitted to and approved in writing by the local planning authority. The submitted scheme shall include full details of all mitigation measures proposed including the provision of a wildlife corridor in accordance with that indicated on the illustrative Masterplan R.0234_03-1D, an implementation timetable to protect any species or habitats identified and measures for the future maintenance of any mitigation works/enhancement areas. The strategy shall accord with the recommendations contained within the approved Ecological Assessment Document 4909.EcoAs.v12 dated May 2011 prepared by Ecology Solutions Ltd. The mitigation and enhancement measures shall then be carried out in accordance with the approved scheme and maintained in accordance with the approved maintenance regime.

Richborough Estate

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Peter Goatley of Counsel Instructed by Martin Evans, Solicitor, Stroud District Council

He called:

Mark Baker BSc CEng Director, Mark Baker Consulting Limited
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Michael Muston Director, Muston Planning
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FOR THE APPELLANTS:

Anthony Crean QC Instructed by Robert Hitchins Limited

He called:

Peter Amies BSc Director, Phoenix Design Partnership Limited

Peter Finlayson BSC Managing Director, PFA Consulting Ltd
CEng MICE MIHT
MCIWEM

Mervyn Dobson MA Partner, Pegasus Planning Group
MPhil MRTPI MRICS

INTERESTED PERSONS:

John Jones Councillor, Severn Ward, Stroud District Council
Graham Littleton Councillor, Hardwicke Ward, Stroud District Council

Ian Butler Chairman, Hardwicke Parish Council
David Drew Councillor, Farmhill and Paganhill Ward, Stroud District Council

Anthony Blackburn Councillor, North Stroud division, Gloucestershire County Council

DOCUMENTS SUBMITTED

- 1 Council's inquiry notification letter
- 2 Statement of common ground on highways, traffic and transport-related matters
- 3 Appellants' opening submissions
- 4 Councillor Jones's statement
- 5 Councillor Littleton's statement
- 6 Amendments to Mr Baker's proof
- 7 Traffic Advisory Leaflet 3/04
- 8 Agreed statement on 5 year housing land supply calculations
- 9 S106 undertaking dated 28 February 2012 on affordable housing
- 10 Appellants' preliminary cost estimate of traffic calming scheme

- 11 Councillor Drew's statement
- 12 Council's draft condition on highway works
- 13 S106 undertaking dated 31 October 2011 on education
- 14 S106 agreement dated 1 November 2011 on a travel plan
- 15 Appellants' draft condition on highway works
- 16 Average house price figures submitted by Mr Dobson
- 17 Policy H2 of the South East Plan
- 18 Revised draft conditions schedule
- 19 Revised draft condition no. 28
- 20 Draft S106 planning obligation on highway works
- 21 Council's closing submissions
- 22 Welcome Break (and others) v Stroud District Council and Gloucestershire Gateway Limited [2012] EWHC140 (Admin)
- 23 Appellants' closing submissions
- 24 Appellants' costs application
- 25 Council's response to appellants' costs application
- 26 S106 undertaking dated 2 March 2012 on highway works

Documents received following the inquiry

- 27 Appellants' comments on the National Planning Policy Framework dated 16 April 2012
- 28 Council's comments on the National Planning Policy Framework dated 18 April 2012 and attachments
- 29 Letter from Councillor Jones dated 13 April 2012
- 30 Letter from Mr Butler dated 10 April 2012
- 31 Letter and attachments from the Council dated 27 April 2012
- 32 Response and attachments from the Appellants dated 30 April 2012