



Appeal Decision

Site visit made on 8 July 2025

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th August 2025

Appeal Ref: APP/G1630/W/24/3357444

Land South of Badgeworth Lane, Shurdington. Grid Ref: Easting 391590;

Grid Ref Northing 218116

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Richborough Ltd (previously known as Richborough Estates Ltd) against the decision of Tewkesbury Borough Council.
 - The application Ref is 22/01137/OUT.
 - The development proposed is a cross subsidy affordable/open market residential development comprising up to 50 dwellings (of which 50% will be affordable housing and a further 10% will be self/custom build), vehicular and pedestrian access, internal streets, drainage, landscaping and all other ancillary engineering works. All matters are reserved except for vehicular access onto Badgeworth Lane.
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Decision

1. The appeal is allowed and outline planning permission is granted for a cross subsidy affordable/open market residential development comprising up to 50 dwellings (of which 50% will be affordable housing and a further 10% will be self/custom build), vehicular and pedestrian access, internal streets, drainage, landscaping and all other ancillary engineering works. All matters are reserved except for vehicular access onto Badgeworth Lane, at land South of Badgeworth Lane, Shurdington Grid Ref: Easting 391590; Grid Ref Northing: 218116, in accordance with the terms of application, Ref 22/01137/OUT, dated 24 October 2022, and subject to the attached schedule of conditions.

Preliminary Matters

2. The application was submitted in outline form with all matters, except for vehicular access, reserved at this stage. Therefore, I have treated the drawings showing the layout of the dwellings as indicative only.
3. The emerging Cheltenham, Gloucester and Tewkesbury Strategic and Local Plan is at an early stage of preparation. Given that it has not reached key milestones in the consultation and assessment process I have afforded it very limited weight.
4. Following changes to the National Planning Policy Framework (the Framework) and the Planning Practice Guidance in December 2024 and February 2025 respectively, the parties in the appeal were given a further opportunity to provide comments. I have had regard to these in my assessment of the case.
5. Following the above changes to national policy and guidance and the submission of a revised statement of case by the appellant, the Council has withdrawn refusal

reasons 1 and 2 relating to the principle of development at this location and inappropriate development in the Green Belt.

6. During the appeal two signed and completed S.106 legal agreements were submitted. I have accepted these into the appeal and an assessment of whether they address the Council's concerns will be made below.
7. A revised drainage plan and report were submitted by the appellant with the appeal. Their content does not alter the proposal in terms of the number of dwellings proposed or the site access. Although this is new evidence that was not before the Council when it determined the application, the main and interested parties have had an opportunity to comment on it during the appeal consultation. I have therefore based my decision on this revised information.

Main Issues

8. The main issues are:
 - the effect of the proposed development on the character and appearance of the area, including the effect of the removal of hedgerow along Badgeworth Lane;
 - whether the proposal makes adequate provision for any infrastructure, services and facilities arising from the development; and
 - whether material considerations indicate a decision should be made otherwise than in accordance with the development plan.

Reasons

Character and appearance

9. The appeal site comprises a sizeable rectangular field abutting the built-up edge of Shurdington, a large village surrounded by open countryside. The site would have its primary frontage onto Badgeworth Lane where it is currently enclosed from the road by a long, mature hedge. Beyond the site's northern and western boundaries are residential dwellings lining Badgeworth Lane and the local primary school. This part of the village has a consolidated and legible appearance, where dwellings are closely arranged, set back from the street in neat lines and follow a clear building line.
10. The density of development significantly changes to the south and east of Badgeworth Lane. It is far more agrarian in appearance due to the presence of large fields, including the appeal site, that are typically enclosed by hedgerow and trees. Although there are far more green and open areas, to the south and east, there is a large swathe of commercial uses and associated buildings a short distance from the site lining one side of Shurdington Road. These are more spaced out and loosely arranged and bordered by the surrounding fields. This area contrasts to the higher density pattern of development along Badgeworth Lane.
11. The hedgerow boundary along the appeal site's Badgeworth Lane frontage is categorised as 'important' by the Council due, in part, to its age, considerable length and biodiversity value. Although the hedge is very dense, I was able, during my site inspection to obtain views of the appeal site's open and undeveloped character, through several small gaps. Clearer views of the appeal site are

obtained from Shurdington Road over the ranch style boundary fence running along that part of the site. From this location the site's expansive and pastoral appearance can be appreciated against the built-up edge of Shurdington.

12. In this context, the appeal site is part of an important rural backdrop that helps define the edge of the settlement and the interface between it and the surrounding countryside. This is reinforced by the attractive mature hedge along Badgeworth Lane which provides a legible division between the southern extent of Shurdington and the countryside beyond. Together the frontage hedge and associated field form a distinctive landscape setting that contributes positively to the character of the street frontage along Shurdington Road and Badgeworth Lane, as well as this part of the village in general.
13. The proposed access would result in a significant visual break in the mature hedge along the site's Badgeworth Lane frontage. The effect would be detrimental to its appearance and function in containing the built-up edge of the village. Although the gap would be small as a proportion of the hedge's total length, it would nevertheless significantly undermine its visual qualities and the soft edge it provides between built development and the surrounding countryside.
14. The proposed dwellings and circulation routes within the development would likely extend across most of the site and be visible from Badgeworth Lane and Shurdington Road. The development of up to 50 dwellings with associated roads, driveways and engineered works would have a harsh and urbanising impact on this otherwise undeveloped field. The scale and built form of the proposal significantly encroaches into this important undeveloped space at the edge of the village. This would harm the pastoral qualities of the appeal site and the contribution it makes to the settlement's edge, while having a discordant impact on the rurality of its immediate landscape setting. Consequently, the proposal would have a detrimental impact on the appearance and visual qualities of this part of Shurdington.
15. The establishment of new boundary trees and hedges along the site's Shurdington Road frontage would be a positive inclusion and would help reduce the visual impact of the built development from that side of the site. The extent of new planting would also far exceed the length of vegetation proposed for removal along Badgeworth Lane. Nevertheless, the visual break in that frontage, through the formation of the site access, would indefinitely undermine the composition of the hedge and the contribution it makes to the visual amenity of the lane.
16. The appeal site is not covered by a local or national landscape designation. Also, a report commissioned by the Council in 2014¹ assessed the site as being of low landscape and low visual sensitivity. Given the site is in agricultural use and is surrounded in part by built development, I have no reason to disagree with that assessment. Moreover, the development's degree of expansion into rural land is somewhat tempered by the presence of built development along Shurdington Road and would not appear overly prominent from long range views. Nonetheless, there would be localised harm due to the loss of an undeveloped green space that forms a clear and attractive backdrop to the southern edge of the village. This would be most clearly seen from adjoining land, along Badgeworth Lane and from the southern approach to the village along Shurdington Road.

¹ 'Landscape and Visual Sensitivity Study: Rural Service Centres and Service Villages' prepared for the Council by Toby Jones Associates, November 2014

17. On the basis that the visual impact of the proposal does not extend into any important or designated landscapes, would be seen from short to medium range distances, and would be partly visible against the settlement's built-up edge, the degree of harm in this case would be at the lower end of the spectrum.
18. In view of the above the proposed development would have an unacceptable effect on the character and appearance of the area. It would conflict with Policies SD4 and SD6 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017) (the JCS) and Policy RES5 of the Tewkesbury Borough Plan 2011-2031 (June 2022) (the TBP). These require, amongst other things, that new developments respond positively to the character of the site and its surroundings and have regard to local distinctiveness. Consideration must also be given to the form of the settlement and its landscape setting and developments must not appear as unacceptable intrusions into the countryside.
19. My conclusion on the main issue, has not referred to Policy LAN2 of the TBP as I have no evidence that the appeal site is within a 'landscape protection zone', which forms the basis for that policy.
20. The Council's reasons for refusal relating to the loss of the hedgerow refers to Policy SD9 of the JCS and Policy NAT1 of the TBP. These seek to conserve and protect against the unacceptable loss of biodiversity features. Although the loss of part of the hedgerow would result in visual harm, there is no specific dispute between the parties regarding any harm to biodiversity, particularly given the proposed mitigation and enhancement opportunities proposed elsewhere on the site. Moreover, the Council expressed that the harm in this respect would be to the "local environment" rather than the loss of any specific habitat feature/species. Accordingly, I have not referred to these policies in my conclusion on the main issue.

Infrastructure

21. Regulation 122 of the Community Infrastructure Levy Regulations 2010 (the Regulations) requires that if planning obligations are to be considered in the grant of planning permission, those obligations must be necessary, directly related, and fairly and reasonably related in scale and kind to the development in question.
22. The submitted Planning Obligations between the developer, the Council and the neighbouring Council area set out obligations in relation to libraries, primary and secondary education, school transport, refuse collection, public open space and play area provision, and securing on-site affordable housing and custom/self-build properties.
23. Evidence of the necessity, relevance and proportionality of these obligations have been set out in CIL Compliance Statements submitted by the Councils. These demonstrate the basis for the obligations, how they relate to the development proposed (indicating the relevant planning policy basis for them) and set out how any financial contributions have been calculated. In my judgement these provide satisfactory evidence that the above obligations meet the tests set out in the Regulations.
24. Therefore, the proposal makes adequate provision for infrastructure, services and facilities arising from the development. In doing so it complies with Policies SD12, INF4, INF6 and INF7 of the JCS and Policies RES12 and RCN1 of the TBP.

Together, these require, amongst other things, that new residential developments should contribute towards providing on-site or developer contributions towards social, community, open space, play, travel, education and green infrastructure where the need arises and in order to mitigate the impact of new development upon existing communities. Moreover, developers are required to provide affordable housing on site for schemes on sites with an area of 0.5ha or more.

Other considerations

25. The main parties agree that the Council does not have a deliverable 5 year housing land supply. However, there is some difference between the parties on the extent of the shortfall. The Council indicates a supply of 3.4 years in its latest published position. The appellant has applied the new standard method of calculating the supply and confirms that the figure is 2.58 years. Regardless of whose position is correct, even if I took the Council's figure, the supply is still mediocre and well below the minimum required for the Borough. Accordingly, the shortfall is attributed significant weight in favour of the development.
26. The provision of up to 50 dwellings at the site includes a high proportion of affordable and custom/self-build dwellings where there is a demonstrable unmet need and demand locally for these properties. Together with open market units at the site, those dwellings would make an important contribution to the local housing supply and significantly boost the provision of housing in the Borough. These factors attract very significant weight.
27. Although on the edge of Shurdington the site is nevertheless within comfortable walking distance of the settlement's services and amenities, including the nearby primary school. The facilities in the village are limited, and a greater range could be easily accessed by public transport given that the site is very close to regular bus services. Furthermore, the appeal scheme includes provision to improve bus stop facilities. Accordingly, the ability for future residents to use more sustainable methods of travel attracts moderate weight.
28. The provision of a new light-controlled junction adjacent to the site at the intersection of Badgeworth Lane and Shurdington Road would improve the traffic flows in the area. A pelican crossing and new pedestrian routes around the site are also proposed. These would improve the range and safety of connections by foot, between the site and the village. Together these benefits would improve the safety and efficiency of travel movements locally. Accordingly, they are afforded significant weight.
29. The appeal proposal is not required to deliver a mandatory 10% Biodiversity Net Gain (BNG), insofar as Schedule 7A of the Town and Country Planning Act 1990 is concerned. However, the Council's committee report refers to the site being capable of achieving a BNG in habitat in excess of 10% and significant net gains in hedgerows to compensate for the loss of the section proposed for removal along Badgeworth Lane. These benefits attract minor weight.
30. The submitted planning obligation provides a commitment to the provision of public open space and an on-site play area. The site cannot currently be accessed by the public, therefore facilities relating to play, recreation and additional public open space accessible to the community attract moderate weight.

31. In addition, there would be economic benefits arising, including from construction works, employment and local expenditure from new occupants. Those benefits attract minor weight.
32. There are no specific details of how the proposal would provide enhanced energy efficiency, nor has wording for a condition been presented to secure those benefits. Therefore, this matter attracts limited weight. Similarly, whilst there is no objection regarding the principle of some dedicated “drop-off” parking provision for the school within the appeal site I do not have any details regarding this. These can be obtained through a planning condition. Accordingly, it is given limited weight as a benefit.

Other Matters

33. Opposite the appeal site’s Shurdington Road boundary is the Grade II listed lodge to the Greenway hotel. Historically this served as a lodge to the larger Shurdington Manor (now the Grade II listed Greenway Hotel). Its special interest lies in its aesthetic quality and historical association with the former Shurdington Manor. The lodge building is contained in a small, landscaped plot and adjacent to the access to the former Manor. The neat grounds and the former driveway to the Manor makes a positive contribution to the lodge’s significance as a gateway building to a higher status manor house. The proposal would be on the opposite side of the road and likely set in from the site boundary. It would be screened from the listed lodge by a new landscape boundary that would soften the impact of the proposed dwellings. On this basis, the proposal would not harm the aspects of the lodge’s setting that contribute to its significance.
34. There would be a considerable separation distance between the listed Greenway Hotel and the proposed development. The intervening road and boundary screening would ensure that the proposed development would not be clearly visible from within the open grounds that contribute towards the hotel’s significance. Accordingly, the special interest in the listed hotel would be preserved.
35. There are interested party concerns that the proposal would harm the setting of the Cotswold National Landscape (NL). It is incumbent upon me to evidence consideration of possible ways to further the purpose of conserving and enhancing the natural beauty of the NL. The proposal would be outside of the designation. From long range views it would be seen against the backdrop of built development, rather than being perceived as encroaching unacceptably into the NL’s setting. Therefore, I am satisfied that the proposal would leave the NL’s landscape and scenic beauty unharmed. No objection has been raised by the Cotswold National Landscape Conservation Board and based on my own assessment there is no reason to come to a different view. Accordingly, I am satisfied that I have discharged my duty in respect of the NL.
36. In my assessment of the main issue, it was found that the partial loss of hedgerow along Badgeworth Lane would be harmful. Notwithstanding this, there is no objection from the Council that its removal would result in ecological harm. In any event, planning conditions can be imposed requiring mitigation and enhancement measures insofar as their relate to the loss of biodiversity.
37. Interested parties indicate that the proposal would result in inappropriate development in the Green Belt which conflicts with its purposes. Following the publication of the 2024 Framework, new provisions relating to “Grey Belt” land were

introduced, as well as new exceptions where development would not be inappropriate. Those changes led to the Council withdrawing their objection to the proposal's effect on the Green Belt to the south of Shurdington.

38. The new exceptions in the Framework² where development is not regarded as inappropriate require: the land to be Grey Belt and to not fundamentally undermine the purposes of the remaining Green Belt across the plan area; must meet a demonstrable unmet need for the type of development proposed; be in a sustainable location (with particular reference to paragraphs 110 and 115 of the Framework) and if major development involving the provision of housing must make contributions to affordable housing in accordance with the Framework, make necessary improvements to local/national infrastructure and provide new or improvements to existing green spaces (the 'Golden Rules').
39. Grey Belt land is defined by the Framework as land in the Green Belt comprising previously developed land and/or any other land, that in either case, does not strongly contribute to any of the purposes in (a), (b) and (d) of Paragraph 143 of the Framework.
40. The appeal site does not relate to a large built-up area or a historic town given that Shurdington is principally a modern village comprising 20th century residential development. Purposes (a) (to check the unrestricted sprawl or large built-up areas) and (d) (to preserve the setting and character of historic town) are not therefore relevant.
41. Purpose (b) seeks to prevent neighbouring towns from merging into one another. Shurdington's position in the largely undeveloped gap between Cheltenham and Gloucester is acknowledged. Although Shurdington itself is not a town, further development around it could reduce the gap and diminish Green Belt land between those two larger settlements.
42. However, in the case of the appeal scheme there are existing residential plots and gardens that extend behind the Badgeworth Lane frontage, roughly a similar distance to the appeal site. The existing finger of development along Shurdington Road to the south also has the effect of containing the appeal scheme's expansion into the less developed areas of countryside and the Green Belt. The proposed development would also be seen, particularly from longer range views, against the built-up edge of Shurdington. Thus, any effect of merging would not be overly perceptible in this context. Therefore, the proposal would not strongly contribute to the merging of neighbouring towns.
43. For the above reasons I see no reason to disagree with the main parties that the site is Grey Belt land.
44. The proposal meets the remaining exceptions listed in paragraph 155 of the Framework as it would not fundamentally undermine the other Green Belt purposes given my earlier findings. Also, there is a demonstrable unmet need for housing in the Borough (in the absence of a 5 year housing land supply). Furthermore, the appeal development is sustainably located to village services and facilities. Finally, it would satisfy the 'Golden Rules' insofar as affordable housing, infrastructure and open space is concerned. On this basis I have no reason to come to a different view to the Council.

² Paragraph 155, National Planning Policy Framework, 2024

45. As the proposal accords with the Golden Rules significant weight is given in its favour in the final planning balance.
46. The concerns of the Inspector that presided over an earlier development plan review are noted. However, his comments came before the changes to the Green Belt policies in the Framework and at the time when the Borough's housing supply position was different. Limited weight is given to those comments as proposals now require a different assessment of housing land supply and new development in the Green Belt.
47. Interested parties have noted that several large housing developments in the locality have received planning permission, citing the cumulative impacts on local infrastructure and the highway network. Full details of those cases or the matters that arose during their assessment have not been provided. Nevertheless, it is clear to me that the Borough has a shortfall in the supply of housing and further growth would be meeting a demonstrable local need in this regard. It would also be for those other developers to make contributions to local infrastructure to address any cumulative concerns the Council may have in that regard.
48. With respect to the development of housing by Bromford Homes at an adjacent site, there are no details of that scheme's scale, exact location or the stage of the application. Accordingly, I am unable to comment any further on this matter.
49. The timing of the Council's decision to remove its Green Belt objection is not a matter for this appeal and any concerns in this respect should be pursued with them.
50. Several interested parties have raised concerns regarding the effect the additional housing could have on traffic congestion, highway safety and the loss of parking opportunities for those dropping off and picking-up pupils at the primary school.
51. The appeal has been accompanied by detailed modelling and surveys of existing and predicted traffic effects. The findings of those assessments indicate that the proposed signal-controlled junction would reduce congestion on Badgeworth Lane and Shurdington Road. The proposal would increase the number of vehicles using the local road network, although this would be very small as a proportion of the total daily movements. A new pedestrian crossing would also improve safety for pedestrians crossing the road. Although there would be parking restrictions placed along Badgeworth Lane, drop off and pick up areas for the primary school would be allocated within the appeal site.
52. The above measures, according to the submitted evidence, will improve the safety and capacity of the road network and given that I have no detailed technical evidence to the contrary there is no reason to disagree with those findings. The Council's highway advisers have also raised no objection to these proposals,
53. Pressure from the proposed development upon existing community infrastructure would be addressed, in part, by developer contributions relating to improved local education facilities, open space, play and library services. The proposal would also lead to an increase in the viability of some services in the village through increased use from future residents. Accordingly, the proposal would not lead to any harmful effects upon local infrastructure.

54. The issue of impact on property values has also been raised. It is a well-founded principle that the planning system does not exist to protect private interests such as value of land or property.
55. There is no firm evidence that the proposal would cause additional drainage problems, and I am satisfied that the details submitted would mitigate and attenuate any surface water flooding concerns locally.
56. Construction work and traffic would cause some disruption, but this would be temporary and would be mitigated by a Construction Environmental Management Plan which could be the subject of a condition.
57. There is no detailed evidence to suggest that the proposal would result in the harmful displacement of wildlife. The site is an agricultural field and the submitted ecological assessment indicates it is of low ecological value. There would be some loss of hedgerow, although this would be mitigated by compensatory planting elsewhere on the site. A condition can also be imposed, in the event the scheme is allowed, to ensure existing trees are protected during the construction phase of the development.

Planning Balance

58. The appeal proposal would cause harm to the character and appearance of the area, by virtue of the loss of an undeveloped green space that forms a clear and attractive backdrop to the southern edge of the village. Therefore, significant weight should be given to the conflict with the development plan. However, the effects of the proposal's impact would be relatively localised and the degree of harm to the character and appearance of the area would be moderate.
59. The Council cannot demonstrate a five-year supply of deliverable housing sites. With a supply of between 2.58 and 3.4 years, the shortfall is judged to be significant in this case. In these circumstances footnote 8 of the Framework establishes that the policies which are most important for determining the application are deemed out-of-date. Consequently, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies which include, amongst other things, directing development to sustainable locations and providing affordable homes.
60. The general housing supply position is deficient and there has been a notable under delivery in recent years. The Framework refers to the Government's objective to significantly boost the supply of homes where they are needed and to meet the needs of groups with specific housing requirements. Up to 50 new dwellings, including a sizeable proportion of affordable and self/custom build units, would appreciably improve the mediocre housing supply in the Borough and address the needs of groups with specific requirements. The Framework also promotes housing in locations where it will enhance or maintain the vitality of rural communities. A significant proportion of new dwellings in the village, as in this case, would help sustain its services and facilities. In accordance with Paragraph 158 of the Framework, I have given significant weight to the proposal's compliance with the "Golden Rules".
61. The proposed housing numbers and the contribution to the existing shortfall in supply attracts very significant weight. Moderate weight is given to the proposal's

potential to enhance or maintain the vitality of Shurdington. The other scheme benefits including highway improvements, open space provision, biodiversity enhancement and additional spending in the local economy attract minor to significant weight in favour of the scheme.

62. The scheme benefits and the weight given to them above, would be considerable in this case. Set against that, the adverse impacts identified would not significantly and demonstrably outweigh them, when assessed against the Framework as a whole. Therefore, the presumption in favour of sustainable development applies and paragraph 11 d) indicates that permission should be granted. There are no other material considerations to override this finding.

Conditions

63. An agreed schedule of conditions was submitted with the appeal. Where necessary, I have amended wording, or conflated conditions, in the interest of enforceability, precision, concision and consistency.
64. Conditions specifying the time limits, reserved matters details and approved plans are necessary for certainty.
65. The conditions covering external material finishes of the dwellings, plot boundary treatments, and the landscaping of the site are necessary in the interests of general amenity and to secure a high quality, attractive development consistent with the local character.
66. To address the satisfactory disposal of surface water from the site, and to mitigate the potential impacts of flooding, conditions requiring details of a Sustainable Drainage System (SuDS) Strategy and the implementation and management of a site wide sustainable drainage system are necessary.
67. The conditions requiring a CEMP and the control of operating hours relating to deliveries and on-site works during the construction phase are necessary in the interests of highway safety and to protect the living conditions of nearby residents during construction.
68. A condition relating to the submission and implementation of a landscape and ecological management plan is necessary to mitigate and manage site ecology. Ecological enhancement measures in accordance with the results of the submitted Biodiversity metric are necessary in the interests of ecology. So, too is a condition requiring external lighting details. A condition requiring the planting and management of street trees is necessary to enhance local amenity and the environment and to ensure the future wellbeing of the trees. A condition requiring the provision of a Homeowner Information Pack for future occupiers informing them of the sensitivities of local nature conservation sites and how to minimise impacts when visiting those sites is necessary in the interests of biodiversity.
69. In the interest of highway safety, the conditions relating to access, junctions, visibility splays, footways and the signal-controlled junction on the A46 / Badgeworth Lane, vehicle /cycle and visitor parking are necessary. The travel plan condition is necessary in the interests of supporting sustainable travel ambitions and to reduce vehicle movements.
70. The requirement for the new signal-controlled junction and improvements to footways and visibility splays would need to be delivered through a “Grampian”

style condition, as those works would be on land outside of the appellant's control (i.e. on County highway authority land). The effects of the condition would also require the works to be completed prior to occupation of 50% of the dwellings. Given that the Council does not object to the principle of this it would be unlikely that permission for the works would be denied or delayed. The phasing of those works is acceptable insofar as they relate to highway safety as they would be completed well in advance of the development being fully occupied and when occupier vehicle numbers entering and leaving the site would be at reduced levels.

71. The condition for archaeological work is reasonable due to the relationship of the site to archaeology in the area.
72. It is necessary to include conditions requiring that the development is carried out in accordance with procedures outlined in the preliminary ground investigation report, and that previously unidentified contaminants follow further investigation and remediation procedures.
73. The condition requiring a waste minimisation statement is necessary to ensure that the development is constructed and occupied in accordance with waste minimisation and efficiency measures. It would also comply with waste policies in the development plan.
74. To ensure the delivery of a mix of dwelling sizes to meet existing need and the creation of a mixed and balanced community it is necessary that the development is implemented in accordance with a Housing Mix Statement.

Conclusion

75. The proposed development would conflict with the development plan but material considerations, including the Framework, indicate that a decision should be made other than in accordance with it. Therefore, the appeal is allowed subject to the conditions in the attached schedule.

RE Jones

INSPECTOR

Schedule of Conditions:

1. The development for which permission is hereby granted shall not be begun before detailed plans thereof showing the appearance, landscaping, layout and scale (hereinafter referred to as "the reserved matters") have been submitted to and approved by the Local Planning Authority.
2. Applications for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun either before:
 - i. the expiration of three years from the date of this permission; or
 - ii. before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
 - Location Plan - n1618-001 Rev B;
 - Proposed Site Access Junction with Visibility Splays - T20587 001 Rev C;
 - Proposed A46 and Badgeworth Lane Signals Mitigation Scheme - T20587 003 Rev C;
 - Proposed Footway Mitigation (Lambert Avenue to School) - T20587 004.
5. The details to be submitted as part of the Reserved Matters application pursuant to Condition 1 shall include a plan indicating the positions, design, materials and type of boundary treatments to be erected to the boundaries of the proposed dwellings. The boundary treatments shall be completed in accordance with the approved plan/details.
6. The details to be submitted as part of the Reserved Matters application pursuant to Condition 1 shall include precise details of all external materials to be used in the development hereby approved. Development shall be carried out in accordance with the approved details.
7. Prior to commencement of the development hereby permitted, details of a Construction (and demolition) Environmental Management Plan (CEMP) 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 vehicles 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/exit to the site.
 - Staff/contractor facilities and travel arrangements.
 - Dust mitigation.

- Noise and vibration mitigation (Including whether piling or power floating is required. White noise sounders will be required for plant operating onsite to minimise noise when in operation/moving/ reversing).
- Mitigation of the impacts of lighting proposed for the construction phase.
- Measures for controlling leaks and spillages, managing silt and pollutants.
- Plans for the disposal and recycling of waste.
- Locations for loading/unloading and storage of plant, waste and construction materials.
- Methods of preventing mud and dust being carried onto the highway.
- Arrangements for turning vehicles.
- Arrangements to receive abnormal loads or unusually large vehicles.
- Highway Condition survey.
- Methods of communicating the CEMP to staff, visitors and neighbouring residents and businesses.

The mitigation measures set out in the EclA (Ecolocation, 2019-06(12)) that apply to the site clearance and construction phase of the development shall also be included in the CEMP with detailed Method Statements.

8. Prior to first occupation of the development hereby permitted a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will include ecological enhancement details as outlined in the EclA (Ecolocation, 2019-06(12)). The LEMP will also include locations of ecological enhancements (insect bird, bat boxes, log piles, hedgehog holes) to be included within a plan including specification of elevation, heights to be installed etc. and details of the Waterbodies/SUDS which will benefit biodiversity and wildlife.
9. The proposed development shall be completed in accordance with the results of the Biodiversity Metric submitted to the Local Planning Authority on the 30th January 2023.
10. Prior to first occupation of the development hereby approved, details of the proposed Highway Improvement Works shall have been submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be in general accordance with details shown in the following drawings:
 - Location Plan - n1618-001 Rev B;
 - Proposed Site Access Junction with Visibility Splays - T20587 001 Rev C;
 - Proposed A46 and Badgeworth Lane Signals Mitigation Scheme - T20587 003 Rev C;
 - Proposed Footway Mitigation (Lambert Avenue to School) - T20587 004.

The agreed Highway Improvement Works shall be delivered prior to the first occupation of 50% of the dwellings.

11. Vehicle and cycle parking for each dwelling shall have been provided prior to first occupation of that dwelling, in accordance with details to be contained within the approval of any reserved matters permission. The approved details shall be maintained for this purpose thereafter.

12. Notwithstanding the Travel Plan submitted with the outline application, prior to any development above ground, an updated Travel Plan shall be submitted to and approved in writing by the local planning authority. For the avoidance of doubt the Travel Plan should include the Travel Information Pack to be provided to residents. Thereafter the development shall be implemented in accordance with the approved details prior to the occupation of the development.
13. No works or development shall take place until full details of all proposed street tree planting, root protection systems, future management plan, and the proposed times of planting, have been approved in writing by the Local Planning Authority, and all tree planting shall be carried out in accordance with those details and at those times.
14. No development shall commence on site until a detailed Sustainable Drainage System (SuDS) Strategy document has been submitted to and approved in writing by the Local Planning Authority. The SuDS Strategy must include a detailed design, a timetable for implementation, and a full risk assessment for flooding during the groundworks and building phases with mitigation measures specified for identified flood risks. The SuDS Strategy must also demonstrate the technical feasibility/viability of the drainage system through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the life time of the development. The approved scheme for the surface water drainage shall be implemented in accordance with the approved details before the development is first occupied.
15. No development shall be occupied until a SuDS management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime, has been submitted to and approved in writing by the Local Planning Authority. The approved SUDS maintenance plan shall be implemented in full in accordance with the agreed terms and conditions.
16. Prior to first occupation of each dwelling, a Homeowner Information Pack shall be produced and left in each new home, to inform new residents of the recreational opportunities available to them, the sensitivities of local nature conservation sites and how visitors can minimise their impact, plus details for becoming involved in the ongoing conservation of these sites. The packs should advise people how to behave carefully in protected areas so as not to harm wildlife and habitats, e.g. putting dogs on leads during bird nesting season and throughout the year in protected areas. The packs shall first have been submitted to and agreed in writing by the Local Planning Authority.
17. The development shall be carried out in accordance with the findings and recommendations of the submitted Preliminary Ground Investigation Report by ASL reference 380-18-087-10 dated December 2018.

Prior to the commencement of the development, a Phase 2 intrusive investigation shall have been completed, submitted to and approved in writing by the Local Planning Authority sufficient to characterise the type, nature and extent

of contamination present, the risks to receptors and to inform remediation strategy proposals. The details submitted shall, if required, include a remediation strategy, validation plan, and/or monitoring plan to ensure the site will be suitable for its proposed use.

The development shall be carried out in accordance with the approved details.

18. The development shall not be occupied until any approved remedial works have been carried out and a full validation report has been submitted to and approved by the local planning authority.
19. No development shall commence on site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.
20. The development shall be carried out in accordance with the Waste Minimisation Statement (Reference: JBB8429.C8169) Version 1 (dated 18 October 2022).
21. The details to be submitted for the approval of Reserved Matters pursuant to Condition 1 shall include details of dwelling sizes, types and tenures. These should be broadly in accordance with the local housing evidence base, including the most up-to-date Strategic Housing Market Assessment for the area at the time of the submission of the reserved matters. The development shall be implemented in accordance with the approved Housing Mix Statement.
22. The details of landscaping to be submitted for the approval of Reserved Matters pursuant to Condition 1 shall include a landscape scheme for the whole site. The submitted design shall include the proposed new landscaping scheme on scaled drawings accompanied by a written specification clearly providing full details of proposed tree and hedgerow planting to include location, species, sizes, densities and planting numbers. Development shall be carried out in accordance with the approved details. The submitted drawings shall also include accurate details of all existing trees and hedgerows with their location, species, size, condition, any proposed tree surgery and which are to be removed and how those to be retained are to be protected (a tree protection plan to BS5837:2012 or subsequent revisions). Development shall be carried out in accordance with the approved details.
23. The details of landscaping to be submitted for the approval of Reserved Matters pursuant to Condition 1 shall include full details regarding adequate measures to protect trees and hedgerows. This shall include:
 - A. Fencing. No development shall be commenced on site or machinery or material brought onto site until the approved protective fencing has been installed in the approved positions in accordance with BS5837:2012 (or subsequent revisions). Such fencing shall be maintained during the course of development.
 - B. Tree Protection Zones (TPZ). The area around trees and hedgerows enclosed on site by protective fencing shall be deemed the TPZ.

Excavations of any kind, alterations in soil levels, storage of any materials, soil, equipment, fuel, machinery or plant, siting of site compounds, latrines, vehicle parking and delivery areas, fires and any other activities liable to be harmful to trees and hedgerows are prohibited within the TPZ, unless agreed in writing with the local planning authority. The TPZ shall be maintained during the course of development.

24. All planting, seeding or turfing indicated in the approval of reserved matters for landscaping shall be carried out in accordance with a timetable first to be agreed in writing with the Local Planning Authority. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
25. During the construction phase (including demolition and preparatory Groundworks), no machinery shall be operated, no process shall be carried out, and no deliveries shall be taken at or dispatched from the site outside the following times:
 - Monday-Friday 8.00am-6.00pm,
 - Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.
26. Prior to commencement of development, details of external lighting should be submitted to and approved in writing by the Local Planning Authority. The details should clearly demonstrate that lighting will not cause excessive light pollution of the boundary habitats and areas of open space. The details should include, but not be limited to, the following:
 - i. A drawing showing sensitive areas and/or dark corridor safeguarding areas;
 - ii. Description, design or specification of external lighting to be installed including shields, cowls or blinds where appropriate;
 - iii. A description of the luminosity of lights and their light colour including a lux contour map;
 - iv. A drawing(s) showing the location and where appropriate the elevation of the light fixings; and
 - v. Methods to control lighting control (e.g. timer operation, passive infrared sensor (PIR)). All external lighting should be installed in accordance with the specifications and locations set out in the approved details. These should be maintained thereafter in accordance with these details. No additional external lighting shall be installed unless agreed in writing by the Local Planning Authority.
27. The details to be submitted as part of the Reserved Matters application pursuant to Condition 1 shall include a plan indicating the location and specifications of 16 no. dedicated visitor parking spaces. Details of a dedicated drop-off area for the local school shall also be provided.

*****End of Schedule*****