



Appeal Decision

Site visit made on 14 July 2026

by **P Brennan BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5TH August 2026

Appeal Ref: 6006284

Land Parcel North of Olimpick Drive, Chipping Campden GL55 6BL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Haines of W R Haines (Leasows Farm) Ltd against the decision of Cotswold District Council.
 - The application Ref is 25/01194/OUT.
 - The development proposed is an outline application for residential development of up to 30 dwellings including the detailed matter of access, and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for an outline application for residential development of up to 30 dwellings including the detailed matter of access and associated works at Land Parcel North of Olimpick Drive, Chipping Campden GL55 6BL in accordance with the terms of the application, Ref 25/01194/OUT, subject to the conditions in the attached schedule.

Applications for costs

2. An application for an award of costs was made by Mr Haines against Cotswold District Council. This application will be the subject of a separate decision.

Preliminary Matters

3. The proposed development is in outline form, with all matters reserved apart from means of access. A proposed illustrative site layout plan has been included within the evidence that demonstrates one way that the scheme could be delivered. This shows dwellings fronting Olimpick Drive primarily with a garage and driveway to the side with both rear and front gardens, the agricultural field to the rear and the Public Right of Way (PRoW), although several of the dwellings are shown with car parking instead of front gardens. The site location plan shows the proposed access point off Olimpick Drive, using an existing field access. The access is shown on the indicative site layout to continue into the appeal site running parallel with the PRoW with further internal road spurs. No separate details are provided to show the access specification.
4. A Section 106 Legal Agreement (the Agreement) has been submitted in support of the appeal to secure plots for the purposes of self-build/custom-build, on-site affordable housing, financial contributions towards education and library services alongside relevant legal and monitoring fees. The Council, alongside Gloucestershire County Council, have completed the Agreement which covers the matters raised in the second reason for refusal. Consequently, the Council has stated that it no longer seeks to defend Reason for refusal 2.

5. With regards to the Agreement, Policy H1 of the Cotswold District Local Plan 2011-2031 (August 2018) (CDLP) requires the provision of 5% of dwelling plots for sale in developments of over 20 dwellings to be provided as self or custom build plots. Policy H2 of the CDLP requires 40% of the dwellings to be provided as affordable housing and Policy INF1 identifies that development will be permitted where the infrastructure requirements identified to make the proposal acceptable in planning terms, can be met.
6. I am satisfied that the Agreement would secure the provision of 1 plot for the purpose of self-build/custom-build housing in accordance with the SBCH Act, 12 affordable housing units comprising 2 x 1-bedroom, 4 x 2-bedroom, 4 x 3-bedroom and 2 x 4-bedroom units and the payment of £41,649.66 to 16-18 secondary education and £5,880 to library services. The Agreement's obligations accord with the requirements of CDLP policy and would therefore overcome the Council's second reason for refusal. As this matter is no longer a point in dispute between parties, I consider that this issue has been suitably addressed.
7. Parties have drawn my attention to the emerging Chipping Campden Neighbourhood Development Plan (NDP). The NDP has been through examination and has been modified following the Examiner's report with a referendum due to be held on 20 August 2026. The NDP originally proposed that the appeal site was allocated as a Local Green Space. However, the Examiner did not agree with this allocation and recommended its deletion. Whilst the allocation has been deleted from Appendix 7 within the Referendum Version of the NDP, it remains on Figure 17 'Local Green Spaces within The Parish'. The Council have notified the Town Council regarding the discrepancy. As the NDP has reached its final stages and the modifications have been made, I attach significant weight to the NDP.
8. The appeal site is within the Cotswolds National Landscape (CNL) (previously referred to as the Cotswolds Area of Outstanding Natural Beauty (AONB)). I have given great weight to the duty imposed by Section 85 of the Countryside and Rights of Way Act 2000 (as amended) (CROWA) to have regard to conserving and enhancing the natural beauty of National Landscapes. Section 245 of the Levelling Up and Regeneration Act (LURA) amended the duty on relevant authorities in respect of their interactions with statutory purposes of AONB's (now NL's), as set out in Section 85 of the CROWA. In so far as it relates to this appeal, the amendment now requires relevant authorities *"in exercising or performing any functions in relation to or so as to affect land in an AONB...to seek to further the purpose of conserving and enhancing the natural beauty of the AONB"*.
9. The main parties agree that the proposal would not constitute 'major development' under Footnote 67 and Paragraph 190 of the National Planning Policy Framework (the Framework) and based on the evidence before me, I see no reason to disagree with this conclusion.

Main Issues

10. The main issue is the effect of the proposed development on the character and appearance of the area, taking into consideration its location in the CNL and the (PRoW).

Reasons

11. Both the site and Chipping Campden as a whole, are within the CNL where the conservation and enhancement of the landscape and its character and special qualities are required to be given great weight in determining development proposals. Policies EN1, EN2, EN4 and EN5 of the CDLP, amongst other matters, seek development that respects the character and distinctive appearance of the locality including its landscape character and visual quality. Policies CE1 and CE4 of the Cotswolds National Landscape Management Plan 2025-2030 (CNLMP) support and expand the CDLP policies through reference to the CNL Landscape Character Assessment (LCA) and a presumption against the loss of key characteristics. These policies accord with Paragraphs 187 and 189 of the Framework.
12. The Council accepts that growth will have to occur within the CNL and the CDLP allocates employment and housing sites accordingly under Policy S16. The NDP also acknowledges that new housing development will need to be undertaken on greenfield land. Therefore, being within the CNL does not, on its own, preclude the site from being considered for new housing development despite it failing the Council's Strategic Housing and Economic Land Availability Assessment 2021 (SHELAA).
13. The appeal site is in the Landscape Character Area: 15B - Vale of Moreton Farmed Slopes of Landscape Character Type (LCT) Farmed Slopes which is assessed as having a 'high' sensitivity to change. The landscape supports a high proportion of pastureland although areas of arable farming are evident on the upper slopes. The key characteristics of the LCT include a smooth gentle landform with gentler landform on lower slopes and sense of exposure on some upper slopes and productive arable and pasture farmland with a strong pattern of hedgerows. A set of Landscape Strategies and Guidelines accompany the LDA.
14. The site forms the upper half of the southern lower slope of a larger agricultural field. The lower half of the southern lower slope is now the Olimpik Drive development. At the time of my visit, the upper slopes of the field were used for hay production whilst the appeal site has previously been used for growing vegetables.
15. The site has a transition role between the existing development on Olimpik Drive and the countryside beyond. However, its position in a transitional landscape within the CNL does not inherently mean that the site is clearly more than ordinary countryside or of a notably higher value. Nevertheless, the site makes a positive contribution contributes to its surroundings, forms part of the transition to the more elevated parts of the NL and does display some of the special qualities of the LCT.
16. Residential development borders the appeal site to the east and south. To the west is a mature hedgerow beyond which is Dyers Lane and to the north sits the remainder of the wider field. Although the application is in outline, the illustrative site plan provides a useful indication of the likely implications of the proposal. Despite the PRoW (HCC1) which bisects the appeal site in a northwest to southeast direction, the site is visually well contained with wider views constrained by topography, planting, and existing development.
17. The site is well screened from Dyers Lane and views into it are limited due to roadside banking. The appeal site rises around 5m from its southern to northern

border. However, wider views of the site from the east and south are limited due to intervening existing housing. The principal short range public view of the site is from the existing housing in Olimpik Drive and the relevant section of the PRoW.

18. The submitted Landscape and Visual Impact Assessment (LVIA) identifies that the proposal would cause direct changes to a small, confined pocket of the LCT within the CNL, assertions within which I concur. The landscape is attributed community value due to the size and nature of the development and that it would be experienced only from Olimpik Drive and adjacent footpaths within 250m. The LVIA identifies that the effects would be restricted and limited.
19. The LVIA identifies a Zone of Influence (Zoi) which identifies a limited number of public vantage points that would have partial views of the proposed development. The proposal would be clearly visible to adjacent residential properties in Olimpik Drive but would not be visible from residential buildings within Chipping Campden. No significant views would be available to users of busy roads within the Zoi including the A44, B4035 and B4081. Users of local roads including Dyers Lane, Park Road, Hoo Lane, and Littleworth would have glimpsed, partial and transient views of the site due to existing intervening screening.
20. PRoW HCC1 connects Dyers Lane and Littleworth through the appeal site and via the development in Olimpik Drive as part of the Cotswold Way. The development would be highly visible to users of this PRoW as it dissects the appeal site. This receptor is identified as having a medium sensitivity to change. PRoW's HCC3 and HCC15 are located further away from the site and would also have a medium sensitivity to change.
21. The proposal would occupy the lower slope of the wider field that aligns with existing built development in Hoo Lane on the eastern site boundary and Littleworth to the west. No changes to the existing field pattern or reduction in landscape features would occur with minimal changes to levels proposed. The indicative layout plan, whilst showing only one way the scheme could be developed, provides a useful basis to assess the effects of the development on the CNL and PRoW.
22. The proposed development would have a major adverse visual effect in the appearance of the current undeveloped site when seen from the PRoW crossing the site and from the properties bordering it. Its rural appearance would change and whilst the illustrative plan shows the route of the PRoW maintained through the site, the impact of entering a housing estate from open countryside would be inescapable. However, the rural qualities of the site are influenced by its context, which has a more suburban character following the Olimpik Park development which adds to the built development on two sides of the site. Views into the open countryside to the west are hindered by the existing planting along Dyers Lane. Connecting farmland exists only to the north, where the upper steeper slope of the field is more noticeable and links to the open countryside beyond.
23. Whilst construction would cause a degree of harm to the CNL, as this harm would be for a short duration, only a minor adverse effect to the wider landscape character and appearance would occur. The longer-term effects are identified as a change to the land use, introduction of built form into the landscape and the inclusion of new native tree and hedge planting. Mitigation measures are proposed

including minimal ground alterations, retention of existing and planting of new trees and hedgerows and wildflower grassland creation and management.

24. Overall, the LVIA concludes that the effect on landform would be slight adverse at year 1 winter and year 15 summer; landscape features would be negligible at year 1 and beneficial at year 15; the site and local area would see a moderate adverse effect at year 1 and a moderate/slight adverse effect at year 15; and the Farmed Slopes LCA would see a negligible effect in year 1 and a minimal adverse effect in year 15. In terms of visual receptors, the significance of effect (residual) of the development are identified as slight adverse in relation to Footpath HCC3, Olimpik Drive and the junction with Olimpik Drive, moderate adverse to Footpath HCC1 and neutral to Footpath HCC15 and The Narrows. I note that the Council considers the effect to be moderate adverse at year 1 for Footpath HCC3.
25. Whilst the site is contained, has limited visibility outside of its immediate neighbouring uses, and possesses only a few of the key characteristics of the LCT, the degree of change would be significant but localised. The houses would be clearly seen on entering the footpath from Dyers Lane to the west of the site. However, the houses would be seen against a backdrop of built development within the town. From other public viewpoints, the effect would be modest as views from further afield are more limited, and the proposed mitigation would assist in screening and 'bedding' the development into the landscape.
26. I note that the Council raised concerns regarding the type, mix, and style of the development. These can be addressed alongside the final layout through reserved matters. The reserved matters submission could also address the Council's concerns regarding a transitional green edge to the development facing the farmland, lighting, road surfaces that are more akin to its countryside setting, open space and a more rural and spacious feel to the PRow rather than it forming an estate footpath where it runs through the site.
27. Drawing this all together, the proposed development would harm landscape character. However, as the effects would be experienced mainly within the immediate local area, the harm would be localised; and I have found that the residual harms, after accounting for the mitigating effects of additional planting, would be no more than moderate to the immediate CNL, the PRow and the overall character and appearance of the area.
28. Accordingly, the proposal would result in moderate harm to the character and appearance of the area and cause adverse visual effects especially from the PRow, which lie within the CNL. Consequently, the proposal fails to accord with Policies EN1, EN4 and EN5 of the CDLP and Policies CE1 and CE4 of the CNLMP, the requirements of which have been outlined above.

Legal Agreement

29. The completed Section 106 legal agreement has been submitted as part of the appeal. I am satisfied that the Agreement includes the 4 formalities identified with Section 106(9) of the Town and Country Planning Act 1990 (as amended).
30. As identified above, the obligations of the development outlined in the Agreement would accord with Policies INF1, H1 and H2 of the CDLP, the requirements of which have been outlined above. Consequently, I consider that the Section 106 Agreement provides for obligations of the development that are necessary, directly

related and are fairly reasonably related in scale and kind, in accordance with Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 and paragraph 58 of the Framework.

Other Matters

Heritage Assets

31. The appeal site is located outside the Chipping Campden Conservation Area (CA). It is however, near to its northwestern boundary. The Council have determined that the proposal would cause less than substantial harm at the lower end to the rural setting of the settlement and CA. However, the existing development on Olimpick Drive and Scuttlebrook Close lie between the CA and the appeal site and the development would be read as part of that development rather than being a further urbanising of the countryside. The existing screening along Dyers Lane would be retained and this screens the site allowing only partial passing views to road and footpath users. Consequently, the proposed development would preserve the setting and thereby the significance of the CA as a designated heritage asset.
32. The Council has considered the nearby listed buildings and considers that neither the buildings, nor their settings, would be affected by the proposed development. Following my site visit and an assessment of their location in relation to the proposed development, I see no reason to disagree.

Biodiversity Net Gain

33. Biodiversity Net Gain (BNG) is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Under the statutory framework for BNG, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met.
34. The BNG Matrix demonstrates a net gain of 1.66 habitat units (equivalent to 45.87%) and 1.14 hedgerow units (equivalent to 98%) on site through the creation of other neutral grassland and native hedgerows, thereby achieving the required 10% net gain on site.
35. The Appellant would need to discharge the Biodiversity Gain Plan (BGP) condition, through which the 10% net gain would be secured. The final landscaping design, along with the on-site habitat and hedgerow units, could be set out in the BGP together with a habitat management and monitoring plan.
36. Based on the evidence before me, I am satisfied that the development could achieve the required 10% BNG and that the BGP condition, required by paragraph 13 of Schedule 7A of the TCPA 1990, is capable of being successfully discharged.

Ecology

37. A Preliminary Ecological Appraisal (PEA) has been undertaken which identifies the site as primarily consisting of non-cereal crops and modified grassland. These habitats have limited value for protected and priority species and no species were recorded on site. The surrounding trees and hedgerows were however identified as being suitable to provide foraging habitat for bats.

38. The PEA also identified 6 off-site ponds within 500m of the site boundary which could be occupied by Great Crested Newts. The Officer Report identified that without a NatureSpace report, insufficient information was submitted to assess the impact of the proposed development. A report from NatureSpace is in the evidence before me and I am satisfied that its contents will ensure the protection of any Great Crested Newts found on the appeal site.
39. Consequently, I am satisfied that the onsite habitats that support protected species would remain and would continue to support the protected species identified in accordance with CDLP Policy EN8. Any protected species found on site from neighbouring habitats, would also be appropriately managed and protected. Planning conditions could be attached to address the protection of species and habitats.

Flooding

40. The appeal site is in Flood Zone 1. The Council's Strategic Flood Risk Assessment identifies that any development of this site should be supported by a Flood Risk Assessment (FRA). The Council also concluded that a sequential test would not be required.
41. I am aware of recent flood events in the adjacent Olimpik Drive housing development which occurred as a result of surface water associated with high rainfall and problems with the Olimpik Drive drainage scheme. Whilst third party concerns continue to raise the drainage issues and residents are understandably anxious to ensure that the proposal would not add to flood risk, the Council has advised that a new drain has been installed which extends in line with the southern boundary of the appeal site and has addressed the Olimpik Drive development issues.
42. The submitted FRA addresses the recent flood events and surface water emanating from the appeal site on the wider area. The FRA identifies that pluvial flows from the development would not be managed entirely via infiltration. Pluvial run off is therefore proposed to be attenuated in the porous paving base layers and discharged to a local watercourse. The FRA also includes an alternative attenuation strategy to achieve an acceptable controlled discharge in the event that the discharge rate required for the infiltration system cannot be achieved. Subsequently, the proposal also includes a surface water cut-off ditch around the northwestern perimeter which would intercept surface water from the upper part of the field.
43. The Lead Local Flood Authority raised no objection to the proposed development and based on the FRA before me and subject to a planning condition relating to the submission of an appropriate surface water drainage scheme, no substantiated evidence has been submitted that would lead me to a different view.

Third-Party Concerns

44. I acknowledge that there were a considerable number of representations, including those by Chipping Campden Town Council, Weston Sub Edge Parish Council and the Campden Society, in respect of the proposal. In addition to the main issues and those addressed in this section above, these included concerns relating to highway safety and road speed, highway capacity and traffic generation and road access; whether further housing is required; loss of agricultural land; air and light

pollution particularly in relation to the CNL's Dark Skies policy; and lack of infrastructure within the village to serve the residents particularly in relation to schools and doctors.

45. These factors are not in dispute between the main parties and were addressed in the Officer's Report and subsequent Committee updates. I have also considered these matters, and no substantiated evidence has been submitted that would lead me to a different view. With regards to traffic generation, road capacity, speed and highway safety, the Council and County Council where appropriate, concluded that there would be no material harm in these regards and they did not form part of its reasons for refusing the proposal. I have also considered these matters, and am satisfied that, the development would not have any unacceptable effect on the safe and efficient operation of the local highway network nor on highway safety.
46. There is also no substantive evidence that the proposal would have an adverse impact on local infrastructure, particularly in relation to access to NHS Services, which are provided and controlled by the NHS, nor with regards to school places apart from the age 16-18 provision, which has been addressed through the submitted Agreement. Accordingly, no evidence is before me that would lead me to a different view.
47. In terms of concerns raised regarding construction disruption, in relation to noise and disturbance, the works would be undertaken over a short period of time and would be temporary in nature. Any construction noise and disturbance would be modest only and could be adequately controlled through a construction management plan condition.
48. Concerns were also raised regarding the number of dwellings proposed and that this should be reduced; that vehicle parking should be on plot; that adequate storage for bins should also be provided on plot; and rooflights should be restricted due to the CNL's Dark Skies policy. All these concerns can be addressed by the Council through the submission of Reserved Matters, which can be secured by condition, if I am minded to allow the appeal.

Other Considerations

49. Set against the harm to the CNL and PRoW identified, the proposal would deliver up to an additional 30 dwellings towards the area's housing supply, with 1 plot being for the purpose of self-build/custom-build housing and 12 plots being provided as affordable housing.
50. In economic terms, the appeal scheme would provide construction jobs and some local investment during its build out, as well as longer term expenditure of future occupiers in the local economy and through council tax payments. The proposal would also provide financial contributions towards age 16-18 secondary education and library services.
51. Whilst the development would see the loss of agricultural land, the existing trees and hedgerows that border the site would be retained, new landscaping would provide biodiversity enhancements and more than the required 10% BNG can be achieved on site.
52. The maximum number of dwellings proposed would ensure an appropriate density, comparable to that of the adjacent site, making most efficient use of land. Whilst

this would allow for a spacious layout, considerate of and sympathetic to its edge of settlement setting, the reserved matters could see a reduction in numbers to achieve a wider, greener setting to the PRoW.

Planning Balance

53. The Council has a housing land supply position of 1.8 years. Therefore, there is a significant shortfall against the requirement to demonstrate a five-year supply of deliverable housing land, as set out at paragraph 78 of the Framework.
54. In this circumstance, paragraph 11 of the Framework is engaged, whereby planning permission should be granted unless (i) policies in the Framework that protect areas or assets of particular importance provide a strong reason for refusing the development, or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, and having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
55. Whilst I have identified moderate localised harm to the CNL and PRoW, taking into consideration the duty under Section 85 of the CWRA and the LURA, I do not consider that the harm identified provides a strong reason to refuse the development. Consequently, the balance in 11(d) (ii) applies.
56. The proposed development would be located on the edge of the village's development boundary. Given the site's accessibility to the centre of the settlement, the goods and services provided within the centre and my findings regarding the CA, I find the location to be appropriate for the residential development proposed.
57. Despite the above, the proposed development would still occupy an area of open land which is currently undeveloped in the CNL through which a PRoW forming part of the Cotswold Way runs. As a result, the proposed development would reduce the localised visual quality of the lower slope of the agricultural field, reducing the transition space between built form and the open countryside. Consequently, when considering the moderate localised harm to the character and appearance and adverse visual effects to the CNL and the surrounding area, the proposal would fail to accord with Policies EN1, EN4 and EN5 of the CDLP and Policies CE1 and CE4 of the CNLMP. Nonetheless, I attach only moderate weight to the above harm and development plan conflict.
58. The proposed scheme and the integration of the PRoW can be designed to reflect existing nearby development through future reserved matters submissions. Consequently, any visual impact and harm associated with the proposed development would be primarily localised to the immediate views and would be mitigated by landscaping and the adjacent development. The proposal would therefore conserve the wider characteristics of the CNL and the identified LCT and, through the landscaping proposed, would enhance its surroundings, and increase biodiversity. I therefore attach moderate favourable weight to the landscaping and biodiversity benefits of the proposal.
59. Paragraph 73 of the Framework recognises that small and medium sized sites and those for self-build and custom-build housing can make an important contribution

to meeting the housing requirement of an area. The proposal would provide up to 30 additional dwellings, of which up to 12 would be affordable and 1 plot would be provided for self-build purposes. These would make an important contribution toward the area's open market and affordable housing requirement. Considering the magnitude of shortfall in the area's housing supply, the provision of up to 30 dwellings, including 12 affordable units and 1 self-build plot would all make a valuable contribution to housing in the area, and I afford significant weight to this provision. I also afford modest favourable weight to the scheme's economic and environmental benefits.

60. Consequently, the adverse impacts of the proposal associated with its landscape setting within the CNL, effect on the PRoW, and conflict with Policies EN1, EN4 and EN5 of the CDLP and Policies CE1 and CE4 of the CNLMP, would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Therefore, the presumption in favour of sustainable development applies which is a material consideration that weighs heavily in favour of allowing the appeal.

Conditions

61. The Framework states that conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects. I have considered the conditions put forward by the Council against the Framework and where necessary, I have amended the wording in the interests of clarity and enforceability.
62. To ensure certainty and clarity, I have imposed the standard conditions relating to the commencement of development, submission of reserved matters and approved plans (1, 2, 3 and 4). I have also imposed a condition relating to surface water drainage to ensure that the site is adequately and appropriately drained to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution (5).
63. As the site has been used for commercial food production, there can be a potential source of contamination due to the use of pesticides. As well as any agriculture associated contamination, there may be unknown off-site sources that could impact the land. Consequently, it is necessary to attach a contaminated land and remediation condition (6).
64. In the interest of highway safety, I have imposed a construction management plan condition to ensure that any on site works, or construction/delivery traffic does not affect the safe operation of the highway (7).
65. The County Council has also requested a condition relating to a site waste management plan relating to the development's construction and a condition requiring the submission of details of provision for facilitating the management and recycling of waste generated during occupation. I have imposed these conditions as they are necessary to secure waste minimisation in accordance with Policy WCS2 of the Gloucestershire Waste Core Strategy and are necessary to inform the layout submitted for future Reserved Matters approval (8 and 10).
66. I have also imposed a condition requiring the submission of a Landscape and Ecological Management Plan to ensure that the wider strategic landscaping

proposed is managed and that the biodiversity gains are maintained in accordance with Policies EN7 and EN8 of the CDLP (9).

67. I have also included a travel plan condition requested by the Highway Authority to promote the use of sustainable travel methods in accordance with CDLP Policy INF3 and the Framework (11).
68. As the surrounding trees and habitats have the potential to support and provide foraging grounds for protected species, it is necessary to control external lighting within the development to protect nocturnal wildlife in accordance with Policy EN8 of the CDLP (12).
69. The Indicative Site Layout includes possible internal roads which do not form part of the access details to be considered as part of this appeal. Consequently, I have not included drawing number 20-30-30-200 – Indicative Site Layout Plan within the approved plans condition as the access details for consideration are shown on drawing number 2030-03-400.
70. The Highways Authority requested several conditions some of which are included within the Construction Management Plan. However, I have not attached the conditions requested relating to car parking provision, that each dwelling has access to the adopted highway prior to occupation or that the roads are laid out in accordance with Manual for Gloucestershire Streets as these all relate to the consideration of the layout through future reserved matters submissions.

Conclusion

71. The proposed development would conflict with the development plan, but material considerations indicate that a decision should be made other than in accordance with it. For the reasons given above, the appeal is allowed.

P Brennan

INSPECTOR

Schedule of Conditions

- 1) 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.
- 2) The development hereby permitted shall take place not later than two 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 "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 drawing numbers 20-30-03-100 and 20-30-03-400.
- 5) Prior to the commencement of development, a surface water drainage scheme shall be submitted to and approved in writing by the local planning authority. The surface water drainage scheme shall accord with the principles set out in the drainage strategy section of the document titled 'Flood Risk Assessment Jan 2025 Issue: 3' and include a timetable for the implementation of all drainage works. Before the above details are submitted, an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in 'The SuDS Manual, CIRIA C753' (or any subsequent version), and the results of the assessment shall be included in the surface water drainage scheme. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for its implementation;
 - iii) provide a full risk assessment for flooding during the groundworks and building phases with mitigation measures specified for identified flood risks; and
 - iv) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 6) Prior to the commencement of development, a desk study that assesses the nature and extent of any contamination, whether or not it originated on site shall be undertaken and submitted to and approved in writing by the local planning authority. The study shall include a risk assessment of potential source pathway-receptor linkages.

If potential pollutant linkages are identified, a site investigation of the nature and extent of contamination shall be carried out in accordance with a methodology that has been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins.

If any significant contamination is found during the site investigation, a Remediation Scheme specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority before any development begins.

The Remediation Scheme shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. 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 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.

- 7) Prior to the commencement of the development hereby permitted, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken fully in accordance with the approved CMP. The CMP shall include but not be restricted to:
 - i) Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - ii) Advisory routes for construction traffic;
 - iii) Any temporary access to the site;
 - iv) Locations for loading/unloading and storage of plant, waste, and construction materials;
 - v) Method of preventing mud and dust being carried onto the highway;
 - vi) Arrangements for turning vehicles;
 - vii) Arrangements to receive abnormal loads or unusually large vehicles;
 - viii) Highway Condition survey;
 - ix) Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses;
 - x) Delivery and construction hours.
- 8) Prior to the commencement of development, a detailed site waste management plan or equivalent shall be submitted to and approved in writing by the local planning authority. The detailed site waste management plan must identify the specific types and amount of waste materials forecast to be generated from the development during site preparation, demolition and construction phases; and the specific measures that will be employed for dealing with this material so as to minimise its creation; maximise the amount of re use and recycling on-site; maximise the amount of off-site recycling of any wastes that are unusable on-site; and reduce the overall amount of waste sent to landfill. In addition, the detailed site waste management plan shall also set out the proposed proportions of recycled content that will be

used in construction materials. The detailed site waste management plan shall be fully implemented in accordance with the approved details.

- 9) Prior to any above ground works of the development hereby approved being undertaken, a 10-year Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the local planning authority. The plan shall be prepared in accordance with the principles set out in the Biodiversity Gain Plan and must include, but not necessarily be limited to, the following information:
 - i) Description and evaluation of features to be managed, including locations shown on a site map;
 - ii) Establishment details, including preparation of the land;
 - iii) Landscape and ecological trends and constraints on site that might influence management;
 - iv) Aims and objectives of management, including ensuring the delivery of at least a 10% net gain in habitat and hedgerow units;
 - v) Appropriate management options for delivering a net gain;
 - vi) Prescriptions for all management actions;
 - vii) A work schedule matrix (i.e. an annual work plan) capable of being rolled forward over 5- or 10-year periods;
 - viii) Details of the body or organisation responsible for the implementation of the plan;
 - ix) Ongoing monitoring of delivery of the habitat enhancement and creation details to achieve net gain as well as details of possible remedial measures that might need to be put in place; and
 - x) Timeframe for reviewing the plan.

The LEMP shall be implemented in accordance with the approved details, and all habitats shall be retained in that manner thereafter. Notice in writing shall be given to the Council when the habitat creation and enhancement work as set out in the Biodiversity Gain Plan have commenced and once all habitat creation and enhancements have been completed.

- 10) Prior to any above ground works of the development hereby approved being undertaken, details of the provision made for facilitating the management and recycling of waste generated during occupation shall be submitted to and approved in writing by the local planning authority. The details shall illustrate the appropriate and adequate space and infrastructure to allow for the separate storage of recyclable waste materials. The management of waste during occupation must be aligned with the principles of the waste hierarchy and not prejudice the local collection authority's ability to meet its waste management targets. All details shall be fully implemented as approved and maintained thereafter.
- 11) Prior to occupation of the first dwelling hereby approved and irrespective of any document currently submitted a Travel Plan will be submitted to and approved in writing by the local planning authority. The Travel Plan shall include a monitoring methodology which will include a survey methodology for assessing the travel mode choices of residents; an initial series of targets for modal shifts for residents and a secondary series of measures should the initial targets not be achieved. These secondary targets could include measures to improve infrastructure to support sustainable travel modes as

well as or instead of other measures to drive change. The Travel Plan once approved will be monitored and managed including an agreed surveying system to identify travel choices of residents, changes in those travel choices and submission of annual reports from the Travel Plan Co-ordinator to the local planning authority for at least five years from the occupation of the final part of the development or until the targets in the Travel Plan are met.

- 12) Prior to the installation of any external lighting for the development hereby approved, a lighting design strategy for biodiversity shall be submitted to and approved by the Local Planning Authority. The strategy shall:
- i) identify the areas/features on site that are particularly sensitive for nocturnal wildlife;
 - ii) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their commuter route.

All external lighting shall be installed only in accordance with the specifications and locations set out in the strategy. No external lighting other than that hereby approved shall be installed or sited on the application site.

End of Conditions

Richborough