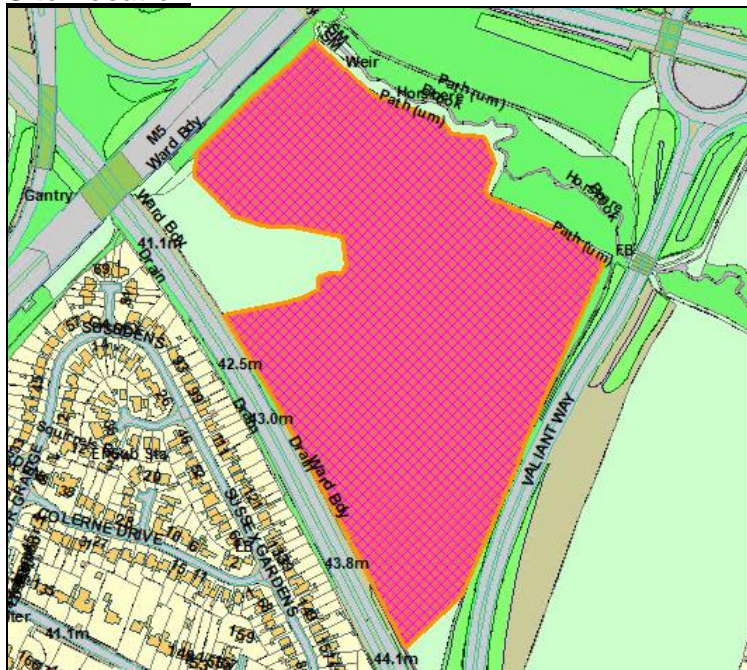


## Planning Committee

<b>Date</b>	18 July 2023
<b>Case Officer</b>	James Lloyd
<b>Application No.</b>	22/00751/APP
<b>Site Location</b>	Perrybrook, Brockworth
<b>Proposal</b>	Approval of reserved matters (appearance, landscape, layout and scale) for Phase 7 comprising development of new homes, landscape, open space and associated works.
<b>Ward</b>	Brockworth West
<b>Parish</b>	Brockworth
<b>Appendices</b>	<ul style="list-style-type: none"> <li>Site Location Plan</li> <li>Concept Master Plan</li> <li>Amended Phasing Plan</li> <li>Site Layout Plan</li> <li>Affordable Strategy Plan</li> <li>Tenure Strategy Plan</li> <li>Building Heights Plan</li> <li>Refuse &amp; Cycle Storage Plan</li> <li>Ecology Strategy Plan</li> <li>Materials Strategy Plan</li> <li>House Types x 28</li> <li>Street Scenes</li> </ul>
<b>Reason for Referral to Committee</b>	Reserved Matters application for the erection of more than 20 dwellings
<b>Recommendation</b>	Delegated Approve subject to deed of variation

### Site Location



## 1. The Proposal

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Full application details are available to view online at: [22/00751/APP | Approval of reserved matters \(Appearance, Landscape, Layout and Scale\) for Phase 7, comprising development of new homes, landscape, open space and associated works. | Phase 7 Perrybrook Brockworth \(tewkesbury.gov.uk\)](https://www.tewkesbury.gov.uk/22/00751/APP%20Approval%20of%20reserved%20matters%20(Appearance,%20Landscape,%20Layout%20and%20Scale)%20for%20Phase%207,%20comprising%20development%20of%20new%20homes,%20landscape,%20open%20space%20and%20associated%20works.%20Phase%207%20Perrybrook%20Brockworth)

- 1.1 Outline planning permission (reference: 12/01256/OUT) was granted by the Secretary of State for Communities and Local Government in March 2016. The description of development was as follows:
- 1.2 *'Outline application for a mixed-use development of up to 1,500 dwelling, including extra care housing, community facilities including A1, A2, A3, A4 and A5 local retail shops (totalling 2,500m<sup>2</sup>), B1/B8 employment uses (totalling 22,000m<sup>2</sup>), D1 health facilities and formal and informal public open space (including means of access)'*
- 1.3 Phase 7 of the outline application sought to deliver approximately 290 dwellings, B1 (now Class E) (office and light industrial) and B8 (storage and distribution) employment uses and surface water attenuation. The current Reserved Matters application relates solely to the residential and surface water attenuation elements of this phase. The employment use would be brought forward as a separate reserved matters application as shown in a Revised Phasing Plan.
- 1.4 The scheme seeks to deliver 272 dwellings including 1-bedroom maisonettes, 1- and 2-bedroom bungalows and 2-, 3-, 4- and 5-bedroom houses. A mix of affordable tenured, and outright sale homes would be provided with an average density of 44 units per hectare.
- 1.5 In terms of affordable housing, a total of 34% affordable units would be provided, with a proposed tenure mix for the S106 affordable housing provision at 50% Affordable Rent and 50% Shared Ownership.
- 1.6 In addition to the s106 affordable housing provision of the 34% (92 units), the applicant intends to deliver a further "over-provision" of affordable housing on the site, referred to as additionality. Currently, the applicant is proposing an additionality of 46% (125 units), resulting in a residential scheme which is proposing a total of 217 units as affordable tenures across the site. The proposed additionality will be supported by funding from Homes England. The tenure and mix of the additionality includes the provision of 4- and 5-bedroom houses for Social Rent. There are also a range of tenures, rental, and home ownership options to include, affordable rent, social rent, shared ownership and rent to buy. The additional affordable housing mix is indicative at this stage and subject to change owing to market condition and on account of financial viability.
- 1.7 The remaining 55 units would be provided as Open Market Sales. This element of the development would be utilised, alongside the Homes England funding, to secure the increased level of affordable homes offered on the development.
- 1.8 A contemporary architectural style is proposed, using traditional dwellings and materials contained within Brockworth and the area surrounding phase 7. The application includes public open space to the north of the attenuation basin, a landscape buffer between new houses and Hucclecote bypass. Existing hedgerows on the site would be retained and reinforced with new planting. A LEAP would be provided in the north-eastern corner of the site.

- 1.9** A comprehensive Sustainable Drainage System (SuDS) has been approved for the wider development site. In accordance with Condition 8 of the outline consent and detailed Drainage Strategy and SuDs Management Plans for this phase have been submitted. Surface water from the site will discharge to the watercourse located in the north of the site or the existing surface water sewer. Additionally, surface water from the site will be attenuated in the attenuation basin.

## **2. Site Description**

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- 2.1** The outline application site relates to approximately 76.65 hectares of land located immediately north of the settlements of Brockworth and Hucclecote, known as 'Perrybrook' and referred to as 'the wider development site' throughout this report.
- 2.2** The wider development site is bounded on three sides by major roads: the M5 motorway, the A417 Brockworth bypass and the A46 Shurdington Road. The southern boundary of the site is formed by Mill Lane from its junction with the A46 in the east to the Horsbere Brook. The north and south orientation of Valliant Way and Court Road serve to divide the site into three distinct parcels. A network of Public Rights of Ways (PROW) also crosses the land, as well as a significant number of mature trees, some of which are covered by Tree Preservation Orders (TPO).
- 2.3** The banks of the Horsbere Brook, fall within Flood Zone 3 as defined by the Environment Agency's most up-to-date flood risk maps, but otherwise the land is designated within Flood Zone 1.
- 2.4** The listed Manorial complex of Brockworth Court is located just outside the wider site (but enveloped by it) to the south, which includes a Grade I listed church, a grade II\* listed Manor House and Tythe barn and some other grade II listed structures. A poorly maintained Perry Pear Orchard is located along the eastern boundary of the development, along Shurdington Road.

### **Reserved Matters Site Description**

- 2.5** The current reserved matters application relates to Phase 7 of the wider development site (see the approved phasing plan).
- 2.6** Phase 7 of the Perrybrook development is located to the eastern edge of Gloucester, adjacent to both Gloucester Business Park and Junction 11A of the M5 Motorway. The site is some 3 miles to the east of the City centre and is 5 miles to the southwest of central Cheltenham. Phase 7 is separated from the wider development by the Valiant Way dual carriageway. The phase comprises level agricultural land bound to the north by the A417, to the south the Hucclecote Bypass/Delta Way and to the west by the M5 Motorway. The wider Phase 7 extends to approximately 29.70 acres and is to be accessed via new roundabouts to both Delta Way and Valiant Way.

### 3. Relevant Planning History

Application Number	Proposal	Decision	Decision Date
12/01256/OUT	Outline application for a mixed-use development of up to 1,500 dwelling, including extra care housing, community facilities including A1, A2, A3, A4 and A5 local retail shops (totalling 2,500m <sup>2</sup> ), B1/B8 employment uses (totalling 22,000m <sup>2</sup> ), D1 health facilities and formal and informal public open space (including means of access).	SOSPER	31.03.2016
18/00109/APP	Approval of Reserved Matters (appearance, layout, landscaping and scale) comprising Phase 3 of Outline planning permission 12/01256/OUT for the erection of 225 no. dwellings with public open space, play area, and associated infrastructure, and including the discharge of Outline Conditions (as amended) 2 (reserved matters time limit), 5 (design compliance), 8 (surface water drainage strategy - all phases), 9 (floor levels - flood risk), 10 (sewage disposal - phase 3), 12 (trees), 24 (noise assessment - phase 3) and 28 (waste minimisation).	APPROV	23.05.2019
18/00410/APP	Approval of landscaping, layout, scale and external appearance of the formal sports area (excluding the Changing Room Facilities and associated car parking).	PER	07.09.2018
18/00864/APP	Approval of Reserved Matters (appearance, landscaping, layout and scale) comprising Phase 5 and Phase 2 (in part) of Outline planning permission 12/01256/OUT for the erection of 240 no. dwellings with public open space, play area, and associated infrastructure.	APPROV	16.08.2019
19/00537/APP	Approval of Reserved Matters (Appearance, Landscape, Layout and Scale) for Phase 1 of outline planning permission 12/01256/OUT for the erection of 135 dwellings with associated public open space and infrastructure.	APPROV	03.01.2020
22/00251/APP	Approval of reserved matters (appearance, landscape, layout, scale) for Phases 4 and 6 comprising development of new homes, landscaping, open space and associated works pursuant to outline permission 12/01256/OUT.	APPROV	21.03.2023

### 4. Consultation Responses

Full copies of all the consultation responses are available online at <https://publicaccess.tewkesbury.gov.uk/online-applications/>.

**Brockworth Parish Council** – Comments made, as summarised below:

- Should the application be submitted prior to Doctors Surgery being built
- Reduce the size of the garages to make gardens bigger
- Too much emphasis on cars
- Similarities with Coopers Edge – narrow roads
- Would like to see traffic enforcement (yellow lines)
- No joined up cycle routes or cycle lane provision
- Widen footpaths to have pedestrians and cyclists
- More trees, benches and a 20mph zone
- Where are the dog waste bins?
- Applicant/Contractor should abide by ecology report
- Leap appears too small
- No provision for older children – skatepark?
- Impact upon existing road network a concern
- Would like to see solar panels on each property
- Please note the Parish Council's transport vision statement

**Hucclecote Parish Council** - Hucclecote Parish Council has the following concerns:

- Impact of road noise on existing and new residents in the areas
- Please impose planning conditions for noise mitigation.
- Strongly urge the planning committee to visit the site to fully appreciate the conditions residents will be living in.

**County Highways Authority** – No objection subject to conditions.

**National Highways Authority** – No objection – Subject to the LPA being satisfied regarding noise matters and condition relating to additional drainage information.

**Lead Local Flood Authority** – No objection subject to condition.

**TBC Drainage & Flood Risk Officer** – No objection

**Environment Agency** – No objection subject to condition.

**Severn Trent Water** – No objection.

**Environmental Health Officer (Noise)** – No objection subject to conditions.

**Housing Enabling Officer** – No objection – the application complies with the S106 agreement of the outline permission. The applicant will need to secure the proposals by way of a Deed of Variation agreement before the issue of a planning consent.

**Landscape Advisor** – No objection, subject to conditions.

**Public Rights of Way Officer** – No objection, subject to Informatives.

**TBC Asset Management (Play Spaces)** – No objection but further information to be provided by way of condition.

**Ecology** – No objection subject to provision of Biodiversity Net Gain (BNG).

**County Minerals & Waste** – No objection.

**County Archaeologist** – No response received.

## **5. Third Party Comments/Observations**

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Full copies of all the representation responses are available online at <https://publicaccess.tewkesbury.gov.uk/online-applications/>.

- 5.1** The application has been publicised through the posting of a site notice for a period of 21 days. 1 no. representation has been received from local residents (summarised);
- There is a lack of self and custom build dwellings on this site, these should be provided as part of the housing mix.

## **6. Relevant Planning Policies and Considerations**

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### **6.1** Statutory Duty

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise

The following planning guidance and policies are relevant to the consideration of this application:

### **6.2** National guidance

National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG)

### **6.3** Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) – Adopted 11 December 2017

- Policy SP1 (The Need for Development)
- Policy SP2 (Distribution of New Development)
- Policy SD3 (Sustainable Design and Construction)
- Policy SD4 (Design Requirements)
- Policy SD6 (Landscape)
- Policy SD8 (Historic Environment)
- Policy SD9 (Biodiversity and Geodiversity)
- Policy SD10 (Housing Development)
- Policy SD11 (Housing Mix and Standards)
- Policy SD12 (Affordable Housing)
- Policy SD14 (Health and Environmental Quality)
- Policy INF1 (Transport Network)
- Policy INF2 (Flood Risk Management)
- Policy INF3 (Green Infrastructure)
- Policy INF6 (Infrastructure Delivery)
- Policy A3 (North Brockworth)

#### **6.4** Tewkesbury Borough Local Plan to 2011-2031 (TBLP) – Adopted 8 June 2022

- Policy RES5 (New Housing Development)
- Policy RES12 (Affordable Housing)
- Policy RES13 (Housing Mix)
- Policy DES1 (Housing Space Standards)
- Policy NAT1 (Biodiversity, Geodiversity and Important Natural Features)
- Policy LAN2 (Landscape Character)
- Policy NAT3 (Green Infrastructure: Building with Nature)
- Policy ENV2 (Flood Risk and Water Management)
- Policy TRAC1 (Pedestrian Accessibility)
- Policy TRAC2 (Cycle Network and Infrastructure)
- Policy TRAC3 (Bus Infrastructure)
- Policy TRAC9 (Parking Provision)

#### **6.5** Neighbourhood Plan

None

### **7. Policy Context**

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**7.1** Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the Development Plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.

**7.2** The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), the Tewkesbury Borough Local Plan to 2011-2031 (June 2022) (TBLP), and a number of 'made' Neighbourhood Development Plans.

**7.3** The relevant policies are set out in the appropriate sections of this report.

**7.4** Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2021 and its associated Planning Practice Guidance (PPG), the National Design Guide (NDG) and National Model Design Code.

### **8. Evaluation**

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#### ***Conditional Requirements***

**8.1** The outline permission included conditions which required submission of information relating to the whole development with the first Reserved Matters Application (RMA). Other conditions required further information to be submitted with each phase of reserved matters. These conditions are summarised below:

- Condition 5 - Requires that all reserved matters and details required to be submitted pursuant to condition 1 shall be broadly in accordance with the principles and parameters described and identified in the Illustrative Masterplan, the Conceptual Masterplan and the Design and Access Statement. The applicant has submitted a design compliance statement with this application to demonstrate how the scheme complies with the Design and Access Statement and Masterplan documents.
- Condition 8 - Requires surface water drainage details to be submitted for

consideration. A drainage strategy, flood compensation and drainage layout details have been submitted with this reserved matters application.

- Condition 9 - Requires all floor levels of all properties to be set at a minimum of 600mm above the modelled 1 in 100 year flood level, including an allowance for climate change at the appropriate locations along the Horsbere Brook. These details have been submitted with the reserved matters application and the EA and LLFA have no objections.
- Condition 12 - Requires information on Trees and Landscaping. These details have been submitted with the reserved matters application. Tree specifications/conditions, tree loss and retention plans and protection measures are provided.
- Condition 20 – No building hereby permitted shall be occupied on Phase 7 of the development as shown on the approved Phasing Plan until a scheme of works broadly in accordance with the following plans has been submitted to and approved in writing by the Local Planning Authority:-
  - (i) Delta Way normal roundabout highway works as shown on plan no. 60007-TA-007 rev A;
  - (ii) (ii) the A417/Delta Way roundabout improvements works as shown on plan no. 60007-TA-008; and
  - (iii) (iii) the cycle/footbridge works shown on plan no. 60007-TA-012

A detailed scheme has been devised in respect of the above and discharge of condition applications have been submitted (22/00117/CONDIS & 22/00117/CONDIS) which are pending consideration.

- Condition 23 - Requires a written scheme of investigation for the relevant phase. These details have been submitted with the reserved matters application and County Council Archaeologist is satisfied with the information.
- Condition 24 - Requires that no development shall take place within any phase of the development until a Noise Assessment has been carried out by a suitably qualified person. The Noise Assessment shall particularly address the likely effects of road noise and noise from the Henley Bank Kennels on any proposed residential areas within the site. It shall provide details of measures to mitigate and minimise any identified adverse noise effects within those areas. It shall also specify measures to protect any individual properties as required. These details have been submitted with the reserved matters application.
- Condition 27 - Requires details of the proposed design and location of recycling and refuse storage arrangements within that phase. These details have been submitted with the reserved matters application.

**8.2** The outline permission was also subject to Section 106 agreements with the Borough Council and Gloucestershire County Council. These matters also need to be taken into account when considering this reserved matters application and are also discussed where relevant in the following sections of this report.



### ***Principle of development***

- 8.3** The principle of residential development at the site has been established through the grant of outline planning permission in 2016. This application relates to the approval of Phase 7 (residential and drainage attenuation only) reserved matters in respect of access, layout, appearance, landscaping and scale of the development.
- 8.4** The application is supported by a range of technical documents including the following:
- Planning Statement
  - Design Compliance Statement
  - Tree Reports
  - Noise Impact Assessment
  - Proposed Drainage Strategy & associated drawings
  - Materials, Boundary Treatments and Storey Height Plans
  - Proposed Adoptable Areas Plan
  - Proposed Cycle and Refuse Storage/Collection Plans.
  - Proposed Landscaping/planting Plans
  - Affordable Housing Layout plan
  - House Type Plans
  - LEAP Proposals
  - Ecology Strategy Plan
  - Parking Strategy Plan
- 8.5** In assessing these matters, it is also important to consider whether they accord with the principles and parameters described and identified in the Illustrative Masterplan, the Concept Master Plan and the Design and Access Statement all approved at Outline Stage through condition 5.

### ***Layout, appearance, scale and density***

- 8.6** The NPPF states that 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 in communities. Policy SD4 of the JCS advises that new development should respond positively to and respect the character of the site and its surroundings, enhance local distinctiveness and the grain of the locality. Policy INF3 states that where green infrastructure assets are created, retained or replaced within a scheme they should be properly integrated into the design and contribute to local character and distinctiveness. Policy RES5 of the TBLP states that proposals should be of a design and layout that respects the character, appearance and amenity of the surrounding area and is capable of being integrated within it.
- 8.7** As mentioned above an 'Illustrative' and 'Conceptual' Masterplan layout was agreed as part of the outline consent. A number of important principles of good design and appropriate parameters were established during the determination of the outline consent, which were encapsulated in a detailed Design and Access Statement (DAS). The vision outlined in the DAS was for a development that respected its wider context and worked within the surrounding landscape. The DAS envisages a series of inter-connecting, locally distinctive and walkable neighbourhoods with fragmented edges abutting open space, set within a strong green framework linking to natural and heritage assets. As set out above, it is a conditional requirement that all RMAs shall be broadly in accordance with the principles and parameters described and identified in the Masterplans and the DAS.

- 8.8** In addition, Condition 5 of the outline consent requires a statement to be submitted with each RMA to ensure the design quality and design parameters set out at outline stage are adhered to in the detailed design. A Design Compliance Statement (DCS) has been submitted with this application which summarises the key areas of compliance with the design principles of the outline consent.
- 8.9** The proposal for Phase 7 includes a balance between developed and undeveloped areas with a scale of development that would be reflective of northern Brockworth, albeit in a denser form of development.
- 8.10** The proposal has sought to address some of the key considerations outlined within the DAS. This includes:
- Providing new road links through the site Valiant Way and the Hucclecote bypass to minimise new residents' usage of existing local roads.
  - Providing a new pedestrian and cycle link across Valiant Way
  - Providing new pedestrian and cycle links through the site to local facilities that are direct, safe, convenient, and enjoyable.
  - Avoiding development within the Flood Zone 2 area of the site
  - Proposing strategic native woodland planting to contain views whilst enhancing biodiversity and landscape character.
  - Avoiding dense urban development over two storeys in height
  - Making sure informal open space is accessible to all.
  - Opening up public access along Horsbere Brook; ensuring this public access does not detrimentally impact on existing properties or ecological habitat.
- 8.11** Access arrangements have been designed reflecting the DAS access principles which are to provide a clear hierarchy of routes and public spaces to enable safe navigation and movement through the site to include a network comprising a Primary Road through the site to link with the Employment Area. The Primary Street would be 6.75m wide and 2m wide grass verges are proposed either side of the road to accommodate street trees.
- 8.12** Much of the development is based around the Village Street Character Area principles which include a range of smaller, denser cottages, mews and terraces with hard landscaped street scene consisting predominantly of a mix of small scale 2 storey mews and cottages based around shared spaces/courtyards and some 2.0 storey terraces.
- 8.13** The small Village Margin Residential Character Area to the north of the site provides an informal edge to the development with dwellings overlooking the public open space area. The dwellings would be 2 storey, predominantly detached with some semi-detached. The dwellings would be arranged at a lower density. These houses have larger front and rear gardens. Parking would be off road generally on plot or in small groups in front of dwellings. On street parking would be provided in the form of visitor spaces.
- 8.14** The DAS sets out that that the scale of the development in these character areas would be between one, two and a half storey's high. The majority of dwellings on the site would be two storeys high with a number of single storey units to the south of the site. It is noted that there are No.9 maisonettes/flats which would be two storeys in height. The mix of houses would range between bungalows, terraced properties, semi-detached and detached houses as well as maisonettes/flats. It is considered that this mix of dwelling types and the scale of the properties would accord with the details set out within the DAS.

- 8.15** In terms of density, the larger portion of the site falls under the Village Street Character Area, which seeks to achieve a diverse range of smaller, denser cottages, mews and terraces, at a density of circa 40-45 dwellings per hectare. The smaller section of the site that incorporates the Village Margin Residential Character Area seeks to achieve a density of circa 30-35 dwellings per hectare. The proposed layout across the site achieves circa 44 dwellings per hectare, the larger detached and semi-detached properties being focused to the north, within the Village Margin Residential Character Area. Siting these properties here retains the lower density in this part of the site, while the higher density is focused more to the Village Street Character Area, in line with recommendations in the DAS.
- 8.16** In terms of appearance, both character areas seek to achieve building styles to reflect traditional architecture found within the Severn Vale and Cotswolds. The scheme proposes to use three different types of bricks, with a slate grey roof covering. There are several house types proposed, the scale and form of which are traditional. A contemporary approach has also been provided with the window details and use of contrasting materials. It is considered that this approach is acceptable as it takes direction from the scale of local building types in the area and incorporates a modern approach and influence. At this stage no material samples have been provided. Given this is an important element of the design, it is considered necessary to apply a condition requesting these details should the scheme be granted.
- 8.17** Concerns were raised with regard to elements of the originally submitted design and a revised layout has been submitted which provides improved permeability through the scheme, with a cycle/footpath to the western boundary of the site and more pathways through the green spaces to the north. There are also more street trees proposed. These changes have markedly improved the appearance of the scheme and the layout is considered to be broadly in accordance with the approved DAS and Masterplan.

#### ***Access and highway safety***

- 8.18** Policy INF1 of the JCS advises that proposals should ensure safe and efficient access to the highway network is provided for all transport modes and that the impact of development does not have a severe impact upon the highway network. Policy SD4 (vii) also requires development to be well integrated with the movement network within and beyond the development itself, ensuring links by other modes and to green infrastructure.
- 8.19** In support of the application a number of technical plans have been submitted, these include visibility layouts, vehicle tracking layouts and parking strategy plans. The County Highway Authority (CHA) reviewed the initial scheme advanced and commented that the details submitted required amendments in relation to providing safe and suitable layout and access arrangements. Revised plans have been received, reviewed, and now agreed by the CHA.
- 8.20** Given the above amendments, officers now consider that the road layout, block sizes and pedestrian links generally accord with what is shown in the 'Illustrative' and 'Conceptual' Masterplan layout and DAS. Furthermore, the proposal accords with the relevant design principles for street design and frontage design described in the different character areas. This allows for direct access to all units for both pedestrians and vehicles. The routes are all well-lit with good levels of natural surveillance.

- 8.21** Street trees have now been provided in accordance with the requirements of paragraph 131 of the NPPF, and this is considered acceptable. A large proportion of the streets have grass verges enhancing the quality of the street scene. The CHA has requested that should permission be granted a condition is added to ensure control over the species and planting of the street trees.
- 8.22** In regard to car parking, the County Highways Authority is satisfied that the development meets the car parking standards within the Addendum to Manual for Gloucestershire Streets. The majority of units have on-site car parking provisions which is integrated into the development such that the parking does not dominate the street scene. Areas of car parking within the public realm are also overlooked, reducing the risk of crime. Where properties don't benefit from a garage, separate cycle storage units are provided within rear gardens. Every dwelling would be provided with an electric vehicle charging point. There would be a provision of 54 visitor spaces (allocated & unallocated) as an addition to allocated residential parking for each plot.
- 8.23** Overall, it considered that the access, internal road layout and parking provision is acceptable and accords with the 'Illustrative' and 'Conceptual' Masterplan layout and DAS, Policy INF1 of the JCS and the NPPF.

### ***Trees, Landscaping and Ecology***

- 8.24** JCS Policy SD6 seeks to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. All applications will consider the landscape and visual sensitivity of the area in which they are to be located and which they may affect. JCS Policy SD4 (iv) requires the design of open space and landscaped areas to be of a high quality design, providing a clear structure and constitute an integral and cohesive element of the design. JCS Policy INF3 states that existing green infrastructure will be protected in a manner which reflects its contribution to ecosystem services.
- 8.25** The principle of the development in the open countryside adjacent to Brockworth, which is not subject to any landscape designation, has been established through the outline consent and the allocation of the site for housing in the JCS. Nevertheless, the site must be carefully designed to ensure its successful integration with Brockworth, the surrounding landscape and the other phases of the development.
- 8.26** The DAS and Masterplan approved through the outline consent developed a landscape strategy which includes, amongst other things, the retention of natural features of importance which would be linked by open spaces; strategic landscaping along the northern edge of the site and within new areas of open space along the brook; a network of swales along some roads and within open space; strategic corridors and 'green fingers' of open space; specimen structural tree planting along principal streets and play areas to provide opportunities to incorporate informal areas of play.
- 8.27** The landscape approach proposed for this phase seeks to retain, protect and enhance the landscape strategy as approved in the DAS and Masterplan of the outline consent. The Council's Landscape Advisor (LA) reviewed the initial and first revised scheme and identified a small number of shortcomings with the landscape approach.

- 8.28** The application site contains a number of areas of green infrastructure, including a green buffer along the western edge of the site adjacent to the Hucclecote By-pass. The existing corridor, which lies to the north of the site along the existing PROW and along the Horsbere Brook is retained and an area of public open space is provided adjacent to the attenuation pond and swales. The proposal seeks to provide a locally equipped area of play (LEAP) in the north-eastern corner of the site which connects to the existing footpath network. The open space would accommodate new routes and connections for walking whilst connecting up to the existing footpath network to the north of the site. The proposal seeks to maintain existing trees and hedges where possible, which would be integrated into the scheme. Furthermore, the proposal would include significant additional tree planting within the public open space, within the street scene, within plots as well as along the buffer zones adjacent to the Valiant Way.
- 8.29** The Council's Landscape Advisor (LA) has reviewed the initial submitted scheme and provided detailed comments that identified a number of shortcomings with the originally proposed landscape approach. The applicant has sought to address these matters through the submission of revised plans. The LA has subsequently confirmed that the majority of the concerns have now been addressed. It is considered that the proposed landscaping plans are generally acceptable and would provide an acceptable balance between formal and informal spaces.
- 8.30** The LEAP in the north-eastern corner of the site is located in accordance with the Concept Master Plan. However, concerns were raised by the LA and the Council's Asset Management Team regarding the quality of the proposed play equipment. The applicant has agreed to work on further details which could be secured by way of an appropriately worded condition should the application be granted.
- 8.31** The application has been informed by a Pre-development Tree Survey which includes details of protection during construction, which satisfied the requirements of Condition 12 of the outline permission.
- 8.32** An Ecological Strategy Plan and Phase 1 Preliminary Ecological Appraisal Perrybrook has been provided in support of the application. This provides details of where bat and bird boxes would be located, as well as hedgehog gaps, hibernation boxes and insect boxes. There are also reptile logs proposed as part of the strategy. The Council's Ecologist is satisfied with the findings and mitigation of the report.
- 8.33** Given the above, it is therefore considered that the proposed landscaping, impact upon the trees and ecological matters would result in a suitable scheme that would be broadly in accordance with the principles of the landscape strategy set out in the approved DAS and Illustrative Masterplan of the outline consent.

#### ***Existing and future residential amenity***

- 8.34** Policy SD4 (iii) requires that new development should enhance comfort, convenience and enjoyment through the assessment of the opportunities for light, privacy and external space, and the avoidance of mitigation of potential disturbance, including visual intrusion, noise, smell and pollution. Policy SD14 further requires that new development must cause no harm to local amenity, including the amenity of neighbouring occupiers.

### Noise impacts

- 8.35** The application site is located to the eastern edge of Gloucester, adjacent to both Gloucester Business Park and Junction 11A of the M5 Motorway. Phase 7 is currently separated from the wider development by the Valiant Way dual carriageway and to the south the Hucclecote Bypass/Delta Way and to the west by the M5 Motorway. Given its location there are several sources of noise generation, specifically from road traffic. The Parish Council has raised concerns regarding the impacts of new residents from the nearby M5 and By-passes.
- 8.36** Further to the above, the amenity of future residents of the development was considered as part of the outline consent, particularly with regards to the proximity of the site to the A417. Accordingly, Condition 24 of the outline consent requires that each reserved matters application which includes dwellings is to be accompanied by a Noise Assessment to identify any dwellings that would be likely to be affected by road noise. A Noise Assessment has been submitted in support of the application and the Environmental Health Officer (EHO) has been consulted in respect of the current scheme.
- 8.37** The submitted Noise Assessment demonstrates that the private external amenity (gardens) have areas which are at or below the World Health Organisation's guidelines for community noise of Leq,16hr 55dB(A) and the majority of gardens are in the range Leq,16hr 45-50dB. Figure AS12233/Fig3 of the Clark Saunders report identifies where the highest level of noise is likely to occur and how the site layout has made provision to ensure that the dwellings and rear gardens are located in those areas stated above.
- 8.38** The Councils' EHO advises that the submitted noise assessment summary and mitigation report by Clarke Saunders dated 9 May 2022 is satisfactory, however, the proposed noise mitigation measures detailed in the report must be implemented. Given this the EHO is satisfied that condition 24 can be discharged/approved for this phase of the development.
- 8.39** It is therefore considered the proposed development would result in acceptable levels of amenity being maintained for the existing residents and secured for future residents of the development.

### Residential amenity

- 8.40** Given the location of the application site, and that it is bisected from any existing residential development (the closest being to Sussex Gardens to the south) by the Hucclecote By-pass, it is considered that no harm would occur to the amenity of existing residents.
- 8.41** The distances and relationship between the proposed dwellings have been assessed. Where the dwellings are to be sited back-to-back a distance of at least 21 metres (first floor window to window) would be maintained. This distance is reduced accordingly where dwellings face onto each other at oblique angles which is acceptable as direct overlooking of rear elevations is reduced.
- 8.42** The DAS and Illustrative Masterplan of the outline consent seek to maintain a green buffer between the new dwellings on the southern edge and the existing Hucclecote By-pass. The submitted landscape details demonstrate that this buffer can be achieved and includes a range of new trees and native shrub planting and the retention of the existing trees and hedges.

- 8.43** In terms of the proposed internal layout itself, the dwellings would all have acceptable levels of outdoor amenity space that would not be unacceptably overlooked by adjacent units. Furthermore, there would be sufficient back-to-back distances between the proposed units, which would ensure good standards of amenity are achieved and maintained.

***Affordable housing – 106 Requirement***

- 8.44** Policy SD12 of the JCS sets out a minimum requirement of 40% affordable housing within the Strategic Allocation sites. It follows that where possible, affordable housing should be provided on site and be seamlessly integrated and distributed throughout the development. Affordable housing must also have regard to the requirements of Policy SD11 concerning type, mix, size and tenure. The design of affordable housing should also meet required standards and be equal to that of market housing in terms of appearance, build quality and materials.
- 8.45** The S106 agreement associated with the outline planning permission (dated 16 September 2015) required submission of an Affordable Housing Scheme (AHS) to be approved prior to the first reserved matters application. The Affordable Housing Scheme (Whole Site) (AHSWS) on behalf of ERLP2 and the Society of Merchant Venturers (September 2016 v2) has been approved pursuant to this requirement.
- 8.46** The phasing plan approved with the outline permission sets out indicative capacities for each of the phases. Phase 7 is expected to deliver a total of 290 dwellings. A deviation from this has been brought forward through this application which would result in a reduction in unit numbers to 272, a shortfall of 18 dwellings. The unit numbers have decreased due to the constraints of the site, which includes the Flood Zone and the noise impact issues raised with the Noise assessment. Whilst this delivery is lower than expected on the phasing plan the overall outline application sought to achieve up to 1,500 dwellings which provides some flexibility in the housing numbers as long as it does not exceed the 1,500.
- 8.47** The proposals account for the section 106 requirement to deliver 34% affordable, also as detailed in the approved affordable housing scheme. This approach maintains compliance with both the original s106 agreement and the approved affordable housing scheme. The proposed tenure mix for the S106 affordable housing provision remains at 50% Affordable Rent and 50% Shared Ownership in-line with the approved documents.
- 8.48** However, During the discussions with the Council's housing department an alternative to the approved S106 Affordable Provision has been proposed, which still remains at 34% in-line with the approved Affordable Housing Scheme and is based on a 50% Affordable Rent and 50% Shared Ownership. However, the unit mix for the affordable housing differs from the approved Affordable Housing Scheme. This change is detailed below:

<i>Unit</i>	<i>Affordable Rent - S106</i>	<i>Shared Ownership - S106</i>
<i>1 bed flat</i>	<i>9</i>	<i>0</i>
<i>1 bed flat</i>	<i>9</i>	<i>0</i>
<i>1 bed bungalow</i>	<i>5</i>	<i>0</i>
<i>2 bed bungalow</i>	<i>5</i>	<i>0</i>
<i>2 bed house</i>	<i>12</i>	<i>25</i>
<i>2 bed house</i>	<i>0</i>	<i>0</i>
<i>3 bed house</i>	<i>4</i>	<i>0</i>
<i>3 bed house</i>	<i>2</i>	<i>21</i>
<b>Total</b>	<b>46</b>	<b>46</b>

- 8.49** The Affordable Housing Scheme (AHS) for the wider development site identifies that no more than 40% affordable housing shall be provided across the whole site and the number of dwellings that this equates to per phase of development. Of the 600 total affordable housing units 425 will be 'General Affordable Housing' and 175 will be 'Extra Care Affordable Housing.'
- 8.50** The Councils Housing Enabling & Strategy Officer (HO) has been consulted and was consulted at pre-application stages early in 2022. It is noted that Phases 7 is not required to deliver any extra care provision. The HO is content with the proposed provision and the changes and advises that the mix better represents the changing needs and demographic of the local area. However, the changes would need to be secured by way of a Deed of Variation to the S106 – this is currently being undertaken by the applicant.

***Affordable housing – ‘Over provision’***

- 8.51** The proposed scheme is intended to be affordable led, In addition to the s106 affordable housing provision of the 34% (92 units), Platform Housing intends to deliver a further “over-provision” of affordable housing on the site, referred to as Additionality. Currently, Platform are proposing an additionality of 46% (125 units), resulting in a residential scheme which is proposing a total of 217 units being proposed as affordable tenures across the site. The proposed additionality will be supported by funding from Homes England.
- 8.52** The remaining 55 units would be Market Sales units and would be utilised to fund alongside the Homes England funding the increased level of affordable homes offered on the development. The aim of the development is to provide the maximum quantum of affordable housing.
- 8.53** The over provision and additional affordable housing mix for these units is indicative at this stage and subject to change owing to market condition and on account of financial viability and sits outside the existing S106 agreement.
- 8.54** At this stage the proposed indicative mix for the over provision would be as follows;

**Affordable Rent – Grant (Total 29)**

18 Two Bedroom Houses  
11 Three Bedroom Houses



### **Social Rent – Grant (Total 9)**

7 Four Bedroom Houses  
2 Five Bedroom Houses

### **Shared Ownership – Grant (Total 53)**

47 Three Bedroom Houses  
6 Four Bedroom Houses

### **Rent to Buy – Grant (Total 34)**

14 Two Bedroom Houses  
16 Three Bedroom Houses  
4 Four Bedroom Houses

### **Outright Sale (Total 55)**

22 Two Bedroom Houses  
19 Three Bedroom Houses  
14 Four Bedroom Houses

- 8.55** The mix includes the provision of 4- and 5-bedroom houses for Social Rent, which is a key priority of the Council currently. The current proposal features a broad range of tenures, rental, and home ownership options to include, affordable rent, social rent, shared ownership and rent to buy.
- 8.56** In respect to clustering, the affordable housing would on the whole exceed the maximum grouping of 25 units set out within the draft clustering plan for each phase. However, the submitted Tenure Strategy Plan outlines how the tenures across the site would be mixed with outright sale dwellings interspersed with affordable rent, shared ownership and social rent. The layout aims to provide as little clustering as possible. It is considered that the proposed affordable units would also be tenure blind and are equal to that of market housing in terms of appearance and materials which aids in the clustering impact.
- 8.57** The Housing Enabling Officer has been consulted on the application and has advised that the proposed affordable housing provisions in line with the S106 and the over provision are considered acceptable, subject to the agreement of the deed of variation.

### ***Deed of Variation***

- 8.58** As discussed above a Deed of Variation is required to the Section 106 agreement to update the following:
- MIP clause to allow for MVS-TT when Platform are entering the properties in to charge.
  - Capture the change in tenure mix of affordable units.
  - Increase the threshold of affordable units from 34% to 40%
  - Remove clause which states no single phase can deliver more than 50% of affordable housing.
- 8.59** The applicant has started the process with the Councils Legal Team.

## ***Foul and Surface Water Drainage***

- 8.60** JCS Policy INF2 (2) (iv) requires new development to incorporate Sustainable Urban Drainage Systems (SUDS) where appropriate to manage surface water drainage. Policy INF6 also requires that the infrastructure requirements generated by a proposal are met, including by adequate on and off-site infrastructure.
- 8.61** The principle of developing the site is established by the outline consent which includes an approved overarching drainage strategy for the whole site. A drainage strategy plan has been submitted as part of the current scheme in order to demonstrate how the site-specific drainage infrastructure would accord with the whole site drainage strategy.
- 8.62** Condition 8 of the outline consent required the first reserved matters application submitted in respect to the whole site to include a surface water drainage strategy for the entire site. This was submitted and approved as part of the reserved matters for phase 3. The condition also requires a detailed surface water drainage strategy to be submitted as part of any subsequent reserved matters application for that specific phase. A Drainage Strategy and SuDS Management Plan accompanies the application.
- 8.63** The application proposes an attenuation pond which would be located in the north-western corner of the application site (an area allocated for employment and surface water attenuation. This part of the site is covered by Flood Zone 1, 2 & 3 and the original design included raised embankments located within Flood Zone 2, which was likely to encroach into Flood Zone 3a over the lifetime of the development as a result of the impacts of climate change.
- 8.64** On this basis the Environment Agency (EA) and National Highways (NH) raised concerns about the location of the attenuation pond. It was recommended by the EA that basin was reconfigured so that no part of it or any associated embankment would encroach beyond the 40.2m AOD(N) contour. With this in mind the applicants sought to redesign the drainage proposals to remove the attenuation pond and the swale feature outside of Flood Zone 3a and largely from 2. The LLFA, EA & NH's were reconsulted and approved the proposed changes, however, would require additional information as to the specific details of the attenuation basin but are satisfied that this could be provided as a pre-commencement condition should permission be granted.
- 8.65** Severn Trent have been consulted and advise that there are no objections to the sewer connection and there are no capacity concerns in this area.
- 8.66** The lead Local Floor Authority (LLFA), Councils Flood Risk Engineer, Severn Trent and the Environment Agency have all considered the submitted strategy and raise no objection to the approval of reserved matters, in accordance with the engineering plans and management plans submitted.

## **9. Conclusion**

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- 9.1** The details submitted demonstrate that the proposal complies with the principles of the outline application and the approved master plans. The application is affordable led which would result in some conflict with the Councils housing mix policies, however, the provision over an over supply of affordable housing welcomed. Concerns were raised as to the initial layout and design of the proposal; the applicant has worked with officers and statutory consultees to resolve these issues. The changes have resulted in the proposal now complying with the relevant policies outline in this report and all other material considerations.

## **10. Recommendation**

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- 10.1** Considering the details discussed above, it is concluded that the proposal would accord with the outline consent and parameters therein and the proposed development would be acceptable in terms of access, layout, scale, appearance and landscaping.
- 10.2** The application is therefore recommended to be **Delegated Approval** subject to an agreed Deed of Variation.
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## **11. Conditions**

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- 1.** The development hereby approved shall be implemented in accordance with the following plans, documents and details:

### **Layout Plans**

Planning Layout - 21431\_5000 REV N  
Location Plan - 21431\_1030  
Materials Strategy Plan - 21431\_3170 REV D  
Boundary Strategy Plan - 21431\_3171 REV E  
Building Heights Strategy Plan - 21431\_3173 REV D  
Parking Strategy Plan - 21431\_3174 REV D  
Refuse & Cycle Strategy Plan - 21431\_3175 REV D  
Adoptable Areas Strategy Plan - 21431\_3176 REV D  
Ecology Strategy Plan - 21431\_3177 REV D  
Affordable Strategy Plan - 21431\_3178 REV D  
Substation and Bin Store - 21431\_6051

### **Housetype Drawings**

Housetype Pack  
Street Elevations - 21431\_3600 REV A  
Garage Types - 21431\_6050

### **Landscape Plans**

Soft Landscape Proposals (sheet 1 of 6) - GL1694 01 REV B  
Soft Landscape Proposals (sheet 2 of 6) - GL1694 02 REV B  
Soft Landscape Proposals (sheet 3 of 6) - GL1694 03 REV B  
Soft Landscape Proposals (sheet 4 of 6) - GL1694 04 REV B  
Soft Landscape Proposals (sheet 5 of 6) - GL1694 05 REV B  
Soft Landscape Proposals (sheet 6 of 6) - GL1694 06 REV B

## **Engineering Plans**

Visibility Layout – Overview B05680-CLK-XX-XX-DR-0105 REV P3

Visibility Layout - Sheet 1 B05680-CLK-XX-XX-DR-0106 REV P2

Visibility Layout - Sheet 2 B05680-CLK-XX-XX-DR-0107 REV P2

Visibility Layout - Sheet 3 B05680-CLK-XX-XX-DR-0108 REV P2

Visibility Layout - Sheet 4 B05680-CLK-XX-XX-DR-0109 REV P2

Vehicle Tracking Layout - Sheet 1 B05680-CLK-XX-XX-DR-0110 REV P2

Vehicle Tracking Layout - Sheet 2 B05680-CLK-XX-XX-DR-0111 REV P2

Vehicle Tracking Layout - Sheet 3 B05680-CLK-XX-XX-DR-0112 REV P2

Vehicle Tracking Layout - Sheet 4 B05680-CLK-XX-XX-DR-0113 REV P2

Proposed Drainage Layout – Overview B05680-CLK-XX-XX-DR-0500 REV P4

Proposed Drainage Layout - Sheet 1 B05680-CLK-XX-XX-DR-0501 REV P4

Proposed Drainage Layout - Sheet 2 B05680-CLK-XX-XX-DR-0502 REV P4

Proposed Drainage Layout - Sheet 3 B05680-CLK-XX-XX-DR-0503 REV P4

Engineering Layout – Overview B05680-CLK-XX-XX-DR-0700 REV P7

Engineering Layout - Sheet 1 B05680-CLK-XX-XX-DR-0701 REV P7

Engineering Layout - Sheet 2 B05680-CLK-XX-XX-DR-0702 REV P8

Engineering Layout - Sheet 3 B05680-CLK-XX-XX-DR-0703 REV P8

Engineering Layout - Sheet 4 B05680-CLK-XX-XX-DR-0704 REV P5

Engineering Layout - Sheet 5 B05680-CLK-XX-XX-DR-0705 REV P3

Engineering Layout - Sheet 6 B05680-CLK-XX-XX-DR-0706 REV P4

Proposed Flood Compensation Design B05680-CLK-XX-XX-DR-C-0720 REV P1

## **Reports**

Tree Report

Preliminary Ecological Appraisal March 2023 Revision

Noise Impact Assessment

Affordable Housing Scheme (Phase)

Operation and Maintenance Manual for Surface Water Drainage System

Drainage Statement

Design Compliance Statement

Planning Statement

Ecological Monitoring Report for Hazel Dormouse Perrybrook Final March 2023

Great Crested Newt Habitat Suitability Survey

Biodiversity Impact Assessment

Except where these may be modified by any other conditions attached to this permission.

Reason: To ensure that the development is carried out in accordance with the approved plans.

2. Notwithstanding the development hereby approved, no work above floor plate level shall be carried out until details and samples of all proposed external materials to be used (walls, roofs, hard landscaping, boundary walls, retaining walls, headwalls) have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of the appearance of the development and wider visual amenity.

3. Prior to occupation of each individual building hereby approved, the access, parking and turning facilities of that individual building shall first be provided as shown on drawing 21431/5000K.

Reason: To ensure conformity with submitted details and ensure safe and secure access arrangements for occupiers.

4. Notwithstanding the development hereby approved, no work above floor plate level shall be carried out until details of the attenuation basin landscaping have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include the type of fencing around the edge of the basin, the introduction of tree planting and native scrub within the basin, the provision of timber post and rail fence to the top of the headwall, and the cladding details for the proposed headwalls. The development shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of the appearance of the development and wider visual amenity.

5. Prior to the commencement of the development hereby approved, a drainage report shall be submitted to and approved in writing by the Local Planning Authority. The report shall address the requirements of DfT Circular 01/2022 and include details of final design, the use of SUDS and floodplain compensation proposals, maintenance method statement and schedule. Surface water drainage shall thereafter be implemented and maintained in accordance with the approved details.

Reason: In the interest of the safe and efficient operation of the strategic road network, and to protect the integrity of the trunk road drainage asset.

6. Notwithstanding the development hereby approved, no work above floor plate level shall be carried out until details of all proposed street tree planting, root protection systems, future management plan, and the proposed times of planting, have been submitted to and approved in writing by the Local Planning Authority. All tree planting shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the continued wellbeing of the trees in the interests of the amenity and environmental quality of the locality.

7. Notwithstanding the submitted details and prior to the commencement of the development hereby permitted, a Tree and Hedgerow Protection Plan detailing the location of protection measures and ground protection measures shall be submitted to and approved in writing by the Local Planning Authority. Tree and hedgerow protection measures shall thereafter be implemented and maintained in accordance with the approved details.

Reason: To ensure the continued wellbeing of the existing trees and hedgerows in the interests of the amenity and environmental quality of the locality.

8. Notwithstanding the submitted details, and before the development hereby permitted is occupied, full details of the LEAP (Local Equipment Area for Play) shall be submitted to and approved in writing by the Local Planning Authority. The details shall include details of all hard-surfacing materials proposed and proposed finished levels or contours, play equipment and soft landscaping details. The LEAP shall thereafter be implemented and maintained in accordance with the approved details.

Reason: To ensure the appropriate play facilities are delivered and in the interests of visual amenity.

9. The development hereby permitted shall be carried out in accordance with all of the internal and external measures detailed within the submitted noise report dated 9th May 2022 by Clarke Saunders.

Reason: To protect the noise climate and amenity of local residents

10. Notwithstanding the development hereby approved, no work above floor plate level shall be carried out until a detailed thermal assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. The assessment shall use dynamic thermal modelling with consideration given to all glazing zones, with a focus on glazing zones A and B. The assessment shall also include any proposed mitigation measures that are required. The development shall thereafter be implemented in accordance with the approved details.

Reason: To protect the amenity of local residents

## **12. Informatives**

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1. In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing the to the Council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.
2. The decision is to be read in conjunction with planning permission 12/01256/OUT including the associated S106 legal agreements.
3. The developer is advised that all pre-commencement conditions on outline approval ref: 12/01256/OUT shall be submitted to the LPA and approved in writing, prior to commencement of the development hereby approved.
4. The development hereby approved includes the construction of new highway. To be considered for adoption and ongoing maintenance at the public expense it must be constructed to the Highway Authority's standards and terms for the phasing of the development. You are advised that you must enter into a highway agreement under Section 38 of the Highways Act 1980. The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980.

5. Contact the Highway Authority's Legal Agreements Development Management Team at [highwaylegalagreements@gloucestershire.gov.uk](mailto:highwaylegalagreements@gloucestershire.gov.uk). You will be required to pay fees to cover the Council's costs in undertaking the following actions:
  - Drafting the Agreement
  - Set up costs
  - Approving the highway details
  - Inspecting the highway works
6. You should enter into discussions with statutory undertakers as soon as possible to coordinate the laying of services under any new highways to be adopted by the Highway Authority.
7. The Highway Authority's technical approval inspection fees must be paid before any drawings will be considered and approved. Once technical approval has been granted a Highway Agreement under Section 38 of the Highways Act 1980 must be completed and the bond secured.
8. All new streets must be tree lines as required in the National Planning Policy Framework. 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.
9. If there is a public right of way running through the site, the applicant will be required to contact the PROW team to arrange for an official diversion if required, if the applicant cannot guarantee the safety of the path users during the construction phase then they must apply to the PROW department on 08000 514514 or [highways@gloucestershire.gov.uk](mailto:highways@gloucestershire.gov.uk) to arrange a temporary closure of the right of way for the duration of any works.
10. We advise you to seek your own independent legal advice on the use of the public right of way for vehicular traffic.
11. 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](mailto: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.
12. Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway. Construction Management Plan (CMP)

**13.** 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.