

Planning Committee

Date	16 July 2024
Case Officer	Sarah Smith
Application No.	23/00755/FUL
Site Location	Roseleigh Stoke Road Stoke Orchard
Proposal	Full planning application for the erection of 126 dwellings and associated vehicular access, public open space, landscaping and other infrastructure including the demolition of the existing property known as Roseleigh along with associated outbuildings and the agricultural building located to the north of Banady Lane.
Ward	Severn Vale North
Parish	Stoke Orchard and Tredington
Appendices	Site location plan Site layout plan Affordable housing plan House pack plans – selection X6 Streetscene elevation plan
Reason for Referral to Committee	Full application for the erection of 10 or more residential units
Recommendation	Delegated Permit subject to conditions and S106 Agreement

Site Location



1. The Proposal

Full application details are available to view online at:

<http://publicaccess.tewkesbury.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RZFWURQDJLY00>

- 1.1 The application seeks full planning permission for the erection of 126 dwellings and associated vehicular access, public open space, landscaping and other infrastructure. It also involves the demolition of the existing residential property known as Roseleigh, along with associated outbuildings and the agricultural building located to the north of Banady Lane. The application site extends to approximately 6.4 hectares of land in total.
- 1.2 The proposed site would be accessed via a single point of vehicular access from Stoke Road to the south. Secondary and tertiary routes are then located off the central spine road which would traverse from the southern entrance to the north of the site. The development comprises of predominantly two storey dwellings along with a number of bungalows.
- 1.3 The majority of public open space would be arranged around the edges of the site, with an orchard area to the south-eastern corner, Locally Equipped Area of Play (LEAP) in the north-eastern corner, and a large balancing pond and public open space in the northern end of the site. These areas of public open space would be connected for pedestrians and cyclists via a footpath which would weave around the edge of the site. The footpath would also be accessed via the ends of several cul-de-sacs, and it would join up with existing public rights of way through Banady Lane and Dean Lane; the latter route intended to be the primary pedestrian route into the wider village.
- 1.4 The proposed development comprises of a mix of 75 units of open market housing and 51 units of affordable housing (40% affordable housing); further details are set out in the relevant sections of this report. During the course of this application, the quantum of dwellings has been reduced from 136 to 126 and the site layout and access arrangements have been amended on officer advice, and in response to comments received from the Parish Council.
- 1.5 The application proposes the following mix of dwellings:
 - 75 open market dwellings:
 - 5 x 2 bedroom houses
 - 31 x 3 bedroom houses
 - 39 x 4 bedroom houses
 - 51 affordable dwellings:
 - 6 x 1 bedroom properties, inc 2 maisonettes
 - 2 x 1 bedroom houses (bungalows)
 - 19 x 2 bedroom houses
 - 4 x 2 bedroom bungalows
 - 16 x 3 bedroom houses
 - 3 x 4 bedroom houses
 - 1 x 5 bedroom houses
- 1.6 The affordable dwellings would comprise of a mix of social rented (60%) and affordable home ownership tenure (40%), with the latter including shared ownership housing.

2. Site Description

- 2.1** The site is located on the eastern edge of the village of Stoke Orchard. Stoke Orchard is one of twelve designated Service Villages for the purposes of the settlement hierarchy in the Joint Core Strategy (JCS) and Tewkesbury Borough Local Plan (TBLP). The site is located outside of, but immediately adjacent to, the settlement boundary of Stoke Orchard as defined by the TBLP. However, part of the site contains an existing dwelling known as Roseleigh and its garden, which is proposed to be demolished.
- 2.2** The application site comprises of two adjoining parcels, one a rectangular shaped parcel located just to the north of Stoke Road and comprising of 4.1 hectares and the other a smaller parcel to north off Banady Lane comprising of 2.3 hectares (6.4 hectares in total). The eastern continuation of a track leading from Banady Lane connects the two parcels, running through their centre.
- 2.3** The southern parcel bounds Stoke Road to the south, beyond which is the Green Belt which aims to prevent Cheltenham coalescing with settlements to its north. To its west, it bounds the Juliana Group factory and the wider built-up area of Stoke Orchard. To its north, it bounds the track leading from Banady Lane, beyond which is agricultural land. To its east is agricultural land.
- 2.4** The northern parcel of the site bounds Banady Lane and the factory site to its south, existing residential development to the west, agricultural land to the east and to the north it bounds the eastern continuation of Dean Lane, a public right of way, beyond which is agricultural land.
- 2.5** The site is relatively flat and is not subject to any landscape, heritage or ecological 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. However, it is noted that there is no built form proposed within this latter area.
- 2.6** A listed building, Millers Court Barn, lies approximately 100 metres from the northwestern corner of the site. Aside from Roseleigh and its curtilage, the site comprises of Grade 3 'moderate to good' agricultural land, with an agricultural building situated in the southeast of the northern land parcel and a pond to its northwest. The site is within the zone of influence for the Cotswolds Beechwoods Special Area of Conservation (SAC).

3. Relevant Planning History

Application Number	Proposal	Decision	Decision Date
50/00109/FUL	Building new bedroom extension and interior alterations.	PER	23.03.1950
61/00049/OUT	Outline application for residential development.	REF	
77/00053/FUL	Alteration and extension to existing bungalow to provide a conservatory, wc, store and cloakroom.	PER	26.09.1977
19/00995/OUT	Outline application for the construction of 4no. detached dwellings with garages, access and associated infrastructure, with all matters reserved for future consideration except for access	REF	07.02.2020

4. Consultation Responses

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

- 4.1 Stoke Orchard and Tredington Parish Council** – No objection as long as any remaining unresolved issues raised by TBC/GCC are satisfactorily addressed including:
- Issues of highway safety re. street parking and refuse vehicles
 - Public transport provision including bus shelter provision and safe pedestrian access to bus stops
 - Poor footpath widths along Stoke Road carriageway which would not promote sustainable travel choices
 - Concerns regarding alternative active travel options- security, lighting and surfacing
 - Access arrangement / speed safety / traffic calming / marking / extension of 30mph stretch
 - S106 planning obligations important to the Parish have also been provided in the event that the proposed development is granted permission. The purpose of this is to provide or improve the necessary infrastructure to make the proposal acceptable; ensuring that the community needs would be met and that the benefits to the community outweigh any perceived adverse impact.
- 4.2 Gloucestershire County Highways** - No objection, subject to conditions and S106 Agreement.
- 4.3 National Highways** - No objection.
- 4.4 Gloucestershire County Council Community Infrastructure** - No objection, subject to S106 Agreement to secure library provision and educational transport.
- 4.5 Urban Design** - No fundamental objections.
- 4.6 Landscape Officer** - No objection in principle.
- 4.7 Environmental Health Officer** – No objection in principle subject to conditions including the extension of the acoustic fence around northeast corner of factory site.
- 4.8 Natural England** - No objection subject to appropriate mitigation to be secured by planning condition.
- 4.9 Ecologist** - No objection subject to conditions. A biodiversity net gain of approximately 54% for habitats and 26% for hedgerows is to be secured.
- 4.10 Historic England** – No comments.
- 4.11 Conservation Officer** - No objection.
- 4.12 Gloucestershire County Council Archaeology** – Further archaeological trial trenching and recording work has been completed and the report received. The County Archaeologist has been consulted and a formal response is awaited.
- 4.13 Environment Agency** - No objection.

- 4.14 Lead Local Flood Authority** - No objection. The area of the development falls within Flood Zone 1, with only the northern green infrastructure area within Flood Zone 2, which is acceptable. The submitted drainage strategy is suitable such that no additional conditions are recommended.
- 4.15 Severn Trent** - No objection.
- 4.16 Housing and Enabling Officer** - No objection.
- Welcomes 40% affordable housing contribution.
 - Split of 60% social rent and 40% affordable home ownership is supported.
 - Commitment to delivering Nationally Described Space Standards (NDSS) and a proportion of M4(2) Category 2 (Accessible and adaptable dwellings) and Regulation M4(3) Category 3 (Wheelchair user dwellings) is welcomed. A proportion of the units to be M4(2) and bungalows to be M4(3)- some of these latter should be for social rent.
 - Would prefer clustering up to 8 dwellings not 16.
 - Expect 31 dwellings to be delivered as social rent units (60% of affordable units) as set out in draft s106.
- 4.17 Communities Team** – Require off-site financial contributions towards community infrastructure.
- 4.18 Public Rights of Way Officer** - No objection.
- 4.19 Minerals and Waste** - No objection subject to condition.
- 4.20 Health and Safety Executive** – Standing advice offered.

5. Third Party Comments/Observations

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

- 5.1** The application has been publicised through the posting of a number of site notice for a period of 21 days.
- 5.2** 24 members of the public have raised objections to the scheme. The comments are summarised as follows:
- Concerns over the ability of highways infrastructure to cope with increased traffic and impact on highway safety
 - Internal roads only meet minimum standards and will be constrained with parking, tandem drives will encourage on street parking
 - Loss of village character/ feel, disproportionate to the size of village, little social value, Density too great, greenspace limited to perimeter of site, loss of barn structure
 - Tree felling and site preparation ahead of the planning consultation resulting in greater visibility of industrial structures and light pollution
 - Air pollution from traffic
 - The health benefits of the scheme from POS is not a benefit given development would result in loss of open fields,
 - Highway improvements should be in place before construction starts, bus stops should be funded, T junction at Banady Lane is dangerous, pedestrian route into the village should be improved, speed management needed on Stoke Road, traffic survey was in 2022 when COVID restrictions were still felt and should be in term time
 - Close to boundary of houses on Wards Hay Close, impacting on privacy.
 - Impact on wildlife

- No provision has been made for self-build housing.
- Local facilities overstretched and schools inadequate to accommodate more children.
- Endorse responsibility charts and meetings with developers ahead of construction,
- Impact on the power network
- Location is not cyclable as roads unsuitable
- No ultrafast broadband or similar addressed
- Previous planning application for 4 dwellings on part of the site was refused
- Previous application ecology reports reach different conclusions
- Details of the LEAP should be provided
- Accident surveys are incorrect
- Bungalows should be included
- Foul drainage concerns and surface water flooding impacts
- Does not accord with housing policy/ is not sustainable
- Loss of privacy to Stoke House

6. Relevant Planning Policies and Considerations

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 New 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 INF4 (Social Community Infrastructure)
- Policy INF6 (Infrastructure Delivery)
- Policy INF7 (Development Contributions)

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

- Policy RES3 (New Housing Outside 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: Building with Nature)
- Policy NAT5 (Cotswolds Beechwoods)
- Policy LAN2 (Landscape Character)
- Policy ENV2 (Flood Risk and Water Management)
- Policy RCN1 (Public Outdoor Space, Sports Pitch and Sports Facility Provision)
- Policy TRAC1 (Pedestrian Accessibility)
- Policy TRAC2 (Cycle Network and Infrastructure)
- Policy TRAC3 (Bus Infrastructure)
- Policy TRAC9 (Parking Provision)

6.5 Neighbourhood Plan

There is no 'made' Neighbourhood Development Plan for Stoke Orchard.

7. Policy Context

- 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) and the Tewkesbury Borough Plan to 2031 (June 2022) (TBLP).
- 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 and its associated Planning Practice Guidance (PPG), the National Design Guide (NDG) and National Model Design Code.

8. Evaluation

Principle of development

Conformity with the Development Plan

- 8.1** Policy SD10 of the JCS states that within the JCS area new housing will be planned in order to deliver the scale and distribution of housing development set out in Policies SP1 and SP2. Housing development will be permitted at sites allocated for housing through the development plan, including Strategic Allocations and allocations in district and neighbourhood plans.
- 8.2** In the remainder of the rural area Policy SD10 will apply for proposals for residential development. With relevance to the application, Policy SD10 states that housing development on other sites will only be permitted where it is previously developed land in the existing built-up areas of Service Villages, or:

- It is for affordable housing on a rural exception site in accordance with Policy SD12, or;
- It is infilling within the existing built-up areas of the City of Gloucester, the Principal Urban Area of Cheltenham or Tewkesbury Borough's towns and villages except where otherwise restricted by policies within District plans, or;
- It is brought forward through Community Right to Build Orders, or;
- There are other specific exceptions / circumstances defined in district or neighbourhood plans.

8.3 Policy RES3 of the TBLP also sets out the circumstances where new housing development will be considered acceptable in principle outside of settlement boundaries.

8.4 The application site represents open countryside land in planning terms due to it lying outside of, but adjacent to the settlement boundary for Stoke Orchard as defined in the TBLP and is not allocated for housing development. The site is not previously developed land within the built-up area of the service village; is not a rural exception scheme; and does not represent 'infilling'. It has not been brought forward for development through a Community Right to Build Order. There are no policies in the existing TBLP (including Policy RES3) which allows for the type of development proposed here.

8.5 It is therefore the case that the proposed development conflicts with Policy SD10 of the JCS and Policy RES3 of the TBLP. However, for the reasons set out below, it is also the case that these policies are presently 'out of date' in light of the Council's housing land supply position. These policies cannot therefore be afforded full weight in the decision-making process. The implications for this are set out below.

Five Year Housing Supply

8.6 The NPPF requires local planning authorities to demonstrate an up-to-date five year supply of deliverable housing sites. Where local authorities cannot demonstrate a five-year supply of deliverable housing sites, paragraph 11 of the NPPF sets out that the most important policies for the determination of an application, including housing policies, contained within development plans should not be considered up-to-date.

8.7 The published Tewkesbury Borough Five Year Housing Land Supply Statement October 2023 sets out the Council's position which is that it cannot, at this time, demonstrate a five year supply of deliverable housing land. The published position is that the Council's five year supply of deliverable housing sites is 3.4 years supply of housing land. Officers consider this shortfall is significant. The Council's policies for the provision of housing are therefore out of date in accordance with footnote 8 of the NPPF.

8.8 Paragraph 11(d) of the NPPF therefore applies and states that where policies which are most important for determining the application are out of date, permission should be granted unless: i) the application of policies in the Framework that protect assets of particular importance provides a clear reason for refusing the development; or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Conclusions on the Principle of Development

8.9 It is a material consideration that the Council cannot demonstrate a five-year supply of deliverable housing sites, with the supply shortfall acknowledged to be significant. In this regard, Policies SP2, SD10 and RES3, which are considered the most important policies for

the determination of the application, are considered out-of-date. This does not mean that no weight is attached to these policies but that the weight to be attached is limited.

- 8.10** In the circumstances of this application, the application site is immediately adjacent to the Stoke Orchard settlement boundary which is defined as a Service Village in the JCS. Taking account of the proximity of the site to the Stoke Orchard settlement boundary, the quantum of dwellings proposed, and the relative services and facilities available to this settlement, it is not considered that the harms arising from the conflict with the spatial strategy alone amount to an adverse impact that would significantly and demonstrably outweigh the benefits of the development (considered further below), when assessed against the policies of the NPPF as a whole.

Scale of Development and Social Impacts

- 8.11** The NPPF recognises that sustainable development includes a social objective and how healthy communities can be supported. Paragraph 9 of the NPPF states that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. Paragraph 83 of the NPPF states that to promote sustainable development in rural areas, housing development should be located where it will enhance or maintain the vitality of rural communities.
- 8.12** Policy SP2(5) of the JCS states that in Service Villages lower levels of development will be allocated through the TBLP and Neighbourhood Plans, proportional to their size and function, and also reflecting their proximity and accessibility to Cheltenham and Gloucester, also taking into account environmental, economic and social impacts. Policy RES5 of the TBLP also states that new housing development should be an appropriate scale having regard to the size, function and accessibility of the settlement and its character and amenity.
- 8.13** It is noted that the issue of social cohesion is one that has been considered for applications in Service Villages previously. The TBLP Housing Background Paper 2019 establishes that Stoke Orchard contained 93 dwellings at the start of the plan period in 2011 and that 236 dwellings had been delivered up to that point across the plan period.
- 8.14** However, the bulk of the previous growth at the village took place some time ago. The vast majority of this growth at the village is attributed to the development of the Former CRE site which received reserved matters approval in 2012 and was built out shortly after. This growth has been absorbed by the village and is now a well-established part of the community.
- 8.15** The development of the CRE site also brought some key community facilities to the village including a shop, community hall and recreational facilities. The applicant has asserted that the CRE development should form part of the existing baseline against which further cumulative growth should be measured, rather than the size of the village as it existed at the start of the plan period, as this is no longer representative of the existing village. Similarly, the Banady Lane development, which was granted reserved matters approval in 2015, has had some time to become established as part of the community and could potentially be considered as part of the existing baseline against which further growth should be assessed.
- 8.16** It is considered that the development would assist with supporting the viability of local services and facilities, including the village shop, community centre and bus service connecting the village with Tewkesbury and Bishops Cleeve, thus helping with their retention into the future and thereby helping to secure the social and sustainability benefits they can bring to the local community.

Stoke Orchard Parish Council has not raised any objections to the principle of the development nor its scale, subject to the resolution of highway related matters and the provision of additional community-based infrastructure.

- 8.17** In concluding on this matter, whilst the proposed development would increase the population of the village, it is not considered that this would have an adverse cumulative impact on the settlement taking into account that the previous developments during the plan period have become an established part of its community. The proposal could support the viability of existing local services and facilities thus potentially securing their retention in the long term and would provide affordable housing, green infrastructure and active travel opportunities that would also benefit the existing community subject to the satisfactory completion of S106 Agreements.
- 8.18** As such, the objectives of NPPF Paragraph 83 are considered to have been reasonably met.

Access and highway safety

- 8.19** The NPPF states that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making. Furthermore, development should only be prevented or refused on highways grounds where there would be an unacceptable impact on highway safety or the residual cumulative impacts of development are severe. JCS Policy INF1 requires that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters.
- 8.20** The proposal includes a single point of vehicular access off the Stoke Road, with the proposed layout showing a network of internal primary, secondary and tertiary routes through the development, as well as public footpaths. The scheme provides for a number of traffic calming measures within the internal layout, which are sited approximately every 70 metres throughout the development, and which are designed to ensure a system that operates at a 20mph design speed. The application plans include tracking plans that demonstrate that the largest of refuse vehicles used by Tewkesbury Borough Council (a 3.5 tonne delivery vehicle) will be able to turn and manoeuvre around the site, without causing safety or congestion issues.
- 8.21** The site access, including visibility splays, road widths, and footways have all been designed in accordance with national and local transport design guidance, and will be subject to Technical Approval as part of the Section 278 process. Within the site, there is also provision of EV charging, cycle parking and wider footways. On plot car parking is provided at a policy compliant rate of at least 2 spaces per dwelling and in some cases more. However there are some examples of more remote parking for some plots which the Highways Officer has pointed out in his response.
- 8.22** The proposal also involves a series of off-site highway improvements, as well as active sustainable travel initiatives and public transport improvements partly subject to the satisfactory completion of a S106 agreement. This includes areas of road widening and re-alignment, widening of existing footpaths, provision of new footway routes and new road signage and gateway features. The proposal also involves relocating the 30mph zone beyond the access point of the proposed development, to ensure that vehicles approach the site at slower speeds that would otherwise have been the case.
- 8.23** A footpath/cyclepath link is also proposed to provide connectivity to the remainder of the village via Banady Lane, which will give future residents an opportunity to use the services and facilities that the village has to offer on foot. This is an important feature of the scheme from an accessibility and sustainability perspective.

- 8.24** The County Highway Authority has considered the application and have sought a number of design improvements and upgrades during the course of this application as part of an iterative process. They have concluded that, subject to appropriate conditions and planning obligations, the application would not have an unacceptable impact on highway safety or a severe impact on congestion. Whilst footpath widening improvements to the full extent to improve sustainable choices along Stoke Road itself have not been possible due to the available width on balance the proposed footpath/cycle link to Banady Lane would provide an acceptable alternative. There are no objections from National Highways in terms of impact on the strategic road network.
- 8.25** In terms of parking standards, the Highways Authority consider that the level of parking is sufficient, accords with the required standards and is acceptable.
- 8.26** The County Highways Authority has also requested planning obligation contributions towards public transport improvements, home to school transport, travel planning and Traffic Regulation Orders to secure the relocation of the speed limit restrictions in the area. Planning conditions can also be imposed to secure other works where necessary.
- 8.27** The full set of planning obligations required by the County Highways Authority include:
- Home to School Transport - £339,142.40
 - Public Transport - £150,000
 - Travel Plan - £50,364
 - Traffic Regulation Order for speed limit relocation - £15,000
- 8.28** It is understood that these contributions have been agreed by the County Highways Authority with the applicant and would be secured via Section 106 Agreement. They are deemed necessary as the nearest secondary schools are beyond the statutory walking and cycling distances and a contribution is required to manage the impact of the proposed housing development on the transport network. The public transport improvements are justified considering the increased strain on local bus services that will arise from the provision of additional residents using the services.
- 8.29** The proposal is therefore considered acceptable with regard to highway safety and accessibility and complies with Development Plan Policies INF1 and TRAC1, TRAC2, TRAC3 and TRAC9.

Landscape and Visual impact

- 8.30** Paragraph 180 of the NPPF sets out that the planning system should contribute to and enhance the natural and local environment by, inter alia, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.
- 8.31** JCS Policy SD6 states that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. Proposals will have regard to local distinctiveness and historic character of the different landscapes and proposals are required to demonstrate how the development will protect or enhance landscape character and avoid detrimental effects on types, patterns and features which make a significant contribution to the character, history and setting of a settlement or area.

- 8.32** The application site is not located within any nationally or locally designated landscape designation. Also, it does not comprise of a 'Valued Landscape', thus the provisions of NPPF paragraph 180a do not apply. Therefore, there are no specific policies in national or local planning policy that would preclude the development of this site in principle from a landscape and visual perspective.
- 8.33** Policy RES5 bullet point 3 of the TBLP states that new housing development should, where an edge of settlement location is proposed, respect the form of the settlement and its landscape setting, not appear as an unacceptable intrusion into the countryside and retain a sense of transition between the settlement and the countryside. Policy LAN2 of the TBLP states that all development must, through sensitive design, siting, and landscaping, be appropriate to, and integrated into, their existing landscape setting.
- 8.34** The application is supported by a Landscape and Visual Impact Assessment (LVIA), which considers the impact of the proposed development on the landscape and has been reviewed by the Council's Landscape Advisor. The LVIA identifies several potential viewpoints of the application site, most of which are short-distance and localised views. It also assesses the resulting development in the context of the proposed scheme.
- 8.35** The LVIA concludes that there would be moderately negative effects on the change in land use and rural character and perceptual connectivity with the countryside in the short term, but this would reduce to neutral in the long term as the proposed planting within the site and on the boundary of the site matures. The landscape and visual impacts were considered to be relatively minor and there would be no impact on the wider setting of the Cotswolds National Landscape according to the LVAA. The LVIA also concludes that the new public open space that surrounds the site and provides for a green buffer to the development, would improve connectivity between the existing settlement and Stoke Road.
- 8.36** The Council's Landscape Advisor has reviewed the LVIA and agrees that the viewpoints are largely appropriate and concurs that the site is not unduly prominent in long-distance views. The Landscape Advisor has made some suggestions during the application process to soften the development further, and the applicant has made some of those suggested changes.
- 8.37** Officers have carefully considered the comments from the Landscape Advisor and the content of the applicant's LVIA. There would be an inevitable degree of landscape impacts from the development of the site itself and wider moderately negative effects on views from some localised vantage points. However, this is inevitable in any case where undeveloped land is replaced with built form. The alterations to the site layout and design that have been made following Officers advice, has further limited the visual impact. A full soft and hard landscaping scheme would be secured by Condition and would need to address comments raised by the Landscape Officer in relation to tree species existing and proposed on the site. The Landscape Officer has also raised issues in relation to the proposed play area and this issue is addressed later in the report.
- 8.38** Considering all the above, by virtue of the landscape and visual harm that would arise, there would be some conflict with Policy SD6 of the JCS and Policy LAN2 of the TBLP. These identified limited harms must be weighed against the need for, and benefits from, the proposed development as part of the overall planning balance, to identify whether the harm would substantially and demonstrably outweigh the benefits. In this context, officers consider that the overall landscape and visual impact of the proposal is a matter which weighs moderately against the proposals in the overall planning balance.

Design and layout

- 8.39** The NPPF sets out that the creation of high quality, beautiful and sustainable buildings and places are fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development. This is now reflected in the National Design Guide, which provides planning practice guidance for beautiful, enduring and successful places.
- 8.40** JCS Policy SD4 provides 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.
- 8.41** Criterion 6 of Policy SD10 of the JCS states that residential development should seek to achieve maximum density compatible with good design, the protection of heritage assets, local amenity, the character and quality of the local environment, and the safety and convenience of the local and strategic road network.
- 8.42** The proposed residential layout is relatively uniform with a block structure of largely back-to-back units, allowing for a permeable and legible environment, as well as attractive spaces, served by active frontages, natural surveillance and streets/spaces framed by buildings. The architectural approach is generally traditional in its appearance, scale and proportions, which reflects the prevalent character of Stoke Orchard and its wider surroundings. The scheme provides for a band of public open space to the southern entrance, eastern and northern boundaries, which provide a green buffer and softens the development to some degree. It also provides for a sense of arrival to the village from the approach to the village from the east.
- 8.43** In terms of scale, the dwellings would be primarily two storeys with a mix of roof types and gable features to break up the built form. The scheme also includes a number of bungalows, which helps to reduce the apparent scale and density of built form, as well as providing a house type for which there is an identified need. In this regard, it is noted that Stoke Orchard Parish Council specifically requested that the applicant include bungalows within the scheme. This mix is supported by the Council's Housing and Enabling Officer.
- 8.44** Officers have liaised with the applicant throughout the course of the application and secured a number of design and layout changes during the consideration of the application, which respond to officer concerns. These changes have resulted in a reduction in the number of dwellings across the site from 136 to 126.
- 8.45** The latest revisions have been proposed following liaison with the Council's Urban Design Advisor which include the strengthening of the Design and Access Statement to provide further design rationale for certain aspects of the scheme, a reduction in density along the western boundary of the site and the relocation of car parking to provide a greater level of on-plot parking to the side of each plot, thus reducing the appearance of hard front parking courts. Several changes have also been made to elevational treatments.
- 8.46** It is noted that the applicant has, in some cases, chosen not to follow all the recommendations made by the Urban Design Advisor. This includes a reluctance to relocate the LEAP play area, which the applicant feels is suitably located.

- 8.47** The Urban Design Advisor has advised that the revised plans in many cases have resolved their previous concerns but there are still some areas which they feel could be amended further in order to lift the quality of the scheme, such as through the relocation of certain plots and through further elevational including fenestration changes to key plots. However, the applicant has confirmed that they are unwilling to make any further changes to the scheme at this point.
- 8.48** Overall, on balance, the layout and design approach is now considered to be acceptable. The layout would provide for active frontages and good levels of natural surveillance. The development would provide good levels of amenity space and landscaping, whilst accommodating the necessary drainage infrastructure. In terms of the proposed house types, the proposed materials reflect that of the surrounding area, and are considered acceptable subject to conditions requiring the submission of materials and detailed design.
- 8.49** In light of the above, the design of the proposal is considered acceptable and complies with the design expectations of the NPPF and JCS Policy SD4.

Residential amenity

- 8.50** Paragraph 135 of the NPPF states that applications for development should create places that are safe, inclusive and accessible which promote health and well-being, with a high standard of amenity for existing and future users. JCS policies SD4 and SD14 require development to enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space and the avoidance or mitigation of potential disturbances, including visual intrusion, noise, smell and pollution. Development should have no detrimental impact on the amenity of existing or future new residents or occupants.
- 8.51** Policy RES5 of the TBLP states that proposals for new housing development should, amongst other things, provide an acceptable level of amenity for future occupiers and cause no unacceptable harm to the amenity of existing dwellings.
- 8.52** The original application was accompanied by a Noise Survey due to the proximity of the site to the neighbouring Juliana Group Factory. The Noise Survey assessed the scheme against existing background noise levels and concluded that there would be an acceptable impact having regard to the guidance contained within BS:4142:2014. However, following some local concerns, and due to the proposed layout showing some housing backing on directly to the factory site, Officers requested that further noise and odour survey work be undertaken in respect of potential nuisance from the site boundaries.
- 8.53** The applicant commissioned additional Noise and Odour Survey work, which has been carried out in accordance with a methodology agreed by the Council's Environmental Health Officers. The Noise Survey identifies that unmitigated noise levels at the site boundary would be at a level that would be deemed unneighbourly and therefore mitigation is required. The Noise Survey proposes an acoustic fence along the site boundary with the Juliana Group Factory, which it says would acceptably mitigate this impact to an acceptable level in accordance with B4142:2014. Furthermore, the housing has been set back further from the boundary, thus providing larger gardens. This further mitigates any potential impact.
- 8.54** In terms of odour, the assessment concludes that there is a low risk of detectible odours at a frequency or intensity that may significantly affect amenity. It concludes that no mitigation is required in this regard. In reaching this conclusion it is noted that there is no history of odour complaint from other nearby residential properties, and the issue of odour was not raised on other previous planning applications that have directly abutted the factory.

The Council's Environmental Health Officer (EHO) has been reconsulted on the additional survey work and there is no objection in principle subject to conditions relating to the mitigation measures including the extension of the acoustic fence around northeast corner of factory site.

- 8.55** In terms of other aspects of residential amenity, the application proposes predominantly two-storey dwellings with some bungalows, but the residential properties are sited a significant distance from other nearby existing residential properties and there be no impacts in terms of overlooking, loss of outlook or overbearing impacts to existing residents. Officers have carefully considered this relationship and taking account of the separation distances and the scale of existing and proposed dwellings, it is considered that the proposal would cause no overriding harm to the amenity of existing residents.
- 8.56** With regard to the residential amenity of future residents, the site layout has been carefully considered by officers to ensure that the development can achieve acceptable levels of amenity. The separation distance between rear facing habitable room windows is at least 20 metres in all instances, and in terms of external amenity space, each dwelling would be provided with adequate garden amenity area and the internal arrangements and room sizes provide adequate amenity. In respect of the arrangement of windows, the orientation and layout is such that there would be no unacceptable overlooking between the dwellings.
- 8.57** Overall, subject to conditions, it is considered that the proposed development would result in acceptable levels of amenity for existing and future residents in accordance with JCS policies SD4 and SD14, Policy RES5 of the TBLP and the NPPF.

Housing mix and Affordable housing

- 8.58** JCS Policy SD11 states that housing development will be required to provide an appropriate mix of dwelling sizes, types and tenures in order to contribute to mixed and balanced communities and a balanced housing market. Development should address the needs of the local area, including the needs of older people as set out in the local housing evidence base, including the most up to date Strategic Housing Market Assessment (SHMA).
- 8.59** JCS Policy SD12 sets out that on sites outside of strategic allocations, a minimum of 40% affordable housing will be sought. It follows that they should be provided on-site and should be seamlessly integrated and distributed throughout the development scheme.
- 8.60** In terms of housing mix, the proposal provides for a wide mix of 1, 2, 3, 4 and 5 bedroom properties, which includes a proportion of bungalows, as supported by the Council's Housing and Enabling Officer and Stoke Orchard Parish Council. A total of 12 bungalows are provided across the site. This will ensure that a range of properties are proposed to meet people of all ages and abilities, including housing designed for elderly people.
- 8.61** With regard to affordable housing, the application proposes 51 affordable dwellings, which equates to the required 40%. Of those, 60% are proposed to be social rented tenure and the remaining 40% being affordable home ownership (including shared ownership) properties. The housing mix is proposed as follows:

- 6 x 1 bedroom properties, inc 2 maisonettes
- 2 x 1 bedroom bungalows
- 19 x 2 bedroom houses
- 4 x 2 bedroom bungalows
- 16 x 3 bedroom houses
- 3 x 4 bedroom houses
- 1 x 5 bedroom house

- 8.62** The Council's Housing and Enabling Officer has confirmed his support for the quantum of affordable housing, as well as the tenure split and the proposed affordable housing mix, which is broadly in line with the mix that was originally requested.
- 8.63** In terms of the clustering of affordable housing, the application is accompanied by a plan that shows how these units will be distributed across the site. The plans shows that the affordable housing would be spread across the whole development in clusters of no more than 16 dwellings. The Housing Enabling Officer has indicated a preference for the affordable homes to be clustered into groups of no more than 8 affordable homes for the purposes of equality and good design. However, the applicant has highlighted that the Council has previously sought clusters of up to 16 homes for developments of this scale. On balance it is not considered that this layout is so harmful in this respect as to recommend refusal on such grounds taking into account the scale of the development overall.
- 8.64** The Housing Enabling Officer has also requested that a proportion of affordable units comply with M4 (3) and M4 (3) standards, which provide for level access and properties with facilities for people with limited abilities. This would typically be secured within the Section 106 Agreement and it should be noted that the applicant has indicated that they will be able to provide such properties.
- 8.65** On balance, Officers are satisfied that the affordable housing proposal, in terms of quantum, tenure split, mix and clustering would be appropriate. All properties also comply with Nationally Described Space Standards (NDSS).
- 8.66** The applicant has indicated that the affordable housing would be secured through a S106 Agreement. As such, the proposal is considered to accord with JCS Policies SD11 and SD12.

Drainage and flood risk

- 8.67** JCS Policy INF2 states that development 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 the impacts of climate change. 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 TBLP and the NPPF.
- 8.68** The Environment Agency Flood Map shows the majority of the application site to be located within Flood Zone 1 (lowest risk of flooding), with the northern most section of the site at the Banady Lane/Dean Lane end falling within Flood Zone 2 (medium risk). Consequently, the built form of the development would all be sited within Flood Zone 1, which complies with the Sequential Test of national planning policy. The Flood Zone 2 area is given over to Green Infrastructure only, which is compatible with national policy.
- 8.69** The application is supported by a Flood Risk Assessment and Drainage Strategy. The Drainage Strategy confirms that infiltration drainage is not a viable solution for surface water disposal. It is therefore proposed to direct surface water runoff to the Dean Brook to the north following the drainage hierarchy.
- 8.70** It is proposed to introduce a new gravity stormwater system with attenuation and a controlled discharge for up to a 1 in 100 year event plus 40% climate change allowance, which will reduce the risk of flooding downstream. The proposed strategy utilises sustainable forms of drainage through the proposed inclusion of an attenuation basin to accommodate the necessary storm water storage, to be located within the north of the site. Swales will also be

incorporated providing direct drainage of highways. The water flows from the attenuation basin will mimic the existing greenfield condition of the site.

- 8.71** The LLFA raise no objection and advises that the drainage strategy identifies surface water attenuation facilities to accommodate a suitable volume of surface water to control discharge from the site to acceptable, greenfield equivalent levels.
- 8.72** In respect to foul drainage, it is proposed to direct this to a connection to a manhole chamber on Dean Lane to the west of the site. On the southern plot, given the topography of the land, the northern half is to be drained by gravity to the foul sewer on Dean Lane, with the southern half drained to the foul sewer system present in the west of this section of the site. Any connection to the existing sewer is subject to approval from the local water authority, and this is subject to separate legislative regime. The Drainage Strategy includes a maintenance scheme for the long-term management of the drainage system.
- 8.73** Whilst some 3rd party representations have referred to issues in relation to foul water drainage Severn Trent Water has been consulted and have raised no concerns over capacity of the mains network or the ability to connect to it subject to informatives.
- 8.74** In light of this, the application is considered acceptable in regard to drainage and flood risk and complies with JCS Policy INF2.

Biodiversity

- 8.75** Paragraph 186 of the NPPF states that if significant harm to biodiversity resulting from a development cannot be avoided through locating on an alternative site with less harmful impacts, be adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. JCS Policy SD9 seeks the protection and enhancement of biodiversity and geological resources of the JCS area in order to establish and reinforce ecological networks that are resilient to current and future pressures.
- 8.76** Policy NAT1 of the TBLP states that development likely to result in the loss, deterioration or harm to features, habitats or species of importance to biodiversity, environmental quality or geological conservation, either directly or indirectly, will not be permitted unless: a) the need for, and benefits of the development clearly outweigh its likely impact on the local environment, or the nature conservation value or scientific interest of the site; b) it can be demonstrated that the development could not reasonably be located on an alternative site with less harmful impacts; and c) measures can be provided (and secured through planning conditions or legal agreements), that would avoid, mitigate against or, as a last resort, compensate for the adverse effects likely to result from development. The policy also states that proposals, where applicable, will be required to deliver a biodiversity net gain and the Reasoned Justification confirms that a minimum of 10% biodiversity net gain will be expected. Policy NAT5 of the TBLP states that development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the Cotswold Beechwoods Special Area of Conservation (SAC) (alone or in combination), and the effects cannot be mitigated.
- 8.77** Natural England were consulted on the application and requested that a Shadow Habitat Regulations Assessment (sHRA) be undertaken given the proximity of the site to the Cotswolds Beechwood SAC. A sHRA has since been undertaken and this meets the relevant legislative requirements. The sHRA proposes that the SAC be mitigated through the implementation of Home Information Packs (HIPs), which would be provided to all future occupants of the property to inform them of the issues surrounding the SAC, and opportunities for other recreation. Subject to this there would be no significant effects on the recreational

value of the SAC. Subject to mitigation Natural England have no objections. The Council's Ecologist has also assessed this and is satisfied with the sHRA.

- 8.78** The application is also supported by a variety of ecological species surveys. This includes surveys for bats, badgers, dormice, reptiles, great crested newts and otter. Survey work began in June 2022 and updated survey work was carried out during the winter of 2023. The survey work has found some evidence of pipistrelle bats, which is the most common type of bat, in the vicinity of the site. A lower number of lesser horseshoe bats were also recorded. It was concluded that bats can be adequately mitigated through existing hedgerows and tree retention and through new green corridors within the development and new planting.
- 8.79** Elsewhere, great crested newts were found in a nearby pond to the north-west of the site, and as such, a GCN Licence will be required with mitigation agreed with Natural England. This is to be secured through a separate legislative process. The surveys conclude that there would be no overall undue impact on ecology and protected species that could not be adequately mitigated and secured by means of planning condition.
- 8.80** As this proposal is a 'Major development' it is now also required to meet the legislative requirements of 10% mandatory Biodiversity Net Gain (BNG). The application is accompanied by a BNG assessment which shows that the scheme will result in an overall 54.19% net gain in habitat units and a net gain of 25.64% in hedgerow units within the red line boundary. The BNG policy and legislative requirements are therefore exceeded in this case.
- 8.81** The Council's Ecological Advisors have been consulted on the application and have raised no objection, subject to conditions to secure the necessary mitigation as set out in the technical reports. This mitigation would include a Construction Environmental Management Plan (CEMP) and Method Statement, a Landscape and Ecological Management Plan (LEMP) and full landscaping scheme and details of a proposed lighting strategy all to be first submitted to and approved in writing by the Council.
- 8.82** Overall, subject to the imposition of appropriate conditions, it is considered that the proposed development would be acceptable in terms of ecological and biodiversity matters and is in accordance with Policies SD9 of the JCS and NAT1 and NAT5 of the TBLP.

Historic Environment

- 8.83** Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on the Council to have special regard to the desirability of preserving listed buildings, their setting or any features of special architectural or historic interest which they possess.
- 8.84** A listed building, Millers Court Barn, lies approximately 100 metres from the northwestern corner of the site, but this is a sufficient distance to ensure no adverse impacts. The Council's Conservation Officer has been consulted on the application and advises that there are no built heritage assets that would be affected by this proposal and raises no objection.
- 8.85** Paragraph 200 of the NPPF states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

- 8.86** The application was originally accompanied by an archaeological desk-based survey. However, the County Archaeologist requested that a programme of archaeological trial trenching work be undertaken on the site prior to the determination of the application. This was deemed necessary due to there having been some records of a possible medieval moated site within the northern area of the application site, with the potential for roman and/or medieval agricultural remains in the area.
- 8.87** Following this, a geophysical survey was first undertaken, which helped to inform a Written Scheme of Investigation for a programme of trial trenching. The programme was agreed, and the trial trenching has recently taken place, with the results having been made available to the County Archaeologist.
- 8.88** The recording involved the digging of 11 trial trenches across the site. Despite the potential for archaeological remains, it is understood that the only features identified were ridge and furrow indicating earlier agricultural activity. The only archaeological finds recovered were several sherds of post-medieval and medieval pottery from the subsoil of some trenches. As such, the site is considered to have negligible archaeological potential.
- 8.89** Whilst the County Archaeologist's comments on the Archaeological Recording are awaited, given the findings it seems unlikely that there will be a requirement for any further field evaluation work and there is no archaeology present that is likely to require any preservation in situ. However an update will be provided at Committee.
- 8.90** In light of this, but subject to confirmation from the County Archaeologist, the application is considered acceptable with regard to any impact on heritage assets and archaeology.

Section 106 obligations

- 8.91** 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.
- 8.92** 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.
- 8.93** 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.
- 8.94** 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.

Open Space, Outdoor Sport and Recreation and Community Facilities

- 8.95** The application site will deliver over 2 hectares of on-site public open space. An on-site Locally Equipped Area of Play (LEAP) is proposed, which will cater for young children. It is not considered that the proposed layout of the LEAP and level of equipment proposed is acceptable in its current form however then precise details can be controlled by condition and S.106.
- 8.96** The site is not of a size that would need to deliver on-site playing pitches and changing facilities, which is sought by TBLP Policy RCN1. In such circumstances, it is normal for a financial contribution to be secured in lieu of on-site provision.
- 8.97** The Council's Community Team has used the Sport England Calculator tool to seek the provision of off-site financial contributions towards certain sporting and community facilities arising from this development. The Sport England Calculator has a standard list of facilities that it seeks contributions for, and based on a population uplift, it calculates the quantum of the sums requested on a formulaic approach. The Sport England Calculator has provided the following sums:
- Playing Pitches - £43,050
 - Changing Rooms - £118,900
 - Community Centre - £61,840
 - Sport hall - £63,017
 - Astroturf pitch - £8,636
 - Bowls - £2,497
 - Swimming pools - £69,942
- 8.98** The Sport England Calculator is a nationally prescribed tool to assist local authorities in calculating the need for facilities. However, it does not provide site-specific evidence relating to the local need for specific facilities. In this regard, it lacks the robustness required to confirm compliance with the CIL Regulations tests.
- 8.99** Whilst the applicant accepts that it would be reasonable for a contribution towards community and sporting facilities to be made, the applicant has challenged the need for all of the above contributions to be provided.
- 8.100** With this in mind, the applicant has proposed the following contributions towards community and sporting facilities and pitches, which they consider to be reasonable in scale and kind to the development. These contributions are offered in lieu of the individual contributions set out by the Sport England Calculator above.
- MUGA improvements - £43,050
 - Community Centre/Village Shop/Play Area - £118,900
- 8.101** Stoke Orchard Parish Council have engaged with the Council and applicant on the need for funding for improved community and sporting facilities within their Parish. Indeed, the Parish Council has set out a list of items that they wish to receive funding for in order to meet the needs of their community going forward. This includes extending their existing MUGA, making improvements to the Community Centre, replacing the existing Community Hall flooring and lighting, soundproofing of the committee rooms, enclosing the minibus shelter, providing integrated sun shades from the main play park and a refit of the village shop to improve flow and access.

8.102 The Parish Council have considered the applicants latest proposal above and have confirmed their support for that proposal, which they consider will go a long way to meeting the funding needs for the improvements that they wish to make.

8.103 The Council's Communities Team and been consulted on the applicant's proposal, but to date, no firm position has been established. The Landscape Officer has also requested a contribution to be made towards allotments. An update will be provided at Planning Committee on this matter, and if necessary, it is considered that this matter could be delegated to Officers to negotiate the final community/sports facilities contribution with the applicant.

Education, library and community provision

8.104 Gloucestershire County Council as Local Education Authority (LEA) has been consulted on the application and has not requested contributions towards primary and secondary school places, as their forecasts confirm that there is currently adequate capacity to accommodate the pupils arising from this development at Tredington and Bishops Cleeve Primary Schools and at Cleeve and Tewkesbury Secondary Schools. However, as set out elsewhere in this report, due to the distance of the schools from the application site, Gloucestershire County Council is seeking transport contributions towards the secondary age establishments with spare capacity rather than contributions towards providing additional places arising from this development at the closest school. This is detailed within the 'Access and Transport' section of this report and the figures are summarised below.

8.105 In terms of libraries, Gloucestershire County Council has advised that the scheme would generate a need to improving customer access to services through refurbishment and upgrades, improvements to stock, IT and digital technology and increased services at Bishops Cleeve Library. As such a contribution of £24,696 is required to make the application acceptable in planning terms, which is a standard multiplier of £196 per dwelling.

8.106 The applicant has confirmed that these contributions are acceptable in principle, and they are capable of being resolved through the signing of an appropriate Section 106 Agreement.

Summary of Section 106 Contributions

8.107 In summary, the following package of Section 106 obligations is proposed by the applicant:

- 40% affordable housing
- On site public open space (circa 2 hectares)
- Provision of on-site LEAP
- Home to School Transport - £339,142.40
- Public Transport - £150,000
- Travel Plan - £51,048
- Traffic Regulation Order - £15,000
- Library contribution - £24,696
- MUGA/playing pitches - £43,050
- Community/changing facilities - £118,900
- Recycling/Waste bins - £9,198
- Provision of off-site highway works

8.108 As set out above, the MUGA/playing pitch and community/changing facilities contribution is subject to further consideration by the Council's Communities Team and an update will be provided at Committee. In any event, it is considered that this matter could be delegated to

Officers to negotiate the Community facilities contribution with the applicant following the Planning Committee resolution.

- 8.109** These matters will be suitably addressed through the signing of an appropriate planning obligation and legal agreement, which would be secured following the Committee resolution and prior to the issuing of any planning permission.

9. Conclusion

- 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** Whilst Stoke Orchard is a designated Service Village as defined by the JCS where some new housing development is expected to be provided, the application site lies just outside the defined settlement boundary for Stoke Orchard. The site is not allocated for housing development and there are no policies in the existing TBLP which allow for the type of development proposed here. In this respect, the proposal conflicts with Policy SD10 of the JCS and Policy RES3 of the TBLP.
- 9.3** However, on the basis that the Council cannot at this time demonstrate a five-year supply of deliverable housing sites, having a significant shortfall at 3.4 years of deliverable supply, the most important policies for determining the application are deemed to be out of date and less weight must be given to them. Paragraph 11(d) of the NPPF therefore applies.
- 9.4** Paragraph 11(d)(i) relating to protecting areas or assets of particular importance is not engaged in this case. On that basis, planning permission should be granted unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF as a whole.

Benefits

- 9.5** The delivery of 126 market and affordable housing would provide significant social and economic benefits, particularly at a time when the Council has such a significant shortfall in its 5-year housing land supply requirement and when the need for affordable housing is so great. The proposed development would make a significant contribution to the housing requirements of the Borough.
- 9.6** There would be economic benefits both during and post construction through the creation of new jobs and the support to existing local services and the local economy. This is acknowledged within the planning system to be a substantial benefit particularly weighing in favour of significant housing developments.
- 9.7** This development is also submitted as a full planning application, which would be subject to a planning condition requiring development to commence within 3 years. As such, this would allow for the delivery of housing within a reasonably short timeframe which would mean that the proposal should be able to deliver housing within 5 years and ensures that it will make a significant contribution towards the deliverable five-year housing land supply. This adds further positive weight in favour of the development.

- 9.8** There are also benefits arising directly from the proposals including the provision of a LEAP, publicly accessible open space and off-site planning obligations. This includes some off-site community contributions, where Stoke Orchard Parish Council have identified a need in order to improve their existing community infrastructure within the village. Given that these benefits are directly related to the development to make the proposal acceptable in planning terms, Officers afford these benefits significant weight.

Harms

- 9.9** Harm arises from the conflict with development plan policies relating to the distribution of housing, namely Policy SD10 of the JCS and Policy RES3 of the TBLP. However, this is tempered by Stoke Orchard's Service Village status, and it is further recognised that these policies are deemed to be out of date as the Council cannot currently demonstrate a 5-year housing supply. With this in mind, Officers afford moderate weight to this harm and the conflict with the plan-led approach.
- 9.10** Some harm also arises due to the impact of providing development on land that is presently undeveloped, which will inevitably cause a degree of landscape and visual impact. However, the land does not fall within any nationally or locally designated landscape and the Council's Landscape Advisor has not raised any fundamental in principle objections to the scheme.
- 9.11** Overall, officers consider that the landscape impact of the proposal is a matter which weighs moderately against the proposals in the planning balance.
- 9.12** The proposal would also result in the loss of Best and Most Versatile agricultural land (grade 3). This is considered to be a relatively minor harm arising from the proposal and would carry limited weight.
- 9.13** The development does not propose planning obligations contributions to some sports provision categories and allotments.

Neutral

- 9.14** The proposal is considered acceptable with regard to highway safety and accessibility. The National Highways and County Highways Authority are both satisfied that the development provides for acceptable site access, parking and sustainable transport provision, subject to the imposition of planning conditions and a Section 106 Agreement.
- 9.15** The proposal also provides an acceptable housing mix and does not have an unacceptable impact on trees or biodiversity once mitigation measures are secured and implemented. The scheme provides for a policy compliant amount of affordable housing, public open space, green Infrastructure and play provision, and subject to Planning Obligations, provides for some off-site community, public transport and educational infrastructure.
- 9.16** In design terms, the scheme is considered to be acceptable on balance and the proposal is unlikely to give rise to unacceptable impacts on residential amenity. Any such impacts can be acceptably mitigated through the use of planning conditions. The scale of the development has been found to be acceptable having regard to the size and function of the settlement and the services and facilities available to it.
- 9.17** The development would not be at an unacceptable risk of flooding and appropriate drainage infrastructure can be provided. The proposal would not have an adverse impact on designated heritage assets, and archaeological remains would not be adversely affected by this development proposal.

Overall Conclusions

- 9.18** Whilst there is some conflict with the housing policies of the Development Plan, this is a case where the 'tilted balance' is engaged through the provisions of the NPPF. Having carefully considered all the submitted comments and representations, and reviewed the relevant policy and material planning considerations, officers consider that whilst planning harms have been identified, these harms, would not significantly and demonstrably outweigh the benefits of the proposal in the overall planning balance.
- 9.19** For these reasons officers recommend that planning permission is granted subject to appropriate conditions and planning obligations.

10. Recommendation

- 10.1** The 'tilted balance' as set out in the NPPF is engaged. The identified harms, would not significantly and demonstrably outweigh the benefits of the proposed development in the overall planning balance and assessment.

It is therefore recommended:

- A.** That the Associate Director of Planning is given 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).
- B.** In the event that the agreement has not been concluded within a twelve-week period following the Committee's resolution 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 has 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 affordable housing, open space and infrastructure contributions required to make the scheme acceptable and the proposal is therefore contrary to JCS Policies SD12, INF4, INF6 and INF7 and TBLP Policy RCN1.

11. Conditions

- 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 following documents:
- Location Plan (Dwg. PD-001 Rev A)
 - Site Layout (Dwg No.PD-004 Rev AE)
 - Storey Heights Plan (Dwg. No. PD-003 Rev C)
 - Use and Amounts Plan (Dwg. PD-005 Rev C)

- Affordable Housing Plan (Dwg. No. PD-006 Rev C)
- Parking Strategy Plan (Dwg. PD-007 Rev C)
- Refuse Strategy Plan (Dwg. PD-008 Rev C)
- Materials Layout (Dwg. PD-009 Rev D)
- Electrical Charging Points Plan (Dwg. PD-011 Rev B)
- Enclosures Plan (Dwg. Pd-037 Rev C)
- Street Scenes (Dwg No. 038- PD- 026)
- House Types Pack – March 2024 (received by the LPA on 19th April 2024)
- LEAP Proposals Plan – (Dwg. 22058.111 Rev C)
- Gate Details Plan – (Dwg. PD-FEN-001 Rev A)
- Screenwall Plan – (Dwg. PD-WAL-001 Rev A)
- Substation Plan and Elevations (Dwg. PD-012-SUB)
- Access & Visibility Plan – (Dwg No. 210824 SK01 H)
- Speed Limit Relocation & Gateway – (Dwg. No 210824 SK05-P01)
- Indicative Sensitivity Visibility & Access – (Dwg. No. 210824-SK06-P01)
- Pedestrian Crossing and Bus Stop – (Dwg. No. 210824-SK07-P02)
- Tracking Plan - 12m Rigid Bus - (Dwg. No. 210824-SP06-P02)
- Indicative Alternative Access – (Dwg. No. 210824-SK04-P01)
- Off-site Highway Works – (Dwg. No. 210824-TP-6000-P03)
- Overview Plan - (Dwg. No. TP- 8000- P01)
- Addendum Design and Access Statement by Harper Crewe – (February 2024)
- Odour Assessment by Rappor (February 2024)
- Noise Report by Rappor (March 2024)
- Transport Assessment by Rappor (July 2023)
- Residential Travel Plan by Rappor (July 2023)
- Shadow Habitat Regulations Assessment by Ecology Solutions (November 2023)
- Biodiversity Net Gain Report by Ecology Solutions (November 2023)
- Ecological Assessment by Ecology Solutions (November 2023)
- Briefing Note: Consideration of Otter by Ecology Solutions (November 2023)
- Arboricultural Survey, Impact Assessment and Protection Plan (31st October 2022)
- Phase 1 Desk Study (ground investigation) – (September 2022)
- Energy and Sustainability Strategy Statement by (September 2022)
- Flood Risk Assessment and Water Management Statement by Rappor (July 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.

- 3** Notwithstanding the submitted details, prior to commencement of the development hereby permitted precise details of proposed levels, including floor slab levels and ridge heights of proposed buildings and finished ground levels relative to existing levels on the site and on adjoining land, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented strictly in accordance with the approved details.

Reason: In the interests of residential amenity

- 4** Notwithstanding the submitted details, no development shall take place until a comprehensive scheme for hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The Landscaping Scheme shall be based on the submitted Landscape Strategy Plan (drawing no. 22058.101 Rev K) and shall include details of all existing trees (including spread and species) and hedgerows on the land, and details of any to be retained, together with measures for their protection during the course of construction. The Landscaping Scheme shall also include details of

all proposed planting, including species, density, and the height and spread of trees, and details of the design, position, height and materials of all the proposed boundary treatments including the acoustic fence.

Reason: To ensure that the new development will be visually attractive in the interests of amenity.

- 5** If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place.

Reason: To ensure that the new development will be visually attractive in the interests of amenity.

- 6** Notwithstanding the submitted plans, no construction works above ground level of the dwellings hereby permitted shall commence until samples of the proposed external walling and roofing materials of all proposed buildings and all hard surfacing materials have been submitted to and approved in writing by the Local Planning Authority. Thereafter all such materials used in the development shall conform to the approved samples.

Reason: To ensure that the external appearance of the proposed development will be in keeping with the character of the area in the interests of visual amenity.

- 7** Prior to commencement of the development hereby permitted, details of a Construction (and demolition) Environmental and Ecological Management Plan (CEEMP) shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period. The details shall include but not be restricted to:

- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Advisory routes for construction traffic;
- Any temporary access to the site;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud and dust being carried onto the highway;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Noise and vibration mitigation;
- Mitigation of the impacts of the lighting proposed for the construction phase;
- Ecological safeguards;
- Highway Condition survey;
- Methods of communicating the CEEMP Plan to staff, visitors and neighbouring residents and businesses.

Reason: To protect existing and proposed properties from the impacts of short-term exposure to noise, vibration, light and dust nuisance, the protection of any wildlife and habitat during construction phase and 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.

- 8** 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.

- 9** The proposed development shall be carried out fully in accordance with the drainage strategy contained within the submitted Flood Risk and Water Management Statement dated July 2023. The approved scheme for the surface water and foul drainage, together with the associated SuDS management and maintenance proposals, shall be implemented in accordance with the approved details before the development is first occupied and maintained as such thereafter.

Reason: To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage, flood risk and water quality in the locality.

- 10** No development shall take place until a Landscape and Ecology Management Plan (LEMP) expanding upon the measures set out in the submitted Ecological Appraisal dated November 2023 has been submitted to and approved in writing by the Local Planning Authority. It should 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 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 should demonstrate that the BNG proposed in the BNG assessment would be achieved.

Reason: In the interests of biodiversity.

- 11** Prior to the first occupation of any dwelling, a Homeowner Information Pack (HIP) setting out the location and sensitivities of the Cotswolds Beechwoods Special Area of Conservation (SAC) shall be submitted to and approved in writing by the Local Planning Authority. The HIP shall include reference to the sensitivities of the site, messages to help the new occupiers and their families enjoy informal recreation at the SAC and how to avoid negatively affecting it, alternative locations for recreational activities and off road cycling and recommendations to dog owners for times of the year dogs should be kept on the lead when using the SAC. Two copies of the HIP shall be provided to all future residents prior to the occupation of each dwelling.

Reason: To ensure that residents are made aware of the nearby recreational opportunities as well as emphasising the sensitivities of the Cotswolds Beechwoods Special Area of Conservation.

- 12** Notwithstanding the submitted details prior to the commencement of development, details of any external lighting should be submitted to and approved in writing by the Local Planning Authority. The details should clearly demonstrate that lighting would not cause excessive light pollution of the orchard and the boundary habitats.

The details should include, but not be limited to, the following:

- i) A drawing showing sensitive areas and/or dark corridor safeguarding areas;
- ii) Description, design or specification of external lighting to be installed including shields, cowls or blinds where appropriate;
- iii) A description of the luminosity of lights and their light colour including a lux contour map;
- iv) A drawing(s) showing the location and where appropriate the elevation of the light fixings; and
- v) Methods to control lighting control (e.g. timer operation, passive infrared sensor (PIR)).

Reason: In the interests of biodiversity, residential amenity and the minimisation of light pollution.

- 13** All external lighting should be installed in accordance with the specifications and locations set out in the approved details and maintained thereafter in accordance with these details. No additional external lighting shall be installed without the agreement in writing by the Local Planning Authority.

Reason: In the interests of biodiversity, residential amenity and the minimisation of light pollution.

- 14** The developer shall implement all recommended noise mitigation measures as detailed in the Noise Assessment by Rappor dated March 2024, full details of which shall be submitted to and approved in writing by the local planning authority prior to first occupation of the development.

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

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

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

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

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

- 17** No dwelling served by the access shall be occupied until details of the access including (lines, widths, levels, gradients, street lighting, cross sections, highway trees and drainage) have been submitted to and approved in writing by the Local Planning Authority. No dwelling served by the access shall be occupied until the access has been provided in accordance with the approved details and shall be maintained thereafter for no other purpose for the life of the development.

Reason: To ensure safe and suitable access and layout.

- 18** No part of the development shall be occupied until the access roads and parking areas have been provided in accordance with the approved details and shall be retained for no other purpose for the life of the development.

Reason: In the interest of highway safety.

- 19** No part of the development shall be occupied until details of the active travel links from the Eastern side of the site to Banady Lane and connecting PROW AS019 and access roads as indicated on SK03 D including (Lines, 3m min widths with 0.5m buffer either side, levels, gradients, cross sections, lighting, drainage) have been submitted to and approved in writing by the Local Planning authority. No part of the development shall be occupied until the active travel links have been provided in accordance with the approved details and shall be retained for no other purpose and open for public use for the life of the development.

Reason: In the interest of highway safety.

- 20** No part of the development shall be occupied until the East / West active travel links from the site access routes to the East / West boundaries of the site have been completed and shall be retained for no other purpose and open for public use for the life of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of highway safety.

- 21** No part of the development shall be occupied until the visibility splays have been provided in accordance with the approved details and shall be retained for the life of the development. No structure or vegetation greater than 600mm shall be placed within the visibility splay.

Reason: In the interest of highway safety.

- 22** No part of the development shall be occupied until details of cycle storage including (the storage facility and 1.1m access routes from the access road) have been submitted to and approved in writing by the Local Planning authority. No part of the development shall be occupied until the cycle storage and access routes have been provided in accordance with the approved details and shall be retained for no other purpose for the life of the development.

Reason: To promote sustainable travel and healthy communities.

- 23** No part of the development shall be occupied until redundant accesses have been removed and the Highway made good and reinstated with full height kerbs or a reinstatement approved in writing with the Local Highway Authority.

Reason: In the interests of highway safety.

- 24** The development hereby permitted shall not be occupied until the details of the solar panels have been submitted to and approved in writing by the Local Planning Authority. The solar panels shall be installed in accordance with the details so approved.

Reason: In the interests of visual amenity.

- 25** Notwithstanding the submitted drawings full details of the proposed LEAP shall be submitted to and approved in writing by the Local Planning Authority. The LEAP shall be constructed in accordance with the approved details and maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: The submitted details are not appropriate and will require further consideration in the interests of amenity.

- 26** Heat pump systems shall be designed and installed by a Microgeneration Certification Scheme (MCS) certified installer. The installation shall comply with the Microgeneration Certification Scheme planning standards (MCS 020) (which include requirements on noise). The installation documents shall be made available to the local planning authority within seven working days upon request.

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

- 27** Any contamination that is found during the course of construction of the development that was not previously identified shall be reported immediately to the local planning authority. Development on that part of the site affected shall be suspended and a risk assessment carried out by a competent person and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development (or relevant phase of development) is resumed or continued.

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.

12. Informatives

- 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 subject to Section 106 Agreements, which should be read in conjunction with the planning permission.
- 3** 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. The drawings approved by this application are considered indicative only and will be subject to change in the process of gaining a technical approval.

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

Drafting the Agreement
A Monitoring Fee

Approving the highway details
Inspecting the highway works

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

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

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

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

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

- 5** 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. The drawings approved by this application are considered indicative only and will be subject to change in the process of gaining a technical approval. 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. 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 coordinate 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.

- 6** 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.

- 7 The development hereby approved and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authorities Network Management Team at Network&TrafficManagement@gloucestershire.gov.uk before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.
- 8 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.
- 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 The proposed development will require a Travel Plan as part of the transport mitigation package (together with a Monitoring Fee and Default Payment) and the Applicant/Developer is required to enter into a legally binding Planning Obligation Agreement with the County Council to secure the Travel Plan.

Gloucestershire County Council has published guidance on how it expects travel plans to be prepared, this guidance is freely available from the County Councils website. As part of this process the applicant must register for Modeshift STARS and ensure that their targets have been uploaded so that progress on the implementation of the Travel Plan can be monitored.

Modeshift STARS Business is a nationally accredited scheme which assists in the effective delivery of travel plans, applicant can register at www.modeshiftstars.org

- 11 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 CMP 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.

- 12** The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which allows the Highway Authority to recover additional costs of road maintenance due to damage by extraordinary traffic.

Before any work is commenced upon the development hereby approved representatives of Gloucestershire County Council, as the Highway Authority and the applicant, shall carry out a joint road survey/inspection on the roads leading to this site. Any highlighted defects shall be rectified to the specification and satisfaction of the Highway Authority before work is commenced on the development hereby approved. A further joint survey/inspection shall be undertaken following completion of development hereby approved and any necessary remedial works shall be completed to the specification and satisfaction of the Highway Authority within 1 month or other agreed timescale.

- 13** The development includes a retaining wall adjacent to the highway and the Applicant/Developer is required to have regard to Section 167 of the Highways Act 1980, which in some circumstances requires plans, sections and the specification of the retaining wall to be submitted to the County Council for its separate approval before works on the development can commence.