

APPLICATION NO: 22/0003/TWR3MJ **VALIDATION DATE:** 3rd February 2022

DISTRICT REF: 22/00183/CM

AGENT: McLoughlin Planning, First Floor 119 Promenade, Cheltenham, GL50 1NW

APPLICANT: Head of Property Services, Gloucestershire County Council

SITE: Land South of Badham Pharmacy Head Office, A435, Bishop's Cleeve, Cheltenham, Gloucestershire GL52 8SA

PROPOSAL: Construction of a 3-Form of Entry (3FE) Primary School, Nursery, New Vehicular Access and Ancillary Works

PARISH: Gotherington **SITE AREA:** 2.5 Ha

GRID REF: E 396337
N 228712

INTRODUCTORY SUMMARY

The proposed development of a 3-Form of Entry (3FE) Primary School, Nursery, New Vehicular Access and Ancillary Works lies outside but adjoining the the settlement boundary north of Bishop's Cleeve and within the parish of Gotherington.

Having considered the consultation responses, representations, national and local planning policy the proposed development, subject to planning condition compliance and mitigation works relating to landscaping, ecology and highway matters, is not considered to significantly adversely impact upon, the amenity of residents in the vicinity, the environment; the local highway network; upon the Cotswolds Area of Outstanding Natural Beauty (AONB) and the Gotherington Special Landscape Area (SLA). As such it is considered to comply with national policy National Planning Policy Framework (NPPF) and the policies of the development plans including the recently adopted Tewkesbury Local Plan 2011-2032 apart from LAN 3 policy relating to the Gap of Local Importance in which the development site sits. For this reason, it is considered that the development departs from development plan policy LAN3.

Overall, whilst departing from Tewkesbury Local Plan (TLP) Policy LAN 3, it is considered that on balance, the educational need outweighs any adverse impact perceived or otherwise by the proposed development and is therefore recommended for approval.

1.0 SITE DESCRIPTION

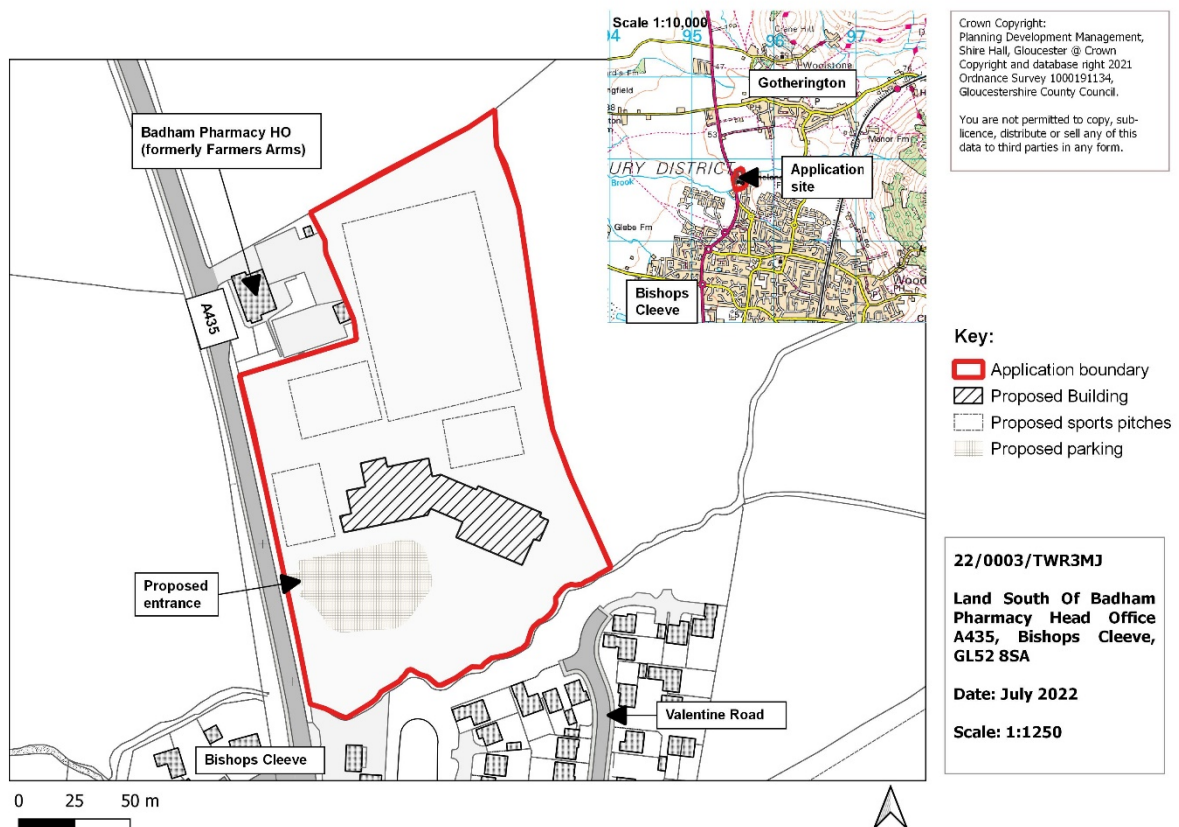
- 1.1 The proposed primary and nursery school site is an undeveloped parcel of land with an area of 2.5 hectares located on the eastern side of the A435, approximately 200m to the north of the junction with Evesham Road, at the northern end of Bishop's Cleeve. The site is adjacent to the Old Farmers Arms to the north, which is now the Head Office of Badham Pharmacy, and recently constructed houses on Valentine Road to the south. There is a watercourse (Dean Brook) running along the southern boundary and there are no existing buildings present. The site is located 1.3 miles from the Bishop's Cleeve Town Centre and 4.9 miles from Cheltenham Town Centre.
- 1.2 The site is located outside of the Cotswolds Area of Outstanding Natural Beauty (AONB) (more than 1,270 m at its nearest point) to the east. The site is also outside and to the south west of the Special Landscape Area (SLA) at Gotherington. Most of the site is within Flood Zone 1, representing a low risk of flooding. To the south-west of the site there is a small area situated in Flood Zone 3. The site contains a pond in the south-west corner and the southern boundary is defined by the Dean Brook watercourse which forms the boundary between the Parishes of Bishop's Cleeve and Gotherington as well as the extent of the settlement boundary.
- 1.3 The site does not contain any heritage assets although there are listed buildings in the wider locality. The site is not crossed by any public rights of way (PROW). The site does not contain any sites of acknowledged environmental importance or nature conservation. The site is crossed from the north east to south west by a poles carrying a high voltage electricity supply cable.
- 1.4 South of the site is a modern two and three storey residential development. To the north and west of the site is Badham Pharmacy Head Office and farmland whilst to the east is the A435 Evesham Road.
- 1.5 Vehicular access to the site is currently obtained to the north of Badham Pharmacy Head Office.
- 1.6 The topography of the site is generally sloping, the highest point being in the north eastern corner, sloping down to the lowest point at the south western corner. The overall level change is around 6m. There are no existing buildings located on the site but there is an historic orchard south of Badham Pharmacy Head Office.

2.0 DESCRIPTION OF DEVELOPMENT

- 2.1 The proposal is for the construction of a new two phase, two storey Primary School with associated hard and soft landscaping works.
 - Phase 1 to include 2 Forms of Entry (2FE)
 - Phase 2 to expand to 3 Forms of Entry (3FE)
 - Nursery (independent of phasing)

This application proposes the phased development of a new primary school with 2FE, expanding to 3FE at a later date. A single storey nursery is also proposed which could be delivered, along with the associated landscape, at any point during the phasing process.

- 2.2 Associated facilities would include staff parking area, vehicular access directly off the A435, Multi Use Games Area (MUGA), rounders pitch, running track and a grass pitch. The proposal includes a package of improvements and enhancements to the local highway network fully detailed within the Transport Statement which forms part of the application.
- 2.3 The School would comprise of two storeys for the primary age range along with a single storey nursery.
- 2.4 The proposed access points will be off the A435 on the western site boundary. There would be three accesses in total, one serving vehicular access, one serving the playing fields and an emergency access to the north of the site. Parents drop off is deliberately designed out from the proposal with the aim of more use of walking, cycling and scootering to the school. Parent parking would occur further away from the school site within residential areas.



- 2.5 The main application was received on 12th January 2022 and validated on 3rd February following the submission of additional documents required by the County Planning Authority (CPA) in order to validate the application.

2.6 The applicant has submitted the following documents and plans in support of the application comprising:

- SK11 Rev I Sheet 1 of 3: Site Access & Active Travel Improvements
- SK12 Rev F Sheet 2 of 3: Site Access & Active Travel Improvements
- SK13 Rev C Sheet 3 of 3: Site Access & Active Travel Improvements
- Biodiversity Net Gain Feasibility & Design Stage Report by Keystone (Dated December 2021)
- Glint & Glare Study Revised by Pager Power (dated 30/03/2022)
- 2046 35 Rev S04 Soft Planting Proposals Phase 1 - 04.03.2022
- 2046 32 Rev S03 Soft Planting Proposals Phase 2 - 04.03.2022
- 2046 36 Rev S04 Hard Landscape Proposals (Phase 1) - 03.03.2022
- 2046 33 Rev S04 Hard Landscape Proposals (Phase 2) - 03.03.2022
- DLA.2046.L.41.S01 Section A Southern Boundary
- DLA.2046.L.40.S01 Section B Evesham Road
- Landscape and Visual Addendum–Further Information (dated 30.03.2022)
- DLA.2046.LVA-ADD.RPT.01. V1 Landscape & Visual Addendum
- SK10 Rev I Site Access & Active Travel Improvements Location Plan
- 2046 30 Rev 06 Fencing Plan
- 9546-RLL-A-PL101 Rev A 2FE Proposed Site Plan (Phase 1)
- 9546-RLL-A-PL102 Rev A 3FE Proposed Site Plan (Phase 2)
- Statement of Community Involvement (dated February 2022)
- Noise & Acoustic Feasibility Study by Acoustic Consultants Ltd. (Ref: 8999/JC (dated 22 December 2021)
- Stage 1 Road Safety Audit (dated 20.01.2022)
- Application Form
- Design & Access Statement (dated December 2021)
- Main Site Preliminary Ecological Appraisal (dated February 2021)
- Air Quality Assessment (dated October 2021)
- Evesham Road Preliminary Ecological Appraisal (dated November 2021)
- Hedgerow Assessment (dated April 2021)
- Bat Roost Inspection Survey Report (dated April 2021)
- Dormouse Survey (dated October 2021)
- Reptile Survey (dated June 2021)
- Water Vole & Otter Survey Report (dated September 2021)
- Great Crested Newt Survey (dated June 2021)
- Arboricultural Impact Survey (dated 21st December 2021)
- Archaeological Evaluation (dated August 2021)
- Preliminary Ecological Appraisal & Bat Roost Inspection Rep (dated April 2021)
- Bat Roost Presence/Absence Survey Report (dated September 2021)
- Visual Analysis (dated 17 December 2021)
- Landscape & Visual Impact Assessment (dated January 2022)
- Drainage Strategy Report (dated 19th December 2021)
- Ecological Management Plan (dated December 2021)

- Flood Risk Assessment (dated 15th December 2021)
- Geophysical Survey Report (dated March 2021)
- Interpretive Report on Ground Investigation (dated June 2021)
- Landscape & Ecological Management Plan
DLA.2046.RPT.LEMP.01.V03
- Planning Statement (dated January 2022)
- Sustainability Statement (dated December 2021)
- Travel Plan by Cotswold Transport Planning (Dated December 2021)
- Waste Minimisation Statement (dated January 2022)
- Transport Assessment (dated December 2021)
- Transport Assessment: Appendix A to D
- Transport Assessment: Appendix E
- Transport Assessment: Appendix F
- Transport Assessment: Appendix G
- Transport Assessment: Appendix H to N
- Transport Assessment: Appendix O to AB
- P21-0553 Site Location Plan
- 9546 PL001 Existing Site Plan
- 9546 PL010 Demolitions Plan
- 9546-RLL-A-PL201 2FE Ground Floor Plan (Phase 1)
- 9546-RLL-A-PL202 2FE First Floor Plan (Phase 1)
- 9546-RLL-A-PL251 3FE Ground Floor Plan (Phase 2)
- 9546-RLL-A-PL252 3FE First Floor Plan (Phase 2)
- 9546-RLL-A-PL253 2FE Roof Plan (Phase 1)
- 9546-RLL-A-PL254 3FE Roof Plan (Phase 2)
- 9546-RLL-A-PL301 2FE Proposed Elevations (Phase 1)
- 3MJ 9546-RLL-A-PL302 3FE Proposed Elevations (Phase 2)
- 9546-RLL-A-PL303 Proposed Nursey Elevations
- MJ Construction Logistics Plan
- DLA.2046.L31.S05 Illustrative Masterplan - Phase 1
- DLA.2046.L31.S05 Illustrative Masterplan - Phase 2
- 2046 38.1 Rev S02 Soft Planting Proposals-Off Site Highways 1 of 2
- 2046 38.2 Rev S02 Soft Planting Proposals-Off Site Highways 2 of 2
- MW023/TJ/WASTE Letter Clarifying Soil Excavation & Vehicle Movements
- Utilities Report
- 13668-HYD-00-XX-DR-C-7050 P01 Existing Levels
- 13668-HYD-00-XX-DR-C-7051 P0 Proposed Finished Levels
- 13668-HYD-00-XX-DR-C-7053 P0 Cut & fill Analysis Sections Sheet 1
- 13668-HYD-00-XX-DR-C-7053 P0 Cut & fill Analysis Sections Sheet 2
- 13668-HYD-00-XX-DR-C-7054 P0 Cut & fill Analysis Sections Sheet 3
- Operation & Maintenance Schedule
- Letter 31.01.22: Further Assessment for Hydrological
- 13688-HYD-00-XX-DR-C-7000 P01 Drainage Strategy Plan
- 13688-HYD-00-XX-DR-C-7001 P01 Drainage Strategy Sheet 1
- 13688-HYD-00-XX-DR-C-7002 P01 Drainage Strategy Sheet 2
- 13688-HYD-00-XX-DR-C-7003 P01 Drainage Strategy Sheet 3

- 13688-HYD-00-XX-DR-C-7004 P01 Drainage Strategy Sheet 4
- 13688-HYD-00-XX-DR-C-7005 P01 Drainage Strategy Sheet 5
- 13688-HYD-00-XX-DR-C-7006 P01 Drainage Strategy Sheet 6
- 13688-HYD-00-XX-DR-C-7007 P01 Drainage Strategy Sheet 7
- 13688-HYD-00-XX-DR-C-7010 P01 Drainage Details Sheet 1
- 13688-HYD-00-XX-DR-C-7011 P01 Drainage Details Sheet 2
- 13688-HYD-00-XX-DR-C-7020 P01 Storm Water Catchment Areas
- 13688-HYD-00-XX-DR-C-7022 P02 Sustainable Urban Drainage Strategy
- Sewer Map 1 Valentine Road
- Sewer Map 2 Pharmacy
- Sewer Map 3 Evesham Road
- BCP - System 1 Car Park 17.12.2021
- BCP - System 2 East Block 19.12.2021
- ICP Catchment 17.12.2021
- Extra Samples for Lead Testing

Environmental Impact Assessment

- 2.7 The application was not accompanied by an Environmental Statement (ES). Consequently, the application was screened for EIA development. The proposal falls under Schedule 2 10 (b) Urban development projects, including the construction of shopping centres and car parks, sports stadiums, leisure centres and multiplex cinemas, and Column 2, (i) the development includes more than 1 hectare of urban development which is not dwellinghouse development.
- 2.8 The site area for development is approximately 2.5 hectares of land and exceeds the 1 hectare urban development threshold identified in Schedule 2. The Planning Practice Guidance (PPG) provides further advice in respect of indicative criteria and thresholds relating to the likelihood of the need for EIA. Paragraph 17 of the PPG states that *“If a proposed project is listed in the first column in Schedule 2 of the 2017 Regulations and exceeds the relevant thresholds or criteria set out in the second column (sometimes referred to as “exclusion thresholds and criteria”) the proposal needs to be screened by the local planning authority to determine whether significant effects on the environment are likely”* and the PPG states *“hence whether an Environmental Impact Assessment is required.”* At paragraph 18 the PPG states that *“only a very small proportion of Schedule 2 development will require an Environmental Impact Assessment.”*
- 2.9 While there is potential for some effects to be generated by the proposed development, such as highway impacts, landscape character and visual impact and ecology impacts, these details can be adequately considered through documentation submitted and mitigation measures which could be set out and considered in determination of the application so as to avoid any significant effects that may be generated.

- 2.10 Advice in the PPG has not been solely relied upon. Schedule 3 of the regulations has been considered with the result that the development is not considered to be of more than local importance (in the context of EIA legislation), would not have significant environmental effects on the local area and would not have an unusually complex/hazardous environmental effects either alone or in combination with other existing or approved developments (in the context of EIA legislation).
- 2.11 Whilst the scope of the development does lie within Schedule 2 it would not, in the opinion of the CPA be likely to have a significant effect on the environment in terms of the requirement for an EIA. A Screening Opinion was issued on 22 March 2022 stating that an ES was not required.

3.0 PLANNING HISTORY

The applicant's planning agent submitted a pre-application request and this was responded to on 29 June 2021. The site itself has no planning history other than the pre-app referred to above.

4.0 POLICY CONTEXT

National Planning Policy Framework (NPPF)

- 4.1 The NPPF was revised on 20 July 2021 and sets out the government's planning policies for England and how these are expected to be applied. The revised Framework replaces the previous NPPF published in March 2012, revised in July 2018 and updated in February 2019. The revised Framework is a material consideration in the determination of the application. In assessing and determining planning proposals, the local planning authority should apply the presumption in favour of sustainable development, which is the main focus of the NPPF in relation to both the plan-making and decision-making process.
- 4.2 Paragraph 95 of the NPPF states that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:
- a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and*
 - b) work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.*
- 4.3 Paragraph 104 identifies the following objectives in promoting sustainable transport:
- a) the potential impacts of development on transport networks can be addressed;*

- b) *opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;*
- c) *opportunities to promote walking, cycling and public transport use are identified and pursued;*
- d) *the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and*
- e) *patterns of movement, streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places.*

4.4 Paragraph 105 states the *“planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.”*

4.5 Paragraph 110 states that in assessing applications for development it should be ensured that:

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

4.6 Paragraph 111 states Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway

safety, or the residual cumulative impacts on the road network would be severe.

4.7 Paragraph 112 considers that applications for development should:

- a) *give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*
- b) *address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*
- c) *create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*
- d) *allow for the efficient delivery of goods, and access by service and emergency vehicles;...*

4.8 Paragraph 126 states the “*creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.*”

4.9 Paragraph 174 advises planning decisions “*should contribute to and enhance the natural and local environment by:*

- a) *protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- b) *recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
- c) *maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*
- d) *minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*

- e) *preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*
- f) *remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.”*

Development Plan(s)

- 4.10 Under Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Gloucestershire Waste Core Strategy (WCS) (2012)

- 4.11 The WCS forms part of the Development Plan. Policies from the adopted WCS which are relevant to this application are:
- Policy WCS1 – Presumption in Favour of Sustainable Development
 - Policy WCS2 – Waste Reduction

Joint Core Strategy – Adopted 5th December 2017

- 4.12 The adopted Joint Core Strategy (JCS) forms part of the Development Plan and provides the strategic policy for development across the three administrative areas of Cheltenham, Gloucester and Tewkesbury until 2031. Tewkesbury Borough Council formally adopted the Joint Core Strategy (5th December 2017) along with Gloucester City Council (23rd November 2017) and Cheltenham Borough Council (11th December 2017).
- 4.13 The JCS contains a number of strategic objectives, one of which (Objective 7) is the promotion of sustainable transport, reducing the need to travel and reliance on the car by improving opportunities for public transport, walking and cycling by making routes more convenient, safe and attractive.
- 4.14 Objective 9 is concerned with promoting healthy communities by enhancing opportunities for high quality education working in partnership to encourage healthy lifestyles through access to key community facilities and sustainable transport as well as ensuring that environmental quality and air quality is protected.

Relevant JCS policies are:

- Policy SP1 – The Need for New Development.
- Policy SP2 – Distribution of New Development.
- Policy SD3 – Sustainable Design and Construction.
- Policy SD4 – Design Requirements.

- Policy SD6 – Landscape.
- Policy SD7 – The Cotswold Area of Outstanding Natural Beauty.
- Policy SD8 – Historic Environment.
- Policy SD9 – Biodiversity and Geodiversity.
- Policy SD14 – Health & Environmental Quality.
- Policy INF1 – Transport Network.
- Policy INF2 – Flood Risk.
- Policy INF3 – Green Infrastructure.
- Policy INF4 – Social and Community Infrastructure.
- Policy INF5 – Renewable Energy and low carbon energy development.
- Policy INF6 – Infrastructure Delivery.

4.15 JCS Policy INF1 – Transport Network

1. *Developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters. All proposals should ensure that:*
 - i. *Safe and efficient access to the highway network is provided for all transport modes;*
 - ii. *Connections are provided, where appropriate, to existing walking, cycling and passenger transport networks and should be designed to encourage maximum potential use;*
 - iii. *All opportunities are identified and taken, where appropriate, to extend and/or modify existing walking, cycling and public transport networks and links, to ensure that credible travel choices are provided by sustainable modes.*

2. *Planning permission will be granted only where the impact of development is not considered to be severe. Where severe impacts that are attributable to the development are considered likely, including as a consequence of cumulative impacts, they must be mitigated to the satisfaction of the Local Planning Authority in consultation with the Highway Authorities and in line with the Local Transport Plan.*

3. *Developers will be required to assess the impact of proposals on the transport network through a Transport Assessment. The assessment will demonstrate the impact, including cumulative impacts, of the prospective development on:*
 - a) *Congestion on the transport network*
 - b) *Travel safety within the zone of influence of the development*
 - c) *Noise and/or atmospheric pollution within the zone of influence of the development*

4. *Where appropriate the local planning authority may require applications to be accompanied by a Travel Plan that has full regard to the criteria set out in the NPPF.*

4.16 The supporting text of Policy INF1 makes reference to the potential for short - distance trips to transfer where appropriate to non-car modes, such as public transport, walking or cycling - something which the NPPF considers to be a core planning principle. The policy recognises that to enable the transfer to non-car modes requires a co-ordinated approach across several policy and delivery areas and the JCS seeks to achieve this through its policies on design and infrastructure. The role of the Development Plan is to reflect, support and enable the implementation of transport objectives of the Local Transport Plan (LTP) through its land-use policies and proposals. The LTP is the key strategy for the delivery of essential transport infrastructure to support the delivery of growth identified in the JCS and sits alongside the JCS.

4.17 JCS Policy SD9: Biodiversity and Geodiversity

1. *The biodiversity and geological resource of the JCS area will be protected and enhanced in order to establish and reinforce ecological networks that are resilient to current and future pressures. Improved community access will be encouraged so far as is compatible with the conservation of special features and interests.*
2. *This will be achieved by:*
 - i. *Ensuring that European Protected Species and National Protected Species are safeguarded in accordance with the law*
 - ii. *Conserving and enhancing biodiversity and geodiversity on internationally, nationally and locally designated sites, and other assets of demonstrable value where these make a contribution to the wider network, thus ensuring that new development both within and surrounding such sites has no unacceptable adverse impacts*
 - iii. *Encouraging new development to contribute positively to biodiversity and geodiversity whilst linking with wider networks of green infrastructure. For example, by incorporating habitat features into the design to assist in the creation and enhancement of wildlife corridors and ecological stepping stones between sites*
 - iv. *Encouraging the creation, restoration and beneficial management of priority landscapes, priority habitats and populations of priority species. For example, by securing improvements to Strategic Nature Areas (as set out on the Gloucestershire Nature Map) and Nature Improvement Areas.*
3. *Any development that has the potential to have a likely significant effect on an international site will be subject to a Habitats Regulations Assessment.*

4. *Within nationally designated sites, development will not be permitted unless it is necessary for appropriate on-site management measures, and proposals can demonstrate that there will be no adverse impacts on the notified special interest features of the site.*
5. *Development within locally designated sites will not be permitted where it would have an adverse impact on the registered interest features or criteria for which the site was listed, and harm cannot be avoided or satisfactorily mitigated.*
6. *Harm to the biodiversity or geodiversity of an undesignated site or asset should be avoided where possible. Where there is a risk of harm as a consequence of development, this should be mitigated by integrating enhancements into the scheme that are appropriate to the location and satisfactory to the local planning authority. If harm cannot be mitigated on site then, exceptionally, compensatory enhancements off site may be acceptable.*

4.17 The supporting text of the policy advises enhancements will be secured through the design of the development and via planning conditions.

Joint Core Strategy Review

4.18 Since the JCS was adopted back in December 2017, Gloucester City, Cheltenham Borough and Tewkesbury Borough Councils have been working towards its review. This continues to be a collaborative strategic development plan of the three areas and includes a close working relationship with Gloucestershire County Council (GCC).

4.19 The JCS (now Joint Strategic Plan – JSP) authorities have published an 'Issues and Options' consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The consultation period ran from 12th November 2018 to the 11th January 2019. Since the consultation closed in January 2019, the JSP authorities are preparing a draft Reg. 18 plan for consultation, which is expected to commence in Spring 2023. This is at an early stage in the review process and therefore carries no significant weight. No other consultations are live.

Tewkesbury Borough Council Local Plan

4.20 On 12 April 2022, the Council received the Inspector's Final Report on the Examination of the Tewkesbury Local Plan 2011-2031. The Inspectors' Report and final Main Modifications can be viewed on the following webpage <https://www.tewkesbury.gov.uk/tewkesbury-borough-plan-examination-library> The Local Plan was referred for adoption at a Full Council meeting on Wednesday 8th June 2022.

The Adopted Plan

4.21 The Tewkesbury Local Plan 2011-2032 was adopted by Tewkesbury Borough Council (TBC) at the Full Council meeting held on 8th June 2022.

4.22 **Tewkesbury Local Plan 2011-2032**

Relevant policies in this plan include the following:

Policy NAT1 – Biodiversity, Geodiversity and Important Natural Features

Policy NAT3 – Green Infrastructure: Building with Nature

Policy ENV2 – Flood Risk and Water Management

Policy HEA1 – Healthy & Active Communities

Policy TRAC1 – Pedestrian Accessibility

Policy TRAC2 – Cycle Network & Infrastructure

Policy TRAC3 – Bus Infrastructure

Policy TRAC9 – Parking Provision

Report on the Examination of the Tewkesbury Borough Plan 2011-2032

- 4.23 The planning Inspector reported the Examination into the Tewkesbury Borough Plan 2011-2032 on 12 April 2022. Regarding this planning application site, the report refers, at paragraph 44 and 45. It states

“ Bishops Cleeve

44. Bishops Cleeve is one of two Rural Service Centres defined by the JCS as the most sustainable settlements in the Borough after Tewkesbury. The village has expanded to the north in recent years with three further allocations in the submitted plan including ex-allotments site BIS3 which has become available for development. The level of recent and planned housing growth has led to a requirement for a further primary school and a potential site for this has been identified just the north of the village.

45. To ensure effectiveness MM2 modifies site specific Policies BIS2 and BIS3 to clarify flood prevention requirements and to specify the need for ecological enhancements to the Dean Brook.”

Neighbourhood Plans

- 4.24 Following the Independent Examination and Referendum, TBC brought the Gotherington Neighbourhood Plan (GNP) into legal force, under Section 38A(4) of the Planning and Compulsory Purchase Act 2004 on the 19th September 2017. The GNP now forms part of the statutory Development Plan for the Borough of Tewkesbury.

Chapter 3 Preservation of the Environment “Principles” identify among others that *“Future new development shall not encroach upon the land that separates Gotherington from Bishop’s Cleeve”* and *“ New development shall ensure Gotherington remains a low light pollution area with no street lighting.”*

Objective 6 states “To protect the identity of Gotherington and prevent its coalescence with Bishop’s Cleeve and Gotherington and Woolstone.”

Policy GNDP09 – Protecting and Enhancing the Local Landscape. This policy states, in part, *“To protect and enhance the landscape of the Gotherington neighbourhood development plan area, where appropriate, development proposals will have to demonstrate that:*

- a) *The sense of enclosure found in Gotherington village is maintained and the strong separation from of Gotherington village from Bishop’s Cleeve, Woolstone and the A435 is maintained;”*

Policy GNDP11 – Development Outside of the Defined Settlement Boundary. This policy states *“Outside of the defined settlement boundary land should remain predominantly open countryside. New development that preserves and enhances this openness, and the countryside setting of Gotherington, will be permitted for the following uses:*

- a) *Agriculture;*
- b) *Forestry;*
- c) *Outdoor recreation;*
- d) *Development that supports the growth and diversification of an existing rural enterprise;*
- e) *Outdoor and other forms of tourist related development considered suitable in the countryside;*
- f) *Conversion of existing buildings;*
- g) *Replacement buildings that are not disproportionately larger than the original footprint; and*
- h) *Where evidenced need for additional housing has been established through the development plan and cannot be met within the defined settlement boundary as set out in Policy GNDP02 of this Plan.”*

The GNP identifies at Appendix 4 – Biodiversity the presence of the following at the application site:

Number	Source	Type	Status	Comments	Area (Ha)
5	Natural England Priority Habitat Inventory v2 2015	Traditional Orchard	Priority Habitat		0.8037
6	Natural England Priority Habitat Inventory v2 2015	Traditional Orchard	Priority Habitat		0.2564
7	Ordnance Survey Master Map	Scrub		Trees and scrub around pond	0.1042

5 REPRESENTATIONS

- 5.1 The application was publicised by site notices dated 24th February 2022 and press notice (Gloucester Echo) dated 24th February 2022. The expiry date for comments was 17th March 2022. The application was also re-publicised by

site notice on 9th May 2022 (expiry date for comments 30th May 2022) following revised highway layout plans.

- 5.2 85 neighbour notification letters were sent to nearby residential properties with comments requested within 28 days of the date of the letter. A further neighbour notification exercise was undertaken following the provision of revised highway plans. A total of 19 (as of 10.06.2022) public comments have been recorded all of which have objected to the application. No neutral or supporting representations were received. Full details of the public comments can be viewed online through public access:

<https://planning.gloucestershire.gov.uk/publicaccess/applicationDetails.do?activeTab=neighbourComments&keyVal=R5N20JHN01600>

- 5.3 Objections received related to the following areas of concern:

- Location;
- Highway concerns relating to
 - road safety,
 - parking,
 - Road Traffic Audit (RTA) undertaken outside peak times;
 - no drop off areas forcing drivers to use nearby residential areas;
 - Traffic Regulation Orders (TRO) timescales;
 - removal of cycleway/walkway along Evesham Road (linking the Finlay Road catchment area to the proposed cycle/walkway at the bottom of Sunrise Avenue);
 - impacts of road changes and reduced entrance at Stollards Close (Shortening access road, highway manoeuvring implications and noise from traffic nearer to houses, change in gradient and ongoing flood issues); and
 - enforcement of parking restrictions concerns.
- Health impact from nearby road;
- Already separate school proposal identified as part of proposed housing development;
- Some of the representations refer to more cycleway and walking provision being made available from nearby housing development.

6 CONSULTATIONS

Tewkesbury Borough Council (TBC)

- 6.1 Planning Policy comments from TBC:

“...The development plan for Tewkesbury Borough comprises the ‘saved’ policies of the Tewkesbury Borough Plan to 2011 (“the Local Plan”) adopted March 2006 and the Gloucester, Cheltenham and Tewkesbury Joint Core

Strategy 2011 – 2031 (“the JCS”) which was adopted in December 2017. The application site is also within the area covered by the made Gotherington Neighbourhood Development Plan 2011 - 2031.

The emerging Tewkesbury Borough Plan 2011 – 2031 (eTBP) will be referred for adoption at a meeting of Full Council on 8th June 2022. This follows receipt of the examining Inspector’s Report on 12th April 2022, which concluded that the plan could be found sound provided the Inspector’s recommended Main Modifications are included. Given its advanced stage, it is my opinion that significant weight can be afforded to the eTBP.

The application site is located to the north of Bishops Cleeve, however is situated outside of the settlement boundary for the village as defined in the emerging Tewkesbury Borough Plan 2011 - 2031. There is no policy in the eTBP on the general principle of a school development outside of a settlement. However, a significant material consideration will be draft Policy LAN3 which, as modified identifies the area between Bishops Cleeve and Gotherington, bounded by the A435 and Cleeve Road/Gotherington Lane, as a Gap of Local Importance. The proposed school site sits within this gap and the policy is clear that permission should only be granted under exceptional circumstances. That is where there would be no harm to the separate identity, character and/or landscape setting of the two settlements and where the open or undeveloped character of the gap would not be significantly adversely affected.

In the Reasoned Justification for Policy LAN3 it is recognised that there may be opportunities, through appropriate location, siting and design, to accommodate some new development in a Gap of Local Importance without significantly adversely affecting the open or undeveloped character of the gap, or harming the separate identity and character of the settlements, or their landscape setting. It is expected that this would be limited development within an existing group of buildings or through the re-use of existing buildings.

The role of the housing development to the south of the application site, and the Old Farmers Arms building to the north, should be carefully considered in this context. I note that the Planning Statement submitted in support of this application concludes that the position of the site in between the building to the north and development to the south means that coalescence of Bishops Cleeve and Gotherington would not be exacerbated. I would disagree to the extent that the north-eastern corner of the application site extends beyond the Old Farmers Arms building which has the potential to exacerbate the coalescence of the two settlements by setting a precedent of encroachment into the gap of local importance.

Importantly, the appropriateness of the siting and design of the school building and associated infrastructure within the site will be a key test in respect of whether the effect on the open or undeveloped character of the gap of local importance is significantly adverse, and in assessing any harm to the separate identity, character and/or landscape setting of Bishops Cleeve and Gotherington respectively.

A further material consideration relevant to this application is the Gotherington Neighbourhood Plan, key objectives of which include resisting development that would encroach upon the land that separates Bishops Cleeve and Gotherington, protecting the identity of Gotherington and preventing its coalescence with Bishop's Cleeve. Policy GNDP11 of the Neighbourhood Plan lists the uses which would be permitted outside of the defined settlement boundary for Gotherington, provided the development preserves and enhances its countryside setting and openness. Given that a school use is not listed within this policy and that it would encroach into the gap between Bishops Cleeve and Gotherington, it is my opinion that there is some conflict with the Neighbourhood Plan.

The question of whether the proposed development in principle would be a departure from policy will depend on how each material consideration is weighed in the decision making process. My opinion is that there is conflict with the Gotherington Neighbourhood Plan and potential conflict with Policy LAN3 of the eTBP, however this should be considered in the balance particularly against the clear public benefit in meeting the need for a new school.

Other policy considerations

The following JCS Policies in respect of achieving Sustainable Development are applicable:

Policy SD3: Sustainable Design and Construction

Policy SD4: Design Requirements

Policy SD6: Landscape

Policy SD9: Biodiversity and Geodiversity

Policy SD14: Health and Environmental Quality

Most of the JCS Infrastructure Policies are also applicable and in particular:

Policy INF1: Transport Network

Policy INF2: Flood Risk Management

Policy INF3: Green Infrastructure

Policy INF4: Social and Community Infrastructure

Policy INF5: Renewable Energy / Low Carbon Energy Development

The following eTBP policies should also be taken into consideration, in respect of the natural environment, healthy communities and transport and accessibility:

Policy NAT1 Biodiversity, Geodiversity and Important Natural Features

Policy NAT3 – Green Infrastructure: Building with Nature

Policy ENV2 Flood Risk and Water Management

Policy HEA1 Healthy & Active Communities

Policy TRAC1 – Pedestrian Accessibility

Policy TRAC2 – Cycle Network & Infrastructure

Policy TRAC3 Bus Infrastructure

Policy TRAC9 Parking Provision”

6.2 Comments received from the Worcestershire Regulatory Services (WRS) (Environmental Health and Licensing)

“WRS on behalf of Tewkesbury Borough Council have reviewed the Noise and acoustic feasibility Impact Assessment prepared by Acoustic Consultants Ltd ref: 8999/JC.

The report indicates that with mitigation measures in place internal noise levels as per “Acoustic Design of Schools: Performance Standards” (2014) DfES can be achieved. WRS advise that mitigation measures be adopted as per the report.

An assessment of noise from potential external plant has also been undertaken, following BS4142:2014 guidance. Plant noise limits have been proposed in Table 7 of the report. WRS advise that these Plant Noise limits be conditioned to ensure that there are no adverse impacts from noise at the nearest sensitive receptor

Subject to the above being implemented, WRS have no adverse comment or objection to make in relation to the above application.”

Case Officer comment: the Tewkesbury Local Plan 2011-2032 (TBP) was adopted at the TBC Full Council meeting on 8th June 2022.

6.3 **County Councillor Hegenbarth** was consulted. No response received.

6.4 **Gotherington Parish Council (GPC)** –

“The Council objects to this application:

There is no provision for a drop off point which will force traffic to turn in the first available layby and return to kerbside. The applicant wrongly assumes that children will be walked to school and does not account for working parents dropping off on their way to work in the opposite direction.

The play space is far too small.

Run-off from the school site will increase the existing flooding on the A435 by the former ditch site (now a gated housing development) The water cannot escape the road due to the new kerbing in place.”

6.5 **Bishop’s Cleeve Parish Council** –

Comments received 11 April 2022.

“Whilst the Council does not formally object to the principle of the development proposed, as there is an undisputed need for additional primary school provision in the parish, the detailed matters are of concern and OBJECT on this basis. The Council would ask that the concerns raised below are taken into account and additional / revised details prior to determination are provided for further consultation and consideration:

1. ACCESS / ROAD SAFETY ISSUES

i) The Council is concerned that the proposed traffic calming measures are neither sufficient, nor appropriate, for the proposed new school as the site is adjacent to the A435, a busy main road with large numbers of heavy goods vehicles. Whilst it is noted that there is a proposal to reduce speed from 50mph to 40mph, then use wig wag 20mph signs near the school at peak school times, the Council is concerned that these speed reductions are insufficient and that speeding motorists could cause serious accidents. Although there has been an agreement on behalf of the applicant to replace the ghost island with a traffic island, which the Council believes is a safer option, it has not been agreed that traffic flow will be improved as a result. The Council is also concerned that bottlenecks, both of traffic and pedestrians, will occur at the toucan crossing as it is the only point of pedestrian and cycle access from the Cleavelands and Greenacres estates to the widened shared path / cycleway on the east side of A435.

ii) The Council notes that the Interim Travel Plan states that there will be direct access to the toucan crossing from the Cleavelands / Greenacre housing developments via the new housing development proposed at the former Nortonham Allotments site (ITP p13/3.9vi). However, the Nortonham Allotment Site application does not provide direct access from the Cleavelands and Greenacres developments so this will only be accessible by residents from these developments via Sapphire Road.

iii) The Nortonham Allotment site is yet to be developed and the public right of way which runs along the boundary with the A435 will not be accessible whilst construction is in progress.

iv) The preferred walking distances stated in the Interim Travel Plan (ITP p13/3.11) suggest that an acceptable distance for a child to walk to school is 1km, with a preferred maximum of 2km. These figures were published in 2000 - 22 years ago - since when traffic volumes have increased significantly, detrimentally impacting on road safety. In addition, more households have all adults working, limiting the time that parents / guardians have to walk children to school. The Council accepts that it is accepted practice to measure distances "as the crow flies" but access from the west side of the A435 is currently only from Sapphire Road roundabout which will significantly increase journey length for some families, and as such could make the physical distance to walk in excess of the above stated preferred distances. It should also be noted that weather, pollution and time constraints will all affect willingness and / or ability to walk to school every day.

v) The submitted proposal allows for 80 cycle and 80 scooter places on the school site, with the cycle provision appearing to include those for staff as well, according to the 3FE hard landscape proposals (EG Carter). Once at full capacity - 630 pupils, this will mean that, including nursery children, over 490 children will be walking, with an additional 160 cycling or scooting, potentially resulting in over 1,000 pedestrians, once accompanying parents and other siblings are factored in, accessing or egressing the school site within a restricted timeframe. However wide pavements are, the Council is concerned

about maintaining pedestrian safety, particularly with shared cycle and walkways on the proposed 'Active Travel Corridor' along the A435 and Evesham Rd (ITP p15 3.22).

vi) The width of the active travel corridor increases from 3m on Evesham Road, to 4.5m at the junction between Valentine Road and Evesham Road to 5m wide alongside the A435 to the pedestrian entrance to the school. However, the pedestrian entrance is only 4.5m wide and will have adults, children, bicycles, scooters and prams both entering and exiting. All cycle and scooter parking provision is centered around the Reception building, principally under the canopy where parents and guardians are meant to wait to drop off and collect pupils at the beginning and the end of the day. The Council is concerned about the congestion this will cause. The fencing plan shows this area to be enclosed by a 1.2m picket fence, effectively only allowing access to the scooter racks to Reception classes. The Council requires clarification as to how the drop-off and collection of scooters and bicycles will be managed in order to promote uptake of the Travel Plan.

vii) The Council is of the opinion that the Cycling / Walking / Scooting projections are unrealistic. The ITP compares the Propensity to Cycle Tool which states that 1% of children currently cycle to school (ITP p14 3.2) with a Cycling Level of Service audit, which measures the performance of cycle infrastructure, namely the A435, (ITP p18 3.32 and 3.33). This is not a realistic comparison, rendering the comparison meaningless. The Council does not accept that even using the comparison of two different tools of measurement, the likelihood of cycling figures rising from 1% to 84% is at all achievable, and additionally, the ITP does not appear to take account of seasonal changes - poor weather, dark mornings and afternoons. Furthermore, there is currently no provision for a paved footpath from Greenacres and Cleavelands housing estates directly onto the A435, other than via Sapphire Road, with any 'created' footpaths turning into quagmires for several months of the year making this assertion of projected travel method unobtainable.

viii) The Council acknowledges that the GCC Manual for Gloucestershire Streets 2020 (p50) states that there should be no drop-off provision for educational facilities. However, as this is only guidance it needs to be balanced with realistic, practical and above all, safe solutions. The School Transport Management Plan (ITP p10 2.37) states "Staff, pupils and parents / guardians have first-hand knowledge of issues experienced when travelling to the site and can therefore offer realistic approaches to improving access by sustainable modes." Also, the ITP (p6 2.15) refers to NPPF paragraph 112 stating that development should "address the needs of people with disabilities and reduced mobility in relation to all modes of transport". In the opinion of the Council this cannot be achieved without a drop-off provision. The Council is concerned about safety issues if the lack of drop-off facilities results in parents dropping their children off near the school, either by utilizing the bus stop or lay-bys on the A435.

ix) According to the Office for National Statistics, in 2019, 75.1% of women and 92.6% of men with dependent children were in work. Given this high proportion of working families, many parents may not have the time to walk children to/from school. As the current plan is for the new school to be occupied one year group at a time, the Council wishes to point out that parents / guardians may well have children at two different school sites, making it impossible to deliver their children on time if walking or cycling.

x) Whilst the Council applauds the GCC for promoting its sustainable goals, it is of the opinion that these have to be managed in a fair and realistic manner. The proposed plans currently have 50 car parking spaces for the entire school. Whereas this should be sufficient for staff by incorporating car-sharing as proposed, the Council is concerned that there is a lack of additional spaces for community engagement on the site.

xi) The Council notes the proposed parking restrictions to be imposed within the vicinity of the school in the McLoughlin Planning Statement (p13 4.17) Urban Clearway Traffic Regulation Order and (p13 4.18) Parking Restrictions Traffic Regulation Order. However, these Orders are for Evesham Road, Greenacre Way and Sunrise Avenue, with no proposed restrictions on the adjoining roads, such as Valentine Road, Conway Drive or on the Cleavelands or Greenacre housing estates on the west of the A435. In the Council's opinion there will be a ripple effect of parents parking on roads adjacent to those with restrictions. Traffic Restriction Orders are only effective if there is proper and continual enforcement of the regulations, so the Council requests that residents be given assurances that these will be carried out on an on-going basis.

2) POTENTIAL FLOODING ISSUES

i) The Council has concerns about the proposal to position the main building along the southern edge of the site as contained in the current application, particularly given that the southwest corner of the site is in Flood Zone 3. The Design and Access Statement (p15) claims that "The location of the building on the site has been positioned to avoid the sensitive areas of ecology on the site" yet it is positioned so that the build takes place over the existing pond and part of the remaining orchard. The Council believes that the position of the building as proposed in Option 4 (Design and Access Statement p14) would avoid the need to fill in the pond and position the building furthest from Deans Brook, both of which currently help to mitigate the effects of excess water on the site.

ii) The Council objects to the decision to fill in the existing pond and cover it with the car park. Although the car park has semi-permeable surface and proposed mass cellular storage beneath (Hydrock Drainage Strategy Report p7 5.6) the soil underneath is "dense clay" and "the pond (not lined) had approximately 500mm deep water in the dry summer months indicating the ground is not suitable for soakaways." As such the Council is of the opinion that the loss of the pond could lead to unnecessary flood events. The pond

currently takes storm water from Badham's Head Office site via a pipe which possibly overflows into a natural ditch alongside the pond. As the applicant has not been able to ascertain the exact outflow point, the Council seeks clarification regarding the proposed discharge of storm water from the Badham site and is concerned about the increased risk of surface water flooding and run-off once the pond has been filled in. "Surface levels will be designed to ensure finished levels fall away from the building to ensure excessive amounts of surface water bypass the building and flow towards the southern boundary of the field towards the watercourse, or off site to the highway to the eastern (sic) boundary." (Hydrock Drainage Strategy report p7 5.7) The Council is of the opinion that discharge of excess water onto the highway seems particularly inappropriate given that this will predominantly be at the access / egress point.

iii) The new ponds "have been specifically designed as only having an ecological function" (DAS p22) yet the Hydrock Drainage Strategy Report states "further detailed design is required to determine the available capacity and how to control the discharge rate between the 3 no. ponds to utilise all available capacity to prevent flooding." (p7 5.6). The Council therefore seeks clarification as to the actual purpose of these new ponds.

iv) The Council notes that there are no plans to widen the culvert that runs beneath the A435 despite the Hydrock Flood Risk Assessment (p20 5.6.4) stating "The significant impact of a culvert blockage to flood risk on-site highlights the critical need for regular maintenance in order to mitigate the increased flood risk." It also states that the proximity of Deans Brook increases the risk of flooding at the entrance / exit of the site and the car park; "these access points are indicated to be at 'high' risk of surface water flooding. As such, it is proposed that safe access and egress is addressed through a Flood Evacuation Management Plan which highlights the flood risk to visitors and details the procedures to follow in the event of a Flood Warning from the EA being issued for the area." (Hydrock Flood Risk Assessment p23 7.2.2). Such an event would directly affect the ability of school to open. The Council wishes it to be noted that houses opposite the site have already flooded and is also concerned about the increased risk of road traffic accidents if surface water runs onto the A435.

v) Within the site itself the Council notes that on the Hydrock Proposed Finished Levels Plan, the football pitches and running track at the southern portion of the site are up to 2m above floor level of the school building. However, the retaining walls are level with the playing surface which the Council believes could lead to flooding issues if the positive drainage system proposed has limited effect due to the impermeable nature of the soil.

vi) With regards to sewerage on site, the Hydrock Drainage Strategy report notes the unknown position of the foul water pipe from Badhams. "Badham Pharmacy Office foul water drains to a pump chamber within their site on the boundary of the proposed school. The rising main outlet heads to the direction of the main proposed school and discharges to a Public Sewer in Evesham Road near the Valentine Road junction. Survey works have been carried out

but are unable to establish the route across the proposed school land." Hydrock Drainage Strategy Report (p3 2.2). "This rising main is likely to conflict with the new development and will either need to be diverted within the site from source to sewer or connected to the new foul system on site." Hydrock Drainage Strategy Report (p4 4.1). The Council would point out that positioning the school as suggested in Option 4 (Design and Access Statement p14) would avoid this problem.

3) POTENTIAL DESIGN ISSUES

i) The Council is of the opinion that the school has been designed to fit the site, rather than an appropriate site being found. As it is likely to be the last large primary school built in the area, it is important that it is fit for purpose and provides a legacy for the community it serves.

ii) The decision to position the school along the southern edge of the plot seems counter-intuitive, particularly given the Design and Access Statement (pp21/22) which states "During the design process, considerable efforts were focussed on retaining both remnant orchards, field pond, hedgerows and trees..... Visual analysis was used to identify that the location of least visual harm for the main school buildings was towards the south-east..." The Council would argue that positioning the school in the north-east of the plot (option 4) would avoid associated flooding risks, retain the existing hedgerows, orchard and pond and also reduce the noise and pollution levels from the busy A435.

iii) The boundary of the school runs along the A435, a very busy main road which carries a lot of heavy goods vehicles. The Council is of the opinion that the health and safety issues regarding road safety and pollution levels have not been adequately addressed in this proposal. Local knowledge suggests that levels of stationary traffic will increase markedly during peak school drop-off times, both due to increased traffic levels and the frequent use of the Toucan Crossing. The subsequent pollution caused by stationary traffic will be emitted at a height most likely to affect children walking to school. With regards to local highway safety, Cotswold Transport Planning obtained Personal Injury Collision (PIC) data from Gloucestershire County Council for the last five years up to June 2021, which showed that no PIC's had occurred within the vicinity of the assessment site. As a result, they concluded "it is considered that there is no existing safety issue on the local highway network that could be exacerbated by the development proposals." The Council suggests that adding between four and six hundred primary school children, with accompanying adults, bicycles, scooters and prams along a stretch of road that previously had practically no pedestrians will indeed exacerbate safety issues.

iv) The proposed development falls within the criteria set by the Department for Education 'Area Guidelines for Mainstream Schools' Building Bulletin 103. However, all the proposed areas are at the extreme lower end of acceptable and as a result have no scope to be adapted or expanded if required in the future. Given the continued residential building in the parishes of Gotherington

and Bishop's Cleeve and the projected over subscription to the existing primary schools in the area, it would seem appropriate to create a building that had scope to be 'future proofed'. The McLoughlin Planning Statement (p6 3.8) refer to SD4 - Design requirements of the Joint Core Strategy. The Council does not agree that the principles of Safety and security and Inclusiveness and Adaptability have been met.

v) On the Hydrock proposed finished levels plan the grassed playing fields are between 1.5m and 2.0m above the finished floor levels of the main school building. The Council is concerned about the retaining wall on two counts. Firstly, the Fencing Plan shows the pitches next to the retaining wall are fenced with a 1.2m high timber palisade picket fence. In order to completely prevent the risk of falls onto the concrete below, the Council considers that 1.8m green steel mesh fencing would be a safer option. Secondly, the Council is concerned about the potential for run-off and subsequent flooding / water damage in times of heavy and prolonged rainfall. The finished floor levels (FFE) shown on this plan are 48.0m which either lies flush to ground level or 100mm above ground level, whereas the Hydrock Flood Risk Assessment (p23 7.2.1) states "it is recommended that, where possible, the ground floor thresholds are set above the adjacent ground levels by a minimum of 300mm, either by raising the floor level above existing ground levels or sloping ground levels away from the building".

vi) The Fencing Plan appears to suggest that the ecological ponds (which are not clearly shown) will be located behind a 1.5m high timber palisade fence with close fitting boards and accessed via a gate from the pedestrian walkway. However, the Fencing plan does not show any fencing around or between the three ponds, which in the Council's opinion poses an unnecessary health and safety risk.

To conclude, Bishop's Cleeve Parish Council is strongly of the opinion that this site is not a suitable site option for a new primary school given its location adjacent to the A435, but in view of the undisputed need for an additional primary school on the north side of the village accepts that this site has to be considered. However, it is not acceptable to cram a school on to a piece of land that will potentially result in poor conditions for future staff and pupils due to the minimum standards being applied to this design in all areas. The poor location, both in terms of its positioning adjacent to the A435 and its position on the site itself demonstrates that this is an ill thought out application, with conflicting and incomplete information which will potentially lead to flooding and health and safety issues in using the site. At the very least this application needs further details submitted and a rethink of its orientation."

Comments received 9 June 2022:

"Response to revised drawing SK11 Rev I: Sheet 1 of 3: Site Access & Active Travel Improvements

The Council strongly objects to the proposed changes on SK11 Rev I Sheet 1- namely the

decision to replace the guardrails at the pedestrian access and the footpath above the vehicular junction with "a 2.5m verge for planting".

The Council believe that guardrails are a far safer option for the following reasons:

1. A guardrail is more likely to prevent or reduce impact were a vehicle to mount the pavement
2. A planted verge will not prevent people, pets or items such as balls from potentially running out into oncoming traffic
3. Planting needs regular maintenance, otherwise it will become overgrown and may obscure the drivers' view
4. Removal of the guardrail in favour of planted verge will encourage drivers to pull alongside and drop pupils off in the absence of a safe dropping off zone.

In addition, the Council wishes to raise a point regarding the comments made by the Highway Authority.

With reference to paragraph seven, the Council notes the contradictory statements made within it. The Highway Authority acknowledges that parents will chose to drive and drop off children -

"It is likely that there will be some degree of drop-off associated to a 'linked trip'".

As the school is going to be occupied one year group at a time, many families will have children at different schools and need to use a car to ensure they arrive on time. Similarly, there are many families where both parents work and need to continue on to their jobs.

However, later in the same paragraph it states

"Give (sic) the accessibility of the proposal and the supporting measures a drop off area is not needed and is not desirable."

As the 'supporting measures' relate to parking restrictions closer to the school, this simply shifts the problem onto adjacent streets, rather than resolving it by providing a safe, time-limited, accessible drop-off zone by the school."

6.6 **Natural England (NE)** raise no objection to the application, stating:

"Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites. Natural England's generic advice on other natural environment issues is set out at Annex A."

NE go on to advise:

" Protected Landscapes – Cotswolds AONB

The proposed development is for a site within or close to a nationally designated landscape namely Cotswolds AONB. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraph 172 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 172 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

We also advise that you consult the relevant AONB Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A."

Full comments are available on Public Access.

6.7 Sport England (SE)

SE responded initially on 7th February 2022 providing the following comment.
"Sport England – Non Statutory Role and Policy

The Government, within their Planning Practice Guidance (Open Space, Sports and Recreation Facilities Section) advises Local Planning Authorities

to consult Sport England on a wide range of applications.

<https://www.gov.uk/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space#open-space-sports-and-recreation-facilities>

This application falls within the scope of the above guidance as it relates to the creation of new playing fields.

Sport England assesses this type of application in light of the National Planning Policy Framework (NPPF) and against its own planning objectives, which are Protect - To protect the right opportunities in the right places; Enhance - To enhance opportunities through better use of existing provision; Provide - To provide new opportunities to meet the needs of current and future generations. Further information on the objectives and Sport England's wider planning guidance can be found on its website:

<https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport>

The Proposal

Construction of a 3 Form Entry (3FE) Primary School, New Vehicular Access and Ancillary Works. The school proposes to have 3 junior football pitches, a running track, 2 rounders pitches and 2 Multi Use Games areas, (MUGAs).

Playing Field Design

The Tewkesbury Playing Pitch strategy, whilst it is out of date, does show a deficit of mini and junior football and these pitches will help to address this if opened up for community use. I also note that Gotherington playing field hosts Cheltenham and District rounders league.

The three under 9/under 10 football pitches are shoe horned in and the back to back layout of two football pitches is poor practice. The most western pitch does not appear to fit correctly with its run-off area hitting the boundary to the north west and ramp to the south east. This is badly designed. The north pitch can and should be pushed further north to create a good separation from the pitch to the south.

Whilst it is good to see some summer sports – athletics running track with a 100m straight and 2 rounders pitches, it is disappointing that there is no junior cricket provision, given the county's reputation for cricket. This is a lost opportunity. The 100m straight is tight on the southern boundary and should be moved 2-4m away from this boundary.

There is no detail on the construction of the playing fields which can be addressed via condition.

There are no details on the MUGAs, surface construction, any sports lighting. Again this can be addressed by condition.

Summary

While the playing field layout is very poor, the designer could easily address this by creating a better layout which could include: moving some of the pitches and running track, reducing one of the pitches to an under 7/under 8 football pitch.

I think there is a need to have the pitches available for the community, which can be covered by a community use agreement.

Recommendation

By providing new pitches that could help address established playing pitch deficiencies, the proposal would meet objective 3, and therefore Sport England supports this application in principle.

Sport England recommends that a ground conditions assessment is undertaken by a sports turf specialist/agronomist who can recommend a scheme for preparing the playing fields to the required specification. The recommended scheme should then be implemented. Detailed guidance on the issues that require consideration is set out in Sport England's guidance 'Natural Turf for Sport'. A copy of this guidance can be found at:

<https://www.sportengland.org/how-we-can-help/facilities-and-planning/design-and-cost-guidance/outdoor-surfaces>

Conclusion

This being the case, Sport England offers its support for this application, as it is considered to meet Objective 3 as set out above.

Sport England recommends, based on our assessment, that if the Council is minded to approve the application, the following planning conditions should be imposed.

Case officer comment: Following the consultation response, the applicant revised the outdoor sports provision. SE were reconsulted and provided the following updated consultation response and planning conditions.

" I welcome the changes in pitch layout and I accept the comments they make about the reasons for lack of cricket.

I do think it is a mistake not even put the trunking in to allow for sports lighting in the future. Other LA/LEAs see the benefit of having sports lighting on MUGAs even in primary schools.

I welcome the fact the MUGA is to have a polymeric surface, but I would still like to see the construction details to ensure it is construction to the industry good practise.

My conditions are based on good practice to ensure the sports facilities are fit for purpose. They are recommendations. I note what the applicants states about community use, I would counter with the fact central government see schools as centres of local community, and to ensure this happens a community use agreement is the best solution.

Conclusions

As in my previous email response dated 7th February 2022, Sport England offers its support for this application.

I still would recommend the following conditions are attached to the planning permission, should it be granted:

1. No development shall commence until details of the layout of playing fields and the design of the Multi Use Games Areas have been submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England]. The Multi Use Games Areas shall not be constructed other than in accordance with the approved details.

*Reason: To ensure the development is fit for purpose and sustainable and to accord with Development Plan Policy **.*

2. No development shall take place unless and until:

- a) A detailed assessment of ground conditions of the land proposed for the new playing field land shall be undertaken (including drainage and topography) to identify constraints which could affect playing field quality; and*
- b) Based on the results of this assessment to be carried out pursuant to (a) above of this condition, a detailed scheme to ensure that the playing fields will be provided to an acceptable quality (including appropriate drainage where necessary) shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England.*

The works shall be carried out in accordance with the approved scheme within a timescale to be first approved in writing by the Local Planning Authority after consultation with Sport England.

*Reason: To ensure that site surveys are undertaken for new or replacement playing fields and that any ground condition constraints can be and are mitigated to ensure provision of an adequate quality playing field and to accord with LP Policy ***

3. The playing field shall be used for Outdoor Sport and for no other purpose (including without limitation any other purpose in Class F1 Use Classes Order 2020, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

*Reason: To protect the playing field from loss and/or damage, to maintain the quality of and secure the safe use of sports pitch/es and to accord with LP Policy **.*

4. Prior to the bringing into use of the playing fields and Multi Use Games Area, a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the playing fields and Multi Use Games Areas.

*Reason: To ensure that new facilities is capable of being managed and maintained to deliver playing fields and Multi Use Games Areas] which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport (National Planning Policy Framework (NPPF) para 99) and to accord with LP Policy ***

5. Within 12 months of the first site inspection by building control, a community use scheme has been submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England]. The scheme shall apply to playing fields, Multi Use Games Areas, Car parking and toilet provision and shall include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities, a mechanism for review and a programme for implementation. The approved scheme shall be implemented upon the start of use of the development [or other agreed timescale] and shall be complied with for the duration of the use of the development.

*Reason: To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport and to accord with LP Policy **.*

If you wish to amend the wording of the recommended condition(s), or use another mechanism in lieu of the condition(s), please discuss the details with the undersigned. Sport England does not object to amendments to conditions, provided they achieve the same outcome and we are involved in any amendments.

The absence of an objection to this application, in the context of the Town and Country Planning Act, cannot be taken as formal support or consent from Sport England or any National Governing Body of Sport to any related funding application, or as may be required by virtue of any pre-existing funding agreement.

If this application is to be presented to a Planning Committee, we would like to be notified in advance of the publication of any committee agendas, report(s) and committee date(s). We would be grateful if you would advise us of the outcome of the application by sending us a copy of the decision notice.”

- 6.8 **Severn Trent Water** – No objections subject to drainage conditions.
“The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.”
- 6.9 **Wales and West Utilities** – No objections raised and provided extract of mains records in area.
- 6.10 **Western Power Distribution (WPD)** – WPD provided a plan showing existing WPD Electricity / WPD Surf Telecom apparatus in the vicinity of the proposed works.

7.0 STRATEGIC INFRASTRUCTURE OBSERVATIONS

7.1 GCC Highway Authority (HA)

The HA provided the following responses:

5 April 2022:

*“Gloucestershire County Council, the Highway Authority acting in its role as Statutory Consultee has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the Highways Development Management Manager on behalf of the County Council, recommends that this application be **deferred**.*

The justification for this decision is provided below.

The Highway Authority has undertaken extensive internal discussions relating to this proposal, and despite engaging in pre application conversations it is considered that a revision to the access design is needed to provide a more desirable solution to assist in speed management and providing a comfortable and attractive environment for pedestrians.

Drawing SK11 D produced by Cotswold Transport Planning demonstrates the proposed ghost lane and pedestrian guardrail to give pedestrian protection. The A435 in this location is proposed to be subject to a speed limit alteration to enclose this proposal but given the traffic volume and vehicle size it is not possible to install physical feature to reduce speed. It is therefore necessary to ensure that the environment reflects the desired limit. Whilst the carriageway is being reduced to 6.5m the ghost lane provides a wide carriageway and allow vehicle speeds to be maintained through the junction. The traffic generated by the proposal does not warrant a ghost lane and as such it is deemed more desirable to remove it and reallocate that road space

to provide improved pedestrian space and to provide trees and landscaping as a more desirable method of protecting pedestrians than the guard railing. This will allow a significant amount of railing to be removed, and have advantages to speed management, green infrastructure provision and further encourage active travel.

It is therefore recommended that the access design be amended to exclude the ghost lane and reuse the space to provide a more sensitive pedestrian environment utilising landscaping and reducing the amount of railing.

The Highway Authority therefore submits a response of deferral until the required information has been provided and considered.”

Following submission of revised plans the HA commented on 29 April 2022:

*“Gloucestershire County Council, the Highway Authority acting in its role as Statutory Consultee has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the Highways Development Management Manager on behalf of the County Council has **no objection subject to conditions.***

The justification for this decision is provided below.

The Highway Authority previously commented on the 5th April 2022 indicating that the access required modification to make it less engineered and to increase the amount of landscaping in lieu of guard railing, this was to provide a more pleasant environment for walking and support the traffic management features to help reduce vehicle speeds in the vicinity of the site.

The application seeks to provide a 3-form primary school and nursery, and primarily looks to service the needs of the new developments on the north of Bishops Cleeve. The site is highly accessible on foot and scooter and is considered to sit within a walking neighbourhood, as such the access strategy correctly maximises active travel infrastructure and limits vehicle provisions.

The proposal will result in the realignment of the A435 to provide a 5 metre wide active travel route, provide a new controlled crossing, narrow the road to 6.5m and introduce traffic regulation orders to lower the speed limit to 40mph and provide a clearway order to prevent indiscriminate parking. Furthermore, improvements are made to the Evesham Road to ensure that the walking, scooting and cycling offer is maximised. An advisory 20mph at school opening and closing times will apply through a “school safety zone” to further highlight the additional activity at this time. These measures provide a high quality connection into Bishops Cleeves existing walking and cycling infrastructure which in turn promotes active travel and reduces the need to travel by car.

The applicant has provided a travel plan and this is considered to be comprehensive and seeks to achieve a minimum of “silver” rating within the Modeshift Stars scheme. The travel plans officer does comment that additional measures should be encouraged specifically targeted at staff

relating to E-bikes, liftshare and incentives for shared and mass transport solutions. It is suggested that the identified travel plan coordinator for the school be a staff member who has sufficient time to implement the proposal rather than a senior staff member who may be occupied achieving education outcomes.

It is noted that several public comments raise concern about the absence of parent drop off areas and the potential implications of its absence. The applicant and Highway Authority have specifically considered this matter before the application was submitted, and the provision of drop off areas is strongly discouraged as it encourages car trips, in this location the school is highly accessible to the surrounding residential area and as such the provision of parent parking would adversely weigh against the sustainable credentials of the proposal. To ensure that the A435 is protected a legal order preventing drop off is to be provided, furthermore existing residential junctions may be subject to parking restrictions to maintain safety. It is likely that there will be some degree of drop off associated to a "linked trip", these can be accepted on existing streets for the short duration that they occur and this in its own right does not lead to a safety or capacity issue that would conflict with paragraph 111 of the NPPF. Given the accessibility of the proposal and the supporting measures a drop off area is not needed and is not desirable and as such the proposal is fully accepted in this regard.

The cost of the works including ancillary traffic management, road lighting and the legal orders to facilitate the TRO's, waiting restrictions and advertisement of controlled crossings will need to be met by the applicant and funded as part of the technical designs checking works. These processes can take many months and are considered to be essential to achieve a suitable scheme, as such the application should look to progress these upon the granting of any planning consent and conditions are proposed to prevent occupation until they are in place.

As a result of the active travel measures and parking management proposals the proposal does not result in a severe impact on capacity, nor does it adversely impact on safety. The proposals to look to improve existing active travel infrastructure and proposes wide routes on the A435 to cater for the expected high levels of walking trips by pupils and their escorts, this is supported with complementary green infrastructure and travel planning measures. The proposal correctly reacts to the road user hierarchy and looks to reduce the need to travel by car, it is therefore considered that there is no justifiable reason to recommend refusal.

It is recommended that the following conditions be included in any decision notice.

Conditions

Completion of Access Works

The development hereby approved shall not be brought into use until the means of access for vehicles, pedestrians and cyclists have been constructed and completed as shown on drawings SK11 Rev I, SK 12 Rev F and SK13.

Reason: In the interest of highway safety.

Highway improvements (Details not provided)

The Development hereby approved shall not commence until drawings of the highway works comprising:

- School Safety Zone on A435*
- Proposed street trees and landscaping on the A435 and future management plan*

Have been submitted to and approved in writing by the Planning Authority; and the building shall not be occupied until those works have been constructed in accordance with the approved details.

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

Grampian Traffic Regulation Order – 40 Mph Speed Limit A435

The development hereby approved shall not be brought into use until a traffic regulation order (TRO) relating to the provision of a 40mph speed limit on the A435 north of Bishops Cleeve fronting the development has been implemented.

Reason: To Restrict impact and harm until suitable mitigation is delivered.

Grampian Traffic Regulation Order – Clearway A435

The development hereby approved shall not be brought into use until a traffic regulation order (TRO) relating to the provision of a clearway order on the A435 north of Bishops Cleeve fronting the development has been implemented.

Reason: To Restrict impact and harm until suitable mitigation is delivered.

Grampian Traffic Regulation Order – Waiting Restrictions

The development hereby approved shall not be brought into use until a traffic regulation order (TRO) relating to provide waiting restrictions at the junctions of Evesham Road/Valentine Road and Evesham Road/Greenacres Way have been implemented.

Reason: To restrict impact and harm until suitable mitigation is delivered.

Employment Travel Plan (Plan Approved)

The School Travel Plan hereby approved, dated December 2021 shall be implemented and monitored in accordance with the regime contained within

the Plan. In the event of failing to meet the targets within the Plan a revised Plan shall be submitted, within 6 months, to the CPA for approval in writing by the Planning Authority to address any shortfalls, and where necessary make provision for and promote improved sustainable forms of travel to and from the site. The submitted details shall use Modeshift STARS to carry out this process and include mechanisms for monitoring and review over the life of the development and timescales for implementation. The approved Travel Plan shall be implemented, monitored and reviewed in accordance with the approved details

Reason: To reduce vehicle movements and promote sustainable travel.

Parking Facilities

Prior to the first use of the development hereby approved a maximum of 53 car parking spaces, a minimum of 5 accessible spaces, a minimum of 80 Bicycle spaces, a minimum of 80 scooter spaces, a minimum of 2 motorcycle spaces and a minimum of 7 electric vehicles spaces, shall be provided. These spaces should be maintained throughout the lifetime of the planning permission.

Reason: to ensure suitable parking facilities are provided to support the development.

Construction Management Plan

Prior to commencement of the development hereby permitted details of a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period. The plan/statement shall include but not be restricted to:

- 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);*
- Advisory routes for construction traffic;*
- Any temporary access to the site;*
- Locations for loading/unloading and storage of plant, waste and construction materials;*
- Method of preventing mud and dust being carried onto the highway;*
- Arrangements for turning vehicles;*
- Arrangements to receive abnormal loads or unusually large vehicles;*
- Joint Highway Condition survey;*
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.*

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development.

Informatives

Works on the Public Highway

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

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

*Drafting the Agreement
A Monitoring Fee
Approving the highway details
Inspecting the highway works*

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

Traffic Regulation Order (TRO)

You are advised that a Traffic Regulation Order (TRO) is required. You must submit a plan to scale of an indicative scheme for a TRO, along with timescales for commencement and completion of the development. Please be aware that the statutory TRO process is not straightforward; involving advertisement and consultation of the proposal(s).

You should expect a minimum of six months to elapse between the Highway Authority's TRO Team confirming that it has all the information necessary to enable it to proceed and the TRO being advertised. You will not be permitted to implement the TRO measures until the TRO has been sealed, and we cannot always guarantee the outcome of the process.

We cannot begin the TRO process until the appropriate fee has been received. To arrange for a TRO to be processed contact the Highway Authority's Legal Agreements Development Management Team at highwaylegalagreements@gloucestershire.gov.

The cost of implementing any lining, signing or resurfacing required by the TRO is separate to the TRO fees, which solely cover the administration required to prepare, consult, amend and seal the TRO.

Street Trees

All proposed street trees must be suitable for transport corridors as defined by Trees and Design Action Group (TDAG). Details should be provided of what management systems are to be included, this includes root protections, watering and ongoing management. Street trees are likely to be subject to a commuted sum.

Impact on the highway network during construction

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

Construction Management Plan (CMP)

It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to “respecting the community” this says:

Constructors should give utmost consideration to their impact on neighbours and the public

- Informing, respecting and showing courtesy to those affected by the work;*
- Minimising the impact of deliveries, parking and work on the public highway;*
- Contributing to and supporting the local community and economy; and*
- Working to create a positive and enduring impression, and promoting the Code.*

The CEMP should clearly identify how the principal contractor will engage with the local community; this should be tailored to local circumstances.

Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues.

Contractors should ensure that courtesy boards are provided, and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties. This does not offer any relief to obligations under existing Legislation.”

7.2 GCC as Lead Local Flood Authority (LLFA)

“The Flood Risk Assessment and drainage strategy submitted with this application show that the development can proceed providing a school that will be safe from flooding and without increasing flood risk elsewhere. The LLFA has no objection to this proposal.

We would advise that the proposed lengthening of the culvert under the A435 will require consent under the 1991 Land Drainage Act. Given that the Dean Brook classified as an ordinary watercourse to the east of the A435 and a main river to the east of the A435 consents will need to be sought from both the Environment Agency and the Tewkesbury Borough Council.

NOTE 1: The Lead Local Flood Authority (LLFA) will consider how the proposed sustainable drainage system can incorporate measures to help protect water quality, however pollution control is the responsibility of the Environment Agency

NOTE 2: Future management of Sustainable Drainage Systems is a matter that will be dealt with by the Local Planning Authority and has not, therefore, been considered by the LLFA.

NOTE 3: Any revised documentation will only be considered by the LLFA when resubmitted through suds@gloucestershire.gov.uk e-mail address. Please quote the planning application number in the subject field.”

7.3 GCC County Archaeologist

“I advise that the application area was subject to full archaeological evaluation at pre-application stage, and no significant archaeology was found to be present.

In my view there is a low risk that archaeological remains will be adversely affected by this development proposal. Therefore, I recommend that no archaeological investigation or recording need be undertaken in connection with this scheme.”

7.4 GCC County Ecologist

Initial comments received 15/02/2022 these can be viewed in full under “documents” tab “associated documents”

Summary of recommendation: Further information and/or clarification required.

Concluding comments:

“ Given the scale of development planned for this site the proposals to remove the remnant orchard habitat is not entirely surprising. However, given other habitat will be ‘temporarily’ lost too there is a question here as to whether other alternative sites were feasible for this school. Of course, the existing habitats do not seem to be being managed as favourably for biodiversity as they could and the development provides a mechanism to address this.

Planning Statement at 4.47 reports the proposal should return a biodiversity net gain of 11.95 in habitat units and 21.21 % in linear (hedgerow) units. This is dependent on the mitigation, creation and aftercare management measures being successfully implemented. The aftercare management is a long commitment for GCC/the new school.

The County Ecologist went on to recommend conditions and informatives to the applicant. Additional consultation comments were received on 11/03/2022 stating:

“Since making my observations on the proposals additional and changed information has been submitted which may be relevant to biodiversity. The following has been presented to the County Planning Authority:

- 1. Landscape & Visual Addendum*
- 2. Agent’s response letter dated 08/03/2022 to Sport England*
- 3. Agent’s response letter dated 08/03/2022 to GCC Landscape & Visual Consultant*
- 4. Plan 9546-RLL-A-PL101 - 2FE Proposed Site Plan (Phase 1) is superseded by 9546-RLL-A-PL101 Rev A*
- 5. Plan 9546-RLL-A-PL102 - 3FE Proposed Site Plan (Phase 2) is superseded by 9546-RLL-A-PL102 Rev A*

Taking an ecological standpoint only the new layout changes (items 4 & 5 above) should have no significant changed implications for biodiversity.

In item 3 it is surprising to note that there are no apple trees on site currently. The tree survey previously submitted confirms the presence of apple trees which are scattered and in poor condition. We are advised that the absence of apple trees is clarified in Biodiversity Net Gain (BNG) report and Environmental Management Plan. In respect of the BNG report I don’t believe such a report has been submitted yet? I already have a pre-determination request out to have sight of a BNG Feasibility and Design Stage Report where claims of a biodiversity net gain of 11.95% in habitat units and 21.21 % in linear (hedgerow) units is derived from.

Please note that item 1 presents four revised proposed landscaping drawings as follows:

- 1. Soft Planting Proposals Phase 1 Drawing L35 Rev S04 dated 04.03.2022*
- 2. Soft Planting Proposals Phase 1 Drawing L32 Rev S03 dated 04.03.2022*
- 3. Hard Landscape Proposals (Phase 1) Drawing L36 Rev S04 dated 03.03.2022*
- 4. Hard Landscape Proposals (Phase 2) Drawing L33 Rev S03 dated 03.03.2022*

These show some small variations in grass and tree plantings. Whilst these should not significantly affect ecological outcomes, we must now have a

proper BNG report submitted to reflect these and assert BNG claims. The up to date BNG report must include a re-run of the biodiversity metric based on the latest landscaping drawings. The claimed figures for BNG need to as accurate as they can be for such a large development. We need to be sure that overall, the ecological changes that will occur as a result of allowing this development can be acceptable overall.

I can confirm my previous observations (memo dated 15/02/2022) are now varied as shown below.

The following items should be addressed to be able to be able to consent the proposed development. If this is not possible then the planning application should be refused or withdrawn.

Pre-determination:

- 1. Item - A returned biodiversity net gain of 11.95% in habitat units and 21.21 % in linear (hedgerow) units is claimed [derived from a BNG Feasibility and Design Stage Report which has not been submitted]. To be firmly assured of a real overall gain for biodiversity of this order the Planning Authority needs to have sight of an up to date BNG calculation which takes account of new varied landscape drawings recently submitted (4 in number).*
- 2. Item - It is not clear whether the applicant is going to apply for a traditional great crested newt European Protected Species development licence or a District version. In respect of the latter GCC as Planning Authority could authorise a District licence after appropriate documentation (certification) has been submitted via NatureSpace. The District licence for Greater Crested Newts (GCN) is the better solution as this is a complex project covering works across a main site and nearby highways plus GCC being the developer, highways authority and planning authority. Confirmation of the approach to be taken should be sought before the planning application is determined in my view.*

Determination:

Once the further information above has been received I can give you final advice on conditions and informatives that should be attached to any consent to make the development acceptable.

Currently I envisage all or some of the following DRAFT items should be attached to any planning consent granted:

- 1. Condition – Scope of Development to include the latest Soft Landscaping Plans for the main site and highways*
- 2. Conditions possibly for GCN District Licensing if chosen*
- 3. Condition – Prior to the commencement of the development a confirmed Tree Protection Plan based on Appendices 4 to 6 of the*

Arboricultural Assessment dated December 2022 must be submitted for approval in writing by the County Planning Authority.

4. *Condition – Approval of the Biodiversity Construction Environmental Management Plan (CEMP) (as is or edited to take account of a GCN District Licensing approach) which should be implemented alongside the general CEMP.*
5. *Condition – Mitigation and enhancement measures for the associated highways as set out at 6.2 to 6.8 of the Preliminary Ecological Appraisal dated November 2021 and within the two Soft Landscape Proposals – Off-Site Highways Works drawings dated December 22nd 2021 are approved and should be implemented.*
6. *Condition - During the construction phase all hazardous chemicals, if left on site overnight, are to be secured and any excavations covered or designed with one sloped side or ramp in place. Also, all open pipes to be capped off overnight that are larger than 150mm outside diameter. All excavations to be filled in as soon as is practicable.*

Reason: As a precaution to ensure the site is made safe from environmental pollution and that animals including those legally protected are prevented from becoming trapped within excavations. In accordance with Local Plan Policy X, ODPM Circular 06/2005 plus National Planning Policy Framework paragraphs 179 and 185. This is also in accordance with Section 40 of the Natural Environment and Rural Communities Act 2006 (as amended), which confers a general biodiversity duty upon Local Authorities.

7. *Condition – The Landscape Ecological Management Plan (LEMP) (Reference DLA.2046.RPT.LEMP.01.V03) and the Ecological Management Plan at Appendix B of the LEMP is approved and should be implemented. If they are not referencing out of date landscape drawings (e.g., there are new ones submitted in March 2022).*
8. *Condition – External Lighting scheme based on 5.14 to 5.16 of the Bat Roost Presence/Absence Survey Report dated September 2021.*
9. *Condition – After December 2023 no works shall take place on the development site until further surveys for badger activity and presence of any bat roosting in trees on the site are carried out and submitted to the County Planning Authority for consideration before works commence or resume.*

Reason: As a precaution to ensure the site is made safe from environmental pollution and that animals including those legally protected are prevented from becoming trapped within excavations. In accordance with Gloucestershire Minerals/Waste Local Plan Policy X, ODPM Circular 06/2005 plus National Planning Policy Framework paragraphs 179 and 185. This is also in accordance with Section 40 of

the Natural Environment and Rural Communities Act 2006 (as amended), which confers a general biodiversity duty upon Local Authorities.

10. *Informatives possibly for GCN District Licensing if chosen*
11. *Informative - If a protected species (such as any bat, great crested newt, dormouse, badger, water vole, otter, white-clawed crayfish, any reptile, barn owl or any nesting bird) is discovered using a feature on or next to the site that would be affected by the development or related works all activity which might affect the species at the locality should cease. If however, such discoveries can be dealt with satisfactorily by the implementation of the mitigation measures in the Biodiversity Construction Environmental Management Plan that has been drawn up by your ecological advisor and approved by the County Planning Authority then these should be implemented. Otherwise, a suitably experienced ecologist should be contacted, and the situation assessed before works can proceed. This action is necessary to avoid possible prosecution and ensure compliance with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2017 (as amended) and the Protection of Badgers Act 1992. This informative should be passed on to any persons or contractors carrying out the development/works.*
12. *Informative - In relation to the County Council's Service Level Agreement with the Local Biological Records Centre and to assist in the strategic conservation of countywide biodiversity, all species and habitat records from the ecological work commissioned by the applicant should be copied [if not already] to the Gloucestershire Centre for Environmental Records (GCER).*

If GCN District Licencing is being sought and the development is consented then a GCN District Licence will need to be formally authorised by GCC as Planning Authority in the usual manner.

It is my view that the above advice is in accordance with the National Planning Policy Framework (NPPF), Planning Policy Guidance (PPG), ODPM Circular 06/2005, Natural England's Standing Advice, and with Section 40 of the Natural Environment and Rural Communities Act 2006 (as amended) which confers a general biodiversity duty upon Local Authorities whilst exercising their functions. Opportunities to produce measurable gains for biodiversity have been considered (NPPF paragraph 175(d))."

7.5 GCC Minerals and Waste Planning Authority

*"Assessment of waste minimisation matters – compliance with adopted Gloucestershire Waste Core Strategy Core Policy WCS2 - The application has demonstrated waste minimisation matters have been considered. However, further details to achieve effective implementation with the development will be necessary.
No objection subject to recommended conditions"*

The following conditions were advised

“Standard condition for waste minimisation during site preparation, design and construction

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

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

Standard condition for waste minimisation during occupation

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

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

Assessment of resource efficiency in construction matters - compliance with adopted Minerals Local Plan for Gloucestershire Policy SR01

“The application has demonstrated that consideration has been given to the use of secondary and / or recycled aggregate in the proposed development’s design and construction- No objection raised and no further action is recommended at this time.”

Assessment of waste management infrastructure safeguarding - compliance with adopted Gloucestershire Waste Core Strategy Core Policy WCS 11

“The application site is not within close proximity to / or contain existing safeguarded waste management infrastructure and / or land allocated for this purpose. No objection raised and no further action is recommended at this time.”

Assessment of mineral infrastructure safeguarding - compliance with adopted Minerals Local Plan for Gloucestershire Policy MS02

“The application site does not adjoin or contain within it existing safeguarded mineral infrastructure. No objection raised and no further action is recommended at this time.”

Assessment of mineral resource safeguarding - compliance with adopted Minerals Local Plan for Gloucestershire Policy MS01

“The application site is not located within a local Mineral Safeguarding Area (MSA) or is exempt from safeguarding requirements as set out under Table 2 of the Minerals Local Plan for Glos. No objection raised and no further action is recommended at this time.”

Other comments include: *“For clarification, as advised in June 2021, the proposal does require a Mineral Resource Assessment. Officer confirmed at that time, that a recorded Mineral Safeguarding Area (MSA) designation for the site was only in respect of an area of stand-off / buffer to support any future working of nearby resources should this be pursued. No mineral resources of potential economic importance are present across the site. In the absence of any existing working of nearby resources or proposals to do so in the future, little weight can be afforded to seeking to safeguard the land exclusively for access purposes at this time.”*

7.6 County Landscape Advisor

Atkins GCC Landscape Consultant

Comments received 10/02/2022

“...the submitted documents and drawings and have a number of points I would be pleased if you would raise with the applicant for clarification:

Whilst the Landscape Visual Impact Assessment (LVIA) confirms that the site lies within the Strategic Gap planning designation, as defined by the TBC Pre-Submission Local Plan policy LAN3, and that it lies outside the current Bishops Cleeve development boundary; the significance of this appears downplayed. The adjacent application site, to the other side of the A435 is shown on drawings but there is no assessment of landscape and visual impacts with or without this being approved.

I am concerned that, whilst the ecological and hedgerow surveys identify both the orchard and the majority of the hedgerows as Habitats of Principle Importance and make recommendations for, ideally, their retention; the LVIA, whilst some of the early sketches indicate retention, it makes no reference to the ecology surveys and seeks to justify loss on the basis of, for the orchard, that it “no longer supports associated industries. There is no obvious evidence of community access or cultural celebrations such as wassailing or apple day.” And, for the hedgerows that they “lack sufficient woody species to qualify as important; hedgerows vary in condition, these being moderate to poor and with limited prominence”. It would be helpful if the applicant could clarify if landscape or ecological assessment takes priority?

There is reference within the LVIA to hedgerow translocation along the A435 boundary; but this doesn't appear to be reflected in the planting plans?

Drawings L38.1 and L38.2 show off-site hedgerow and associated works. It would be helpful to understand what length of new hedgerow planting is proposed and how this relates to the ratio of 3:1 proposed by the ecologists as appropriate compensation?

There is, in various places, reference to difficulties identifying the pear and apple cultivars, to identifying the pear but no clarity on the apple and to the potential to use the existing trees as a source of graft wood. It would be helpful if this could be clarified and confirmed and a rationale provided for the selection of only one cultivar of apple and pear? I note also that the size of the fruit trees to be planted is not scheduled on the planting plans.

The planting plans provide species, sizes and contribution to mixes but do not specify planting densities. Can this please be provided for shrubs and hedging.

The main building is generally described as being two storey; however on the elevations only the floor levels are given. The first floor in parts appears higher than might be expected by the description. It would be helpful to have top of roof heights provided.

Linked to the above it would be helpful to have landscape sections through the site to extend, where relevant to the housing to the other side of the brook.

I note there is extensive remodelling of ground levels to achieve level pitches and buildings, this particularly to the southern boundary and to sections of the eastern and western boundaries. It would be helpful if the applicant could confirm that, on the southern and eastern boundaries, this will not adversely impact the RPAs of existing trees and hedgerow?

The Proposed Finished Levels Plan shows a retaining wall of up to circa 2m in height cutting the site in two from east to west. The LVIA is silent on the impact of this and none of the documents appear to detail finishes, safety

railings etc nor detail the steps and ramp indicated. This information should be provided.

Further retaining walls are shown parallel to the main road but again there are no details and the contours on the plan don't appear to provide for them?

No details are provided of any site security fencing, of fencing to the MUGAs or grass pitches nor of any external lighting. This is needed as is its assessment in the LVIA in terms of visual impact.

I am concerned that there are two different management plans; one for ecology and one for landscape and ecology. Their proposals differ considerably, for example the ecology one covers the "orchards" and sets long timescales for management and survey to ensure biodiversity goals are met whereas the Landscape and Ecology plan makes no mention of the orchards and appears limited to a 5-year period. Can this please be addressed?

The LVIA spends a considerable time describing the landscape design development, which would be better set out in the DAS, but is very light and inexact on the actual assessment of the impact of the development and the effects of mitigation. This needs to be reviewed and addressed.

In conclusion, there appears to be a lot of inconstancies in the submission and a lack of coordination, particularly between the landscape and ecological submissions. I remain of the opinion that this seems an exercise in making the school fit the site, rather than to have sought either a larger site or proposed a smaller development. This in part makes it more unfortunate that the final scheme loses highly valued orchard, hedgerow and pond. The loss of these needs revisiting."

Additional information comments received on 17/03/2022:

"...our further comment on the additional information supplied in respect of the above application and for our subsequent discussion. I have reviewed the documents and would make the following comments:

1. *There is reference to information in some of the ecological reports being superseded by the BNG Report. I don't recall seeing that and can't see it separately named on the portal? I note the County Ecologist has also expressed concern that this needs to be provided before recommendations are finalised.*

2. *The revised landscape drawing appears bound into the LVIA Addendum. It would be helpful if these were issued separately so that those previously submitted can be marked as superseded on the portal.*

3. *I see that the layouts have been amended in response to Sport England's comments. I think it would be helpful if the proposed contour and levels drawing was also amended. Details on the retaining walls have yet to*

be provided and in my previous comments I asked for clarification on the retaining walls shown parallel to the main road, which don't appear on the sections?

4. There is reference to a fencing plan having been submitted again as part of the revised documents, but I can't see this scheduled on the portal? I have had another look since we talked but still can't see this – could you please ask the applicant for a copy?

5. I note the housing application to the other side of the main road has now been withdrawn. Taking this into account, I find the reasoning (under 1.24 in the LVIA addendum) that the fact the Old Farmers Arms is to the north of this application and thus the strategic gap is not reduced, hard to understand. The old pub would have predated the strategic gap designation and thus would have been taken into account in setting the area.

6. I am pleased to see the LVIA Addendum better sets out the assessment of landscape and visual impacts. I am concerned that the table shows a significant number of the assessed impacts either remain at major adverse or are only mitigated to moderate after 15 years. Can you please ask the applicant to review the scope for additional mitigation to reduce these to a more acceptable level?"

Additional information comments received on 20/04/2022:

" ... I've reviewed the information you attached and also the formal consultation and further documents on the portal. One minor point is that the drawing referenced in the BNG report are now superseded by the most recently submitted ones.

The clarifications provided by the applicant are appreciated and I think have gone as far as they can to address my landscape and visual concerns. Probably the key statement is that in the LVIA addendum where their response to the potential for further mitigation is (Para 1.11) "the proposals are already maximising the land use available for planting trees and allowing hedgerows to mature within reason". There is too little space on the site! In terms of both the landscape and visual mitigation and the BNG set out in the now submitted report; my major concern is achievability? The BNG report states that:

1.3 The net gain achievements above are dependent on strict adherence to the Ecological Management Plan (EMP) (Keystone Ecology, 2021m) and Construction Environmental Management Plan (CEMP_ (Keystone Ecology, 2021n).

It also, under 9.1 requires monitoring and reporting at intervals up to 30 years to ensure the just over 11% gain is achieved.

Similarly, the mitigation of landscape and, in particular, visual impacts is dependent on the new landscape being managed over a similar time frame to achieve those aims.

Were this a minerals or waste application we would be able to enter into formal agreements and/or apply conditions to ensure this was achieved. However, with a County Education project my concern is that, if the normal handover to the school to maintain the landscape after the initial year's defects period happens, there is no mechanism to ensure what is a complex and densely planted scheme with specific maintenance skills required to achieve the design and biodiversity aims as well as ongoing ecologist input for monitoring....."

Additional consultation comments received on 04/05/2022:

"...been back onto the portal and reviewed the most recent comments and objections.

The majority of objections relate to site selection and size and to the highway issues, especially safety. On the latter, I see that as of yesterday the County Highways dept have no objections to the scheme subject to conditions. I think I have commented sufficiently on the suitability of the site size and note that others, including Sport England share those concerns. The final view is one for you in the round on planning issues.

With regard to landscape and visual matters; I note Gary's very helpful observations on the difficulties of ensuring future adherence to the BNG monitoring and management requirements. It is reassuring that GCC will be appointing a new Biodiversity Officer; which may help in future enforcement if required. Subject to the additional information Gary is awaiting and his review of that in meeting BNG requirements; then I don't believe I need any further information from the applicant. Once Gary is satisfied then I concur that landscape and visual matters can be dealt with by condition. These I would anticipate would cover the following:

- 1) Successful grafting of sufficient existing fruit tree material onto rootstock to meet the requirements of the landscape scheme prior to removal of the existing orchard trees.*
- 2) Implementation of the soft landscape scheme as per the application drawings and documents.*
- 3) Implementation of the hard landscape scheme as per the application drawings and documents. Final details of materials, finishes, equipment to be submitted for approval.*
- 4) Implementation of tree and hedgerow protection, as per the submitted arboricultural reports, prior to commencement of works on site.*

- 5) *An appropriately worded condition to cover the implementation and future management of off-site landscape works.*
- 6) *An appropriately worded condition (and, if possible formal agreement with GCC Education Dept) to ensure the future maintenance and management of the landscape scheme to ensure the design aims and 30 year BNG monitoring and reporting requirements as set out in the application documents are met.*

Lastly, with regard to the issue of retaining walls, I am content to let that be as per the applicant's clarifications that those originally indicated parallel to the main road are not included in the scheme."

Additional comments received 13/06/22:

"further comment on the application having regard to the statement from Natural England regarding assessing the impact of the application on the setting of the AONB and rights of way within it.

The Landscape and Visual Impact Assessment (05 January 2022 ref DLA/2046/LVIA/RPT/01/V2) notes in section 3.3 (Landscape Character) under paragraph 3.3.1 that the Site lies within National Character Area (NCA) 106 Severn and Avon Vales context of AONB.

Section 4 relates to the views from the AONB, in particular from PRow no. AG038 from Nottingham Hill on an elevated position to the east of the site and, PRow no. ASM16 / Cotswold Way, on Cleeve Hill, further to the south-west

Section 7 of the LVIA assesses the predicted effects of the proposed development and the effects on natural beauty and special qualities of the AONB. Paragraph 7.4.12 states:

"The main considerations in respect of the setting to the AONB is the potential impact on the contribution to tree cover and hedgerow pattern. The site does not border the foot of the lower slopes and therefore the small area of grassland, hedgerows and trees within it, do not form a direct continuation of the AONB into its immediate setting. The proposals will retain and enhance Dean Brook and therefore the connection of this watercourse from the escarpment to the River Severn, remains intact. The redevelopment of the site will result in the loss of a small area of grassland at a location more remote from the immediate setting. The magnitude of change will therefore be Minor to Negligible Adverse and permanent."

Paragraph 7.4.15 states:

"Overall, the site does not make sufficient contribution to warrant it being strongly characteristic of the AONB or its setting. Consequently, the effect on its setting is Negligible".

In addition the subsequently submitted "Landscape and Visual Addendum – Further Information" (Dated 30.03.2022), notes in paragraph 1.8 that:

"With reference to Figure 1.1, the area of the gap designation is 136.12ha. The area of the application site is 2.62ha. Therefore, the site represents the

loss of just 3.5% of open, undeveloped land within the gap. The harm that occurs to the site is therefore localised, and will not significantly adversely affect the open and undeveloped character of the overall gap.”

Taking the above into account and having given consideration to the impacts on the AONB; I would concur with the applicant’s assessment that the effects on the setting of the AONB and views from PROWs within the AONB will be negligible.”

7.7 Atkins GCC Glint/Glare/Lighting Advisor

Comments received on 24/02/2022 referred to parts of the “Solar Photovoltaic Glint and Glare Study dated 21/01/2022” as tracked changes. The full document with comments is available on Public Access.

A revised document was submitted on 31/03/2022. The consultant comments as such *“I have reviewed the revised Glint and Glare report submitted on 31st of March. Most of our earlier comments have been considered and more information has been provided where it was required. I have made just a few observations again, which are mainly to do with the results and corresponding comments for the reflections towards the dwelling units.”*

The comments refer to referencing matters within the report as well as improved landscape screening mitigation which cannot be controlled outside the site boundary. It is suggested that vegetation/trees are located on site within proximity of solar panels or in the line of sight of the reflection.

Again, the full document with comments is available on Public Access.

8.0 PLANNING CONSIDERATION

8.1 The application seeks planning permission for the construction of a new 3FE primary school and nursery on land to the south of Badham Pharmacy Head Office north of Bishop’s Cleeve. The main considerations material to the determination of this planning application are:

- The relevant legislative and planning policy context. This includes statutory instruments, the national policy context such as the NPPF and the existing Development Plan(s);
- Educational needs in the Bishop’s Cleeve area;
- Site location;
- Highways and transport;
- Ecological impact;
- Landscape impact;
- Flood risk;
- Drainage and sustainable urban drainage;
- Archaeology;
- Design;
- Amenity impact;

- Energy efficiency and carbon footprint and its management;
- Community engagement; and
- Other relevant planning issues.

Planning Policy Context

- 8.2 The NPPF was revised on 20 July 2021 and sets out the government's planning policies for England and how these are expected to be applied. This revised Framework replaces the previous NPPF published in March 2012, revised in July 2018 and updated in February 2019. The NPPF states that in assessing and determining proposals, the local planning authority should apply the presumption in favour of sustainable development, which is the main focus of the NPPF in relation to both the plan making and decision making process. The NPPF seeks to ensure there are sufficient choice of school places available to meet the needs of existing and new communities. The NPPF states that transport issues should be considered from the earliest stages of the development proposals to ensure that opportunities to promote walking, cycling, and public transport are identified and pursued. The NPPF requires that built development be sympathetic to the local character and surrounding built and landscape environment, whilst optimising the potential of the site. It is advised that planning decisions enhance the natural and local environment and seek net gains for biodiversity.
- 8.3 The local policies which forms the Development Plan that are of particular relevance to the consideration and determination of this application are the JCS (5/12/17), The Tewkesbury Borough Local Plan 2006 (saved policies) and the replacement Tewkesbury Local Plan 2011-2031 (TLP). The emerging TLP was adopted by TBC's Full Council on 8th June 2022.
- 8.4 The planning Inspector reported the Examination into the Tewkesbury Borough Plan 2011-2032 on 12 April 2022. Regarding this planning application site, the report refers, at paragraph 44 it states
- “Bishops Cleeve
44. Bishops Cleeve is one of two Rural Service Centres defined by the JCS as the most sustainable settlements in the Borough after Tewkesbury. The village has expanded to the north in recent years with three further allocations in the submitted plan including ex-allotments site BIS3 which has become available for development. The level of recent and planned housing growth has led to a requirement for a further primary school and a potential site for this has been identified just to the north of the village.” The Inspector's Report referenced the identification of the proposed site but did not allocate it, rather leaving it to the development management policies to decide its appropriateness for such development as is proposed in this application.
- 8.5 TBC has provided planning policy comments regarding the relevant planning policies and whether the application departs from policy. The relevant policies are referred to under the Consultations responses above. The emerging TLP

was already at a stage where its policies were a material consideration. Of particular note was the draft Policy LAN3 in the emerging TLP. This seeks to avoid development, except in exceptional circumstances, in the gap between the settlements of both Gotherington and Bishop's Cleeve.

- 8.6 Whilst the application site is located to the north of Bishop's Cleeve, it is noted that it is situated outside of the settlement boundary as defined in the TLP 2011 - 2031. There is no policy in the TLP on the general principle of a school development outside of a settlement. TBC planning policy comments identify that a significant material consideration would be policy LAN3 which, as modified, identifies the area between Bishop's Cleeve and Gotherington, bounded by the A435 and Cleeve Road/Gotherington Lane, as a Gap of Local Importance. The proposed school site sits within this gap and the policy is clear that permission should only be granted under exceptional circumstances. That is where there would be no harm to the separate identity, character and/or landscape setting of the two settlements and where the open or undeveloped character of the gap would not be significantly adversely affected.
- 8.7 In the Reasoned Justification for Policy LAN3 it is recognised that there may be opportunities, through appropriate location, siting and design, to accommodate some new development in a Gap of Local Importance without significantly adversely affecting the open or undeveloped character of the gap or harming the separate identity and character of the settlements, or their landscape setting. It is expected that this would be limited development within an existing group of buildings or through the re-use of existing buildings.
- 8.8 The Planning Statement in support of the application concludes that the presence of the Badham Pharmacy Head Office (formerly the Farmers Arms) and the housing to the south of the site is capable of accommodating the proposed development without affecting the Gap of Local Importance and the coalescence of Bishop's Cleeve and Gotherington would not be exacerbated. The Tewkesbury Planning Policy consultation response disagrees with this view and states *"I would disagree to the extent that the north-eastern corner of the application site extends beyond the Old Farmers Arms building which has the potential to exacerbate the coalescence of the two settlements by setting a precedent of encroachment into the gap of local importance."*
- 8.9 In assessing this, siting and design are key considerations. The proposed development has taken advantage of the site's natural gradient sloping from north east to south west with a difference in level of 6m overall. The building, albeit two storeys, would be sited at the lower end of the site with playing fields to the north towards Gotherington. The playing fields would occupy land at a higher ground level than the school. This can be considered to minimise the scale of the school building helping to preserve the character and openness of the area taken up by playing field provision since this would include minimal infrastructure provision. It is acknowledged that fencing would be required but this can be designed to be unobtrusive compared to buildings. It is noted that there is no community or evening use of these facilities proposed as part of this application. Such a use would require further

consideration and may include lighting and changing/storage facilities on site. Such facilities would require separate consent controllable by planning condition removing permitted development rights at the site.

- 8.10 The GNP (GNDP09 – Protecting and Enhancing the Local Landscape and Policy GNPD11 – Development Outside of the Defined Settlement Boundary referred to in section 4 above) does not identify this type of development as being appropriate in the Gap of Local Importance. It is therefore a planning balance judgement between consideration of the development being allowed within the Gap of Local Importance as designed, with its impact not so significant to the character of the area against the educational need for the development in this location.
- 8.11 Regarding whether the proposed development is a departure from development plan policy then The County Planning Authority would agree with TBC Planning Policy in its response stating *“The question of whether the proposed development in principle would be a departure from policy will depend on how each material consideration is weighed in the decision making process. My opinion is that there is conflict with the Gotherington Neighbourhood Plan and potential conflict with Policy LAN3 of the eTBP, however this should be considered in the balance particularly against the clear public benefit in meeting the need for a new school.”*
- 8.12 Further consideration of the other material considerations is discussed below which can be considered in whether the proposed development, on balance, is acceptable or not. Having said this, at this point, it is considered that the proposed development departs from Planning Policy LAN3 in the TBP (2011-2032) and Gotherington Neighbourhood Plan Policy GNPD09 – Protecting and Enhancing the Local Landscape and Policy GNPD11 – Development Outside of the Defined Settlement Boundary. Consequently, if the Planning Committee are minded to grant planning permission, then the decision would need to be referred to the Secretary of State as a departure application. Should the application not be “called in” then, following the prescribed time period, planning permission could be issued accordingly.

Educational needs in the Bishop’s Cleeve area

- 8.13 Gloucestershire County Council is the Local Education Authority (LEA). In assessing the need for a new primary school the LEA has provided the following justification:

“Gloucestershire County Council (GCC) has a statutory duty to ensure there are sufficient school places available.

Since 2007 there has been an increase in the birth rate which has, in many locations, resulted in a higher demand for school places. There is also more demand from new housing, which means there has been an increase in the need for primary school places year on year in Bishop's Cleeve.

Since 2011 demand has been met by working collaboratively with schools in the primary sector to expand and increase the number of pupils they can take each year (their Published Admission Number [PAN]). However, the existing primary school sites in Bishop's Cleeve aren't able to expand enough to meet this increasing new demand so we are proposing to build a new primary school.

The new primary school will be built to the north of Bishop's Cleeve on land next to the Old Farmers Arms on Evesham Road. The school will grow in two phases, initially opening at 2 Forms of Entry (420 places) from 2024/25, growing to 3 Forms of Entry (630 places) approximately seven years after the school opens (sometime in the range of 2030-2033).

On 16th December 2020, Cabinet approved the establishment of a new 630 place (4-11 age range) Primary school in Bishop's Cleeve to meet the additional demand for local Primary school places from September 2023 (date since reviewed).

In 2021, Gloucestershire Learning Alliance were appointed by the Secretary of State for Education to be the sponsor for the new school.

More information can be found on the Bishop's Cleeve webpage."

- 8.14 *The Planning Statement states "The site does not benefit from an allocation for educational uses in the Local Plan, however the need for a new primary school has been generated as a result of the additional housing that has been constructed in Bishops Cleeve in recent years. The existing primary school – Cleeve School and Sixth Form Centre of Excellence – is close to reaching its capacity and there is no option for expansion within their existing grounds. Furthermore, there are more houses that have been granted planning permission in Bishops Cleeve which have yet to be constructed. Once they have been constructed and occupied the population of Bishops Cleeve will grow further and the demand for more primary school places will be even greater."*
- 8.15 *Paragraph 95 of the NPPF states "It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:*
- a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and*
 - b) work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted."*
- 8.16 *The LEA is best placed to advise the CPA on the educational needs of an area. It considers that there is a definite need for a primary school that is future proofed pupil number wise to accommodate the existing and projected*

increase in primary school places that is expected to occur when new houses are built in the area.

- 8.17 JCS Policy INF4 point 3 seeks to ensure that social and community infrastructure should be centrally located to the population it serves and be easily accessible on foot and by bicycle. It should be located so as to have the potential to be well served by public transport. Developers should aim to provide flexible, multifunctional facilities within mixed-use developments, creating shared space which maximises benefits to the community and minimises land-take. The CPA is satisfied that there is sufficient reasoned justification that a new school is required in the Bishop's Cleeve area. Through basic need projections taking into consideration natural population growth, new housing development in the area and maximising capacity at existing schools, the applicant has demonstrated that there is a need for a new primary school within this area.
- 8.18 The CPA are aware of the NPPF Paragraph 95 (above) which gives great weight to the need to create, expand or alter schools in decisions on planning applications and has worked with school promoters, delivery partners and statutory bodies in identifying and resolving key planning issues before and during the submission of the application. Overall, the CPA considers the proposal is in accordance with Policies SP1 and INF4 of the JCS.

Site Location

- 8.19 Prior to submission of the application a site options appraisal was undertaken. Several sites were considered in and around Bishop's Cleeve that may be suitable for a primary school development. The agent considered an analysis of options for a new primary school at Bishop's Cleeve. Having considered the options, the current site was chosen to progress with a planning application. It is noted that the agent states that *"no sequential test requirement for education development within the NPPF or any other planning guidance, which means an application cannot be refused because an alternative site in Bishops Cleeve is considered to be more suitable. The application must simply be assessed on its own individual merits. Sequential tests only apply to out-of-town retail developments and those within a Flood Zone, neither of which are applicable in this case."*

The overriding point to consider with planning policies relating to the construction of new schools is that there is a presumption in favour to permit this type of development. In other words, the default position is for new schools to be permitted, unless adverse impacts are identified that would outweigh the benefits of a new school."

- 8.20 The agent also provided the following comment regarding site location *"There were no sites large enough within the settlement boundary for a new primary school and GCC cannot expand existing primary schools to cater for the number of new school places required as these are already saturated. Land to the east of Bishops Cleeve is in the AONB which provides a significant constraint both topographically, as this land is the escarpment of the Cotswold*

Hills (i.e. too steep), and from a landscape sensitivity standpoint. The land to the south of Bishops Cleeve is in the Green Belt which provides another significant planning constraint. The land to the west of Bishops Cleeve either has planning permission for other development or was not commercially available. This leaves the northern fringe of Bishops Cleeve as the only place available to develop a primary school which also turns out to be the most logical place as it is the northern fringe where the settlement has expanded in recent years, i.e. this is where the demand for new primary school places is concentrated.”

- 8.21 The application site is located to the north of Bishop’s Cleeve in an area where housing development has and is expected to continue to be developed. In this sense it is well located to minimise travel through Bishop’s Cleeve to access the school site from residential properties. The site itself, whilst not being free of constraints, is considered to be suitable for development of the chosen school design and associated infrastructure. The site is an undeveloped parcel of land with an area of 2.5 hectares located on the eastern side of the A435, approximately 200m to the north of the junction with Evesham Road, at the northern end of Bishop’s Cleeve. The site is located outside of the Cotswolds AONB and the SLA. Regard has been had to the impact of the development on the setting of the AONB. The CLA has commented on this aspect of the proposed development and concluded *“having given consideration to the impacts on the AONB; I would concur with the applicant’s assessment that the effects on the setting of the AONB and views from PROWs within the AONB will be negligible.”* Having considered the applicant’s submissions including the LVIA and addendum, the CLA technical appraisal and advice, the distance from the AONB and the design and scale of the development it is not considered that the proposed development would have a significant impact on or harm that statutory purpose of the designation. The site is not within a Flood Zone but it does contain a pond in the south-west corner and the southern boundary is defined by a watercourse known as Dean Brook which forms the boundary between the Parishes of Bishop’s Cleeve and Gotherington and also marks the settlement boundary for Bishop’s Cleeve.

In conclusion, having considered the planning constraints, it is considered, on balance, that the site is an acceptable location for the school development.

Highways and Transport

- 8.22 Paragraph 104 of the NPPF states that transport issues should be considered from the earliest stages of the development proposals so that opportunities to promote walking, cycling and public transport are identified and pursued. The environmental impacts of traffic and transport need to be assessed and taken account of for avoiding and mitigating any adverse effects and for net environmental gains.
- 8.23 The applicant had undertaken pre-application discussions with the Highway Authority (HA) prior to submission of the application which informed the Transport Statement submitted with the application. The initial submission,

including a Travel Plan along with associated plans, were considered by the HA. The HA, on 5th April 2022, recommended that the application be deferred with the following justification:

“The Highway Authority has undertaken extensive internal discussions relating to this proposal, and despite engaging in pre application conversations it is considered that a revision to the access design is needed to provide a more desirable solution to assist is speed management and providing a comfortable and attractive environment for pedestrians.

Drawing SK11 D produced by Cotswold Transport Planning demonstrates the proposed ghost lane and pedestrian guardrail to give pedestrian protection. The A435 in this location is proposed to be subject to a speed limit alteration to enclose this proposal but give the traffic volume and vehicle size it is not possible to install physical feature to reduce speed. It is therefore necessary to ensure that the environment reflects the desired limit. Whilst the carriageway is being reduced to 6.5m the ghost lane provides a wide carriageway and allow vehicle speeds to be maintained through the junction. The traffic generated by the proposal does not warrant a ghost lane and as such it is deemed more desirable to remove it and reallocate that road space to provide improved pedestrian space and to provide trees and landscaping as a more desirable method of protecting pedestrians than the guard railing. This will allow a significant amount of railing to be removed, and have advantages to speed management, green infrastructure provision and further encourage active travel.

It is therefore recommended that the access design be amended to exclude the ghost lane and reuse the space to provide a more sensitive pedestrian environment utilising landscaping and reducing the amount of railing.

The Highway Authority therefore submits a response of deferral until the required information has been provided and considered”

- 8.24 The applicant submitted revised drawings for consideration by the HA. Following consideration of the revisions the HA, on 29 April 2022, raised “no objection subject to conditions.” The HA consultation response is detailed above in the consultations section of the report at paragraph 7.1.
- 8.25 GPC and Bishop’s Cleeve Parish Council (BCPC) have raised an objection to the application on highway safety grounds. Several nearby residents raise concerns on highway safety grounds. The Parish Councils’ representations are detailed in full above.
- 8.26 The main theme raised by objectors is the lack of parental drop off provision at the school and the safety of young children travelling to the school by foot or other means. The BCPC states “*The Council is of the opinion that the Cycling / Walking / Scooting projections are unrealistic.*” and “*The Council acknowledges that the GCC Manual for Gloucestershire Streets 2020 (p50) states that there should be no drop-off provision for educational facilities. However, as this is only guidance it needs to be balanced with realistic,*

practical and above all, safe solutions.” The HA in response is satisfied that the safety of children, parents and staff is accommodated for in the highway design. The highway design promoted has deliberately accepted the lack of drop off/pick up provision as part of sustainable travel requirements promoted by local and national policy. The HA accepts that an inevitable consequence of this is that parents will drop off pupils further away from the school entrance and/or park in residential streets nearby.

- 8.27 Concerns have been expressed regarding the proposed Travel Plan regarding the walking distances and routes available. BCPC state “*The preferred walking distances stated in the Interim Travel Plan (ITP p13/3.11) suggest that an acceptable distance for a child to walk to school is 1km, with a preferred maximum of 2km. These figures were published in 2000 - 22 years ago - since when traffic volumes having increased significantly, detrimentally impacting on road safety....*”. In response the HA is satisfied with the content of the submitted Travel Plan.
- 8.28 The HA has further commented regarding highway concerns raised. Relating to road safety, the HA advises that the proposal has had professional input from the designer’s side and GCC side by qualified road safety auditors. A safety audit has been undertaken and further ones will take place during the detailed design checking process and post construction. Regarding parking concerns, the HA comments that whilst there is no dedicated drop off area, measures are proposed to ensure that the highway network is protected. Given the ease of access to the site on foot for a significant part of the community it is considered there is unlikely to be high levels of parking demand at the site in any event. Regarding reference to road traffic audit the HA comment that several site appraisals and reviews have taken place and more will occur during construction. Regarding the concern that there are no drop off areas which would force drivers to use nearby residential areas, the HA respond that it is a walking neighbourhood and the proposal supports walking and scooting reducing the need to drive. Legal orders are proposed to protect the A435 and some junctions which might otherwise have been subject to parking.
- 8.29 Regarding concerns relating to removal of cycleway/walkway along Evesham Road (linking the Finlay Road catchment area to the proposed cycle/walkway at the bottom of Sunrise Avenue), the HA comment that this proposal improves the walking and cycling infrastructure between the A435 and Sunrise Avenue. No alterations are proposed on Evesham Road south of the Sunrise Avenue roundabout from this proposal. Regarding the impacts of road changes and reduced entrance at Stollards Close (Shortening access road, highway manoeuvring implications and noise from traffic nearer to houses, change in gradient and ongoing flood issues), the HA comment that whilst changes are proposed they are all contained within the public highway and space is provided between the carriageway and gates to allow a car to wait without overhanging. Typically, a 5m setback would be required and this distance is exceeded. Regarding enforcement of parking restrictions concerns, the HA comment that this is not a material planning consideration. Regarding TRO timescales, the HA comment that there are timescales

associated with processing these orders. They are necessary and time is available to ensure that they are implemented in a timely manner. Conditions are proposed to prevent the development being brought into use until the relevant Orders are in place.

- 8.30 Overall, whilst the concerns raised on highway matters are acknowledged and considered material, it is the professional technical opinion of the HA that the highway design considerations are acceptable and satisfactory - subject to planning conditions. The highway design satisfies sustainable transport considerations encouraged by both local and national policy. As such the proposal is considered to comply with policy INF1 of the JCS, policies TRAC1 and TRAC2 of the TBP and paragraphs 104, 105, 110, 111 and 112 of the NPPF.

Ecological Impact

- 8.31 The natural environment policies that are of particular relevance to the consideration and determination of this application are JCS Policies SD9 and INF3. Policy SD9 – Biodiversity and Geodiversity states the biodiversity and geological resource of the JCS area should be protected and enhanced in order to establish and reinforce ecological networks that are resilient to current and future pressures. Improved community access should also be encouraged so far as is compatible with the conservation of special features and interests. INF3 – Green Infrastructure - states that where assets are created, retained or replaced within a scheme, they should be properly integrated into the design and contribute to local character and distinctiveness. Proposals should also make provisions for future maintenance of green infrastructure.

- 8.32 The application is supported by a suite of ecology documents. These include:

- Bat Roost Inspection Survey Report
- Hedgerow Survey Report
- Preliminary Ecological Assessment (Main Site)
- Dormouse Survey Report
- Water Vole and Otter Survey Report
- Reptile Survey Report
- Great Crested Newt (GCN) Survey Report
- Badger Survey Report
- Badger Sett Monitoring Report
- Bat Roost Presence Absence Report
- Evesham Road Preliminary Ecological Assessment
- Construction Environmental Management Plan
- Landscape and Ecological Management Plan
- Ecological Management Plan
- Arboricultural Report
- Biodiversity Net Gain Report

- 8.33 The County Ecologist has reviewed the documents and as referred to originally (15/02/22) and sought “further information and/or clarification

required". The County Ecologist goes onto give advice by topic area as follows:

8.34 Ecological reports – Comments there are a large set of ecological survey and assessment reports by Keystone Ecology submitted. There are Preliminary Ecological Appraisals (PEAs) covering the main site and the associated highways works. Other survey/assessment reports cover specific species or hedgerow matters. In addition, there are associated mitigation and enhancement for the construction and post development periods. The County Ecologist considers they are sufficient to assess and inform a decision on the development subject to clarification.

8.35 Designated Sites – The County Ecologist has considered the following designated sites - Special Area of Conservation (SAC)/Special Protection Area (SPA)/Ramsar site, Site of Special Scientific Interest (SSSI), Local (Key) Wildlife Site (LWS), National or Local Nature Reserve (NNR or LNR) and Regionally Important Geological Site (RIGS).

He considers that given the distance from, plus the type and scale of the proposed development, no conceivable effect could result upon any International Sites. He also considers the development proposed is unlikely to significantly affect any SSSIs. NE's SSSI Impact Risk Zones also indicate there was no need to consult NE. He also considers the development proposed is unlikely to significantly affect any LWS, NNR or LNR or RIGS site.

8.36 Conservation Road Verges (CRVs) - The development is also considered unlikely to significantly affect CRVs.

8.37 Priority Habitats (including hedgerows) – Traditional Orchard and hedgerow – the County Ecologist notes that *"a small part PTES data and ecological survey records a small part of the site (western side near the A435) is traditional orchard habitat. The traditional orchard habitat is described in the PEA at 4.6, 4.11 and 6.4." The tree survey submitted confirms the presence of apple trees but these are scattered and in poor condition and situated within improved grassland. The development details show the removal of this priority habitat which is unfortunate. There is some biodiversity value even in this remnant habitat and the compensation for this has hopefully been factored in to achieve an overall biodiversity net gain will be achieved (see below)."*

8.38 A small new orchard is proposed plus some additional fruit trees around the boundaries of the developed site (Soft Planting Proposals drawings for Phase 1 & 2).

8.39 The PEA describes a species-rich intact hedgerow around the sides of the site at 4.9, 6.2 & 6.3 and a Hedgerow Assessment has also been submitted. *"There are 5 hedgerow lengths of highly variable length and three of these are important under the Hedgerow Regulations criteria. The proposed development appears to only impact in any significant way upon one of these hedgerows which is H2 and an important one under the Hedgerow Regulations criteria. However, this is for the creation of 3 access gaps of*

modest width in the most part. This is a biodiversity loss that needs to be mitigated and a lot of hedgerow re-inforcement and tree /shrub planting is planned.”

- 8.40 Trees – On site and boundaries – The County Ecologist notes that about 13 scattered apple trees are present indicating a remnant of a traditional orchard priority habitat (see above) on site. *“This would unfortunately be lost and compensated for in tree planting and other measures. A mature willow tree within hedgerow 1 shows some features associated with veteran trees and is due to be retained. Overall, just over 20 trees and large shrubs would be lost according to the Arboricultural Assessment. The Arboricultural Assessment considers that the tree loss can be mitigated through replacement planting within the site and this seems to be the case. There would still be some residual impact for several years until the new trees have grown.”*

“Additionally, some trees on nearby highways would be adversely affected. However, any affected trees and hedgerows would be re-instated as well as on top of this some enhancement with additional shrubs, hedgerows and wildflower mixes being introduced.

A Tree Retention & Removals Plan, draft Tree Protection Plan and Arboricultural Method Statement are presented at Appendices 4 to 6 of the Arboricultural Assessment.”

- 8.41 Other habitats/features of interest include scrub, improved grassland, running and standing water. The County Ecologist notes the site is mainly improved grassland but with a pond and around the margins scrub, trees, and hedgerows present. The main impacts would be on the low value improved grassland but also on a pond and the other habitats in certain areas. There would be a minimal disturbance from the proposed works to the southern boundary watercourse which with landscaping should be given good protection from future disturbance.
- 8.42 European Protected Species (EPS) include various bats including common pipistrelle, noctule and Myotis species. Rarer were lesser horseshoe and serotine bats. The County Ecologist noted some trees and a shed on site provide potential roosting features but agreed that the small shed present on site offered very little potential for roosting bats.
- 8.43 The final design option for the development involves *“the removal of only 8 trees identified with high or moderate potential for roosting bats but from dusk survey results these are unlikely to have been harbouring bat roosts in 2021. This may change and so a precautionary approach is needed and this has been incorporated into a Biodiversity CEMP (Construction Environmental Management Plan) which has been submitted.”* The County Ecologist adds however that dusk emergence surveys centred around the trees on site would need to be repeated if works commenced after 2023. In addition to mitigate for potential roost features not being able to remain and develop on the 8 trees to be felled some mitigation is provided. This is for 12 bat roosting boxes on retained trees and 6 bat tubes on the new school building. A suitable

lighting scheme is required (and is recommended) as some retained trees could harbour roosts in the future and there is some bat activity across the site even if it is somewhat limited currently. A scheme must include details of luminaire types and positions plus come with a drawing showing lux levels across the site. This is to make sure undue illumination of certain trees, hedgerows, waterbodies, and watercourses does not occur as this might reduce the area's value for bats and other nocturnal wildlife. No new lighting is proposed for the surrounding highways.

- 8.44 Other EPS include dormice, GCN and otter. Regarding dormice, the County Ecologist notes there is potential habitat for dormice around the site boundaries. Highways land affected by works has limited or no suitable habitat. A dormouse survey including the use of nest tubes determined no signs indicating dormouse presence and no nearby records for this species are known. The development proposed and highway works are unlikely to affect dormice adversely. An informative covering dormouse is however recommended.
- 8.45 Regarding GCNs, the County Ecologist notes the pond, grassland, and boundaries (hedgerows) provide potential habitat for GCNs on the main site and parts of the highways affected by associated works. GCN District Level Licencing mapping indicates the location is in both a red and amber risk zone for GCNs. A GCN Survey Report has therefore been submitted to ascertain more information on local newt populations and the likely risks from both the main site and highways works going ahead.

The on-site pond returned a negative eDNA (Environmental DNA) result for GCNs but a nearby pond to the south of the watercourse gave a positive result. Further investigative surveys on this off-site pond returned only one individual GCN but no signs of breeding occurring (e.g. eggs). The County Ecologist agrees that a very small population of GCNs is involved. Other amphibians were present in this off-site pond (smooth newt, palmate newt and tadpoles).

Some works (more so the highway works in the GCN report's view) may affect habitat associated with a small newt population. Licencing is required. Positively, 3 new ponds would be created and these could provide excellent extended habitat for newts and other wildlife.

- 8.46 The Biodiversity CEMP at 2.24 states that "*no works can commence on the main site until a GCN licence is obtained for the development*". The Preliminary Ecology Appraisal (PEA) for the highways proposals at 1.1 states that "*a GCN licence will be needed to proceed with works at the northern end of Evesham Road*". The applicant has applied for a District EPS licence. GCC as Planning Authority could authorise a District Licence after appropriate documentation (certification) has been submitted via NatureSpace. The District Licence is the better solution for GCC overall as it involves developer, Highway Authority and Planning Authority plus the works risks straddle both the main site and associated highways works.

- 8.47 Regarding otters the County Ecologist notes *“there is a potential habitat for otter presence along the watercourse on the southern boundary and the nearby pond. A water vole and otter survey report has been submitted. The report found sub-optimal habitat and no indications of otter presence next to the site. However, there were some signs of otter away from the main site on the same watercourse. Despite minimal disturbance from the proposed works to the watercourse (which is sub-optimal for otters) the removal of the pond certainly indicates the recommended precautionary approach to protect otters is appropriate (in the Biodiversity CEMP)”*.
- 8.48 Other protected species include water vole, badger, reptiles, breeding birds/birds and white clawed crayfish. Regarding water vole the County Ecologist notes that there is potential habitat for water vole present along the watercourse on the southern boundary and the nearby pond. A water vole and otter survey report was submitted. The report found habitat was poor for water voles and found no indications of water vole presence. No measures specific to water voles are therefore required.
- 8.49 Regarding badgers, the County Ecologist acknowledges there is a potential habitat on this site for badgers. Confidential survey reports concluded no evidence of current badger activity on the proposed development site. However, precautions will still be needed during construction work as some interaction with badgers cannot be completely ruled out as they are present in the wider area. It was noted the submitted Biodiversity CEMP does not include standard badger/small animal precautions and a condition covering this is recommended.
- 8.50 Regarding reptiles, the County Ecologist notes that the loss of suitable habitat appears to be negligible on the surrounding highways and limited to a few places on the main site. A reptile survey using refugia and several visits was carried out. One young grass snake was recorded to the south of the site where the pond and adjoining watercourse are situated. The risk of adverse impacts on reptiles can be agreed to be low and a Precautionary Method of Working as set out in the Biodiversity CEMP is appropriate.
- 8.51 Regarding breeding birds/birds, the County Ecologist considers the loss of trees and grassland habitat would have some adverse effect upon birds although this is unlikely to be significant to local populations. Mitigation is required and a precautionary approach is required. The landscaping proposals (much tree/shrub planting plus some boxes) in the proposed LEMP would gradually compensate for lost habitat and over the medium to long-term should provide increased habitat and support a larger local population of birds.
- 8.52 Regarding white-clawed crayfish, the County Ecologist notes that there is a potential habitat present as there is a watercourse on the southern boundary. However, this appears to be sub-optimal for the species and with precautions in place (e.g. a Biodiversity CEMP which is proposed) an adverse effect on crayfish is much less likely than otter or water vole.

- 8.53 The County Ecologist advises that the site is within a BUGLIFE B-Line which has been mapped with partners, including GCC, as a place where action for pollinators should be delivered as part of new projects or ongoing land management. The landscaping scheme would enhance the site's value to a wider range of invertebrates including pollinators. No non-native or invasive species were recorded on site or known from adjacent areas.
- 8.54 Mitigation (compensation) is included and identified through the submission of a Biodiversity Construction Environmental Management Plan (BCEMP) which includes precautionary methods and mitigation measures for the construction phase. For highways works measures are included in the PEA dated November 2021 and the need for a separate condition if consent is granted for the development.
- 8.55 A LEMP has been submitted which draws on an Ecological Management Plan which is also submitted (Appendix B of the LEMP). Landscaping for the school site includes some new fruit (orchard) trees, native trees and shrubs, enhanced patches of grassland to wildflower meadow, planting beds and a rain garden with plants of biodiversity value, three new ponds as well as the retention of the boundary hedgerows, many trees, and the adjacent river corridor. Boxes for birds and bats are proposed for the site. On adjacent/nearby highways there will be the introduction of wildflower mix (Emorsgate EL1) plus shrub species including dogwood, hazel, hawthorn, spindle, etc.
- 8.56 Regarding Biodiversity Net Gain (BNG) then this is achieved across the site and on additional land. This would be achieved by the creation of habitat and features on site and nearby highways. Associated highway works will affect some trees/hedgerows/grass verges but overall, after reinstatement and new habitat/feature creation some enhancement overall is likely. A returned BNG of 11.95% in habitat units and 21.21% in linear (hedgerow) units is claimed.
- 8.57 Overall, the County Ecologist concludes that to make the development acceptable conditions relating to the following should be attached to any decision notice that may be forthcoming;
- Soft landscaping to main site and highways;
 - District Licensing GCN conditions;
 - Tree protection measures;
 - Biodiversity CEMP alongside the general CEMP;
 - Mitigation and enhancement measures for the associated highways;
 - Hazardous chemical and open pipe/excavation management;
 - LEMP;
 - External Lighting; and
 - Badger/bat updated survey after December 2023.
- 8.58 It is noted that the application documents have considered and appropriately addressed ecology implications of the proposed development. Whilst the loss of the traditional orchard is unfortunate it is, with mitigation and compensation, not considered unacceptable to warrant a sustainable reason for refusal of planning permission.

- 8.59 Subject to the conditions relating to the above, it is considered that the proposed development satisfies policies NAT1 of the TBC development plan, policy SD9 of the JCS and NPPF paragraphs 126 and 174.

Landscape Impact

- 8.60 The application is supported by the submission of a LVIA. It is identified that the proposed development site is located to the north of Bishop's Cleeve, however, is situated outside of the settlement boundary for the village as defined in the Tewkesbury Borough Plan 2011 - 2032. There is no policy in the TBP on the general principle of a school development outside of a settlement. However, a significant material consideration will be Policy LAN3 which, as modified identifies the area between Bishop's Cleeve and Gothington, bounded by the A435 and Cleeve Road/Gothington Lane, as a Gap of Local Importance. The proposed school site sits within this gap and the policy is clear that permission should only be granted under exceptional circumstances. That is where there would be no harm to the separate identity, character and/or landscape setting of the two settlements and where the open or undeveloped character of the gap would not be significantly adversely affected.
- 8.61 In the Reasoned Justification for Policy LAN3 it is recognised that there may be opportunities, through appropriate location, siting and design, to accommodate some new development in a Gap of Local Importance without significantly adversely affecting the open or undeveloped character of the gap or harming the separate identity and character of the settlements, or their landscape setting. It is expected that this would be limited development within an existing group of buildings or through the re-use of existing buildings.
- 8.62 JCS Policy SD6 states that *“development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social wellbeing. Proposals will have regard to the local distinctiveness and historic character of the different landscapes in the JCS area, drawing, as appropriate, upon existing Landscape Character Assessments and the Landscape Character and Sensitivity Analysis. They will be required to demonstrate how the development will protect or enhance landscape character and avoid detrimental effects on types, patterns and features which make a significant contribution to the character, history and setting of a settlement or area. All applications for development will consider the landscape and visual sensitivity of the area in which they are to be located or which they may affect. Planning applications will be supported by a Landscape and Visual Impact Assessment where, at the discretion of the local planning authority, one is required. Proposals for appropriate mitigation and enhancement measures should also accompany applications.”*
- 8.63 JCS Policy INF3 relates to Green Infrastructure and requires that *“the green infrastructure network of local and strategic importance will be conserved and enhanced, in order to deliver a series of multifunctional, linked green corridors across the JCS area by:*

- i. improving the quantity and/or quality of assets*
- ii. improving linkages between assets in a manner appropriate to the scale of development, and*
- iii. designing improvements in a way that supports the cohesive management of green infrastructure.”*

- 8.64 It goes on to state that *“Development proposals should consider and contribute positively towards green infrastructure, including the wider landscape context and strategic corridors between major assets and populations”. “Existing green infrastructure will be protected in a manner that reflects its contribution to ecosystem services (including biodiversity, landscape/townscape quality, the historic environment, public access, recreation and play) and the connectivity of the green infrastructure network. Development proposals that will have an impact on woodlands, hedges and trees will need to include a justification for why this impact cannot be avoided and should incorporate measures acceptable to the local planning authority to mitigate the loss. Mitigation should be provided on-site or, where this is not possible, in the immediate environs of the site.”*
- 8.65 It is noted that the application site lies outside the AONB to the east and the Gotherington SLA to north east. It is not considered by both the CLA and CPA that these designations, at several hundred metres away, would be adversely affected by the proposed development. This leaves the consideration of the Gap of Local Importance (LAN3) to be considered. As referred to in the policy section above, the proposed development would be sited within the designated Gap of Local Importance in the TLP. The purpose of such is to avoid coalescence of Bishop’s Cleeve and Gotherington with urban development. In assessing this, regard has been had to the location of the school buildings within the site. It is noted that the school buildings are located at the southern end of the site near to the Dean Brook and settlement boundary with Bishop’s Cleeve. The buildings are also located at the lowest level of the site taking advantage of the ground level difference across the site of 6m. The site is bisected from east to west by a retaining wall of some 2m tall separating the sports facilities and the school buildings. This helps to mitigate the visual impact of the proposed development from views outside of the site and at a distance from Gotherington village, the SLA and AONB. The Badham Pharmacy Head Office was a former public house known as the Farmers Arms. This building also lies within the Gap of Local Importance and adjoins the application site to the north adjacent to the A435. This building again helps mitigate views into the site from the north. It is therefore considered that there would be no unacceptable harm to the separate identity, character and/or landscape setting of the two settlements and the open or undeveloped character of the gap would not be significantly adversely affected.
- 8.66 The CLA has considered the application details and the consultation responses are detailed above. It is identified, as other consultees (SE and County Ecologist) have also commented, that the site appears small for the

development proposed. Similar concern raised by SE resulted in a redesign of outdoor sport provision which is acceptable to SE.

8.67 The loss of the historic orchard adjacent to the A435 road is regrettable, but it is noted that it is compensated and mitigated by new tree planting on the site. Overall, after submission of additional information and clarification of details there is no landscape objection raised subject to planning conditions relating to:

- Grafting of sufficient existing fruit tree material onto rootstock to meet the requirements of the landscape scheme prior to removal of the existing orchard trees;
- Implementation of the soft landscape scheme as per the application drawings and documents;
- Implementation of the hard landscape scheme as per the application drawings and documents. Final details of materials, finishes, equipment to be submitted for approval;
- Implementation of tree and hedgerow protection, as per the submitted arboricultural reports, prior to commencement of works on site;
- An appropriately worded condition to cover the implementation and future management of off-site landscape works; and
- An appropriately worded condition (and, if possible formal agreement with GCC Education Dept.) to ensure the future maintenance and management of the landscape scheme to ensure the design aims and 30 year BNG monitoring and reporting requirements as set out in the application documents are met.

8.68 Whilst the CLA still considers that the proposal represents an over development of the site, he is satisfied that the proposed landscaping and mitigation is achievable through the imposition of appropriate planning conditions as referred to above. In conclusion on landscape issues, the CPA considers that the proposed development departs from TBP LAN3 (Gap of Local Importance), and having taken into account the landscape issues that, in the planning balance, the proposal broadly accords with the aims of JCS Policies SD6 (landscape) and INF3 (Green Infrastructure) and TLP NAT1 (Biodiversity, Geodiversity and Important Natural Features) subject to the conditions identified above.

Flood risk, drainage and sustainable urban drainage

8.69 The NPPF3 states at Paragraph 159 that *“Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.”*

8.70 JCS (2011-2031) Policy INF2 (Flood Management) states that proposals must avoid areas at risk of flooding, in accordance with a risk based sequential approach. Proposals must not increase the level of risk to the safety of

occupiers of a site, the local community or wider environment. Proposals should minimise the risk of flooding, taking climate change into account.

- 8.71 The NPPF3 goes on the state at Paragraph 167 that *“When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment”*.
- 8.72 A detailed Flood Risk Assessment (FRA) carried out by Hydrock was submitted in support of the planning application. The FRA has assessed whether the application site is likely to be affected by flooding and whether the proposed development is appropriate in the suggested location. A detailed assessment of flood risk has identified that, based on current Environment Agency (EA) Flood Zone Mapping, the site is indicated to be within Flood Zone 1 (Low Risk) but is suggested to be at 'high' risk of surface water flooding in the southern portion of the site and is at 'low' or 'negligible' risk of flooding from all other assessed sources. It has also considered the appropriate flood risk mitigation measures, which together with the drainage strategy, sets out how the proposed development will deal with storm and foul water discharge.
- 8.73 In order to minimise the risk of flooding and provide resilience to flooding when taking into account climate change, the JCS Policy INF2 clarifies that new development should incorporate suitable sustainable urban drainage systems (SUDS) in order to manage surface water drainage. In support of meeting the challenge of climate change and flooding, Paragraph 169 of NPPF states that development proposals should incorporate SUDS unless there is clear evidence that this would be inappropriate. The geological constraints have informed the final drainage strategy and SUDS which make up the overall surface water management plan for the proposed development. Hydrock have produced a sustainable urban drainage strategy plan.
- 8.74 The FRA report demonstrates that, in respect of flood risk, the proposed development of the site:
- Is suitable in the location proposed;
 - Will be adequately flood resistant and resilient;
 - Will not place additional persons at risk of flooding, and will offer a safe means of access and egress through a Flood Evacuation Management Plan;
 - Will not increase flood risk elsewhere as a result of the proposed development through the loss of floodplain storage or impedance of flood flows; and
 - Will put in place measures to ensure surface water is appropriately managed.

As such, the FRA report concludes that the development would meet the flood risk requirements of the NPPF.

- 8.75 The FRA and drainage strategy submitted with this application show that the development can proceed providing a school that will be safe from flooding

and without increasing flood risk elsewhere. The LLFA has no objection to this proposal.

- 8.76 The LLFA has considered the comments raised by the BCPC and provides the following responses.
- 8.77 Regarding the concern relating to flooding issues caused by building the existing pond then the LLFA responds by stating that they *“do not consider it to be a flooding issue and that the existing pond does not act in any way as a flood management measure, it isn’t managed as an attenuation basin. Loss of that pond is mitigated for by three attenuation basins (the proposed replacement ponds south of the site) which are managed attenuation basins.”* The LLFA further comment that the soakaway from the carpark *“will not be to the ground it will be to the substrate material of the carpark providing a significant volume of attenuation and a way of cleaning the surface runoff from the carpark. The substrate layers of the carpark will feed surface water to the managed surface water drainage system for controlled discharge to the watercourse. Holding water in the carpark substrate will allow some losses as ground water migrates to the edges where it can feed plants, some can evaporate through the porous paving when it stops raining and some will, though so slowly it can’t be relied upon for the entire discharge, will soak away through the clay.”*
- 8.78 Regarding clarification of the purpose of the new ponds then the LLFA comments *“Attenuation requirements for storm water network no.2 accommodating (but not exclusively eastern MUGA and eastern building block = 155m³. The 3 no. ponds are to accommodate this attenuation requirement within its embankments above a permanent water level. However, where this is not possible due to site constraints and space limitations, the storm water no.2 is to be re-directed to the mass cellular storage within the car park...”*
Ref Drainage Strategy Plan 13668-HYD-00-DR-C-7000 Rev p01
Sounds like a problem with wording in the DAS, I am guessing that the intent is to show that by keeping the ponds permanently we they will provide an ecological function as well as a flood management function. Unlike the current pond which offers only an ecological function. Maybe it should read “New ponds that have been specifically designed as NOT only having an ecological function, featuring semi-aquatic and marginal zones with specific wildflower mixes and will be permanent wet;”
- 8.79 Regarding the concern that houses opposite the site (to the south and west) have already flooded and is also concerned about the increased risk of road traffic accidents if surface water runs onto the A435 then the LLFA state that modelling shows there will be no benefit in increasing the width of the culvert beneath the A435. The LLFA has no record of houses opposite the site having been flooded. The development will not increase the risk of surface water running on to the A435. Regarding flooding concerns because of finished floor levels of sports pitches then the LLFA comments that drainage of the sports pitches relies on perforated drains not the porosity of the soil and that the playing fields are positively drained with a permeable under surface,

not posing any flood risk as per drawing Drainage Strategy Plan 13668-HYD-00-XX-DR-C-7000 Rev P01. Finally, the LLFA does not consider that foul drainage concerns raise any concerns to the LLFA.

- 8.80 Overall flood risk and drainage issues are fully addressed subject to appropriate conditions. The CPA is satisfied that the proposal is therefore in accordance with JCS (2011-2031) Policy INF2 (Flood Management).

Archaeology

- 8.81 The NPPF provides a framework for conserving and enhancing the historic environment, Paragraph 194 states that *“in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.”*
- 8.82 Policy SD8 of the JCS (2011-2031) reinforces that Framework. The explanatory text supporting this policy states that *“development proposals must describe the significance of any heritage assets affected including any contribution made by their setting. Where a development site includes, or has potential to include, heritage assets with archaeological interest, a desk-based assessment and, where necessary a field evaluation must be submitted to the planning authority. Developers are required to record and advance understanding of any heritage assets to be lost (wholly or in part) through development and must provide this information to the relevant local authority for inclusion in the appropriate Historic Environment Record.”*
- 8.83 An Archaeological Evaluation was undertaken by archaeological consultants at the site. The archaeological investigations revealed no evidence for potentially significant archaeological remains across the proposed development area. Despite prehistoric and Roman activity being known in the vicinity, no remains from these periods were recorded within the site. The site was part of the agricultural landscape between Bishop's Cleeve and Gotherington throughout the historic periods.
- 8.84 The only activity of note was located in the southwest corner of the site, where rubble of a known 19th Century barn recorded on the 1st Edition OS mapping and had been demolished by 1902 was revealed. To the south of this evidence of terracing was noted which was interpreted as associated with the known quarrying that took place to the immediate south and east, as seen by the still extant pond.
- 8.85 The County Archaeologist (CA) advises that the application area was subject to full archaeological evaluation at pre-application stage, and no significant archaeology was found to be present. In the CA's view there is a low risk that archaeological remains will be adversely affected by this development proposal. The CA recommends that no archaeological investigation or recording need be undertaken in connection with this scheme.
- 8.86 The CPA is satisfied that the proposal accords with the requirements of Paragraph 194 of NPPF and Policy SD8 of the JCS (2011-2031).

Design

- 8.87 The building proposed is of a modern design. It is two storey and occupies the southern part of the site at a lower level than the adjoining sports pitches to the north. The land slopes towards the south with a difference in level of 6 metres. The location minimises the impact of the site from distant views from Gotherington, the SLA and the AONB referred to earlier in the Landscape consideration section.
- 8.88 JCS Policy SD4 seeks to steer development so that new proposals respond positively to the local character of the site and its setting, enhancing local distinctiveness and addressing the grain of the existing locality in terms of street pattern, layout, mass and form. New development should also ensure that designs in terms of scale, type, density and materials are appropriate to the site and its setting.
- 8.89 The NPPF sets out design guidance for new development which should ensure that proposals function well and add to the overall quality of an area, are visually attractive and incorporate appropriate and effective landscaping while being sympathetic to the local character including the surrounding built environment and landscape setting.
- 8.90 The planning statement (PS) provides the following commentary regarding design:
“The design of the proposed school evolved from a series of options which were presented to members of the public at the first of two consultation events on 14 September 2021. The second public consultation event occurred on 30 November 2021, both of which were held at the Bishops Cleeve Primary Academy.

The Design and Access Statement (DAS) enclosed with this application sets out the four original design options that were drawn up. Following the feedback that was received from the first public consultation event the third option was chosen which consisted of the following:

- *Two-storey school building which is linear but with a kink in the centre.*
- *Detached single storey nursery building.*
- *60-space car park including 7 electronic charging spaces and 5 accessible spaces.*
- *2 x Multi-Use Games Areas (MUGA).*
- *3 x grass pitches.*
- *200m running track.*

One of the other three options which were not pursued included a three-storey school building on a smaller footprint, but was discounted to minimise landscape impact considering the position of the site in a semi-rural area on the edge of Bishops Cleeve. The concept for the exterior and massing of the building was to be reminiscent of a cluster of agricultural buildings, breaking

up the vast form into smaller elements to achieve the space requirements needed internally. The principal building has two distinctive wings that are kinked in the centre with two lower central blocks. Each form has distinctive elevational treatments that help to break up the massing of the building.

A standing seam cladding is used on the pitched rooves and carried down to the First Floor to create a unification of the two elements, with the ground floor in a rough dressed Bradstone to create contrast. The left central block has been treated with a bold timber effect cladding designed to draw the eye naturally towards the entrance. This cladding is utilised on the ground floor of the entrance block and the canopy of the reception classrooms to unify the design of these elements. The use of darker, natural tones helps soften the impact of the building in its semi-rural setting and the combination of mono-pitch and flat roofs also help to minimise the scale and visual impact of the building. The detached nursery building has been designed as a subservient agricultural outbuilding with a pitched roof. When viewed in context with the principal school building it will be very discreet and will be constructed with matching materials.”

- 8.91 The proposed school building has been designed to be Carbon Neutral and achieve net Zero Carbon Building Operational Energy and to an A+ Energy Performance Certificate (EPC). The design incorporates Passive Design by optimising building orientation and façade design using Dynamic Simulation Thermal Modelling and Climate Based Daylight Modelling. Roof overhangs or *Brise Soleil* would be incorporated to provide beneficial solar gains in winter and reduce summer overheating. The building seeks to achieve energy efficiency and low carbon design through the utilisation of air source heat pumps, hot water and cooling, as required, with a high Coefficient of Performance (CoP) equipment for increased energy efficiency. It is proposed to use all electric technologies, including LED lighting throughout, eliminating the need for fossil fuels. Thermal Comfort and Indoor Air Quality would be achieved via ventilation systems designed to the latest regulations using hybrid ventilation heat recovery units which have zero embodied carbon and use fully recyclable materials. Renewable energy and sustainable transport through the technology to be incorporated to provide on-site energy production, reducing carbon emissions. Electric Vehicle charging points are to be installed on-site to enable clean transport opportunities for school staff and visitors.
- 8.92 The applicant presented the design to the Design Panel on 30th November 2021. The Design Panel commented on matters relating to ecology, drainage, transport, design, sustainability and landscape matters. Whilst acknowledging the constraints of the site it considered that the issues raised similar issues already acknowledged in this report by consultees and members of the public relating to perceived overdevelopment, ecology loss, landscape impact and transport impact. The Design Panel agreed that it was a difficult site to develop providing the needs of the school facility regarding buildings and outdoor facilities including vehicular parking and outdoor sports provision. The Design Panel also considered that the acceptability of the development would

be based on a planning balance judgement having considered all the issues raised in the processing of the application.

- 8.93 Concerns have been raised by BCPC regarding design issues relating to the appropriateness of the development regarding location, siting, health and safety, inclusiveness, flood risk. To conclude BCPC *“is strongly of the opinion that this site is not a suitable site option for a new primary school given its location adjacent to the A435, but in view of the undisputed need for an additional primary school on the north side of the village accepts that this site has to be considered. However, it is not acceptable to cram a school on to a piece of land that will potentially result in poor conditions for future staff and pupils due to the minimum standards being applied to this design in all areas. The poor location, both in terms of its positioning adjacent to the A435 and its position on the site itself demonstrates that this is an ill thought out application, with conflicting and incomplete information which will potentially lead to flooding and health and safety issues in using the site. At the very least this application needs further details submitted and a rethink of its orientation.”*
- 8.94 The siting, design, materials and access was informed by both the planning policy context and the planning constraints. The development of the site has had to make compromises regarding outdoor sports provision and loss of existing trees and pond area and parent drop off provision. These matters have all been assessed by technical advisers and subject to conditions are satisfied that the proposed development is acceptable. The building design and materials palette chosen have attempted to reflect the rural setting. Design is a subjective matter and what may seem appropriate and acceptable to one person may not be the same view taken by another.
- 8.95 Overall, it is not considered that in design terms the development is unacceptable and can be considered to generally accords with JCS policy SD4 and the principles of the NPPF.

Amenity Impact - Air Quality, Dust and Noise, Glint and Glare

Air Quality

- 8.96 The application is supported by an Air Quality assessment report. An air quality exposure assessment based on the potential impacts of existing and future traffic levels on a proposed development on land adjacent to Evesham Road. The pollutants modelled as part of this assessment are nitrogen oxides (NOx) and particulate matter (PM10). An assessment on the potential impact on local air quality from demolition and construction activities at the site was not undertaken as the information was unavailable at the time of reporting.
- 8.97 The report concluded that in terms of introducing new exposure, all predicted NO2 and PM10 concentrations at the modelled receptor locations were below the relevant air quality objectives and fall within APEC Category A, which states that there are “no air quality grounds for refusal; however, mitigation of

any emissions should be considered". Overall, air quality is a low priority consideration with regards to the impact of the proposed development.

- 8.98 Concern has been expressed regarding the health impact of siting a school and outdoor play areas adjacent to a main road. The site does not lie in an area which is noted for its air pollution. Any pollution from vehicular use to the school is minimised by the deliberate restriction on vehicle parking on site and in availability of drop off points near to the school. The site itself is not located in a built up area, as it would be in a town location. As such any air pollution that may arise from vehicular traffic associated with the school would disperse more efficiently than from an urban location. For this reason, it is not considered that the air quality pollution that may arise would be significant.
- 8.99 Based on the information available the proposed development is not considered likely to have significant effects on air quality matters.

Dust

- 8.100 Dust will be generated during site preparation and construction activities. Such activities are for a temporary period and occur as part of any large scale construction works. The impacts are not excessive and are capable of management by planning condition. Dust generated during construction can be managed via a DMP controlled via planning condition. Considering this the proposed development is not considered likely to have significant effects regarding dust.

Noise

- 8.101 WRS on behalf of TBC have reviewed the Noise and Acoustic Feasibility Impact Assessment submitted.
- 8.102 The report indicates that with mitigation measures in place internal noise levels as per "Acoustic Design of Schools: Performance Standards" (2014) DfES can be achieved. WRS advise that mitigation measures be adopted as per the report.
- 8.103 An assessment of noise from potential external plant has also been undertaken, following BS4142:2014 guidance. Plant noise limits have been proposed in Table 7 of the report. WRS advise that these Plant noise limits be conditioned to ensure that there are no adverse impacts from noise at the nearest sensitive receptor.
- 8.104 Subject to the above being implemented, WRS have no adverse comment or objection to make in relation to the above application. The above matters are capable of control via a planning condition.

Glint and Glare

8.105 The application was supported by a Solar Photovoltaic Glint and Glare Study from rooftop solar photovoltaics on the school buildings. The CPA technical adviser Atkins considered the report providing comments and seeking clarification. The applicant addressed these matters and submitted a further report including modelling of Gloucestershire Airport. The updated report assessment of modelling results concluded that:

“Roads

The modelling has shown that solar reflections are geometrically possible towards one point along the assessed section of the A435. Following a review of the available imagery, the solar reflections that are geometrically possible are expected to be comfortably outside of a road user’s primary horizontal field of view. A low impact is predicted, and mitigation is not required.

Dwellings

The modelling has shown that solar reflections are geometrically possible towards 23 of the 79 assessed dwellings.

Following a review of the available imagery and local topography, any solar reflections that are geometrically possible towards dwellings 29, 43 – 44, and 47 are predicted to be significantly screened under baseline conditions. No impacts are predicted, and no mitigation is required.

For dwellings 30 – 41 and 53 – 54, the review of available imagery and local topography has shown that there is intervening deciduous vegetation which is expected to provide significant screening in the months when leaves are on trees, and filter views at other times of year. A low impact is predicted, and mitigation is not required.

For dwellings 61 – 64, the review of available imagery and local topography has shown that there is intervening deciduous vegetation which is expected to filter views. A low impact is predicted, and mitigation is not required.

Aviation

Solar reflections beyond 50 degrees of the pilot’s direct line of sight are predicted towards the runway 18 approach. A low impact is predicted based on the associated guidance and industry best practice. No mitigation is required.”

8.106 The CPA technical adviser was satisfied that their earlier comments were considered and more information provided with a few observations regarding results and corresponding comments for the reflections towards the dwelling units. The glint and glare is mitigated by existing trees in the line of sight of the roof panels and the dwellings. It is suggested that this matter is controlled via landscaping details to be agreed via planning condition.

8.107 Overall, it is considered that amenity impacts with regards to air quality, noise, dust and glint and glare mitigated by planning condition is acceptable and in accordance with JCS policy SD14 (Health and Environmental Quality).

Energy efficiency and carbon footprint

- 8.108 NPPF Chapter 14, Meeting the challenge of climate change, flooding and coastal change paragraph 152 states “...*The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.*”
- 8.109 NPPF Paragraph 154 b) states that “...*New development should be planned for in ways that:*
- b) *can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government’s policy for national technical standards.*”
- 8.110 NPPF Paragraph 158: “*When determining planning applications for renewable and low carbon development, local planning authorities should:*
- b) *not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and*
 - c) *approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.*”
- 8.111 GCC have committed to addressing climate change. On the 15th of May 2019, GCC endorsed a climate change emergency and committed to help deliver a carbon neutral county by 2050. Councillors agreed at Full Council to work with partners to identify what measures are needed to deliver a stepped target of 80 percent reduction of carbon emissions by 2030. This commitment refers to the inclusion in the Council’s major strategies such as the LTP to having clearly identified strategies to reduce carbon emissions. On 20th December 2019, GCC’s Cabinet met to discuss the Climate Change Strategy for the period 2019/20 to 2024/25. Cabinet members resolved approve the immediate action plan (on climate change) and endorse the Climate Change Strategy. While not part of the Development Plan, the Council’s Climate change commitment could be considered a material consideration when determining planning applications. Members have expressed a desire to consider climate change matters in Planning Committee meetings.
- 8.112 The proposed school building has been designed to be Carbon Neutral and achieve net Zero Carbon Building Operational Energy and to an A+ EPC. This is referred to in more detail above under Design consideration.

8.113 The CPA considers that the design of the proposed new School, through the use of appropriate materials and technology together with innovative design, meets the requirements of Paragraph 154 (b) of the NPPF which seeks to ensure that *“new development should be planned for in ways that can help to reduce greenhouse gas emissions, such as through its location, orientation and design.”*

8.114 However, the school building itself is not the only consideration when looking at climate change. This proposal will also involve the removal of established hedgerow and traditional orchard representing a carbon and biodiversity loss. Notwithstanding the proposed ecological compensation and mitigation provides a BNG, as referred to in ecology consideration above, which is balanced against the climate change implications of the development.

Waste minimisation and management

8.115 WCS Policy WCS2 seeks to ensure that all development incorporates the principles of waste minimisation. The policy states that *“Planning applications for 'major' development must be supported by a statement setting out how any waste arising during the demolition, construction and subsequent occupation of the development will be minimised and managed.”*

8.116 GCC Minerals and Waste Policy have provided comments relating to waste impacts of the proposed development. The comments recommend planning conditions relating to waste minimisation during site preparation, design, construction and occupation of the proposed development. The applicant has also submitted a waste minimisation supporting document as part of the application. Coupled with the planning conditions referred to the proposed development is considered to accord with GCC WCS policy WCS2.

Community Engagement

8.117 The NPPF (paragraphs 39 and 26) encourages early and effective engagement with all stakeholders in the planning application process. This includes pre-application engagement and consultation.

8.118 The applicant has submitted a document entitled Statement of Community Involvement (SCI) dated February 2022. The SCI describes the elements of the consultation that have been undertaken prior to the submission of the application. The following forms of consultation have been undertaken prior to submission:

- Pre-application discussions with Planning Officers at GCC; and
- Two consultation events held at Bishop’s Cleeve Primary Academy School.

8.119 The agent considers that the SCI confirms that the GCC has met the national guidance relating to community engagement and pre-application discussions stating that *“such engagement is a material planning consideration that should be looked upon favourably when determining planning applications.”*

- 8.120 Following initial discussions with senior officers in the GCC Planning Development Management and GCC Asset Management a formal pre-application enquiry was submitted to the CPA in May 2021 and responded to in May 2021 identifying matters that would need to be addressed in the supporting information accompanying the planning application.
- 8.121 Two independent public consultation events at Bishop's Cleeve Primary School were undertaken. The first of which took place on 14 September 2021. At this event the four initial options and other information boards were displayed which can be viewed through Public Access via the link below (8.130).
- 8.122 At the first event 38 people signed in during the three-hour session including six Parish Councillors and one County Councillor. From these figures it can be concluded the turnout resulting from the 1,400 letters that were sent to residents was 2.7%. Of the 38 attendees, 18 people completed the feedback forms or emailed their views without fully completing the forms. Copies of the Display Boards from the event were made available electronically via GCC's website with a link provided by a QR code on the advertisement.
- 8.123 The SCI states the main concerns residents raised related to highway safety and other highways issues. In response to this, the applicant's planning application included a Transport Assessment (TA) and Travel Plan that would need to be agreed with GCC in order for planning permission to be granted. Concerns relating to flooding, air pollution and biodiversity were also addressed in further supporting statements.
- 8.124 The second consultation event was held on 30 November 2021. At this event the final draft proposal which was based on Option 3 that was shown at the first consultation event. There was no clear preferred option based on the responses to the first consultation, but a recurring theme was that a two-storey option was preferred (which eliminated Option 1).
- 8.125 At the second event 17 people signed in during the three-hour session. From these figures it can be concluded the turnout resulting from the 1,400 letters that were sent to residents was 1%. However, despite the turnout being lower, the amount of people that responded to the consultation online via the feedback forms was higher, with 44 people completing the forms.
- 8.126 Compared to the first consultation event, the responses to this question were more detailed and wide-ranging. The majority of positive comments related to the fact people were grateful that a much-needed primary school was finally being proposed for Bishop's Cleeve. The second most popular positive aspect of the proposal was that the proposal aims to be carbon neutral. Other benefits people cited included the that it contains a nursery, environmental issues being taken into account, the use of renewable energy sources, the provision of sports facilities for children and a good exterior design.
- 8.127 The questions regarding improvements that could be made to the development and an open question section for any other comments people

had to offer, the main issues in order of importance / frequency of appearance in the responses (shown in brackets) were:

- No drop-off area for parents / walking not an option for everyone (16);
- Insufficient parking / drop-off area will lead to parking in surrounding residential streets (9);
- A435 is too busy for a primary school to be located so close (9);
- Insufficient pedestrian and cycle infrastructure (6);
- Lower speed limit needed for A435 (3); and
- The school will be located too close to neighbouring properties (2).

8.128 The CPA is satisfied that appropriate community engagement has taken place and the applicant has considered the responses made by the public in consideration of the proposed development.

8.129 Link to SCI submitted:

https://ww3.gloucestershire.gov.uk/PROW/PROWWS.aspx/GetFileGCCContents?Filename=images%2f22_0003_TWR3MJ_SCI.PDF

Other relevant planning issues

8.130 Other planning issues relate to the expectation of SE that the development will also be used for community use and suggest planning conditions to support and control this. In so doing they also expect that ducting is put in place at this stage to accommodate external sport facility lighting.

8.131 Regarding these matters there is no consideration at this stage for a community use of the sports facilities. Such facilities are likely to include outside use of sporting facilities. Such a use is likely to be undertaken during the evenings when external lighting will be required. This would need to be formally considered since it may be the case that such a use including lighting could be unacceptable given the setting of the proposed development. As such the request to attach conditions regarding community use has been discounted at this stage.

8.132 I am satisfied that the school can have lighting but that this is controlled via planning condition regarding timing and technical specification so as not to adversely impact on ecology and amenity interests that may be affected by uncontrolled external lighting. I am also satisfied that the school can have an evening use for normal school activities such as after school clubs, parents' evenings, school meetings and relating to theatrical and musical rehearsals, performances, productions and concerts. More than this may need formal consideration through the planning process.

Conclusion (Summary Reasons for the recommendation to Grant of Planning Permission)

8.133 The proposed development, subject to planning condition compliance and mitigation works relating to landscaping, ecology and highway matters, is not

considered to significantly adversely impact upon, the amenity of residents in the vicinity, the environment; the local highway network; upon the Cotswolds AONB and the Gotherington SLA. As such it is considered to comply with national policy (NPPF) and the policies of the development plans including the recently adopted Tewkesbury Local Plan 2011-2032 apart from LAN 3 policy relating to the Gap of Local Importance in which the development site sits. For this reason, it is considered that the development departs from development plan policy LAN3. If Members are minded to grant planning permission, then the application would be referred to the Secretary of State (through the National Planning Casework Unit (NPCU)) under the departure regulations. Should the Secretary of State decide not to call in the application for determination then, after the prescribed time period, planning permission would be issued. Overall, whilst departing from Policy LAN 3 in the newly adopted TLP it is considered that, on balance, the educational need outweighs any adverse impact perceived or otherwise by the proposed development and is therefore recommended for approval.

Positive and Proactive Statement

- 8.134 In determining this planning application, the CPA has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the agent, and by discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Human Rights

- 8.135 From 2nd October 2000 the Human Rights Act 1998 has the effect of enshrining much of the European Convention on Human Rights in UK law. Under 6(1) of the Act, it is unlawful for a public authority to act in a way, which is incompatible with a convention right. A person who claims that a public authority has acted (or proposes to act) in a way which is made unlawful by Section 6(1), and that he is (or would be) a victim of the unlawful act, may bring proceedings against the authority under the Act in the appropriate court or tribunal, or may rely on the convention right or rights concerned in any legal proceedings.
- 8.136 The main Convention rights relevant when considering planning proposals are Article 1 of the First Protocol (the peaceful enjoyment of property) and Article 8 (the right to a private and family life). Article 1 of the First Protocol guarantees the right to peaceful enjoyment of possessions and Article 8 of the Human Rights Act 1998 guarantees a right to respect for private and family life. Article 8 also provides that there shall be no interference by a public authority with the exercise of this right except in the interests of national security, public safety, or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the freedom of others.

8.137 Representations, including objections, have been received from nearby residents, members of the public and the parish councils of Gotherington and Bishop's Cleeve which are indicated in the report and considered accordingly throughout the report. For the reasons set out in 'Planning Considerations', it is not thought there would be any breach of the convention rights. Even if there was to be an interference with convention rights then, in this case, it is thought that the interference would be justified in the interests of public amenity. Accordingly, it would not be unlawful to grant planning permission for this development.

9.0 RECOMMENDATION

That the Planning Committee be minded to grant planning permission for the reasons summarised in paragraph 8.133 subject to the application being first referred to the Secretary of State to consider as a departure application from the adopted TLP 2011-2032, in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992 and subject to the conditions set out below. That the Team Manager Development Management and Minerals & Waste Planning is granted delegated authority to impose such conditions relating to GCN's in line with the GCN licensing approach to be taken prior to the decision being actioned:

CONDITIONS

Commencement

1. The development hereby authorised shall begin not later than the expiration of 3 years from the date of this permission. Written notification of the date of commencement shall be sent to the County Planning Authority within 7 days of such commencement.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

Scope of Development

2. The development hereby permitted shall be carried out in accordance with the submitted application form, its accompanying documentation, and the approved drawings except as varied by other condition(s) of this permission as follows:

Documents

Application Form
Statement of Community Involvement (dated February 2022)
Design & Access Statement (dated December 2021)
Planning Statement (dated January 2022)
Sustainability Statement (dated December 2021)
Waste Minimisation Statement (dated January 2022)
Travel Plan by Cotswold Transport Planning (Dated December 2021)

Transport Assessment (dated December 2021)
Construction Environment Management Plan (June 2022)
CEMP: Biodiversity Keystone (dated December 2021)
Ecological Management Plan (dated December 2021)
Landscape & Ecological Management Plan DLA.2046.RPT.LEMP.01.V03
Biodiversity Net Gain Feasibility & Design Stage Report by Keystone (Dated December 2021)
Glint & Glare Study Revised by Pager Power (dated 30/03/2022)
Visual Analysis (dated 17 December 2021)
Landscape & Visual Impact Assessment (dated January 2022)
Landscape and Visual Addendum–Further Information (dated 30.03.2022)
Noise & Acoustic Feasibility Study by Acoustic Consultants Ltd. (Ref: 8999/JC (dated 22 December 2021)
Stage 1 Road Safety Audit (dated 20.01.2022)
Main Site Preliminary Ecological Appraisal (dated February 2021)
Air Quality Assessment (dated October 2021)
Evesham Road Preliminary Ecological Appraisal (dated November 2021)
Hedgerow Assessment (dated April 2021)
Bat Roost Inspection Survey Report (dated April 2021)
Dormouse Survey (dated October 2021)
Reptile Survey (dated June 2021)
Water Vole & Otter Survey Report (dated September 2021)
Great Crested Newt Survey (dated June 2021)
Arboricultural Impact Assessment (dated 21st December 2021)
Archaeological Evaluation (dated August 2021)
Preliminary Ecological Appraisal & Bat Roost Inspection Rep (dated April 2021)
Bat Roost Presence/Absence Survey Report (dated September 2021)
Drainage Strategy Report (dated 19th December 2021)
Flood Risk Assessment (dated 15th December 2021)
ICP Catchment 17.12.2021
BCP - System 1 Car Park 17.12.2021
BCP - System 2 East Block 19.12.2021
Geophysical Survey Report (dated March 2021)
Operation & Maintenance Schedule
Utilities Report Jones King (dated January 2022)
Interpretive Report on Ground Investigation (dated June 2021)

Plans

P21-0553 Site Location Plan
9546 PL001 Existing Site Plan
9546 PL010 Demolitions Plan
9546-RLL-A-PL101 Rev A 2FE Proposed Site Plan (Phase 1)
9546-RLL-A-PL102 Rev A 3FE Proposed Site Plan (Phase 2)
9546-RLL-A-PL201 2FE Ground Floor Plan (Phase 1)
9546-RLL-A-PL202 2FE First Floor Plan (Phase 1)
9546-RLL-A-PL251 3FE Ground Floor Plan (Phase 2)
9546-RLL-A-PL252 3FE First Floor Plan (Phase 2)
9546-RLL-A-PL253 2FE Roof Plan (Phase 1)

9546-RLL-A-PL254 3FE Roof Plan (Phase 2)
9546-RLL-A-PL301 2FE Proposed Elevations (Phase 1)
3MJ 9546-RLL-A-PL302 3FE Proposed Elevations (Phase 2)
9546-RLL-A-PL303 Proposed Nursey Elevations
MJ Construction Logistics Plan

SK10 Rev I Site Access & Active Travel Improvements Location Plan
SK11 Rev I Sheet 1 of 3: Site Access & Active Travel Improvements
SK12 Rev F Sheet 2 of 3: Site Access & Active Travel Improvements
SK13 Rev C Sheet 3 of 3: Site Access & Active Travel Improvements
Transport Assessment: Appendix A to D
Transport Assessment: Appendix E
Transport Assessment: Appendix F
Transport Assessment: Appendix G
Transport Assessment: Appendix H to N
Transport Assessment: Appendix O to AB

2046 38.1 Rev S02 Soft Planting Proposals-Off Site Highways 1 of 2
2046 38.2 Rev S02 Soft Planting Proposals-Off Site Highways 2 of 2
2046 35 Rev S04 Soft Planting Proposals Phase 1 - 04.03.2022
2046 32 Rev S03 Soft Planting Proposals Phase 2 - 04.03.2022
2046 36 Rev S04 Hard Landscape Proposals (Phase 1) - 03.03.2022
2046 33 Rev S04 Hard Landscape Proposals (Phase 2) - 03.03.2022

DLA.2046.L31.S05 Illustrative Masterplan - Phase 1
DLA.2046.L31.S05 Illustrative Masterplan - Phase 2
DLA.2046.L.41.S01 Section A Southern Boundary
DLA.2046.L.40.S01 Section B Evesham Road
DLA.2046.LVA-ADD.RPT.01. V1 Landscape & Visual Addendum
2046 30 Rev 06 Fencing Plan
13668-HYD-00-XX-DR-C-7050 P01 Existing Levels
13668-HYD-00-XX-DR-C-7051 P0 Proposed Finished Levels
13668-HYD-00-XX-DR-C-7053 P0 Cut & fill Analysis Sections Sheet 1
13668-HYD-00-XX-DR-C-7053 P0 Cut & fill Analysis Sections Sheet 2
13668-HYD-00-XX-DR-C-7054 P0 Cut & fill Analysis Sections Sheet 3
13688-HYD-00-XX-DR-C-7000 P01 Drainage Strategy Plan
13688-HYD-00-XX-DR-C-7001 P01 Drainage Strategy Sheet 1
13688-HYD-00-XX-DR-C-7002 P01 Drainage Strategy Sheet 2
13688-HYD-00-XX-DR-C-7003 P01 Drainage Strategy Sheet 3
13688-HYD-00-XX-DR-C-7004 P01 Drainage Strategy Sheet 4
13688-HYD-00-XX-DR-C-7005 P01 Drainage Strategy Sheet 5
13688-HYD-00-XX-DR-C-7006 P01 Drainage Strategy Sheet 6
13688-HYD-00-XX-DR-C-7007 P01 Drainage Strategy Sheet 7
13688-HYD-00-XX-DR-C-7010 P01 Drainage Details Sheet 1
13688-HYD-00-XX-DR-C-7011 P01 Drainage Details Sheet 2
13688-HYD-00-XX-DR-C-7020 P01 Storm Water Catchment Areas
13688-HYD-00-XX-DR-C-7022 P02 Sustainable Urban Drainage Strategy
Sewer Map 1 Valentine Road
Sewer Map 2 Pharmacy
Sewer Map 3 Evesham Road

Extra Samples for Lead Testing
MW023/TJ/WASTE Letter Clarifying Soil Excavation & Vehicle Movements -
Carter
Further Assessment for Hydrological and Drainage Risk due to Soils letter –
Structural Soils Ltd (dated 31 January 2022)

Reason: To define the scope of this permission and to ensure that the development is carried out as approved and to clarify that the development must be carried out in full conformity with the details submitted including the mitigation measures proposed in the planning application and supporting documents.

Construction hours of working

3. No construction works authorised by this permission shall be carried out on site except between the following hours:

07.30 to 18.00 hours Monday to Friday.

07.30 to 13:00 Saturday

No construction work related to the development shall take place on Sundays, Bank or Public Holidays.

The term 'construction work' shall, for purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery, deliveries to and from the site and the movement of construction vehicles within the curtilage of the site.

Reason: In the interests of the amenity of the area in accordance with Joint Core Strategy Policy SD14.

Highways

4. Throughout the construction period of the development hereby permitted provision shall be made within the site that is sufficient to accommodate the likely demand generated for the following:
 - i. 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. provide for wheel washing facilities.

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and to ensure that the adjoining

public highway is kept free from mud and debris in accordance with JCS policy INF1 and Paragraph 110 of the National Planning Policy Framework.

Completion of Access Works

5. The development hereby approved shall not be brought into use until the means of access for vehicles, pedestrians and cyclists have been constructed and completed in accordance with drawings SK11 Rev I, SK 12 Rev F and SK13 Rev C.

Reason: In the interest of highway safety in accordance with JCS policy INF1 and Paragraphs 110 and 112 of the National Planning Policy Framework.

Highway Improvements

6. No construction works shall take place above any on-site Damp-Proof Course level until drawings of the highway works comprising:
 - School Safety Zone on A435
 - Proposed street trees and landscaping on the A435 and future management plan

have been submitted to the County Planning Authority for approval in writing; and the building shall not be occupied until those works have been constructed in accordance with the approved details.

Reason: To ensure the safe and free flow of traffic onto the highway in accordance with JCS policy INF1 and Paragraphs 110 and 112 of the National Planning Policy Framework.

Travel Plan

7. The School Travel Plan hereby approved, dated December 2021 shall be implemented and monitored in accordance with the regime contained within the Plan. In the event of failing to meet the targets within the Plan a revised Plan shall be submitted to and approved in writing by the County Planning Authority to address any shortfalls, and where necessary make provision for and promote improved sustainable forms of travel to and from the site. The submitted details shall use Modeshift STARS to carry out this process and include mechanisms for monitoring and review over the life of the development and timescales for implementation. The approved Travel Plan shall be implemented, monitored and reviewed in accordance with the approved details

Reason: To reduce vehicle movements and promote sustainable travel up in accordance with JCS policy INF1 and Paragraph 113 of the National Planning Policy Framework.

Parking Facilities

8. Prior to the first use of the development hereby approved a maximum of 53 car parking spaces, a minimum of 5 accessible spaces, a minimum of 80 bicycle spaces, a minimum of 80 scooter spaces, a minimum of 2 motorcycle spaces and a minimum of 7 electric vehicles spaces, shall be provided. These spaces should be maintained throughout the lifetime of the planning permission.

Reason: To ensure suitable parking facilities are provided to support the development in accordance with JCS policy INF1 and Paragraph 112 of the National Planning Policy Framework.

Construction Management Plan

9. Prior to commencement of the development hereby permitted details of a Construction Management Plan shall be submitted to and approved in writing by the County Planning Authority. The approved plan shall be adhered to throughout the construction period. The plan/statement shall include but not be restricted to:
 - 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);
 - Advisory routes for construction traffic;
 - Any temporary access to the site;
 - Locations for loading/unloading and storage of plant, waste and construction materials;
 - Method of preventing mud and dust being carried onto the highway;
 - Arrangements for turning vehicles;
 - Arrangements to receive abnormal loads or unusually large vehicles;
 - Joint Highway Condition survey;
 - Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses; and
 - Registration and compliance with code of conduct with the Considerate Constructors scheme.

Reason: In the interests of safe operation of the adopted highway in the lead into development during the construction phase of the development in accordance with JCS policy INF1 and Paragraph 110 of the National Planning Policy Framework.

10. The development hereby approved shall not be brought into beneficial use until the implementation of traffic regulation orders (TROs) relating to

- the provision of a 40mph speed limit on the A435 north of Bishop's Cleeve fronting the development;
- provision of a clearway order on the A435 north of Bishop's Cleeve fronting the development; and
- provision of waiting restrictions at the junctions of Evesham Road/Valentine Road and Evesham Road/Greenacres Way.

Reason: To restrict impact and harm until suitable mitigation is delivered in accordance with JCS policy INF1 and Paragraph 110 of the National Planning Policy Framework.

Landscaping/Ecology

11. Within 6 months of commencement of development a landscaping scheme shall be submitted for approval in writing by the County Planning Authority. The submitted scheme shall include finalised details of the soft and hard landscaping at the site and highway including details relating to materials, finishes, equipment, species, densities and fruit tree grafting. The approved details shall be fully implemented before the development is brought into beneficial use.

Reason: To ensure that the landscape requirements are successfully implemented and maintained in accordance with policies SD6 and SD9 of the JCS, NAT1 of the TBP and paragraphs 174 and 180 of the NPPF.

12. Prior to the beneficial use of the site a landscaping management and maintenance scheme shall be submitted for approval in writing by the County Planning Authority. The submitted scheme shall be implemented as approved and include details relating to future maintenance and management of the scheme including 30 year Biodiversity Net Gain monitoring and reporting requirements.

Reason: To ensure that the landscape requirements are successfully implemented and maintained in accordance with policies SD6 and SD9 of the JCS, NAT1 of the TBP and paragraphs 174 and 180 of the NPPF.

13. Prior to commencement of development tree and hedgerow protection measures shall be submitted to and approved in writing by the County Planning Authority in accordance with details submitted in the Arboricultural Impact Assessment ref 211206 1228 AIA V1a dated 22 December 2021. The scheme shall be implemented as approved for the duration of the construction period.

Reason: To ensure that the existing trees and hedgerows are appropriately protected during the course of development in accordance with policies SD6 and SD9 of the JCS, NAT1 of the TBP and paragraphs 174 and 180 of the NPPF.

14. Prior to the removal of existing orchard trees grafting of sufficient existing fruit tree material onto rootstock to meet the requirements of the approved landscaping scheme shall be undertaken. The approved details shall be fully implemented in accordance with the approved landscaping scheme and the approved landscaping management and maintenance scheme.

Reason: To ensure that the existing trees and hedgerows are appropriately protected during the course of development in accordance with policies SD6 and SD9 of the JCS, NAT1 of the TBP and paragraphs 174 and 180 of the NPPF.

15. Prior to commencement of development a Biodiversity CEMP which should be implemented alongside the general CEMP shall be submitted and approved in writing by the County Planning Authority. The approved scheme shall detail the GCN licensing approach to be taken and be fully implemented in accordance with timescales contained within the CEMP.

Reason: In the interests of ecology and biodiversity protection and enhancement during the course of development in accordance with policies SD6 and SD9 of the JCS, NAT1 of the TBP and paragraphs 174 and 180 of the NPPF.

16. During the construction phase all hazardous chemicals, if left on site overnight, are to be secured and any excavations covered or designed with one sloped side or ramp in place. Also, all open pipes to be capped off overnight that are larger than 150mm outside diameter. All excavations to be filled in as soon as is practicable.

Reason: As a precaution to ensure the site is made safe from environmental pollution and that animals including those legally protected are prevented from becoming trapped within excavations. In accordance with JCS Policy SD6 and SD9, NAT1 of the TLP, ODPM Circular 06/2005 plus National Planning Policy Framework paragraphs 179 and 185. This is also in accordance with Section 40 of the Natural Environment and Rural Communities Act 2006 (as amended), which confers a general biodiversity duty upon Local Authorities.

17. The LEMP (Reference DLA.2046.RPT.LEMP.01.V03) and the Ecological Management Plan at Appendix B of the LEMP shall be fully implemented in accordance with revised plans ref

- 9546-RLL-A-PL101 Rev A;
- 9546-RLL-A-PL102 Rev A;
- Landscape and Visual Addendum revised plans namely;

- Soft Planting Proposals Phase 1 Drawing L35 Rev S04 dated 04.03.2022;
- Soft Planting Proposals Phase 1 Drawing L32 Rev S03 dated 04.03.2022;
- Hard Landscape Proposals (Phase 1) Drawing L36 Rev S04 dated 03.03.2022; and
- Hard Landscape Proposals (Phase 2) Drawing L33 Rev S03 dated 03.03.2022

Reason: In the interests of ecology and biodiversity protection and enhancement during the course of development in accordance with policies SD6 and SD9 of the JCS, NAT1 of the TBP and paragraphs 174 and 180 of the NPPF.

18. External lighting shall be fully implemented in accordance with a scheme, based on 5.14 to 5.16 of the Bat Roost Presence/Absence Survey Report dated September 2021, which has been submitted and approved in writing by the County Planning Authority.

Reason: To conserve amenity and ensure that bats, dormice, otters and badgers are not discouraged at this location. In accordance with JCS policy SC9 and NPPF Paragraphs 170, 175 and 180 and Section 40 of the Natural Environment and Rural Communities Act 2006 which confers a general biodiversity duty upon local authorities whilst exercising their functions.

19. After December 2023, no works shall take place on the development site until further surveys for badger activity and presence of any bat roosting in trees on the site are carried out. A report with appropriate mitigation measures should be prepared and submitted for the written approval of the County Planning Authority. The mitigation measures in the approved report shall be fully implemented before works commence or resume.

Reason: As a precaution to ensure the site is made safe from environmental pollution and that animals including those legally protected are prevented from becoming trapped within excavations. In accordance with JCS policy SC9 and NAT1 of the TLP, ODPM Circular 06/2005 plus National Planning Policy Framework paragraphs 179 and 185. This is also in accordance with Section 40 of the Natural Environment and Rural Communities Act 2006 (as amended), which confers a general biodiversity duty upon Local Authorities.

20. Upon completion of the landscape works (or upon the occupation of the building), an annual landscape inspection by the Applicant and a suitably qualified Landscape Architect, of the approved and implemented landscaping scheme shall take place each year for the for the first five years of the LEMP. Thereafter the landscape inspection should take place every three years. A report with appropriate mitigation measures should be prepared and

submitted for the written approval of the County Planning Authority. The mitigation measures in the approved report shall be fully implemented.

Reason: To ensure the implementation of the LEMP to ensure the successful establishment and development of the landscape to meet landscape, visual and ecological mitigation requirements and provide for the expected biodiversity gain in accordance with CS policy SC9 and NAT1 of the TLP, plus National Planning Policy Framework paragraphs 179 and 185.

21. Prior to the construction of above ground works, finalised details and samples of the materials to be used for the external appearance of the building(s) shall be submitted for the written approval of the County Planning Authority. The buildings shall be built in accordance with the approved details.

Reason: To ensure the development is compatible with its location and sustainable design credentials in accordance with JCS policy SD3 and Paragraphs 130 and 135 of the NPPF.

Sports Pitches

22. Within 2 months of commencement of development details of the design and layout of the artificial grass pitches and MUGA shall be submitted for the approval in writing by the County Planning Authority. The artificial grass pitches and MUGA shall not be constructed other than in accordance with the approved details.

Reason: To ensure the development is fit for purpose and sustainable and to accord with Joint Core Strategy Policies SD3 and INF4 and Paragraph 98 of the NPPF.

23. Within 6 months of the commencement of development:
- A detailed assessment of ground conditions of the land proposed for the new playing field land shall be undertaken (including drainage and topography) to identify constraints which could affect playing field quality; and
 - Based on the results of this assessment to be carried out, a detailed scheme to ensure that the playing fields will be provided to an acceptable quality (including appropriate drainage where necessary) shall be submitted to the County Planning Authority for approval in writing. The approved scheme shall be fully implemented before the sports pitches are brought into beneficial use.

Reason: To ensure that site surveys are undertaken for new and that any ground condition constraints can be and are mitigated to ensure provision of an adequate quality playing field and to accord with JCS policies SD3 and INF4, TLP policy HEA1 and paragraph 98 of the NPPF.

24. The sports pitches, playing field and MUGA shall be used for Outdoor Sport and for no other purpose (including without limitation any other purpose in Class F1 Use Classes Order 2020, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To protect the sports pitches, playing field and MUGA from loss and/or damage, to maintain the quality of and secure the safe use of sports pitch/es and to accord with JCS policies SD3 and INF4, TLP policy HEA1 and paragraph 98 of the NPPF.

Lighting

25. All non-essential lighting on the school site shall be turned off every night by no later than 21:00 hours to 06:00 hours Mondays to Fridays, and 20:00 to 06.00 hours Saturdays, Sundays and Bank / Public Holidays.

Reason: In the interests of seeking to protect the residential amenities of the occupiers of the nearby properties and in accordance with JCS Policies SD3, SD6, SD9, SD14 and INF5 and NAT1 of the TLP.

Dust

26. No below or above ground development shall commence until a Dust Management Plan (DMP) has been submitted to and approved in writing to the County Planning Authority. The approved DMP shall be fully implemented in accordance with the approved details.

Reason: To minimise the dust generation during groundworks and construction works to protect the amenity of nearby and adjoining land users in accordance with JCS policy SD14.

Noise

27. The development shall be built in accordance with Acoustic Design of Schools: Performance Standards (DfES 2014) and for external plant in accordance with the Noise and Acoustic Feasibility Impact Assessment prepared by Acoustic Consultants Ltd ref: 8999/JC.

Reason: To ensure that to ensure that there are no adverse impacts from noise at the nearest sensitive receptors in accordance with JCS policy SD14, TLP policy HEA1 and NPPF paragraph 185.

Removal of Permitted Development Rights

28. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that order with or without modification) no buildings, structures, alterations or operations, as defined within Class A of part 4, Class M and N of Part 7 and Class A of Part 12 of Schedule 2 of the Order, shall be carried out on the site otherwise than in accordance with a planning permission granted by the County Planning Authority.

Reason: To enable the County Planning Authority to adequately control, monitor and minimise the impacts on the amenities of the local area, and in the interests of the conservation of local biodiversity and public amenity in accordance with JCS policies SD6, SD9 and SD14 and TLP policy HEA1.

Waste Minimisation

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

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

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

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

Informatives

Highways

1. Works on the Public Highway

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

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

Drafting the Agreement

A Monitoring Fee

2. Traffic Regulation Order (TRO)

You are advised that a Traffic Regulation Order (TRO) is required. You must submit a plan to scale of an indicative scheme for a TRO, along with timescales for commencement and completion of the development. Please be aware that the statutory TRO process is not straightforward; involving advertisement and consultation of the proposal(s).

You should expect a minimum of six months to elapse between the Highway Authority's TRO Team confirming that it has all the information necessary to enable it to proceed and the TRO being advertised. You will not be permitted to implement the TRO measures until the TRO has been sealed, and we cannot always guarantee the outcome of the process.

We cannot begin the TRO process until the appropriate fee has been received. To arrange for a TRO to be processed contact the Highway Authority's Legal Agreements Development Management Team at highwaylegalagreements@gloucestershire.gov.uk

The cost of implementing any lining, signing or resurfacing required by the TRO is separate to the TRO fees, which solely cover the administration required to prepare, consult, amend and seal the TRO.

3. Street Trees

All proposed street trees must be suitable for transport corridors as defined by Trees and Design Action Group (TDAG). Details should be provided of what management systems are to be included, this includes root protections, watering and ongoing management. Street trees are likely to be subject to a commuted sum.

4. Impact on the highway network during construction

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

Ecology

5. If a protected species (such as any bat, great crested newt, dormouse, badger, water vole, otter, reptile, barn owl or any nesting bird) is discovered using a feature on site that would be affected by the development or related works all activity which might affect the species at the locality should cease. If such discoveries can be dealt with satisfactorily by the implementation of mitigation measures that have already been drawn up by your ecological advisor and approved by the County Planning Authority and/or you and your contractors, then these should be implemented. Otherwise a suitably experienced ecologist should be contacted and the situation assessed before works can proceed. This action is necessary to avoid possible prosecution and ensure compliance with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2017 (as amended) and the Protection of Badgers Act 1992. Works taking place between 1st March and 31st August require special care as trees, shrub, open fields or certain parts of built structures could harbour nesting birds unless it is reasonably determined by observation or survey by an experienced person that nesting bird activity is absent. This advice note should be passed on to any persons or contractors carrying out the development/works.

6. In relation to the County Council's Service Level Agreement with the Local Biological Records Centre and to assist in the strategic conservation of countywide biodiversity, all species and habitat records from the ecological work commissioned by the Applicant should be copied [if not already] to the Gloucestershire Centre for Environmental Records (GCER).

Lead Local Flood Authority

7. The Lead Local Flood Authority (LLFA) will give consideration to how the proposed sustainable drainage system can incorporate measures to help protect water quality. However pollution control is the responsibility of the Environment Agency.

8. Future management of Sustainable Drainage Systems is a matter that will be dealt with by the County Planning Authority and has not, therefore, been considered by the LLFA.

9. Any revised documentation will only be considered by the LLFA when resubmitted through suds@gloucestershire.gov.uk e-mail address. Please quote the planning application number in the subject field.

10. We would advise that the proposed lengthening of the culvert under the A435 will require consent under the 1991 Land Drainage Act. Given that the Dean Brook classified as an ordinary watercourse to the east of the A435 and a main river to the east of the A435 consents will need to be sought from both the Environment Agency and the Tewkesbury Borough Council.

Western Power Distribution

11. Western Power Distribution have High Voltage overhead distribution network within this proposed development. The Applicant must agree to the diversion of the network at the developer's cost.

Please note that all WPD equipment on site should be assumed to be LIVE until WPD prove otherwise and provide you with confirmation to this effect in writing. Recent additions to our network, or service connections between the main cable and a building or street lamp may not be shown.

Damage to underground cables and contact with overhead lines can cause severe injury or may prove fatal. If you are excavating on site in the vicinity of either WPD Electrical apparatus or WPD Surf Telecom apparatus you must comply with the requirements of the following:-

Health & Safety Executive guidance HS(G)47, Avoiding Danger from underground services.

Work taking place in the vicinity of our plant is also regulated under the:- Electricity at Work Regulations 1989, Health and Safety Act 1974, CDM Regulations 2015. Safe working procedures should be defined and practiced

Please ensure that the use of mechanical excavators in the vicinity of our plant is kept to a minimum. WPD Surf Telecom ducts contain fibre cables, which are expensive to repair. Therefore, extreme care must be taken whilst working in the vicinity of these ducts, hand digging methods being used to determine their precise position.

If there are overhead lines crossing your site and your proposal involves building

works which may infringe the clearance to our overhead system then you should call the relevant general enquiries number (see page 2 of this letter) for advice. Where overhead lines cross your site you must comply with the requirements of Health & Safety Executive guidance as laid down in GS6, Avoidance of Danger from Overhead Electric Lines.

Where diversions to WPD apparatus are needed to allow change to occur on site, the cost of these alterations may be charged to the persons responsible for the works.

Wales and West Utilities

12. No liability of any kind whatsoever is accepted by Wales and West Utilities (WWU), its agents or servants for any error or omission. Please note that all WWU equipment on site should be assumed to be LIVE until proven otherwise.

Safe digging practices, in accordance with HS(G)47, Avoiding Danger from underground services must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus. Safe working procedures should be defined and practiced.

WWU reserves its position completely to enforce the terms of any existing easement against the landowner, even if this results in any planning permission granted not being able to be fully implemented.

You must not build over any of our plant or enclose our apparatus.

Wales & West Utilities have no planning objections to these proposals, although it should be noted that Wales & West's apparatus is held pursuant to easements and it has other private law rights in relation to the use of the land in the vicinity of its apparatus. Wales & West's private law land rights are not material planning considerations and therefore no comment is made in relation to those rights and they have no impact on whether or not planning permission should be granted, or whether, if permission is granted, it can lawfully be implemented. It should also be noted that Wales & West's apparatus may be at risk during construction works and should the planning application be approved, then we require the promoter of these works to contact us directly to discuss our requirements in detail. Should diversion works be required these will be fully chargeable.

Where diversions to WWU apparatus are needed to allow change to occur on site, the cost of these alterations may be charged to the persons responsible for the works.

If you have requested a new connection the WWU connections team will where

necessary prepare detailed proposals and provide a quotation for any necessary alterations and/or development of our equipment on the site.

Appendix on Conditions Informatives which must be used for GCN District licensing.

Great crested newt district licence Planning conditions & informatives

Under the District Licences granted by Natural England, there is a requirement for the use of certain specified conditions on planning permissions which will be authorised by the planning authority under the District Licence. The wording of the conditions cannot be varied and must be used as shown, because they are agreed by Natural England as part of the protocols and processes approved under the District Licence. Legal advice has affirmed that these conditions are compliant with all relevant legal and policy requirements. All LPAs working under this district licensing scheme use the same standard planning conditions.

NatureSpace Partnership will provide the appropriate conditions and specific details as required for each proposed development which enters the scheme. This information will be provided in the reports and certificates commissioned by developers under the scheme, which will be submitted to the LPA in support of planning applications. It is recommended that each planning authority includes reference to their own specific development plan policies for each condition.

NOTE: NatureSpace Partnership have moved to providing an upfront assessment summary for developments which are interested in utilising the District Licence Scheme. The assessment summary is not a report or a certificate and does not replace these documents. It is a guidance document for the developer to outline associated costs and process should they choose to use the scheme.

There are three mandatory planning conditions to use the district licence, but which ones apply are specific to each development.

- **Condition 1** applies to all developments authorised under the organisational licence – and there is an associated informative. This condition links a specific planning consent to the district licence and enable the subsequent authorisation of the development under the district licence.
- **Condition 2** is a pre-commencement condition and is only to be used when a certificate is yet to be provided – and there are two associated informatives.
- **Condition 3** is only to be used in the red zone, with each sub-clause only used when necessary, dependent upon the actual specific impacts and metric assessment outcome. There is an associated informative.

1. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's organisational licence (WML-ORXX) and with the proposals detailed on plan XX (and, where applicable in report Ref XX).

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the organisational licence (WML-ORXX). [Each Planning Authority may insert reference to specific relevant development plan policies]

Informative: It is recommended that the NatureSpace Best Practice Principles are taken into account and implemented where possible and appropriate.

2. No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-ORXX), confirming that all necessary measures in regard to great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the local planning authority and the local authority has provided authorisation for the development to proceed under the district newt licence.

The Delivery Partner certificate must be submitted to this planning authority for approval prior to the commencement of the development hereby approved.

Reason: In order to adequately compensate for negative impacts to great crested newts. [Each Planning Authority may insert reference to specific relevant development plan policies]

Informative: It is recommended that the NatureSpace certificate is submitted to this planning authority at least 6 months prior to the intended commencement of any works on site.

Informative: It is essential to note that any works or activities whatsoever undertaken on site (including ground investigations, site preparatory works or ground clearance) prior to receipt of the written authorisation from the planning authority (which permits the development to proceed under the District Licence WML-ORXX) are not licensed under the GCN District Licence. Any such works or activities have no legal protection under the GCN District Licence and if offences against GCN are thereby committed then criminal investigation and prosecution by the police may follow.

3. No development hereby permitted shall take place except in accordance with Part 1 of the GCN Mitigation Principles, as set out in the District Licence WML-ORXX [and in addition in compliance with the following [any or all of the following sub-clauses may be added to condition 3, as determined by the planning condition calculator contained in Annex A4 of the District Licence]:

1. Works to existing ponds onsite may only be undertaken during autumn/winter, unless otherwise in accordance with the GCN Mitigation Principles.
2. Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.
3. Capture methods must be used at suitable habitat features prior to the commencement of the development (i.e. hand/destructive/night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable habitat, installed for the period of the development (and removed upon completion of the development).
4. Amphibian fencing and pitfall trapping must be undertaken at suitable habitats and features, prior to commencement of the development.
5. The recommendations in report [report title, date, reference] provided as part of the planning application must be complied with.]

Reason: In order to adequately mitigate impacts on great crested newts [Each Planning Authority insert reference to specific relevant development plan policies]

Informative: It is essential to note that any ground investigations, site preparatory works and ground / vegetation clearance works / activities (where not constituting development under the

Town and Country Planning Act 1990) in a red zone site authorised under the District Licence but which fail to respect controls equivalent to those in condition 3 above would give rise to separate criminal liability under District Licence condition 9 (requiring authorised developers to comply with the District Licence) and condition 21 (which requires all authorised developers to comply with the GCN Mitigation Principles) (for which Natural England is the enforcing authority); and may also give rise to criminal liability under the Wildlife & Countryside Act 1981 (as amended) and/or the Conservation of Habitats and Species Regulations 2017 (for which the police is the enforcing authority).

CONTACT OFFICER:

Case Officer – Denis Canney, Senior Planning Officer

Email: planningdc@gloucestershire.gov.uk