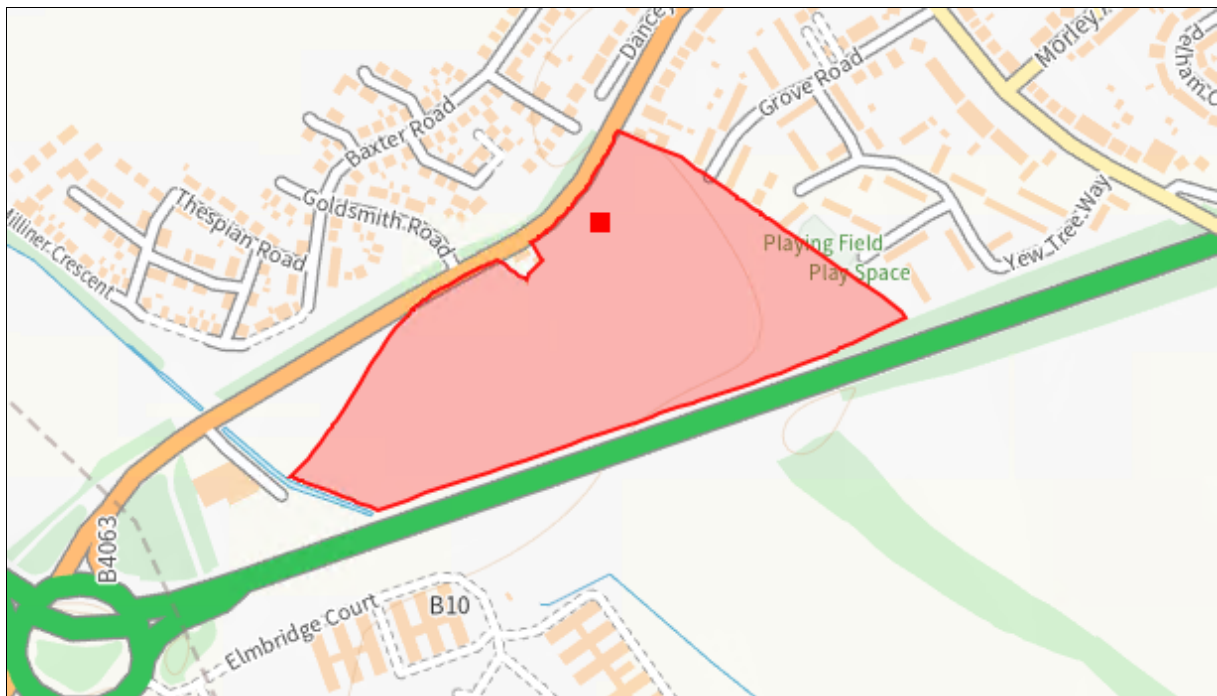


## Planning Committee

<b>Date</b>	21 November 2023
<b>Case Officer</b>	Bob Ristic
<b>Application No.</b>	22/00667/FUL
<b>Site Location</b>	Land to the South of Cheltenham Road East, Churchdown
<b>Proposal</b>	Construction of 145 residential dwellings with associated infrastructure.
<b>Ward</b>	Churchdown St Johns
<b>Parish</b>	Churchdown
<b>Appendices</b>	Site location plan Site layout plan House type selection x 6 Street Scene x 3
<b>Reason for Referral to Committee</b>	Full or outline application for the erection of 10 or more residential units.
<b>Recommendation</b>	Delegated Permit subject to S106 agreement

### Site Location



## **1. The Proposal**

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Full application details are available to view online at:

<http://publicaccess.tewkesbury.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RCQT37QD01A00>

- 1.1** The application seeks full planning permission for a development comprising 145 dwellings of which 35% would be affordable and associated infrastructure. The site extends to approximately 8.1 hectares of which approximately 3.9 hectares would be public open space (POS)
- 1.2** The site would be accessed via a new junction from Cheltenham Road East (the B4063) towards the northwestern corner of the site and the site laid out around a central spine road which would serve several closes and cul-de-sacs.
- 1.3** The western part of the site would be laid out as public open space and linkages from the existing residential development to the north provided via a footpath trail around the development.
- 1.4** In addition to the public open space the proposal would also provide an area of allotments to the eastern corner of the site.

## **2. Site Description**

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- 2.1** The application site is set between Cheltenham Road East (the B4063) which forms the northern boundary and the A40 Golden Valley dual carriageway which forms the southern boundary and comprises circa 8 hectares of land which is currently in agricultural use.
- 2.2** The northeastern boundary of the site adjoins existing residential development which currently forms the edge of the built-up area of Churchdown. To the west of the site and south of Cheltenham Road East (CRE) is a triangular-shaped parcel of land which is currently vacant and was last used as a service centre. Beyond that is the Gloucester North Community Fire Station, on the western side of Innsworth Ditch. The application site wraps around an existing dwelling, Two Mile Cottage, which is located on the southern side of Cheltenham Road East.
- 2.3** The site is relatively flat and is not subject to any landscape or heritage designations. While the land falls within Flood Zone 1 (lowest risk of flooding) as defined by the Environment Agency, the northwestern part of the site is at risk of surface water flooding.
- 2.4** The site comprises the central 'parcel' of a wider strategic allocation A2 - South Churchdown (SCUE) as allocated in the adopted Joint Core Strategy (JCS) and the land to the northern side of Cheltenham Road East (forming the northern parcel) is currently being built out by Bellway Homes.

### 3. Relevant Planning History

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- 3.1 While there is no planning relevant planning history on the application site, the following applications on adjacent land are relevant.

Application Number	Proposal	Decision	Decision Date
	<b><u>Land to North of Cheltenham Road East</u></b>		
16/00738/OUT	Outline planning application for residential development comprising 465 (no) new family homes, public open space, landscaping, drainage and other facilities with associated vehicular and pedestrian access.	PER	12.12.2018
19/00738/APP	Approval of Reserved Matters (Access, Scale, Appearance, Landscaping) pursuant to Outline Planning Permission 16/00738/OUT for residential development comprising 465 (no) new family homes, public open space, landscaping, drainage and other facilities with associated vehicular and pedestrian access.	PER	05/03/2020
	<b><u>Land to west of the site</u></b>		
22/00679/FUL	Construction of 2 x takeaway drive thru units with associated restaurants, along with the construction of associated infrastructure, including sustainable drainage, new internal access road, lighting and landscape planting.	Pending	

### 4. Consultation Responses

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

4.1 Churchdown Parish Council

- Request evidence-based traffic assessment
- Cumulative effect of existing vehicles & recent development
- Consideration of CRE cycle lane
- Access visibility and potential for a filter lane

4.2 Natural England

- No objection subject to appropriate mitigation being secured to mitigate the likely significant impacts on the Cotswold Beechwoods Special Area of Conservation (SAC)

4.3 Ecological adviser – No objections subject to conditions and mitigation

4.4 Gloucestershire Highways – no objection subject to conditions & financial contribution.

- 4.5** National Highways – Recommend that the application is not granted
- Concerns in respect of landscaping, drainage, geotechnical and noise have been satisfied subject to condition.
  - Contributions towards mitigation should be secured
  - Opportunities to promote walking, cycling and public transport should be taken up
  - Concerns in respect of noise impact/mitigation remain
- 4.6** Environmental Health Officer
- No objections in principle
  - Further information required in respect of noise and mitigation
- 4.7** Campaign for the Protection of Rural England (CPRE)
- Proposal should adhere to the Policy A2 Allocation Plan
  - Area for housing is greater than that shown on the plan
  - Area of green Infrastructure considerably less
  - Contrary to Green Belt policy
  - No risk to 1,100 homes being delivered across the allocation
  - Many allocations yield more
  - No evidence total allocation will not be met
  - Contrary to the development plan and not outweighed by material considerations
- 4.8** Conservation Officer – No objections
- 4.9** County Archaeologist – No objections
- 4.10** County Minerals & Waste Officer – No objections subject to condition
- 4.11** Lead Local Flood Authority (LLFA) – No objections
- 4.12** Severn Trent Water – No objections subject to conditions
- A public 225mm foul sewer and a public 450mm combined sewer located within this site
- 4.13** Tree Warden
- Pleased to see extensive tree planting
  - More native hedgerow planting should be done
  - No reference to biodiversity policies in the NDP
  - Bird boxes & hedgehog friendly fencing should be installed
  - Bat friendly lighting
  - Good to see fruit trees planted
  - Access to Yew Tree Road unclear – trees there should be protected

## **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 and press notice for a period of 21 days.

**5.2** Six representations have been received in response. The comments raised are summarised below:

- Should not be building on green fields
- Need to grow more food not less
- New housing estate has already destroyed a green field
- Bought house next to a field for that reason
- Little or no mention of NDP
- More traffic onto CRE
- Existing traffic congestion and delays
- Roundabout works have not improved the situation
- Will be difficult to enter roundabout at peak times
- Consideration should be given to signalisation
- Does not account for construction traffic
- Recent accident near site not recorded
- Speed survey seems inaccurate
- Peak movements likely to be 290 vehicles not 145
- Crossroad junction would be safer
- Impact on pedestrians/cyclists/cycle path
- In a flood zone
- Poor workmanship may affect sewer
- Larger development than JCS
- Noise and dust will be intolerable
- More stress on local services
- Object to footpath link outside of house
- Impact on safety and security
- Houses will impact views and overshadow garden
- What evidence is there for 5% custom/self-build housing
- No allowance for plots in housing mix table
- Biodiversity on site
- Impact on local facilities

## **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 SA1 - Strategic Allocations Policy
- Policy A2 - South Churchdown
- Policy SD3 - Sustainable Design and Construction
- Policy SD4 - Design Requirements
- Policy SD5 - Green Belt
- Policy SD6 - Landscape
- Policy SD8 - Historic Environment
- Policy SD9 - Biodiversity and Geodiversity
- Policy SD15 - Health and Environmental Quality
- Policy INF1 - Transport Network
- Policy INF2 - Flood Risk Management
- Policy INF3 - Green Infrastructure
- Policy INF4 - Social and Community Infrastructure
- Policy INF6 - Infrastructure Delivery
- Policy INF7 - Developer Contributions

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

- Policy RES2 – Settlement boundaries
- 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 NAT3 – Green Infrastructure
- Policy RCN1 – Public outdoor space, sports pitch and sports facility provision
- RCN3 – Allotments and community gardens
- TRAC1 – Pedestrian accessibility

**6.5** Churchdown and Innsworth Neighbourhood Development Plan – 2011-2031

- Policy CHIN1 - Parking to support residential development
- Policy CHIN 3 - Environmental considerations in the design of residential development
- Policy CHIN5 – Provision of play facilities
- Policy CHIN 9 – Provision for wildlife in new development
- Policy CHIN 10 – Orchards, hedgerows and veteran trees
- Policy CHIN 11 – Blue infrastructure

**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), saved policies of 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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### ***Principle of development***

- 8.1** The Application site forms part of the South Churchdown Strategic Allocation which comprises three parcels of land (in separate ownerships) divided by the B4063 Cheltenham Road (running along the southern boundary of the application site) and the A40 Golden Valley, separating the central parcel from the eastern part of the allocation at Elmbridge Court. This application relates to the 'central parcel'.
- 8.2** Policy SA1 sets out inter alia the general requirements for applications at strategic allocations and advises that development should enable a comprehensive scheme to be delivered across the developable area within each strategic allocation and that proposals are accompanied by a comprehensive masterplan for the strategic allocation.
- 8.3** The policy also confirms that the JCS authorities will be flexible in considering different approaches to achieving a comprehensive masterplan providing that proposals still take fully into account the development and infrastructure needs of the wider allocation and demonstrate that it would not prejudice the sustainable delivery of the entire allocation.
- 8.4** It is understood that the owners of the Elmbridge Court parcel are not in a position to bring that (3<sup>rd</sup>) part of the allocation forward at this time, as was the case with the previous application for the northern parcel, which is now being built out by Bellway Homes. This has prevented a single application being brought forward for the remainder of the allocation at this time.
- 8.5** However, as was the case of the application for the first parcel of land within the strategic allocation, it is considered that this current development proposal could be brought forward without prejudicing the delivery of the final parcel when that land is released. Furthermore, the consideration of this site in isolation will allow for much needed housing to be delivered in the short term.
- 8.6** Policy A2 sets out the specific requirements of this allocation which include: the delivery of approximately 1,100 new homes, 17 hectares of employment, facilities to meet the needs of the community, contributions towards education provision and the protection of green infrastructure, biodiversity and heritage assets, flood risk management, access from CRE, traffic mitigation, the exploration of a new access onto the A40, as well as public and sustainable transport enhancements.
- 8.7** By virtue of the site's allocation in the plan, and taking account of the above, it is considered that the principle of development is acceptable subject to compliance with policies A1 and A2 of the JCS and other policies within the plan which will be discussed below.

## ***Landscape and visual impact***

- 8.8** The NPPF sets out that planning decisions should contribute to and enhance the natural and local environment by, inter alia, protecting and enhancing valued landscapes, and by recognising the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystem services. Policy SD6 of the JCS states that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. Proposals will have regard to the local distinctiveness and historic character of different landscapes and proposals are required to demonstrate how the development will protect landscape character and avoid detrimental effects on types, patterns and features which make a significant contribution to the character, history and setting of a settlement area.
- 8.9** JCS Policy A2 requires development to provide green infrastructure, a landscaped buffer along the route of the A40 and protection of views from Tinkers Hill/Churchdown Hill.
- 8.10** The application site is not subject to any formal landscape designations and is relatively flat and low lying. The application has been supported by Landscape and Visual Appraisal (LVA) which assesses the site within the local context. The report sets out that the site is characterised as Settled Unwooded Vale and that the character will change to a predominantly settled landscape with open space between the settlements of Churchdown and Gloucester.
- 8.11** The report advises that views into the site are likely to decrease as the allocated sites, located to the north and south of the current application site, are built out. The proposed open space to the western part of the site is identified as being important in retaining a visual link to Churchdown Hill.
- 8.12** The magnitude of change from the development (given the settled landscape context) has been assessed as medium low to low. In the local and longer distance views the magnitude of change is assessed as predominantly low and that the development as proposed would not conflict with the NPPF or local landscape policies.
- 8.13** The LVA concludes that the overall effect on the landscape character and the landscape receptors would be neutral. The report continues by setting out that the design of the layout has sought to provide a type of development which responds to its local environment and incorporates locally characteristic features. In respect of views and the visual environment, the report concludes that those people who will experience the largest change in view are located in the immediate surroundings of the site.
- 8.14** While there would be some landscape harm by virtue of the introduction of built development within an existing undeveloped field parcel, this harm is tempered by the site's allocation in the plan for built development and the significance of the harm of the proposal being limited. The harm will also be mitigated over time as the proposed planting, within landscape strategy for the site, matures.
- 8.15** It is noted that the developed area would extend further than the indicative site layouts included in the JCS. However this would not result in any significant or demonstrable harm such as to outweigh the benefits of the scheme. The westward extension of the developed part of the site would relate to the extent of development at the Bellway site, to the northern side of CRE, and would allow for the retention of a meaningful undeveloped parcel of POS land to the western part of the site. This approach would contribute toward maintaining an undeveloped belt of land between Churchdown and Gloucester.



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

- 8.16** Section 9 of the NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Paragraph 111 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.17** Policy INF1 of the JCS requires developers to provide safe and accessible connections to the transport network to enable travel choice for residents and commuters. All proposals should provide for safe and efficient access to the highway network for all transport modes; encourage maximum potential use of walking, cycling and passenger transport networks to ensure that credible travel choices are provided by sustainable modes. Planning permission will be granted only where the impact of development is not considered to be severe. NDP Policy CHIN1 requires appropriate parking levels to support residential development.
- 8.18** Policy A2 requires that the primary vehicle accesses are provided from B4063 Cheltenham Road East and Pirton Lane and the requirement to explore the potential for a new access junction to the site from the A40.
- 8.19** The application is supported by a Transport Statement (TS) which has been updated by subsequent technical notes and amendments to the scheme following advice from the Local Highway Authority and National Highways.
- 8.20** The site would have a single vehicular access from CRE which would be offset and located to the east of the access serving the northern parcel of the strategic allocation being built out by Bellway Homes. The principal access would serve a spine road from which several smaller estate roads and courts would extend and the internal roads have been designed to 'pedestrian prioritised street' standard. Further pedestrian and cycle connections would be provided to the existing built-up area of Churchdown.
- 8.21** The application has been assessed by the County Highway Authority which has advised that the site access would be of an appropriate design providing appropriate visibility and takes account of the recent alterations to CRE following the new segregated cycle route which has narrowed the highway. The proposed site access has also had a traffic impact assessment undertaken, which demonstrated no issues in terms of capacity, queuing, or delay at that point.
- 8.23** Furthermore, the County Highway Authority is satisfied that the internal layout of the development would be safe and suitable for all users and that swept path analysis has been undertaken to demonstrate that the site can be serviced appropriately by fire and refuse vehicles.
- 8.24** The County Highway Authority confirms that there are a number of recorded collisions within search area in the vicinity of the application site. However there are no recorded incidents in the vicinity of the application site or along the site frontage. It is concluded that there are no existing highway safety patterns or concerns which would need to be considered further as part of this application.

- 8.25** National Highways has concluded that in isolation the development is unlikely to result in an unacceptable impact on the safe operation of the A40 trunk road. However, on the basis that the proposal would result in an impact at the A40 Elmbridge Court roundabout, it is considered that the development should provide a proportionate contribution towards the infrastructure improvements deemed necessary to safely accommodate the cumulative impact of the development.
- 8.26** The Highway authority have advised that the following planning obligations will be required to mitigate the impacts of the development:
- Safeguarding a potential road link through the site to the A40 Park and Ride.
  - £243,310.00 contribution towards the JCS DS7 Package of Scheme Mitigation, Corridor 3 Scheme ref 20.
  - £60,496.00 – contribution towards the signalisation of the B4063 Cheltenham Road East arm of the Elmbridge Court Roundabout or an alternative scheme which mitigates traffic impact at this location
  - Developer Travel Plan deposit £43,955.00 and Monitoring fee £5,000 or Gloucestershire County Council led Travel Plan contribution of £52,746.00.
- 8.27** It is noted that National Highways have a holding recommendation that the application is not permitted until there has been further consideration of the site drainage and possible impacts upon National Highways drainage asset at the A40. They have also requested further details in respect of noise attenuation from the proposed bund, geotechnical details and landscaping.
- 8.28** Positive discussions between National Highways and the applicant are ongoing. These technical matters will need to be resolved prior to the granting of any planning consent.
- 8.29** While this application would not necessitate a direct vehicular access onto the A40 there is however a need to safeguard this option should this be required in future. The applicant has provided an indicative plan showing how a link from CRE to the A40 could be provided through the site, if required. This 'safeguarded land' would need to be secured through the S.106.
- 8.30** Subject to resolving the outstanding matters above, compliance with conditions and securing a legal agreement for the above contributions, it is considered that safe, sustainable and suitable access can be achieved and the proposal would have an acceptable impact upon the highway network.

### ***Design and layout***

- 8.31** Section 12 of the NPPF sets out that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. It continues by stating that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Planning decisions should, amongst other things, ensure that developments will function well and add to the overall quality of the area and should be sympathetic to the local character, including the surrounding built environment.

- 8.32** JCS policy SD4 states that new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. It should be of a scale, type, density and materials appropriate to the site and its setting.
- 8.33** Policy RES5 of the TBP states proposals for new housing development should, inter alia, be of a design and layout that respects the character, appearance and amenity of the surrounding area and is capable of being well integrated within it and be of an appropriate scale having regard to the size, function and accessibility of the settlement and its character and amenity, unless otherwise directed by policies within the Development Plan.
- 8.34** NDP Policy CHIN2 requires new development to contribute to the local distinctiveness of Churchdown and Innsworth, be of a high quality, integrate with the area and provide natural features to define boundaries to the edge of the site.
- 8.35** The application site would be laid out with housing set to the eastern part of the site which would extend the existing western built-up edge to this part of Churchdown and would reflect the extent of the built area to the recent housing development to the northern side of CRE. The submitted Design and Access Statement has identified a considerable range of house ages, types and styles in the local area, reflecting the growth of Churchdown over the years.
- 8.36** The proposal has been reviewed by the Council's Urban Design adviser and various revisions and improvement have been made to the scheme during the application process. The application proposes a variety of house types and styles which would have a coherent appearance and compliment the variety and designs in the wider area. While the forms would be traditional, the proposed units have been formulated in a contemporary manner as a result of window designs and proportions, and porch detailing. The main materials would be a mix of red and buff brick under slate and tiled roofs. A number of plots would include cladding detail to the first-floor elements.
- 8.37** The properties would benefit from appropriate garden sizes and the layout would provide appropriate amenity space and living conditions for future occupiers. The on-plot landscaping also includes frontage hedges and tree planting which would reflect the suburban character of Churchdown and provide a high quality setting to the development.
- 8.38** The proposal would also provide 3.9 hectares of public open space (POS). This would comprise a band around the northern eastern and southern boundaries of the site and include a defined footpath route. The southern boundary adjacent to the A40 would also include a noise bund which would be planted with a broad belt of woodland to screen the development.
- 8.39** The main public POS would be set to the western part of the site and would be laid out with a central area of short grass surrounded by Summer and Tussock meadow, interspersed with woodland planting. The eastern corner would also include an area for allotments and associated parking provision. The precise details of the planting and species are being reviewed by the council's Landscape adviser, and any outstanding details and future maintenance could be secured by condition.
- 8.40** On balance, and subject to appropriate planning conditions, it is considered that the proposal would result in a high-quality and acceptable development.

### ***Residential amenity***

- 8.41** In respect of the impact of the development upon residential amenity, paragraph 130 of the NPPF specifies that planning decisions should ensure development creates places with a high standard of amenity for existing and future users. This advice is reflected in JCS policies SD4 and SD14 which require development to enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space. Development should have no detrimental impact on the amenity of existing or new residents or occupants. Policy RES5 of the TBP also sets out the proposals should provide an acceptable level of amenity for the future occupiers of the proposed dwellings and cause no unacceptable harm to the amenity of existing dwellings.
- 8.42** Policy SD11 of the JCS states that new housing should meet and where possible exceed appropriate minimum space standards. Policy DES1 (Housing Space Standards) of the TBP requires all new residential development to meet the Government's nationally described space standards as a minimum, to ensure that high quality homes are delivered that provide a sufficient amount of internal space appropriate for occupancy of the dwelling. The applicant has confirmed that all house types would achieve the nationally described space standards.
- 8.43** The proposed development would provide appropriate levels of private amenity for future occupiers. Concerns have been raised by existing occupiers in terms of potential impacts from the new development upon their properties. Having carefully reviewed and taken account of this issue, it is considered that, due to the proposed layout, separation distances and intervening landscaped buffer to the eastern boundary of the site, there would be no demonstrable harm to the living conditions of existing occupiers or future occupiers of the proposed development.
- 8.44** Concerns have been raised in respect of the impacts of traffic noise upon the proposed development from the A40. Revised details have since been received in respect of the bund and acoustic screen and these details are being reviewed. Any update will be reported to the Planning Committee meeting.
- 8.45** Subject to resolving outstanding noise concerns, the proposal would result in an acceptable environment for existing and future occupiers.

### ***Housing mix***

- 8.46** Policy SD11 of the JCS and RES13 of the TBP requires all new housing development to provide an appropriate mix of dwellings sizes, types and tenures in order to contribute to mixed and balanced communities and a balanced housing market. Housing mix should be based on the most up to date evidence of local housing need and market demand.
- 8.47** The Gloucestershire Local Housing Needs Assessment 2019 – Final Report and Summary (September 2020) (LHNA) provides the most up to date evidence based to inform the housing mix on residential applications. This report states that in Tewkesbury 3% of new market dwellings should be one-bedroom properties, with 13% having two bedrooms, 54% containing three bedrooms and 29% having four bedrooms or more.
- 8.48** The proposal would provide approximately 3% 1 bed units, 11% 2 bed units, 50% 3 bed units, 30% 4 bed units and 5 % 5 bed units. The proposed housing mix would therefore broadly accord with the borough needs and is considered acceptable.

### ***Affordable housing***

- 8.49** The NPPF sets out that Local Planning Authorities should set policies for meeting affordable housing need on development sites. Policy SD12 of the JCS requires a minimum of 35% affordable housing on site within Strategic Allocations.
- 8.50** A revised affordable housing layout plan has been received which sets out that the proposal would provide 51 affordable houses (35.2%) on site. Of this 70% would be social rent and 30% shared ownership.
- 8.51** While the amount of affordable housing is acceptable, the details of size, mix and type are being reviewed by the Council's Housing and Enabling Officer and would need to be agreed before the application could be permitted and the final details would need to be secured through a S.106 agreement.

### ***Drainage and flood risk***

- 8.52** The NPPF states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. Policy INF2 of the JCS seeks to prevent development that would be at risk of flooding. Proposals must avoid areas at risk of flooding and must not increase the level of risk to the safety of occupiers of a site and that the risk of flooding should be minimised by providing resilience and taking into account climate change. For sites of strategic scale, the cumulative impact of the proposed development on flood risk in relation to existing settlements, communities or allocated sites must be assessed and effectively mitigated. It also requires new development to incorporate Sustainable Urban Drainage Systems (SUDS) where appropriate to manage surface water drainage. This is reflected in Policy ENV2 of the TBP.
- 8.53** The application site is located entirely in Flood Zone 1, an area identified by the Environment Agency as being at a low probability of flooding from rivers and seas. However, as the site is over 1 hectare, in accordance with the requirements of the NPPF, the application is supported by a Site-specific Flood Risk Assessment (FRA) and Sustainable Drainage Strategy (SDS).
- 8.54** In terms of surface water drainage, the proposal would provide a range of swales and ponds, principally along the northern part of the site and within the public open space. Gloucestershire County Council as Lead Local Flood Authority (LLFA) have reviewed the FRA and Drainage Strategy and raise no objection to this proposal. The LLFA has confirmed that the residential dwellings are to be located outside the area identified as at risk from surface water flooding, with the area at risk being used as green amenity space and providing space for surface water attenuation from the developed area of the site.
- 8.55** The attenuation storage will ensure that surface water discharge, to the watercourse along the western boundary of the site, is restricted to the average greenfield runoff rate (QBAR) for all events. This means there will be some betterment in extreme events. Given the level of detail provided with this application the LLFA is satisfied that the proposal would not exacerbate the risk of flooding within the site or elsewhere.
- 8.56** In terms of foul water disposal, it is proposed to drain used water from the development to the existing foul sewer. Severn Trent Water has confirmed it has no objections to the proposals, subject to a condition securing detailed plans. It is also noted that the built development would be sited outside the easement for existing sewage infrastructure which runs through the site.

## ***Biodiversity***

- 8.57** The NPPF sets out, inter alia, that when determining planning applications, Local Planning Authorities should aim to conserve and enhance biodiversity by encouraging opportunities to incorporate biodiversity in and around developments, especially where this can secure measurable gains for biodiversity. Policy SD9 of the JCS seeks to protect and, wherever possible enhance biodiversity, including wildlife and habitats. Policy NAT1 of the TBP states that development proposals that will conserve, and where possible restore and/or enhance, biodiversity will be permitted.
- 8.58** The application has been supported by a suite of ecological assessments including an ecological desk study, two walkover survey reports, a Hedgerow Assessment, a Great Crested Newt eDNA Analysis (May 2022) and a Biodiversity Net Gain Preliminary Design Stage Report and Habitat Regulations Assessment.
- 8.59** The Council's ecological adviser had confirmed that the proposal would not adversely impact protected species and that protection and enhancements could appropriately be secured by condition.
- 8.60** The site lies within the impact risk zone for the Cotswolds Beechwoods Special Area of Conservation (SAC). Policy NAT1 of the TBP states that proposals that are likely to have a significant effect on an internationally designated habitats site (either alone or in combination with other plans or projects) will not be permitted unless a Habitats Regulations Assessment (HRA) has concluded that the proposal will not adversely affect the integrity of the habitats site.
- 8.61** The submitted Ecological Impact Assessment includes a shadow HRA, which considers the impact of the development in terms of recreational pressures on the nearby Cotswolds Beechwood SAC, as well as consideration to other sites of nature conservation concern. The shadow HRA sets out that the development is unlikely to generate significant numbers of recreational trips to the Cotswolds Beechwood SAC.
- 8.62** However, certainty can be provided through the provision of Homeowners Information Packs (HIP) to new residents, the details of which can be secured by way of planning condition should permission be granted.
- 8.63** In addition to the above, Policy NAT1 of the TBP states, inter alia, that proposals will, where applicable, be required to deliver a biodiversity net gain (BNG) across local and landscape scales, including designing wildlife into development proposals, the connection of sites and large-scale habitat restoration, enhancement and habitat re-creation. Locally defined ecological networks identified in Local Nature Recovery Strategies will be the primary focus for landscape scale net gain delivery. The reasoned justification sets out that the Council will expect all development to deliver a minimum net gain of 10% calculated using the DEFRA Biodiversity Metric (or any updated or replacement metric used as the industry stand
- 8.64** The Council's ecological adviser has reviewed the submitted details and advised that the Biodiversity Net Gain (BNG) calculation have demonstrated that the habitat mitigation and enhancements proposed would result in a net gain in biodiversity of approximately 34% for habitats and 15% for hedgerows. This gain is considered to be acceptable, exceeding the council's expectation of 10% and a benefit of the scheme.

### ***Historic environment***

- 8.65** Section 66 of the Listed Buildings and Conservation Area Act places a statutory duty on LPAs to have special regard to the desirability of preserving the setting of listed buildings. The NPPF sets out that heritage assets range from sites and buildings of local historic value to those of the highest significance and that these assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Policy SD8 of the JCS sets out that development should make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment.
- 8.66** There are two Grade II Listed buildings to the southeast of the site, separated by the A40. The impact of the development on these heritage assets has been assessed by the borough conservation officer who has advised that the development is distant from these buildings and separated by fields, trees and a busy main road. As such it is not considered that the proposal would cause harm to the heritage assets identified.

### ***Open Space, Outdoor Recreation and Sports Facilities***

- 8.67** The NPPF sets out that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. JCS Policy INF4 provides where new residential development will create or add to, a need for community facilities, it will be fully met as on-site provision and/or as a contribution to facilities or services off-site. JCS Policies INF6 and INF7 support this requirement. Policy RCN1 of the TBP requires the provision of appropriate public outdoor space, sports pitches and built sports facilities to meet the needs of local communities.
- 8.68** The Council's Community and Place Development Officer has advised that the development of 145 dwellings would have a population yield of 336 persons. To mitigate and provide facilities for future occupiers of the development, the officer has set out the following requirements:
- 0.44 playing pitch requirement which equates to a contribution of £46,200
  - A LEAP or comparable play provision
  - £65,933 for local community centre provision
  - Waste bin provision & signage
  - Allotments
- 8.69** While other contributions have been sought such as for maintenance of repair of existing facilities, it is considered that these contributions sought would not meet the relevant tests. However it should be noted that the Parish Council would benefit from CIL receipts which could be used to fund such local projects in the future
- 8.70** These contributions and provisions would need to be secured through a S.106 agreement.

### ***Education, library and community provision***

**8.71** JCS Policy INF6 relates directly to infrastructure delivery and states that any infrastructure requirements generated as a result of individual site proposals and/or having regard to the cumulative impacts, should be served and supported by adequate and appropriate on/off-site infrastructure and services. The Local Planning Authority will seek to secure appropriate infrastructure, which is necessary, directly related, and fairly and reasonably related to the scale and kind of the development proposal. Policy INF4 of the JCS requires appropriate social and community infrastructure to be delivered where development creates a need for it. JCS Policy INF7 states the arrangements for direct implementation or financial contributions towards the provision of infrastructure and services should be negotiated with developers before the grant of planning permission. Policy SA1 sets out that infrastructure should be provided comprehensively across the site taking into account the needs of the whole Strategic Allocation. Financial contributions will be sought through S106 and CIL mechanisms as appropriate.

**8.72** Gloucestershire County Council as Local Education Authority (LEA) has requested the following contributions to mitigate the impact of the development

**Pre-school - £921,519.06** towards places at St Mary's Catholic primary School and/ or the Churchdown Primary Planning Area

**Primary Education - £533,511** towards places at Churchdown and Chosen Hill schools and / or the Gloucester Secondary Planning area

**Secondary education - £188,298** towards places at Post-16 provision at schools in the Gloucester Secondary Planning Area

**8.73** In terms of libraries, Gloucestershire County Council have advised that the scheme would generate a need to improve the services at Churchdown and/or Longlevens Library. As such a contribution of **£28,420** is required to make the application acceptable in planning terms.

### ***Section 106 obligations***

**8.74** The Community Infrastructure Levy (CIL) Regulations allow local authorities to raise funds from developers undertaking new building projects in their area. Whilst the Council does have a CIL in place, infrastructure requirements specifically related to the impact of the development will continue to be secured via a Section 106 legal agreement. The CIL regulations stipulate that, where planning obligations do not meet the tests, it is 'unlawful' for those obligations to be taken into account when determining an application.

**8.75** These tests are as follows:

- a) necessary to make the development acceptable in planning terms.
- b) directly related to the development; and
- c) fairly and reasonable related in scale and kind to the development.



**8.76** JCS Policy INF6 relates directly to infrastructure delivery and states that any infrastructure requirements generated as a result of individual site proposals and/or having regard to the cumulative impacts, should be served and supported by adequate and appropriate on/off-site infrastructure and services. The Local Planning Authority will seek to secure appropriate infrastructure which is necessary, directly related, and fairly and reasonably related to the scale and kind of the development proposal. Policy INF4 of the JCS requires appropriate social and community infrastructure to be delivered where development creates a need for it. JCS Policy INF7 states the arrangements for direct implementation or financial contributions towards the provision of infrastructure and services should be negotiated with developers before the grant of planning permission. Financial contributions will be sought through S106 and CIL mechanisms as appropriate.

**8.77** Requests have been made by consultees to secure the following contributions:

- Affordable Housing - 35%
- Pre-school - £921,519.06
- Primary Education - £533,511
- Secondary education - £188,298
- Libraries - £28,420
- Playing pitch contribution of £46,200
- A LEAP or agreed play provision
- £65,933 for local community centre provision
- Safeguarding a potential road link
- £243,310.00 - contribution towards the JCS DS7 Package of Scheme Mitigation, Corridor 3 Scheme ref 20.
- £60,496.00 – contribution towards the signalisation of the B4063 Cheltenham Road East arm of the Elmbridge Court Roundabout or an alternative scheme which mitigates traffic impact at this location
- Developer Travel Plan deposit £43,955.00 and Monitoring fee £5,000 or
- Gloucestershire County Council led Travel Plan contribution £52,746.00
- Provision of household waste and recycling bins
- Dog waste bins & signs
- Allotment provision

**8.78** There is currently no signed agreement to secure these contribution requests, but they are capable of being resolved through the signing of an appropriate planning obligation and legal agreement.

## **9. Conclusion**

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**9.1** Section 38(6) of the Town and Country Planning Act 1990 provides that, if regard is to be had to the development plan, the determination must be made in accordance with the development plan unless other material circumstances indicate otherwise. Section 70 (2) of the Act 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.

**9.2** The proposed development would broadly comply with Policies SA1 - Strategic Allocations and A2 - South Churchdown of the JCS and would allow for a further parcel of the allocation to be delivered in the short term. Furthermore, it has been demonstrated that the development of this site would not prejudice the wider allocation and final parcel being brought forward as a separate application in the future.

## **Benefits**

- 9.3** Considerable weight is given to the social benefits of the development, namely the provision of new housing, including affordable housing which would contribute towards the housing needs identified within the JCS. The economic benefits that would arise from the proposal both during and post construction also be significant. Furthermore the proposal would also deliver additional benefits including the provision of public open space and the provision of SuDS facilities which would improve drainage conditions and provide ecological benefits.

## **Harms**

- 9.4** The proposal would result in the loss of an open field and extends the urban boundary of Churchdown. Furthermore and in the short term the proposal would result in the loss of some vegetation. The weight given to these harms must however be reduced and is limited given the allocation of the site in the JCS and that adequate mitigation is proposed.

## **Neutral**

- 9.5** Subject to resolution of the issues set out in section 8 above, there would be an acceptable impact in transport terms subject to s106 obligations and the imposition of suitable planning conditions. Similarly, subject to the views of the Community and Economic Development Manager, contributions towards sports, recreation and community facilities would mitigate impacts on existing social infrastructure.
- 9.6** The County Council is satisfied that subject to securing obligations relating to education and library contributions there is no objection to the proposals. In terms of ecology, there would be an acceptable impact on the Cotswolds Beechwood SAC subject to compliance with conditions and contributions. Furthermore, subject to resolving the outstanding matters detailed above, the proposal would not give rise to any unacceptable impacts in terms of noise, vibration, dust, odour and air quality to existing and future occupiers.

## **Conclusion**

- 9.7** It is considered that the delivery of development within a Strategic Allocation comprising much needed housing, including affordable housing, associated infrastructure and public open space would clearly outweigh the limited harms identified.

## 10. Recommendation

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**10.1** It is therefore recommended, subject to resolving outstanding matters detailed above:

**A.** That the Associate Director of Planning is delegated authority to **GRANT** planning permission subject to the conditions set out below, and any additional or amended conditions, and subject to completion of S106 legal agreements securing the requirements specified in the S106 Obligations section of the report (subject to any amendments arising from ongoing discussions). Where the S106 agreements have not been concluded prior to the Committee, a period not exceeding twelve weeks after the date of the Committee shall be set for the completion of the obligations.

**B.** In the event that the agreement has not been concluded within the twelve-week period and where, in the opinion of the Associate Director of Planning, there are no extenuating circumstances which would justify a further extension of time, the Assistant Director of Planning is Delegated Authority to **REFUSE** planning permission for the following reason on the basis that the necessary criteria essential to make what would otherwise be unacceptable development acceptable have not been forthcoming:

1. The applicant has failed to agree to planning obligations to secure the necessary infrastructure contributions and required open space contrary to JCS Policies INF4, INF6 and INF 7 and TBLP Policy RCN1.

## 11. Conditions

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**1** The works hereby permitted shall be begun before the expiration of three years from the date of this consent.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

**2** The development hereby permitted shall be carried out in accordance with the documents and drawings set out in the schedule received by the Local Planning Authority on 12<sup>th</sup> September 2023, 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.

### Prior to Development

**3** No development shall take place, including any site clearance works, until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the clearance and construction period. The plan shall provide for:

- 24-hour emergency contact number;
- Hours of operation;
- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Routes for construction traffic;
- Locations for loading/unloading and storage of plant, waste and construction

materials;

- Provision of wheel washing facilities and road sweeper;
- Measures to protect vulnerable road users (cyclists and pedestrians)
- Any necessary temporary traffic management measures;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

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

- 4** Prior to commencement of any development within a Construction (and demolition) Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include (but is not limited to):
- a. Site access/egress
  - b. Staff/contractor facilities and travel arrangements
  - c. Dust mitigation
  - d. Noise and vibration mitigation (Including whether piling or power floating is required and please note white noise sounders will be required for plant operating onsite to minimise noise when in operation/moving/ reversing)
  - e. Mitigation of the impacts of lighting proposed for the construction phase
  - f. Measures for controlling leaks and spillages, managing silt and pollutants
  - g. Plans for the disposal and recycling of waste
  - h. Measures to protect the retained hedgerows and trees
  - i. Measures to avoid harm/disturbance to wildlife

The development shall take place only in accordance with the approved CEMP.

Reason: To protect existing and proposed properties from the impacts of short-term exposure to noise, vibration, light and dust nuisance.

- 5** No development shall take place (with the exception of site clearance and preparation), until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

- 6** No development shall take place (with the exception of site clearance and preparation) until a detailed plan, showing the levels of the existing site, the proposed levels of the site, the proposed slab levels of the dwellings approved and a datum point outside of the site, have been submitted to and approved by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.

- 7 No development shall take place until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include a requirement to use locally sourced and native species for all planting, measures for hedgehogs incorporated into the development, and amphibian / reptile hibernacula, log piles and insect hotels. Additional mitigation / enhancements may be need to be included in the LEMP depending on the results of the desk study (and any further surveys, if required). The LEMP shall include plans showing locations and extent of all habitats and wildlife features, and a timetable of activities. A Responsible Person / organisation needs to be stated and the method by which the protection of retained, enhanced and created habitats and open spaces will be secured. The extent and location of removed, retained and newly created habitats presented in the LEMP should match that set out in the BNG assessment. The LEMP shall demonstrate that the BNG proposed in the BNG assessment will be achieved. The LEMP shall cover the first ten years of management following the commencement of construction and enabling works. Enhancement measures shall be included for existing natural habitats and created habitats, as well as those for protected species. All Ecological enhancements outlined in the LEMP shall be implemented as recommended in the LEMP and the number and location of ecological features to be installed shall be specified.

Reason: To ensure proper provision is made to safeguard wildlife and their habitats.

- 8 No above ground works shall take place until a lighting strategy scheme covering both construction and occupation phases has been submitted to and approved in writing by the Local Planning Authority detailing location and specification of the lighting supported by contouring plans demonstrating any light spill into adjacent habitats. This plan shall be completed in conjunction with advice from the project ecologist. And works implemented and maintained in accordance with the approved details.

Reason: To mitigate the impacts of light pollution.

#### **DURING CONSTRUCTION**

- 9 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 8.00 am-6.00pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.

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

- 10 If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved measures.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 11** During the demolition and/or construction phase the developer shall maintain communication with local residents. A letter drop should be undertaken to all the likely impacted residents. The letter should provide the following details;  
brief overview of site works, times scales, brief overview of measures to protect residents, a phone number and email address that residents can contact should they need to raise any concerns. Letter drops should be undertaken as the development moves through phases or if any particularly impactful works are due to take place.  
A noticeboard shall be erected which is accessible to the public to inform local residents of ongoing developments and provide key contact details such as the telephone number and email address. This notice board should be updated at regular intervals.

Reason: To protect the occupiers of existing and proposed properties from the impacts of short-term exposure to noise, vibration, light and dust nuisance.

- 12** No development above slab level shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment to each dwelling shall be completed before the building is. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

- 13** Notwithstanding the submitted details, no above ground development shall take place until precise details of the landscaping to development have been submitted to and approved in writing by the Local Planning Authority. The submitted design shall include scaled drawings and a written specification clearly describing the species, sizes, densities and planting numbers and a schedule for the implementation of the landscape scheme. Drawings must include accurate details of all existing trees and hedgerows with their location, species, size, condition, any proposed tree surgery and an indication of which are to be retained and which are to be removed. The landscaping shall thereafter be maintained for a period of 5 years. If during this time any trees, shrubs or other plants are removed, die, or are seriously diseased these shall be replaced during the next planting season with others of similar size and species unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year maintenance period.

Reason: Interest of the visual amenity of the area

- 14** No works above slab level shall take place until full engineering details of the proposed TOUCAN crossing on Cheltenham Road East (B4063) have been submitted to and approved in writing by the Local Planning Authority and no dwelling shall be occupied until the approved TOUCAN crossing has been constructed in its entirety.

Reason: To ensure that a safe, suitable, and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians.

- 15** No works above slab level 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.

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

## **PRIOR TO OCCUPATION**

- 16** No part of the development hereby approved shall be brought into use until visibility splays are provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 120 metres in each direction measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6 metres from the edge of the carriageway. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above carriageway level.

Reason: In the interests of highway safety.

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

Reason: To ensure the effective implementation of waste minimisation and resource efficiency.

- 18** Prior to occupation the first occupation of the proposed development hereby permitted details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.

Reason: To ensure that safe, suitable and secure access is achieved and maintained for all people that minimises the scope for conflict between traffic and cyclists and pedestrians.

- 19** No dwelling hereby permitted shall be occupied until the vehicular parking and turning facilities to serve that dwelling have been provided in accordance with approved drawing no. 847-145A, and those facilities shall be maintained available for those purposes thereafter.

Reason: To ensure that a safe, suitable, and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians.

- 20** No dwelling hereby permitted shall be occupied or be brought into use until the means of access for vehicles, pedestrians and cyclists to that dwelling have been constructed and completed as shown on drawing 847-05C – Planning Layout.

Reason: In the interest of highway safety.

## DURING OCCUPATION

- 21** The Residential Travel Plan hereby approved, dated May 2022 shall be implemented and monitored in accordance with the regime contained within the Plan. In the event of failing to meet the targets within the Plan a revised Plan shall be submitted to and approved in writing by the Local Planning Authority to address any shortfalls, and where necessary make provision for and promote improved sustainable forms of access to and from the site. The Plan thereafter shall be implemented and updated in agreement with the Local Planning Authority and thereafter implemented as amended.

Reason: To reduce vehicle movements and promote sustainable access.

## 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 Lead Local Flood Authority (LLFA) will consider how the proposed sustainable drainage system can incorporate measures to help protect water quality however pollution control is the responsibility of the Environment Agency.
- 3** Future management of Sustainable Drainage Systems is a matter that will be dealt with by the Local Planning Authority and has not, therefore, been considered by the LLFA.
- 4** Any revised documentation will only be considered by the LLFA when resubmitted through [suds@gloucestershire.gov.uk](mailto:suds@gloucestershire.gov.uk) e-mail address. Please quote the planning application number in the subject field.
- 5** The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out.

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

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

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



- 6 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.

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

You should enter into discussions with statutory undertakers as soon as possible to co-ordinate the laying of services under any new highways to be adopted by the Highway Authority.

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.

- 7 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.
- 8 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.
- 9 The applicant's attention is drawn to the need to ensure that the provision of the visibility splay(s) required by this consent is safeguarded in any sale of the application site or part(s) thereof.

- 10** 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.