



Appeal Decision

Inquiry held on 18, 19 and 20 September 2012

Site visit made on 20 September 2012

by Olivia Spencer BA BSc DipArch RIBA

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

Decision date: 8 November 2012

Appeal Ref: APP/G1630/A/12/2172936

Land to the rear of the Invista Plant, Green Street, Brockworth, Gloucester GL3 4HP

- 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 Invista Textiles (UK) Ltd against the decision of Tewkesbury Borough Council.
 - The application Ref 11/00091/OUT, dated 1 February 2011, was refused by notice dated 20 December 2011.
 - The development proposed is a mixed use development of up to 220 dwellings, 13,600 square metres of B8 floorspace with 675 square metres of ancillary office space, provision of a cricket pitch and pavilion, other associated public open space and associated highway works.
-

Decision

1. The appeal is allowed and outline planning permission is granted for a mixed use development of up to 220 dwellings, 13,600 square metres of B8 floorspace with 675 square metres of ancillary office space, provision of a cricket pitch and pavilion, other associated public open space and associated highway works at Land to the rear of the Invista Plant, Green Street, Brockworth, Gloucester GL3 4HP in accordance with the terms of the application, Ref 11/00091/OUT, dated 1 February 2011, subject conditions set out in the attached schedule of conditions.

Preliminary matters

2. The application that led to this appeal is in outline with access to be considered at this stage and all other matters reserved for later consideration.
3. A draft section 106 agreement between Tewkesbury Borough Council, Gloucestershire County Council and Invista Textiles UK Ltd was submitted at the Inquiry. A signed and sealed version was received following the close of the Inquiry. The agreement concerns the provision of public open space, play areas and a cricket pitch; contributions towards dog waste bins, off-site sports pitch and game area facilities, recycling facilities; the provision of affordable housing, and a landscape and ecological management plan; contributions towards education and library facilities, highway works and Travel Plan monitoring.
4. It was noted at the Inquiry that a letter referred to in an email from a local resident was not included with letters seen by the main parties and the

Inspector. A copy of the letter was received after the close of the Inquiry and forwarded to the main parties. The letter raised no new issues.

Main Issues

5. The main issues are:

- the effect of the proposed development on the character and appearance of the site and surrounding area, and the effect on the setting of the Cotswold Area of Outstanding Natural Beauty (AONB)
- the effect on the supply of housing in the area, and
- whether, having regard to national planning policy, the proposal would be sustainable development

Reasons

Character and appearance

6. The appeal site lies outside the residential development boundary but is surrounded on three and a half sides by development: to the north, west and south-west by commercial development and to the east by housing. Land to the north of the bridleway that crosses the site was at one time a private members sports club. The Woodlawns Country Club closed in 2004. The club house was demolished in 2006 and the sports pitches are now overgrown. The MidGlos Bowls Club, providing an indoor bowling rink together with associated club facilities and car parking, occupies part of this section of the site. The smaller southern portion of the site to the south of the bridleway is an agricultural field known as the Nursery Field. This field together with part of the northern portion of the site is designated as an Important Open Space (IoS) in the Tewkesbury Borough Local Plan (LP) 2006.
7. It is not argued by the Council that the site itself is a particularly sensitive landscape. Its value as set out by the Council and by local residents is in the green gap it provides between residential and commercial areas, the contribution it makes to the pleasant verdant character of Green Street and the soft edge it provides to the AONB which borders it on the southern edge of the Nursery Field. This reflects both the description of the Green Street IoS given at Appendix 4 of the LP and that given in the Local Plan Inspector's Report 2003 where it is described as an 'important buffer between the adjacent employment land and the AONB that adds much to the character of the settlement'.
8. In considering the contribution the site makes in these terms I am aware from the evidence before me that the nature of the site has changed since it was considered by the Local Plan Inspector and earlier in 1996 by an Inspector determining an appeal against refusal of an application that included approximately 50 houses on the Nursery Field. The Inspector in 1996 was aware of permission granted for business use on the adjacent Gloucester Trading Estate and the Local Plan Inspector will have been aware of planned employment uses west of the site and the proposed housing sites at Cooper's Edge and Kennel Lane. Both the decision and report however pre-date the closure of the Country Club which would have provided a significant level of access to the site for local residents. Public access at present is effectively restricted to the bowls club and the public bridleway which is enclosed by

fencing and varying densities of vegetation. The degree to which the site now offers the visual and recreational opportunities observed in the Open Space Review 1998 is therefore more limited. Further in longer distance views the scale, extent and density of recent commercial and residential development can now be observed.

9. The illustrative layout shows the proposed development set out in a series of zones, with commercial and office buildings on the west of the site within the designated employment area. A central zone of a proposed cricket pitch, pavilion, and attenuation ponds would separate the commercial development from residential units laid out on the eastern part of the site running down to and including the Nursery Field. The development would result in a substantially smaller gap between housing and commercial uses than is currently provided by the IoS. However, the space would be accessible, landscaped and subject to informal surveillance from adjacent residential properties. As such it would have the potential to be a visible, pleasant and well used area.
10. The hedge enclosing the site along Green Street is a dense tangle of generally well grown native species that gives the lane a semi-rural character and is a prominent feature in the outlook from houses fronting the street south of the Invista plant. The proposed development would result in the loss of the open and untamed character of the site. And views now available from the upper floors of Green Street houses across the site to the commercial units beyond would be populated with houses, streets and gardens. However, the illustrative layout indicates houses set some 21 to 25 metres from the road edge. This would allow for the retention of hedgerow trees and sections of the hedgerow itself, and a wide green margin along the street edge. A generous margin of landscaping and tree planting is allowed for also at the access to the site from Green Street, and along the route of the bridleway which would provide a direct link from Green Street to the formal and informal recreation spaces of the central zone. At the north-eastern corner of the site a public green space with play area is proposed adjoining Ermin Street on what is now an enclosed area of land at the front of the Invista plant. The proposed development would thus provide the opportunity for a substantial increase in publically accessible formal and informal open space.
11. Views directly into the site are available from footpaths just within the AONB on the slopes running down from the A46 Painswick Road, but only where passing directly south of the Nursery Field. The site boundary with the AONB is relatively short and I found, as I was traversing the slope on both the lower and higher footpath, that it was the large commercial buildings of the Business Park that dominated the view. Thus whilst it is the case that where visible the site provides a green gap, or finger as described by the Inspector in 1996, it has a very different character to that of the AONB which is characterised by long views over agricultural fields. Looking north towards the site from the footpaths, it has a green urban rather than green rural character. The proposed development would undoubtedly change the appearance of the site, and from this point a gap in development would no longer be apparent. I am not aware of the landscaping proposals that formed part of the appeal scheme considered in 1996. In this case tree planting across the scheme with lower housing densities and approximately 17 – 24 metres of landscaping along the southern boundary are shown on the illustrative layout. The proposed

development would not therefore in my opinion have a substantially less green or less soft edged character than at present.

12. From high viewpoints within the AONB at Barrow Wake and Crickley Hill the site is seen in the far distance, beyond existing areas of housing and against the backdrop of the Gloucester Business Park. In this context the proposed development would appear simply as part of the existing settlement with no significant impact. From the road to Nut Hill to the south west of Brockworth, the commercial units in the Business Park dominate views towards Brockworth with little if any of the appeal site beyond them visible. Given the suggested soft edge of the scheme and the projection substantially further south of existing development to each side, I consider the proposal would have no adverse effect in this view.
13. The views from the Cotswold Way National Trail at Cooper's Hill to the south provide the clearest of the long distance views. Nevertheless vegetation restricts the extent to which the site is seen in the context of adjacent development at various points. Indeed even from the high lookout point on Cooper's Hill, the large Coopers Edge development is screened by trees and shrubs. However, from here the appeal site is clearly visible as a green finger contained on all but its short southern boundary by commercial and residential development. The proposed scheme would result in the loss of any apparent gap in development in this view and as such would add to the visible mass and density of the settlement. It would not however result in an extension of the settlement out into the surrounding countryside beyond the established built-up areas to each side, and any adverse effect on the character and appearance of the countryside or on the setting of the AONB would I consider therefore be negligible.
14. The proposed development would conflict with the objectives of Policies S4 of the Gloucestershire Structure Plan (SP) Second Review 1999 and HOU4 of the Tewkesbury Borough Local Plan (LP) 2006 which seek to strictly control housing outside the development boundary. The scheme would also result in a significant reduction in the extent of the IoS and the gap that it now provides. In this respect it would conflict with LP Policy LND5. A degree of separation between residential and commercial uses would however be retained and the site would have a different but nevertheless verdant character. Further the provision of publicly accessible open space would contribute positively to the character and amenities of this part of Brockworth. In this I find the proposal would accord with the objectives of SP Policy S7.
15. The open undeveloped character of the appeal site would be lost and the proposed development would thus be contrary to LP Policy LND4 which seeks to protect the countryside for its own sake. However given an appropriate landscaping scheme I conclude for the reasons given that any adverse impact on the rural landscape beyond the settlement environs or on the setting of the AONB would be extremely limited and I find no significant conflict overall therefore with the objectives of SP Policies S6 and H6.
16. Whilst I have found some harm, I conclude on balance therefore that the proposed development would result in little harmful effect overall on the character and appearance of the area.

Housing land supply

17. Pending completion of a review of local housing requirements to be used as part of the evidence base for the emerging Gloucester, Cheltenham and Tewkesbury Joint Core Strategy, housing land supply is measured by the Council against the draft Regional Spatial Strategy (RSS) targets and an extrapolation of the Gloucestershire Structure Plan figures. On this basis figures agreed between the main parties indicate a supply of between 2.5 years and 3.8 years. Whilst I understand local residents' concerns that housing needs for the area have yet to be set out within an adopted Core Strategy, the available evidence clearly indicates a substantially less than 5 year housing land supply. Further the Council acknowledges that it has a record of persistent under delivery.
18. In addition I note that the proposed development would include 40 percent affordable housing. This is greater than the 30 percent usually sought in accordance with the Council's Affordable Housing Supplementary Planning Guidance. The greater percentage reflects higher levels of need in the Brockworth area identified in the Gloucester Housing Needs Assessment 2009.
19. Notwithstanding the recently approved developments in the Brockworth area, it is evident therefore that there remains a substantial unmet need for market and affordable housing. Having regard to the objectives set out in the National Planning Policy Framework (The Framework), I conclude that the contribution the proposed development would make to meeting those needs weighs substantially in its favour.

Sustainable development

20. The Framework sets out a presumption in favour of sustainable development identifying three mutually dependant roles for the planning system: economic, social and environmental. The proposed development would provide new commercial space beyond the IoS in the western part of the site and thus contribute to local employment opportunities. The illustrative layout also demonstrates that it has the potential to provide much needed housing in an accessible location, together with attractive public open space, play areas and a significant contribution to meeting a local need for sports pitches. These are substantial benefits of the scheme.
21. I have found there would be no significant harm to the setting of the AONB but have concluded that the proposed development would result in a diminution of the IoS insofar as the extent of the gap would be reduced and its undeveloped open character lost. There is evidently considerable support for the retention of IoSs in Brockworth and concern from residents that a piece of open land they have valued for many years may be lost. Very little evidence has been put before me however to suggest that its significance arises from more than the gap in development it provides. On this basis I cannot conclude that it would meet the Framework guidance for designation as a Local Green Space. And insofar as LP Policy LND5 constrains housing provision it cannot, given the housing land supply shortfall, be considered up to date. I do not disagree fundamentally with the conclusions of previous Inspectors that the land within the IoS has a positive role. However, for the reasons given I consider the harm arising from the proposed development in terms of impact on the character and appearance of the area would not on balance be substantial, and it would not thus be sufficient to outweigh the economic and social benefits the

proposal would deliver. Taking all three roles together I conclude therefore that the proposed development would constitute sustainable development.

22. In considering an appeal in Coalville in August 2012 (ref:APP/G2435/A/11/2158154) the Secretary of State concluded that a shortfall in the housing land supply in North West Leicestershire, a sustainable location and several benefits that would arise from the development were not in that instance sufficient to outweigh harm to the purposes, integrity and character of the Green Wedge. Whilst I note that like IoS, Green Wedge is not a statutory designation the scheme was substantially larger than that before me with some 1420 dwellings proposed. The effect would have been that a large part of the Green Wedge would be permanently lost, 'tantamount to the coalescence of Coalville and Whitlock'. The Invista site in contrast has no role to play in separating one settlement from another. And unlike the Inspector in the Coalville case I have concluded that the appeal scheme would be sustainable development within the terms of The Framework. The Coalville case cannot therefore be directly compared to the appeal before me which I have considered on its own merits.

Other considerations

23. I note the concerns of local residents that the surrounding road network would be unable to accommodate traffic arising from the development. However, access to the proposed commercial units would be via Golf Club Lane and the Gloucester Business Park. The residential part of the development would be accessed via the existing entrance to the former Country Club, with no vehicular access further south from the narrower part of the lane. The proposed scheme includes the provision of visibility splays at the entrance to the site and improvements to the footway and carriageway at the junction of Green Street and Green Way. Further the submitted s106 agreement provides for contributions towards highway safety measures on Ermin Street, public transport infrastructure and implementation of a Travel Plan. Future residents of the site would also have ready access to local facilities and public transport. In view of this and the conclusions of the submitted Transport Assessment I have no reason to disagree with the professional views of the County Highway Authority and the Highways Agency, neither of which has objected to the proposal.
24. Although in relatively close proximity to protected wildlife sites and the AONB, the Habitat Survey submitted as part of the Environmental Statement (ES) indicates that the site has low ecological value with no significant impacts on reptiles or nesting birds indicated. Conditions requiring approval and implementation of detailed design measures and an Ecological Construction Method Statement, together with a long term Landscape and Ecological Management Plan secured through the s106 agreement would ensure that a mitigation strategy in accordance with the ES is provided. This would include the protection of bat roosting and foraging habitats. Whilst I understand local residents concerns in this regard, I note that neither the County Ecologist nor Natural England has objected to the scheme. I find nothing on this basis therefore to suggest the proposal should be rejected.
25. The site lies within Flood Zone 1 with a low probability of river flooding. It has an existing drain considered by the Council to have the capacity to drain the proposed development area and a sustainable drainage system (SUDS) including balancing ponds and permeable surface materials is proposed. On

this basis the Environment Agency does not object to the proposed development. Whilst I note that Green Street has been subject to flooding on a number of occasions I have no reason to conclude that surface water run-off from the site would exacerbate any existing drainage problems in the area.

26. I find nothing in these other considerations therefore to weigh significantly against the proposed development.

Section 106 agreement

27. The development would result in additional families living in the area. The contributions sought towards education facilities reflect a lack of capacity at identified local primary schools. The contributions made to this, early years provision and to the necessary extension of library services would be directly related to the number of dwellings built. Capacity exists for additional students at secondary school level and no contribution in respect of this has been sought or offered.
28. The contribution towards improvements to off-site sports facilities in Brockworth is a sum agreed with the Council and Sports England to provide a package of facilities sufficient to mitigate for those formerly provided at the appeal site. Contributions towards dog waste bins and signs, and towards the provision of recycling facilities reflect the demands the development would place on local waste facilities and would be directly related to the number of dwellings built.
29. As identified above contributions towards highway improvements are necessary to ensure the development would have no significant adverse effect on highway safety. Contributions towards public transport infrastructure in the area and provisions for implementation of a Travel Plan directly relate to the transport needs that would be generated by the development.
30. The contributions offered are thus both necessary and directly related in scale and kind to the development proposed. I have therefore taken them into consideration in coming to my decision.

Conditions

31. The application was in outline with access only to be considered at this stage. Conditions requiring submission of details for the reserved matters are therefore necessary. No evidence was put before me to suggest anything other than the standard time limits would be appropriate. A condition requiring submission of details in accordance with the principles set out in the Design and Access statement is necessary to ensure that the impact the development does not fall outside the scope of the ES. Submission of details to be included with, or accompanying the reserved matters application including building ground levels, the location of services, external lighting, refuse storage, drainage, the protection of trees, and ecological protection and enhancement measures are necessary to ensure that the development avoids or mitigates for harm caused to wildlife habitats and the environment, and avoids increased risk of flooding. A separate condition requiring submission of principles for determining materials and design is not necessary as these are either addressed in the Design and Access Statement and/or would form part of the reserved matters applications.

32. Conditions defining the number of dwellings and the extent and use of the commercial floorspace are necessary for the avoidance of doubt and in the interest of proper planning. Conditions requiring construction of highway improvements, the access from Green Street, parking and turning facilities, and site roads and paths before the residential units are occupied will ensure safe access to the site. Implementation of an approved Construction Method Statement, restriction on construction traffic routing and limits on construction hours together with prior approval of noise attenuation measures for the commercial units are necessary to protect local residents from undue noise and disturbance.
33. Provision of cycle storage and implementation of the Travel Plan will promote sustainable travel choices in accordance with national and development plan policies. Conditions requiring energy supply from renewable sources, construction to high sustainability standards and the provision of Lifetime Homes will ensure the development provides for the long term needs of the community.
34. A programme of archaeological work is necessary to ensure protection of heritage assets. The ES has identified potential sources of contamination on the site and conditions requiring an assessment, and as necessary, a programme of remediation will ensure that future residents of the site are protected.

Conclusion

35. Neither the limited harm I have concluded would be caused to the character and appearance of the area, nor any other matters raised, are sufficient in this case to outweigh the substantial benefit arising from the provision of housing. I conclude on balance therefore that the appeal should succeed.

Olivia Spencer

INSPECTOR

Schedule of conditions

Reserved matters

- 1) The development for which permission is hereby granted shall not begin before detailed plans for the relevant part of the development showing the layout, scale, external appearance and landscaping (hereinafter referred to as "the reserved matters") have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. References to 'relevant part of the development' means reference to the residential and commercial parts respectively.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) All reserved matters required to be submitted pursuant to condition 1 shall be in accordance with the principles and parameters described and identified in the Design and Access Statement and Descriptive Masterplan drawing no.edp300/72a. A statement shall be submitted with each reserved matters application, which demonstrates how the application proposals comply with the Design and Access Statement and Descriptive Masterplan.
- 5) The reserved matters submissions required by Condition 1 shall include details of the following:
 - Existing and proposed ground levels and the principles of establishing that the finished floor levels of all buildings shall be a minimum of 300mm above the final ground levels on the site.
 - The location of fire hydrants to be served by mains water supply and provided prior to any dwellings being occupied.
 - Details of all external lighting
 - The design and location of recycling and refuse stores other than those included within individual residential or commercial buildings.The development shall be carried out in accordance with the approved details and retained thereafter.

Defining the Planning Permission

- 6) Up to 220 dwellings shall be constructed on the site pursuant to this planning permission.
- 7) The development shall include up to 13,600 square metres of B8 floorspace and 675 square metres of ancillary B1 office space.

Drainage/Flood

- 8) The reserved matters submitted pursuant to Condition 1 shall be accompanied by details of a surface water drainage scheme for the relevant part of the development together with a management and maintenance plan for the lifetime of the scheme. The scheme shall be submitted to and approved in writing by the local planning authority. The details shall be based on the Flood Risk Assessment by Waterman Transport & Development Ltd dated January 2011.
- 9) No building hereby permitted shall be occupied until the sustainable drainage scheme for the relevant part of the development has been completed in accordance with the approved details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.
- 10) No development shall commence until details of the scheme for the disposal of sewage for the relevant part of the development has been submitted to and approved in writing by the local planning authority. No building shall be occupied until the scheme for the relevant part of the

development has been constructed in accordance with the approved details.

- 11) No new buildings, structures (including gates, walls and fences) or raised ground levels shall be constructed or erected within 5 metres of the top of any bank of watercourses, and/or the side of any existing culverted watercourses, inside or along the boundary of the site.

Trees and Landscaping

- 12) The plans and particulars required to be submitted in accordance with the condition 1 shall include:
 - (i) a plan showing the location of, and allocating a reference number to, all trees protected by Tree Preservation Orders and all trees on the site which have a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75 mm, showing which trees are to be retained and the crown spread of each retained tree;
 - (ii) details of the species, diameter (measured in accordance with paragraph (i) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (iii) and (iv) below apply;
 - (iii) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;
 - (iv) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of any retained tree;
 - (v) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the plan referred to in paragraph (i) above.
- 13) The plans and particulars submitted in accordance with condition 12 above shall also include details of the size, species, and positions or density of all trees to be planted, and the proposed time of planting.
- 14) If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place.

Ecology

- 15) No development shall take place on either the residential or commercial parts of the scheme until a Detailed Design Measures Scheme, based on the approved Masterplans and Environmental Statement (ES), has been submitted to and approved in writing by the Local Planning Authority for the relevant part of the development. The scheme shall include all avoidance, mitigation and enhancement measures set out in the ES and a

timetable for their implementation and shall be compiled by a suitably qualified ecologist. The scheme shall include details of:

- the retention of existing hedgerows and trees;
- layout and design of biodiversity enhancement measures for wetland areas (part of SuDS) including details of meadows, temporarily wet areas, permanent wet areas and open water habitats;
- layout and design of biodiversity enhancement measures for green corridors and open spaces;
- a landscape (tree and hedge) planting scheme designed for biodiversity enhancement, including foraging opportunities for a range of species;
- measures to maintain and enhance the biodiversity of the site including the retained hedgerows and bridleway;
- a lighting strategy which secures dark corridors for bat foraging and nesting birds including the bridleway, wetland areas and edge habitat;
- measures for incorporating nesting and roosting opportunities for birds and bats within the new buildings and if appropriate within retained features.

Development shall be carried out in accordance with the approved measures and timetable.

- 16) No development shall take place on either the residential or commercial parts of the development hereby permitted until an Ecological Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority for the relevant part of the development. The Ecological Construction Method Statement shall be compiled by a suitably qualified ecologist and include a detailed plan. The statement shall include:

- the appointment of an Ecological Clerk of Works (ECW) to oversee the work, and details of the scope and remit of the ECW;
- measures to physically protect features to be retained, including field boundaries and mature trees, from mechanical damage;
- measures to protect the stream from run-off, pollution, adverse changes in water quality and flow;
- measures to protect breeding birds and bats from disturbance or nest/roost destruction, including timing of works to avoid nesting season;
- precautionary working methods in relation to bats in relation to tree felling, surgery and disturbance;
- details of site induction information and tool box talks for all relevant on site working practices, including action to be taken if protected species are found during construction.

Development shall be carried out in accordance with the approved measures.

Highways

- 17) No works shall take place until details of a 3m wide pedestrian and cycleway link between the commercial and residential elements of the development and Ermin Street and the junction of Green Street and

Green Way has been submitted to and approved in writing by the Local Planning Authority. The link shall be constructed in accordance with the approved details before any residential unit hereby permitted is first occupied.

- 18) Construction of the residential part of the development hereby permitted shall not commence until details of improvements to the junction of Green Street and Green Way providing improved visibility southwards along Green Street for vehicles exiting Green Way in accordance with the guidance set out in Manual for Streets have been submitted to and approved in writing by the Local Planning Authority. Improvements to the junction shall be completed in accordance with the approved details before any residential unit hereby permitted is first occupied.
- 19) Construction of the residential part of the development hereby permitted shall not commence until the Green Street carriageway has been widened to 5.5m and provided with a kerbline on the western side between a point opposite Green Way and the site access in accordance with details submitted to and approved in writing by the Local Planning Authority.
- 20) Access for construction traffic to the commercial part of the development shall be only via Golf Club Lane.
- 21) Development shall not begin until details of the pedestrian, cycle and vehicular accesses proposed to serve the relevant parts of development have been submitted to and approved in writing by the Local Planning Authority; and no building in the relevant part of the development shall be occupied until the pedestrian, cycle and vehicular accesses have been constructed in accordance with the approved details.
- 22) Development of the residential part hereby permitted shall not begin (other than those required by this condition) until the first 20 metres of the access roads, including the junction with Green Street and associated visibility splays, have been completed to at least base course level.
- 23) The details to be submitted for the approval of reserved matters in accordance with condition 1 shall include vehicular parking and turning and loading/unloading facilities within the site. The development hereby permitted shall not be occupied until the facilities have been provided in accordance with the approved details and the facilities shall not thereafter be used for any other purpose.
- 24) Development shall not begin until details of the access roads (including street lighting and surface water drainage/disposal, vehicular turning head(s), street lighting and footways where proposed) have been submitted to and approved in writing by the local planning authority; and no dwelling shall be occupied until access roads providing access from the nearest public road to that dwelling have been laid out and constructed to at least base course level in accordance with the approved details.
- 25) No development shall take place, including any works of demolition, on the residential or commercial parts of the development until a Construction Method Statement for the relevant part of the development 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 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) wheel washing facilities
- 26) No building in the relevant part of the development shall be occupied until space has been laid out within that part of the development in accordance with details submitted to, and approved in writing by the local planning authority for bicycles to be parked.
- 27) Before any parts of the residential or commercial parts of the development hereby permitted are first occupied, a comprehensive Travel Plan shall be submitted to and approved in writing by the Local Planning Authority for the relevant parts of the development. The Travel Plan shall be implemented and monitored in accordance with the approved Framework Travel Plan (Waterman Boreham Ltd Travel Plan, 2nd Issue, September 2011) and the targets to limit peak hour traffic generation of the residential element of development shown in the table below:

Weekday Peak Hour Residential Trip Generation Target AM Peak Hour (08:00 – 09:00)

IN	OUT	TWO-WAY
24	71	95

Weekday Peak Hour Residential Trip Generation Target PM Peak Hour (17:00 – 16:00)

IN	OUT	TWO-WAY
91	51	142

Targets will be considered to have been exceeded if either of the peak hour two way traffic figures set out in the above Table is recorded as having been breached on the survey day.

For the first 10 years following completion of each part of the development, the Developer shall provide an annual report to the local planning authority, setting out the results of the monitoring regime and any remedial measures, if required to address failure to achieve the targets set out in the Table.

Each comprehensive subsidiary Travel Plan shall be prepared in line with the approved Travel Plan Framework document (Waterman Boreham Ltd Travel Plan, 2nd Issue, September 2011), adhering to prevailing policy and best practice.

Archaeology

- 28) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation for the relevant part which has been submitted to and approved in writing by the local planning authority.

Contamination

- 29) No development shall take place until a full contaminated land assessment of the site has been carried out and a remediation strategy to deal with any contamination has been submitted to and approved in writing by the local planning authority for the relevant part. The contaminated land assessment shall identify the extent of any contamination and the measures to be taken to avoid risk to the environment, the general public and the proposed development. It shall include a timetable of works. Any necessary remediation strategy shall be implemented in accordance with the approved details and timetable. No part of the development shall be occupied until a Completion Report, confirming the remediation has been carried out as approved, has been approved in writing by the Local Planning Authority.
- 30) If during the construction of the development, contamination not previously identified, is found to be present at the site then no further development on that part of the site (unless otherwise agreed in writing by the local planning authority) shall be carried out until remediation works in accordance with a Method Statement for remediation, that has been submitted to and approved in writing by the local planning authority, have been completed and a verification report demonstrating completion of the works set out in the Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Method Statement shall detail how the unsuspected contamination shall be dealt with. The verification report demonstrating completion of the works set out in the Method Statement shall include results of any sampling and monitoring. It shall also include any plan for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the Local Planning Authority.

Noise

- 31) Demolition or construction works shall not take place outside 0730 hours to 1800 hours Mondays to Fridays and 0800 hours to 1300 hours on Saturdays nor at any time on Sundays or Bank Holidays.
- 32) No development shall commence on the construction of the commercial buildings until a scheme of noise attenuating measures for the buildings have been submitted to and approved by the Local Planning Authority. The noise attenuating measures shall be carried out in accordance with the approved scheme and shall be retained as such thereafter,

Renewable Energy, Code Levels and Standards

- 33) At least 10% of the energy supply for the development shall be secured from decentralised and renewable or low carbon energy sources. Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to the local planning authority to accompany the reserved matters required by condition 1. The energy supply shall be provided in accordance with details and a timetable approved in writing by the local planning authority and retained as operational thereafter.
- 34) All affordable housing units shall achieve Level 4 of the Code for Sustainable Homes and all market housing shall achieve at least Level 3 (or such national measure of sustainability for house design which may

replace or modify the Code for Sustainable Homes). No dwelling shall be occupied until a Final Code Certificate (or equivalent should Code be superseded) has been issued for it certifying that the required Code Level has been achieved.

- 35) At least 15% of the affordable homes shall be constructed to Lifetime Homes standards (or such national standards for house design which may replace or modify the Lifetime Homes standards).
- 36) The commercial buildings hereby permitted shall be constructed to a very good standard of Building Research Establishment BREEAM (or subsequent equivalent quality assured scheme). The proposed commercial building shall not be occupied until an authorised assessor has demonstrated confirmation with the required standard.

Richborough Estates

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr J Wills of Counsel	Instructed by Mr G Spencer Solicitor Tewkesbury Borough Council
He called	
Mr R Eaton BA(Hons) MTPL MRTPI	RJE Planning
Mr J Overall BS(Hons) CMLI	Ryder Landscape Consultants

FOR THE APPELLANT:

Mr M Lowe QC	Instructed by Mr G Soloman and Mr P Cole Burges Salmon
He called	
Mr N McLoughlin BSc(Hons) DipTP MRTPI	McLoughlin Planning
Mr D Lewis BSc(Hons) PgDipLA CMLI	Environmental Design Partnership

INTERESTED PERSONS:

Cllr B Calway	Councillor
Cllr J Perez	Councillor
Cllr M Rowcliffe-Quarry	Borough and Parish Councillor
Cllr V Perez	Borough and Parish Councillor
Prof D Trevethicke	Local Resident
Ms P Williams	Local Resident
Dr C Champion	Local Resident

DOCUMENTS SUBMITTED AT THE INQUIRY

- 1 Core documents – 3 volumes submitted by the appellant
- 2 Draft section 106 agreement
- 3 Tewkesbury Local Plan 2006 and Proposals Map
- 4 Letter from Bellway Homes submitted by the appellant
- 5 Statement of Common Ground
- 6 Design and Access Statement Plans
- 7 Draft Transport Statement of Common Ground
- 8 Statement of Cllr J Perez
- 9 Statement of Cllr M Rowcliffe-Quarry
- 10 Statement of Cllr V Perez
- 11 Brockworth Parish Plan
- 12 Final draft s106 agreement
- 13 Agreed Highways Statement of Common Ground
- 14 Statement of Common Ground including agreed suggested conditions