

**Exception site for 37 affordable homes at Land North of Oddington Road Stow-on-the-Wold Gloucestershire**

<b>Full Application 23/01513/FUL</b>	
Applicant:	Bayhill Property Limited
Agent:	SF Planning Limited
Case Officer:	Martin Perks
Ward Member(s):	Councillor Dilys Neill
Committee Date:	16 October 2024
<b>RECOMMENDATION:</b>	<b>PERMIT</b> subject to completion of a <b>S106 Legal Agreement</b> covering provision of affordable housing and financial contribution to secondary education, libraries, school transport and bus stop improvements

**OFFICER UPDATE**

This application was first brought to Planning and Licensing Committee on the 13th December 2023. Committee Members resolved to approve the application subject to the completion of a S106 legal agreement covering the matters set out above.

A S106 legal agreement has yet to be completed with the result that a decision notice has not yet been issued. The applicant is now seeking to vary the mix of affordable housing proposed for the site. This application has therefore been brought back to Planning and Licensing Committee in order that Committee Members can confirm whether the proposed changes are acceptable.

The original application description was '*Exception site for 37 affordable homes (22No. rented and 15No. shared ownership)*'. Due to funding and viability issues the applicant now wishes to change the mix/tenure of the proposed housing. The application description has therefore now been changed to '*Exception site for 37 affordable homes*'.

The original scheme proposed 6 dwellings for social rent, 16 dwellings for affordable rent and 15 shared ownership dwellings. The applicant now wishes to increase the number of dwellings intended for social rent to 9. This change relates to 3 dwellings (Plots 8-10) located in the south-eastern corner of the application site. The aforementioned plots were initially proposed as shared ownership units. In addition to this change, the applicant wishes to change the remaining 12 shared ownership plots to affordable rent if they are unable to sell the shared ownership units within a 3 month marketing period. The applicant initially suggested a Rent to Buy option as part of the change. However, Officers had concerns about such an option as it would ultimately result in the loss of the dwellings as affordable

units, which would be contrary to the reason for allowing this development as a Rural Exception Site (RES).

The proposed changes do not seek to reduce the number of affordable dwellings proposed on the site. A total of 37 affordable homes would still be provided. The proposed changes reflect economic circumstances and are intended to ensure that a viable scheme can be delivered, The provision of additional dwellings for social rent is considered to represent a betterment in terms of affordability. Cotswold District Council's document 'Our Cotswolds Our Plan 2024-2028' states '*We will deliver good quality housing that is genuinely affordable, to enable local people on low incomes to stay local.*' Social rent is usually capped at around 40%-50% of open market rental values whilst affordable rent is typically capped at 80%.

With regard to the change from shared ownership to affordable rent, it is also considered that this is a reasonable request. A marketing period would remain in place for a 3 month period, which would still enable persons with a local connection to make an offer for a shared ownership dwelling, thereby addressing such a need. However, the proposed change would also provide the applicant with more flexibility when it comes to the delivery of the housing, enabling them to provide an alternative form of tenure should no offers be made for any or all of the shared ownership dwellings.

It is noted that Local Plan Policy H3 states that an RES is intended to meet '*an identified need within that parish or community for affordable housing.*' The original mix of housing was based on the findings of the Swells Neighbourhood Plan Housing Needs Assessment (HNA) March 2022, which indicated 17 homes for social rent, 5 homes for affordable rent and 15 shared ownership dwellings. The aforementioned document represents a snapshot in time. The Council's Housing Strategy Officer also considered other sources of information such as the Council's Housing Needs Register and its choice-based letting system (Homeseekerplus). The mix and tenure previously agreed was considered to address current needs in the parish. The current proposal would increase the number of social rented units to a level closer to than identified in the HNA. In addition, the shared ownership properties would continue to be offered as such, albeit for a limited time. The shared ownership element would not therefore be lost from the scheme in its entirety.

The Council's Housing Strategy Manager has confirmed that he is agreeable to the proposed changes and that the changes continue to meet an identified need within the parish.

It is not proposed to change the size of design of the proposed dwellings or the layout of the scheme.

It is considered that the proposed changes are acceptable.

With regard to other matters, it is noted that the Stow-on-the-Wold & the Swells Neighbourhood Plan 2023 - 2031 passed its referendum on the 28th September 2024. Following the recommendations of the Neighbourhood Plan Inspector, the land lying to the north of the town, that was initially proposed for 170 dwellings

(including 70 affordable dwellings), was removed from the version of the plan put forward for referendum. This current proposal is therefore no longer in addition to an alternative site proposed by the Town Council. The proposal is considered not to conflict with the new neighbourhood plan nor the Stow and the Swells Design Code.

It is noted that the National Planning Policy Framework (NPPF) was updated subsequent to the 13th December 2023 Committee meeting. As a result, a number of NPPF paragraph numbers referred to in the original Officer report have changed. NPPF paragraphs 78, 174, 176, 179 and 180 should now be read as paragraphs 82, 180, 182, 185 and 186 respectively. The wording of the aforementioned paragraphs has not changed.

**A copy of the Officer report presented to the 13th December 2023 meeting follows:**

**1. Main Issues:**

- (a) Residential Development Outside a Development Boundary
- (b) Affordable Housing
- (c) Design and Impact on the Character and Appearance of the Cotswolds Area of Outstanding Natural Beauty
- (d) Access and Highway Safety
- (e) Flooding and Drainage
- (f) Impact on Residential Amenity
- (g) Impact on Biodiversity

**2. Reasons for Referral:**

2.1 This application has been referred to the Planning and Licensing Committee at the request of Cllr Neil for the following reasons:

*2.1.1 This is a controversial application. While it seems to fulfil the requirements for a rural exception site, policy H3 of the local plan, there are concerns about the housing mix. Your report, & the housing needs assessment submitted for the neighbourhood plan suggest that 17 of the houses should be for social rent. However, there are only 6 units in this application.*

*2.1.2 This site was turned down at appeal ten years ago although this was for a much larger market development*

*2.1.3 There is significant concern about access onto the Oddington Rd & a report from GCC highways is not posted on the portal.*

*2.1.4 There is concern about the provision for sewage, there have been significant leaks from the local system in the recent past.*

2.1.5 *There is mention of land allocated to the Community Land Trust as part of the application. At the moment, there is no agreement with the CLT & this needs to be further explored.'*

### **3. Site Description:**

- 3.1 This application relates to the western part of an agricultural field located adjacent to the eastern edge of the town of Stow-on-the-Wold. The application site measures approximately 2.2 hectares in size and forms part of a larger field which measures approximately 4 hectares in area. The western boundary of the application site adjoins an existing recreational ground (King George's Field). The site's northern boundary primarily adjoins the rear gardens of a number of post war dwellings fronting onto Griffin Close to the north. A section of the northern boundary of the site measuring approximately 20m in length adjoins part of an agricultural field. The eastern boundary of the site adjoins an agricultural field and is currently open. The southern boundary of the site is defined by trees and vegetation and adjoins the A436.
- 3.2 The application site is located outside, but adjacent to, Stow-on-the-Wold Development Boundary as designated in the Cotswold District Local Plan 2011-2031. The aforementioned boundary extends around the edge of the residential development lying adjacent to the northern edge of the applications site. It also runs along the western edge of King George's Field recreation ground where it is located approximately 140m from the site.
- 3.3 The site is located within the Cotswolds Area of Outstanding Natural Beauty.
- 3.4 The site is located outside of Stow-on-the-Wold and Mangersbury Conservation Area. The boundary of the conservation area is located approximately 420m to the west of the site. The nearest listed building to the site is the Grade II listed Old School Meeting Hall which is located approximately 350m to the west of the application site.
- 3.5 The site is located in Flood Zone 1 as designated by the Environment Agency.

### **4. Relevant Planning History:**

- 4.1 13/01856/OUT Outline application for the erection of up to 146 dwellings with all matters reserved except access (access to be from Oddington Road). Refused 2013. Appeal dismissed by Secretary of State 2015 (Appeal Ref: APP/F1610/A/13/2203411).

### **5. Planning Policies:**

- DS4 Open Market Housing o/s Principal/non-Pr
- H1 Housing Mix & Tenure to meet local needs
- H2 Affordable Housing
- H3 Rural Exception Site
- EN1 Built, Natural & Historic Environment
- EN2 Design of Built & Natural Environment
- EN4 The Wider Natural & Historic Landscape

- EN5 Cotswolds AONB
- EN7 Trees, Hedgerows & Woodlands
- EN8 Bio & Geo: Features Habitats & Species
- EN14 Managing Flood Risk
- EN15 Pollution & Contaminated Land
- INF3 Sustainable Transport
- INF4 Highway Safety
- INF5 Parking Provision
- INF7 Green Infrastructure

## **6. Observations of Consultees:**

- 6.1 Gloucestershire County Council Highways: No objection subject to conditions
- 6.2 Gloucestershire County Council Lead Local Flood Authority: No objection
- 6.3 Gloucestershire County Council Community Infrastructure: Requests financial contributions of £38,515.50 to secondary education and £7,252 towards library services.
- 6.4 Gloucestershire County Council Archaeology: No objection
- 6.5 Gloucestershire County Council Minerals and Waste: Comments received regarding waste minimisation. Views incorporated into report.
- 6.6 Housing Officer: No objection - views incorporated in report
- 6.7 Landscape Officer: No objection
- 6.8 Biodiversity Officer: No objection
- 6.9 Thames Water: No objection
- 6.10 Environmental and Regulatory Services Contamination: No objection

## **7. View of Town/Parish Council:**

### **7.1 Response received on the 24th May 2023:**

*7.1.1 'Council opposes the application for the following reasons: it is prejudicial to the emerging Neighbourhood Plan; there is inadequate provision for pedestrian access to the development given there is no pavement on the Oddington Road which is a dangerous stretch of road, and no permission for access via King Georges Playing Field has been sought and is unlikely to be granted, and there is no highways report for the proposed right-turn lane; parking provision needs to be increased to allow for visitor parking; Council is very concerned that the housing does not appear to be truly affordable for local people given it is only defined as 80% of market value which would not be affordable in this area. If the application were to be approved Council*

*requests a condition or guarantee that priority for housing is given to Stow and surrounding villages specifically. '*

## **7.2 Response received on the 5th October 2023:**

- 7.2.1 *'Council notes there are new documents and wishes to make the following additional comments:*
- 7.2.2 *Council is concerned that the new active travel route will interfere with the entrance to King Georges Field, both our lower gate to the field and the pedestrian gate which has steps in the verge.*
- 7.2.3 *Council is concerned that the vehicle entrance to the development is on a bend where traffic can be travelling at 60 miles an hour and visibility is very limited.*
- 7.2.4 *Council notes there is no report from GCC Highways among the application documents. We ask that a Highways report be made available and that it addresses the above issues.'*

## **8. Other Representations:**

8.1 23 objections, 10 support and 4 general comments received.

### **8.2 Main grounds of objection are:**

- i) The access/exit point is in an extremely dangerous location, the plans make the bend look ok and not that bad - however, the area for access is a really sharp bend. Access point would lead to numerous accidents and possible fatalities. The speed limit in that area isn't kept to in the first instance.
- ii) The proposed site access with the busy A436 main road in close proximity of a bend is both inappropriate and dangerous.
- iii) Local people from Stow and the surrounding villages have knowledge of many more incidents over the years on this stretch of the main road near to the application site access that are not shown in the Transport statement.
- iv) The allocation of only 3 visitor spaces for 37 homes will lead to visitors parking in and obstructing residents spaces.
- v) Adverse impact on AONB.
- vi) Proposed development wouldn't be in keeping with current properties within Stow and also seems too far out of the town for a housing development.
- vii) One property has no rear windows which look strange.
- viii) Would result in an increase in traffic through Stow.
- ix) Loss of privacy and light to existing dwellings to north.

- x) Loss of view.
- xi) Noise and disturbance during construction phase.
- xii) The plans seem vague, they have an 'area for future planning' This would also be directly next to our back garden, they need to explain what they intend to do with this area now - so residents are aware beforehand.
- xiii) The planning application Site Layout document shows an area of the site allocated as CLT future development land. As of the 16 May, the Stow on the Wold Community Land Trust (CLT) website does not seem to acknowledge being a part of the application and committee meeting document pages are not accessible. This part of the site will have the most impact on residents in Griffin Close, King Georges Field and Bailey Close who live either adjacent or within close proximity to the area. There really should be more information regarding what might be placed there, otherwise residents cannot fully respond to the application especially when it's being presented as an exception site.
- xiv) Increased burden on local infrastructure.
- xv) Increase in traffic congestion.
- xvi) In the work carried out for the Neighbourhood Development Plan, overwhelming support was expressed in the area at Fosse Way/Tesco site being the preferred part of the town for any future development. This obvious and popular site could most easily absorb such development and be beneficial to all parties, benefiting the town as a whole.
- xvii) In the recent Neighbourhood Plan Survey which offered 2 possible sites for development, only 16% of the town residents voted for the Oddington site. The vast majority of residents voted for the other site proposed, a site on the Foss Way near Tesco. This seems the obvious choice as it is within walking distance of the town and Tesco's and other amenities.
- xviii) The Oddington site is on the outskirts of Stow and is a 30 minute walk up a hill. Therefore, more people will use their cars to shop, adding to the already very congested Oddington road going up to Stow. It is a very isolated site with no amenities.
- xix) This site was subject to a planning application some years ago. CDC turned down the application then, and although it went to appeal, the developer lost the appeal.
- xx) There is this incessant push to build and build again for no other reason but for the developers to make money to the detriment of its local residents, the once beautiful environment and obviously the wildlife, flora and fauna which is being lost for ever in such largescale developments. Also probably won't be "affordable" once sold a few times in years to come.

- xxi) How can CDC seriously consider this and other applications for such building developments in Stow when the local infrastructure cannot cope with the current situation. In particular this proposal would add considerable traffic to the already very busy Oddington Road and further exacerbate parking in Stow and access to the Fosseway at the main traffic lights. The pressure on the local Surgery and School should also be major considerations.
- xxii) At the Neighbourhood Plan Survey there was a presentation of development at the Tesco's site and the Oddington Road site. There was an overwhelming vast majority who voted for the development to be at the Tesco's site with only 16% of people voting for the Oddington Road site. We are in the process of finalising the Neighbourhood Plan and this overwhelming vote against the Oddington Road site should be supported to endorse the strongly felt views of the people of Stow-on-the-Wold.
- xxiii) The A436 coming in from Oddington/Chipping Norton is well known to be notoriously dangerous and busy amongst the local residents. Drivers from both directions drive at a dangerous speed despite speed signs and the A436 coming from the Oddington direction is a total blind bend leaving no time to safely stop. Should the development proceed there will be collisions/head on collisions because of this precarious location. The constant busy traffic includes a substantial number of large vehicles such as buses, lorries and huge farm machinery which cannot even currently fit safely on to one side the road.
- xxiv) Details in the proposal on the number of accidents on the A436 over the last 5 years are also completely misleading and do not show a true record of how dangerous that particular stretch of road is as those statistics were taken from the period that covered the Covid lockdown when the overwhelming majority of traffic was not on the roads. This also does not take in to account the number of 'near misses' and unreported accidents.
- xxv) The developers have highlighted cycle routes from this proposed site which are neither safe nor practical as the road is far too fast and dangerous and the residential alternative has an enormously steep gradient.
- xxvi) To build on transitional Farmed Slopes (of which this site is) that lead from Stow to the pastoral lowlands of the Vale would completely erode the character of the landscape and also Stow-on-the-Wold's character for which it is named and known and which attracts a large number of visitors and tourists to the town bringing in much revenue. Once the landscape and character of this hilltop town is lost, the impact would also have an adverse affect on the number of visitors and subsequent income that this brings. This proposed site at Oddington Road is already substantially developed on the slopes leading down from the town over a large area. Additionally, the developed site would adversely affect the landscape and scenic beauty of the AONB due to its location for everyone accessing and leaving Stow.
- xxvii) These houses are stated as affordable housing- but it has been identified that this in relation to local market prices. This will out price locals who need and wish to remain local. Having 2 adult children in need of affordable



accommodation they would not be able to afford it. One is a nurse with a family and the other is a teacher with severe health issues neither would be able to afford it.

xxviii) We have had a serious sewage spill at the end of our garden, Thames Water say the blockage is 1/2 mile long coming down the hill from Stow - where the new houses are being built and on the way to Broadwell sewage plant. We have videos of this horrific spill which will take weeks to clear we have had the environment agency out and are getting in touch with our MP.

### **8.3 Main Grounds of support are:**

- i) This application needs to be supported. Stow desperately needs affordable housing and, subject to revisiting the size of some of the houses to agree with the Neighbourhood Plan AECOM report the location is supported by the Inspector's Report on the failed Bovis application.
- ii) This location is much more suitable for development. The impact of a sizeable development such as this and its impact on the immediate area close to Stow Centre will be considerable but it is never the less the better option of several other locations in Stow which are under consideration. Access to and from this site from the Oddington Road is a great deal easier than the site proposed on the Broadwell side of Stow which would feed off an already choked Fosseway. The Oddington Road site is also much closer to Stow's Primary School and the bus stops for the Secondary School in Bourton on the Water.
- iii) We need affordable housing. We need to keep and attract younger blood in the town. Businesses want to employ local people. Local public transport limitations do not encourage people to travel from far away. We need a younger demographic. There will never be a good or a bad place to build new homes. Like it or not Cotswold District Council have affordable home targets and one way or another they will ensure they meet them. This is being sold in as affordable housing and if that is the case and terms are written into the legals preventing onward sale, holiday rentals & subletting etc then the town is covered.
- iv) Stow-on-the-Wold is in desperate need of affordable housing. Currently, the town has an ageing population, with younger people forced out by high property prices and rental costs. These younger people then must travel in to Stow to run the shops and services for the older population. It would be better for individuals, families and for the environment to have a more diverse population in Stow.
- v) This very modest development of affordable houses is exactly what we need, in contrast to a huge development of market-rate homes, many of which would be bought by people wanting holiday lets/second homes or private buy-to-lets.
- vi) Whilst the site is a short distance from town's shopping facilities, it is very near to the school and so would attract the younger families that we need in Stow:

it should not result in an increase of school run traffic as it is within walking distance; it is also a short walk from the GPs' surgery.

- vii) It cannot be beyond the wit of the specialists to work out a traffic-calming solution to the concerns regarding the fast traffic along the Oddington Road.
- viii) The impact on the AONB and conservation area will be minimal, as it is a small site, away from the elevated part of the town, so will not be viewed from afar.
- ix) The design of the houses is unpretentious and attractive.
- x) There is a lack of affordable housing in Stow and the younger generation are having to move away to be able to get their own place. A settlement needs a community from all backgrounds to survive or it will become a place full of holiday lets or older generations.
- xi) This scheme will be a step in the direction for the provision of much-needed affordable housing. The houses are all well designed and are virtually carbon-neutral, meaning minimal running costs in the future. They are likely to be used by families, which in turn means added numbers for the local school. Land has also been set aside (and is not part of this application) for the Stow Community Land Trust, meaning that it will be able to build properties for local people on low incomes.
- xii) This is a well-considered scheme of 37 much needed affordable houses for sale and rent without the need for high-end market housing which Stow does not need. The small number of dwellings will put less pressure on Stow's infrastructure and cause less traffic congestion. This is unlike the much larger scheme currently proposed behind Tesco in the draft Neighbourhood Plan. This would have considerable negative impact on Stow's setting and the surrounding landscape and has already been discounted as unsuitable in the CDC Local Plan. It is stated by objectors that the larger Tesco scheme gained the majority of votes in the NP poll but the number respondents was very small and the planning consultant who assisted in preparing the Neighbourhood Plan has already stated that the results were inconclusive.
- xiii) This site is a small portion of a much larger site of 146 houses that was refused planning consent in 2015. However, these proposals are considerably smaller and, being all affordable, qualify as an 'Exception Site'. This should be more favourably considered by the Local Planning Authority.
- xiv) An objection comment states that the houses would only be 80% of market value which would not be truly affordable in Stow. However, the Housing Needs Assessment prepared by AECOM and submitted with the application (Section 4) states that the houses would be sold / rented in accordance with the Government 'First Homes' principles which states discounts of between 30% and 50%. It is essential that this is included as a Condition in any Planning Consent.

- xv) Any fear that this is a Trojan horse for a larger future development should not be a reason to refuse the application. Any future proposed expansion of the site would be subject to a full planning application and is unlikely to be acceptable as market housing for the same reasons as the previous refusal in 2015.
- xvi) Stow Town Council have opposed the application stating it is prejudicial to the emerging Neighbourhood Plan. The proposals are only prejudicial to Policy SSNP7 in the Plan which is for a much larger scheme behind Tesco of which the majority would be market housing unaffordable to people identified in the AECOM Housing Needs survey. This larger scheme would have considerable negative impact on Stow's setting and the surrounding landscape and has already been discounted as unsuitable in the CDC Local Plan. The negative effects of Policy SSNP7 scheme has been justified in the NP by the inclusion of a small number of 'affordable' homes. The Oddington Road housing would therefore negate the need for the Policy SSNP7 development so there is no justification for Stow Town Council to object to the development. The negative ramifications of the Policy SSNP7 development are considerably greater than any suggested by STC regarding Oddington Road.
- xvii) I also refer to comments submitted by Broadwell Parish Council on 8th June. These state that 'Having considered Application 23/01513/FUL, it is clear that this application would meet STC's stated aims much more closely than the North-East site. As with most planning applications, there are pros and cons and whilst this development will have an impact on the local environment and infrastructure (including road, drainage and parking), it is clear that these will be much less severe than at the North-East Site.'

#### **8.4 General comments are:**

- i) Stow's need for genuinely affordable housing, with its status protected in the long term, is the primary justification for any new development of significant size in or close to the town. Thus a 100% affordable development is to be preferred to ostensibly affordable housing on the back of a larger market-led development. This is the purpose for which the Stow Community Land Trust was established.
- ii) The site near Tesco would in principle be a better location for a 100% affordable development of this size, closer to amenities and with a less severe impact on the AONB. However, a proposal for 100% affordable housing was not in prospect as the Neighbourhood Plan was being developed. Therefore this proposal, provided it can be funded (by, for instance, CLT ownership in perpetuity), deserves measured support and is to be preferred to the large Broadwell Road development.
- iii) Traffic issues should probably be solved by the installation of a roundabout or traffic lights at the access to the curve of the A436.
- iv) Although not stated there is a problem with sewerage that spills out into the Oddington Road, and across the Fields, The Sewerage Works near Broadwell

would need updating. I note no report from Highways and as the entrance is on the Bend this need looking into. This site was put forward to the residents of the Town and was discounted by a majority.

- v) The affordability discount should be as laid out in the 'First Homes' regime i.e. between 30 and 50%.
- vi) The HA (Cottsway) allocations policy should include low income key workers and the rural skills sector.
- vii) Close examination of Cottsway's modus operandum should be undertaken, with particular regard to their policy on the Government's 'Right to Buy' scheme.
- viii) A full and proactive public consultation must be implemented.
- ix) Highways must undertake close scrutiny of Bayhill's plans for entering and exiting the site on to the Oddington Road.

## **8.5 Broadwell Parish Council**

- 8.5.1 *'Whilst this site is not within the parish boundary of Broadwell, as a neighbouring parish, Broadwell Parish Council (BPC) wishes to comment on this application in the context of Stow Town Council's (STC) proposed Neighbourhood Plan (NP). BPC issued a formal response to the STC's Regulation 14 consultation process on 15 March 2023, a copy of which was sent to CDC for information and its records.*
- 8.5.2 *BPC has expressed sympathy with STC's objective of building affordable housing within Stow but has grave concerns about the location, scale and impact of the large, proposed housing development at the site North-East of Stow (ref: Policy STOW7, and Site S61 in CDC's Stow Site Assessments in its 2021 Strategic Housing and Economic Land Availability Assessment ("SHELAA") document). Having considered Application 23/01513/FUL, it is clear that this application would meet STC's stated aims much more closely than the North-East site. As with most planning applications, there are pros and cons and whilst this development will have an impact on the local environment and infrastructure (including road, drainage and parking), it is clear that these will be much less severe than at the North-East Site.*
- 8.5.3 *BPC's view is that if development is to be permitted outside CDC's approved development locations and STC's NP objective of providing more affordable housing within the town is to be accepted, then the Oddington Road site would have a considerably lower impact on the AONB, traffic and local infrastructure than other alternatives, would meet the NP's affordable housing objective on a single site and within a short timescale, and would be proportionate to other previous developments in the locality.*
- 8.5.4 *Therefore, on balance, Broadwell Parish Council is supportive of Planning Application 23/01513/FUL.'*

## **8.6 Maugersbury Parish Council:**

*'Maugersbury Parish Council (MPC) has carefully considered application 23/01513/FUL and has the following comments to make:*

- 8.6.1 MPC supports in principle the provision of affordable housing in the area, without market housing.*
- 8.6.2 MPC supports the zero-carbon building strategy for the proposed development.*
- 8.6.3 MPC supports the provision of land to the Community Land Trust, which could deliver further 'truly' affordable housing in the future.*
- 8.6.4 MPC supports the proposed S106 clause to employ in perpetuity a local connection clause ensuring that those in local housing need are served first in applying for the new housing on offer. We consider that this is essential in order to meet the housing needs of the local area. Given the fact that this proposed development delivers the forecast need of affordable housing until 2031 it is unlikely that all of these will be required for local need at the beginning if all units are delivered at the same time. There therefore needs to be a mechanism whereby future local housing need can be catered for through this development as units become available or by other means.*
- 8.6.5 We note that the application is being made as a Rural Exception Site for 100% affordable housing. We are also aware however, that the applicant owns a much bigger site than that currently being applied for. It must therefore be ensured through the planning process that this is indeed what is delivered and that no market housing is allowed through any future amendments if planning is granted. Our understanding following discussion with CDC planning department is that any attempt to alter granted planning permission, for example, due to arguments of financial viability, would require a new planning application to be submitted. We presume that as part of the planning process the financial viability of delivery will be considered.*
- 8.6.6 There is concern over the safety of the entrance on the Oddington Road as it is on a bend and traffic travels at speed in both directions. Road layout needs therefore to be carefully considered should planning be granted.*
- 8.6.7 There is concern about increased traffic congestion on the Oddington Road coming into Stow, that may encourage motorists to try and cut through Maugersbury village via Pound Lane and up Backwalls. Pound Lane is only a single vehicle lane and so not suitable for more heavy traffic use.*
- 8.6.8 The developer proposes a footpath through King Georges Park. Whilst this would make sense in order to facilitate access to the park and school, King Georges Park is not under the control of the developer and as far as we are aware no approach has been made about whether or not they are able to do this.*
- 8.6.9 The developers make much of the fact that the site is within walking distance of Stow square but it must be recognised that it is quite a hard walk up a steep hill and therefore some will not walk.*

- 8.6.10 *There are also concerns that the local sewage treatment plant is not able to cope with any further load on it. One of our residents have themselves witnessed items of sewage scattered across those fields due to overflowing sewage systems.*
- 8.6.11 *MPC recognises that this site does not comply with the current draft Stow and the Swells Neighbourhood Plan. Whilst MPC recognise that that plan favours the site behind Tesco following local consultation, it must also be recognised that during that consultation the choice was between two large scale developments. Balancing this now much reduced development of 100% affordable housing against a massive development with considerable market housing may result in a different choice of site.'*

## **8.7 Gloucestershire Wildlife Trust:**

- 8.7.1 *'I am writing to provide Gloucestershire Wildlife Trust's (GWT) comments regarding the above application. The Gloucestershire Local Nature Partnership's Nature Recovery Network (NRN [<https://naturalcapital.gcerdata.com/>]) should be considered. Although the red line boundary area is of low priority for open or woodland habitat, it provides an excellent opportunity for some on site green infrastructure to create connectivity with the areas of core and high priority habitat that are within 1km of the site to the north, south, and west. This will demonstrate compliance with the NPPF requirement for planning decisions to consider "minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures" (174d) and "safeguarding components of local wildlife-rich habitats and wider ecological networks" (179a).*
- 8.7.2 *We acknowledge that the design for housing is at the full stage of planning. However, GWT recommends that the proposal is developed in line with the recognised Building with Nature Standards. This will future proof the development in line with green infrastructure policy in the Cotswold District Local Plan which clearly states that "Development proposals must contribute... to the protection and enhancement of existing Green Infrastructure and/or the delivery of new Green Infrastructure". It also states that "New Green Infrastructure provision will be expected to link to the wider Green Infrastructure network of the District and beyond". This makes it an ideal opportunity for enhancing connectivity across the NRN.*
- 8.7.3 *A Landscape and Ecological Management Plan (LEMP) detailing a full list of habitats and hedgerows should be approved in writing by the Local Planning Authority prior to development. We would recommend a 30-year management plan is put in place to support long term net gains and ecological enhancement. Habitat creation protocols should follow current best practices, which avoid the use of chemicals.*
- 8.7.4 *We would recommend as many of the avoidance, mitigation, compensation and enhancement methods in the Ecological Report as possible are adhered to. A lighting design strategy for biodiversity for the protection of nocturnal animals via a condition would also be favourable.'*

## **8.8 Stow Community Land Trust**

*8.8.1 Stow CLT broadly supports this application. There is great need for affordable housing in Stow and developing this site will provide it very much sooner than waiting for the Neighbourhood Development Plan to come to fruition.*

*8.8.2 Furthermore, land between the proposed development and the existing housing to the north has been earmarked for future development by the CLT for truly affordable housing - also much needed. This land is not being gifted but will have to be bought, on terms yet to be agreed. The CLT's support for the scheme has not, therefore, been 'bought'.*

## **9. Applicant's Supporting Information:**

- Planning Statement
- Design and Access Statement
- Affordable Housing Statement
- Residential Travel Plan
- Transport Statement
- Landscape and Visual Impact Assessment
- Flood Risk Assessment
- Energy Statement
- Ecological Report

## **10. Officer's Assessment:**

### **Proposed Development**

- 10.1 This application seeks Full planning permission for the erection of 37 affordable dwellings and associated works. The proposed dwellings will be 2 storey in form and will comprise 10 one bed units, 13 two bed units and 14 three bed units. In terms of tenure, 6 dwellings will be available for social rent, 16 for affordable rent and 15 as shared ownership properties.
- 10.2 The proposed dwellings will measure approximately 8-8.5m in height. The external walls of the majority of the dwellings will be constructed in reconstituted stone. Four of the plots will be finished in a render. The roofs of the dwellings will be covered in an artificial slate. The proposed scheme is intended to be a zero carbon development and will incorporate measures such as air source heat pumps, solar panels and electric vehicle charging points.
- 10.3 An area of land lying adjacent to the northern boundary of the application site and measuring approximately 0.3 hectares in size will be set aside for Stow Community Land Trust (CLT). The land will remain as an area of grassland but could be made available for further affordable housing in the future should a need arise. Such development would be subject to a further planning application.

10.4 Vehicular access to the proposed development will be via a new entrance off the A436 Oddington Road to the south. A total of 68 parking spaces will be provided as part of the development.

**(a) Residential Development Outside a Development Boundary**

10.5 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that '*If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.*' The starting point for the determination of this planning application is therefore the current development plan for the District which is the Cotswold District Local Plan 2011-2031.

10.6 Stow-on-the-Wold Town Council has recently submitted the Stow-on-the-Wold and the Swells Neighbourhood Plan 2023-2031 to this Council for advertisement and consultation. The deadline for comments is the 5th January 2024. The status of the aforementioned document will be addressed later in this report.

10.7 The application site is located outside a Development Boundary as designated in the Cotswold District Local Plan 2011-2031. It is also located outside a Non-Principal Settlement for the purposes of the aforementioned plan. The erection of new-build housing on the site is covered by the following policy:

10.8 Policy DS4: Open Market Housing Outside Development Boundaries and Non-Principal Settlements

*'New-build open market housing will not be permitted outside Principal and Non-Principal Settlements unless it is in accordance with other policies that expressly deal with residential development in such locations.'*

10.9 The supporting text to Policy DS4 states:

*6.4.3: Besides the provisions of NPPF 55, which makes an exception for country houses that are truly outstanding or innovative, the Local Plan has policies that potentially allow for certain types of housing development in the countryside including:*

- affordable housing on rural exceptions sites (Policy H3);*
- housing for rural workers (Policy H5);*
- accommodation for gypsies and travellers (Policy H7); and*
- conversion of rural buildings (Policy EC6).*

10.10 Policy DS4 has a general presumption against the erection of new build open market housing on sites such as this, which are located outside Principal or Non-Principal Settlements. At the present time, the Council can demonstrate a 6.9 year supply of housing land. The District is on course to deliver approximately 9,671 dwellings over the plan period through the existing development strategy without a need to grant planning permissions for further dwellings in locations that are contrary to the



strategy. The aforementioned figure is in excess of the objectively assessed need for 8,400 dwellings agreed by the Local Plan Inspector. In general terms, the Council is not currently in a position where it needs to release sites such as that proposed for open market housing. Notwithstanding this, it is noted that the supporting text accompanying Policy DS4 states that the release of land for affordable housing on rural exception sites can be acceptable in principle subject to the proposal satisfying other applicable policies in the Local Plan and national guidance.

10.11 The following policy and guidance are considered applicable to this proposal:

10.12 Local Plan Policy H3: Rural Exception Sites

*1. Land which may not be considered appropriate for residential development may be released for a rural exception scheme for affordable housing development where there is an identified need within that parish or community for affordable housing. Where a need for affordable homes has been identified, development of an appropriate scale will be permitted within, adjoining, or closely related to, the built up areas of towns and villages, taking into account Parish Housing Surveys and Parish Plans or other local evidence, and provided that:*

- a. the developers enter into a legal agreement with the Local Planning Authority to ensure that the affordable housing provided through the rural exception scheme will be managed to meet the District's need for affordable housing in perpetuity; and*
- b. rural exception schemes will normally be expected to provide 100% affordable housing for local needs. Other types of tenure will be considered where it can be demonstrated, through a viability assessment, that this is essential to facilitate the affordable housing scheme to meet the identified local need.*

10.13 Paragraph 78 of the National Planning Policy Framework (NPPF) states:

*'Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs....'*

10.14 It is evident that both Local Plan policy and national guidance are supportive, in principle, of the release of land adjacent to settlements for affordable housing. This aspect of the proposal will be addressed in more detail in the following section of this report.

**(b) Affordable Housing**

10.15 The application site is located adjacent to the town of Stow-on-the-Wold which is designated as a Principal Settlement in the Local Plan. In addition, the proposed scheme seeks to provide 100% affordable housing. This application is therefore considered to accord with the requirements of Local Plan Policy H3 in these respects. Having regard to the size of the settlement as a whole and its status as a Principal Settlement, the provision of 37 units is considered to be of an 'appropriate scale'.

10.16 With regard to affordable housing need, the applicant has submitted an Affordable Housing Statement. The aforementioned statement references the Stow-on-the-Wold and the Swells Neighbourhood Plan Housing Needs Assessment (HNA) March 2022

which has been produced in connection with Stow-on-the-Wold Town Council's emerging Neighbourhood Plan. Pages 8 and 9 of the HNA state:

*10.16.1 'Turning to the quantity of affordable homes needed, the first source of analysis is the most recent LHNA, produced for the six Gloucestershire local authorities in 2020. The LHNA identifies the need for 125 additional affordable homes each year in Cotswold District as a whole, for the period 2021 - 2041. The report breaks this down to a need for 56 social rent homes a year, 18 affordable rent homes a year and 51 affordable home ownership product homes a year.'*

*10.16.2 When the LHNA figures are pro-rated to Stow on the Wold and the Swells based on its fair share of the population (2.93% of the LPA's population), this equates to 4 homes per annum (rounded) or 37 homes over the Neighbourhood Plan period (2021-2031). Following the LHNA distribution of need by affordable sub-tenure, this would indicate 17 homes for social rent, 5 homes for affordable rent, therefore 22 rented homes in total, and 15 affordable owned homes over the plan period. This can be summarised as a tenure split of 59% affordable rent (of which 45% social and 14% other affordable rent) and 41% affordable home ownership.'*

10.17 The number of dwellings and the rental/shared ownership mix now proposed broadly accords with that identified in the above HNA.

10.18 In addition to the above, it is noted that the town has not benefited from a material increase in the number of affordable dwellings available in the settlement in the current Local Plan period. Whilst 2 additional affordable dwellings were created as part of the redevelopment of Chamberlayne House in 2021 (20/04613/FUL), residential development (other than care development) in the town has generally been lower than other Principal Settlements of a comparable size. Affordable housing has not therefore been delivered that can address the ongoing need for such housing in the parish. The current proposal will help to address this issue.

10.19 The Council's Housing Strategy Section has assessed this application. In addition to the above mentioned HNA, the Housing Strategy Section has also examined the Council's Housing Needs Register and its choice-based letting system (Homeseekerplus). The latter system keeps a record of the turnover of properties. It identifies an average turnover for 1 and 2 bed properties and a lower turnover for 3-4 dwellings. Persons on the Housing Register requiring a 3-4 bedroom property may therefore have to wait longer for such a property to become available than a 1-2 bed property.

10.20 The Housing Strategy Section advises

*'Affordable Tenure Mix:*

*10.20.1 The proposed affordable tenure split for the 37 units are 22 units for Rent (approx. 60%) and 15 units for shared ownership (approx. 40%). Whilst our general procedure for affordable tenure split is 70:30, I would support the 60:40 proposed affordable split for this site. This is due to the low number of shared ownership properties currently in Stow, improving the tenure mix in the parish. This would provide an opportunity for first-time buyers in Stow and surrounding parishes to get onto the property ladder. The number of*

*shared ownership should also help to support the financial viability of a 100% affordable scheme.*

*10.20.2 Of the rented tenure proposed (22 units), 6 units are to be social rented tenure (equivalent to 27%). The provision of good quality social rented properties is a key Council priority and is therefore welcomed.*

*10.20.3 The site is located in the Cotswold AONB and is therefore a Rural Designated area and a Designated Protected Area (DPA). Any shared ownership properties on a Rural Exception site have restrictions to ensure against the loss of the units as affordable housing.*

*Design and Layout:*

*10.20.4 I note that proposals include 3 ground floor units for affordable housing to be built to Building Regulation standard Part M Category 2 - Accessible and adaptable dwellings. This would enable the potential to adapt the property for a tenant with mobility restrictions or a wheelchair user. This would contribute to improving accessibility to affordable housing in the District. There are households on the Housing Register who have a local connection to Stow, who require this type of accommodation and is therefore welcomed.*

*10.20.5 In accordance with Local Plan Policy H1, Developers are required to comply with the Nationally Described Space Standards which includes units provided as Affordable housing. Current floor areas proposed comply with this.*

*Recommendation:*

*10.20.6 We are satisfied that there is sufficient evidence of local need to support the delivery of the proposed 37 dwellings and that the tenure and house types proposed will meet local housing need. The proposed scheme for affordable housing is therefore supported by the Housing Strategy team.'*

10.21 In light of the findings of the Housing Strategy Section and the information contained within the Stow-on-the-Wold and the Swells Neighbourhood Plan Housing Needs Assessment, it is considered that there is a need for the number, tenure and mix of affordable housing units now proposed. The proposal is therefore considered to accord with the requirements of Local Plan Policy H3.

10.22 The concerns of Stow-on-the-Wold Town Council regarding the impact of this proposal on its emerging Neighbourhood Plan are noted. The Town Council has aspirations to release 4.5 hectares of land to the north-east of the town (to the north-east of Tesco, Edwardstow Court and Hawkesbury Place Retirement Living) for 170 homes (100 open market and 70 affordable), a 150 space public car park and a community hub. The emerging plan has recently been submitted to Cotswold District Council and was advertised by this Council on the 14th November 2023. It is therefore at the Regulation 16 stage (The Neighbourhood Planning (General) Regulations 2012). In terms of the weight that can be given to the emerging Neighbourhood Plan it is necessary to have regard to guidance in both the National Planning Policy Framework (NPPF) and the Government's Planning Practice Guidance (PPG). Paragraph 48 of the NPPF states that '*the more advanced its preparation, the greater the weight that may be given*'. Planning Practice Guidance (PPG) also explains that '*where the local planning*

authority publishes notice of a referendum, the emerging neighbourhood plan should be given more weight, while also taking account of the extent of unresolved objections to the plan and its degree of consistency with NPPF.' (PPG Paragraph: 007 Reference ID: 41-007-20190509). The Neighbourhood Plan has yet to reach the referendum stage. However, it is at point where its content is a material consideration and should be given weight when assessing this application.

10.23 At the present time, the Local Plan remains the most recently adopted plan (2018). The PPG states that 'should there be a conflict between a policy in a neighbourhood plan and a policy in a local plan or spatial development strategy, section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan' (PPG Paragraph: 044 Reference ID: 41-044-20190509).

10.24 The Council's Forward Plans Section provided the following comments prior to the submission of the NDP to this Council:

10.24.1 *'The application site would not deliver all of the benefits of the emerging NDP site allocation. However, the emerging NDP is still in the early stages of its development. A Regulation 14 consultation has been undertaken, although this does not amount to certainty that the site will be allocated in a submission plan, nor that it will be found to meet the basic conditions..... There are also unresolved objections to the emerging NDP site allocation from the Local Planning Authority and Cotswold National Landscape, which further affect that application of weight that can be given to the emerging NDP...*

10.24.2 *The emerging NDP allocation was also assessed in the SHELAA under the reference S61, which raised various concerns. The assessment concluded that:*

10.24.3 *The site is on the same side of Stow as the refused planning permission for up to 146 dwellings on the Land east of Griffin Close site, which subsequently had an appeal dismissed. With S61, however, not only would the development also be considered to be 'major development within the AONB' but the scale of development would be considerably larger and more harmful to the AONB than the Land east of Griffin Close site. The site is on higher ground than the Griffin Close site and is more visible within the surrounding landscape.*

10.24.4 *Stow is a hilltop town and development in this location would not be in keeping with the settlement pattern. The scale of development on a slope would erode the character of the town, as well the rural setting in which the town sits. It would adversely affect the intrinsic value of the AONB and the proposal is assessed to have "High" landscape impact.*

10.24.5 *The development of S61 would also harm the rural setting of a Scheduled Monument, it would harm the setting of the Conservation Area, and it would harm the settings of a Grade I listed building and a Grade II listed building.*

10.24.6 *Other considerations, such as the loss of productive agricultural land, whether the access via Broadwell Road is suitable for the scale of development and potential archaeological issues would also need to be explored further but may also be further constraints to the development of this site.*

*10.24.7 The application site offers an opportunity to secure the delivery of 37 affordable homes now. The proposed scale of development is smaller and the development proposal would be less harmful to the AONB than the emerging NDP allocation. Furthermore, given the degree of objection from the Local Planning Authority and Cotswold National Landscape, the emerging NDP would require significant revisions before it could be deemed to be in general conformity with the Local Plan; a requirement of the Neighbourhood Plan making process.'*

10.25 The current proposal is materially different to that proposed by Stow-on-the-Wold Town Council in its Neighbourhood Plan. The Town Council scheme seeks to create a mix of open market and affordable housing as well as a public car park and community hub. The land in question is not being put forward solely as a Rural Exception Site.

10.26 This current application accords with adopted Local Plan policy. It also meets a current identified need for affordable housing in the parish and can address these needs in the short term. Moreover, the emerging Neighbourhood Plan does not include a policy which states that Rural Exception Sites should not be permitted adjacent to the town. The current proposal does not conflict with the Neighbourhood Plan in this respect.

10.27 The occupancy of the proposed dwellings would be restricted to those with a local connection to the parish and would be subject to a S106 legal agreement.

**(c) Design and Impact on the Character and Appearance of the Cotswolds Area of Outstanding Natural Beauty**

10.28 The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB) wherein the Council is statutorily required to have regard to the purpose of conserving and enhancing the natural beauty of the landscape (S85(1) of the Countryside and Rights of Way Act 2000).

10.29 The following Local Plan policies are considered pertinent to the proposal:

10.30 Policy EN1 Built, Natural and Historic Environment

*New development will, where appropriate, promote the protection, conservation and enhancement of the historic and natural environment by:*

*a. ensuring the protection and enhancement of existing natural and historic environmental assets and their settings in proportion with the significance of the asset;*

*b. contributing to the provision and enhancement of multi-functioning green infrastructure;*

*c. addressing climate change, habitat loss and fragmentation through creating new habitats and the better management of existing habitats;*

*d. seeking to improve air, soil and water quality where feasible; and*

*e. ensuring design standards that complement the character of the area and the sustainable use of the development.*

### 10.31 Policy EN2 Design of the Built and Natural Environment

*Development will be permitted which accords with the Cotswold Design Code. Proposals should be of design quality that respects the character and distinctive appearance of the locality.*

### 10.32 Policy EN4 The Wider Natural and Historic Landscape states:

1. *Development will be permitted where it does not have a significant detrimental impact on the natural and historic landscape (including the tranquillity of the countryside) of Cotswold District or neighbouring areas.*

2. *Proposals will take account of landscape and historic landscape character, visual quality and local distinctiveness. They will be expected to enhance, restore and better manage the natural and historic landscape, and any significant landscape features and elements, including key views, the setting of settlements, settlement patterns and heritage assets.*

### 10.33 Policy EN5 Cotswolds Area of Outstanding Natural Beauty (AONB) states:

1. *In determining development proposals within the AONB or its setting, the conservation and enhancement of the natural beauty of the landscape, its character and special qualities will be given great weight.*

2. *Major development will not be permitted within the AONB unless it satisfies the exceptions set out in National Policy and Guidance.*

### 10.34 Policy INF7: Green Infrastructure

1. *Development proposals must contribute, depending on their scale, use and location, to the protection and enhancement of existing Green Infrastructure and/or the delivery of new Green Infrastructure.*

2. *New Green Infrastructure provision will be expected to link to the wider Green Infrastructure network of the District and beyond.*

3. *Green Infrastructure will be designed in accordance with principles set out in the Cotswold Design Code (Appendix D).*

10.35 With regard to the emerging Neighbourhood Plan, Policy SSNPI 1: Stow and the Swells Design Code states that '*Development proposals must accord with the Stow and the Swells Design Code.*'

10.36 In terms of national guidance, the following paragraphs from the National Planning Policy Framework (NPPF) are considered relevant to your proposal:

10.37 Paragraph 174 of the NPPF states that planning policies and decision should contribute to and enhance the natural and local environment by '*protecting and enhancing valued landscapes*' and '*recognising the intrinsic character and beauty of the countryside*'.

10.38 Paragraph 176 of the NPPF states that '*great weight should be given to conserving and enhancing landscape and scenic beauty in ... Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues.*'

10.39 The application site is classified in the Cotswolds Conservation Board's Landscape Character Assessment (LCA) as falling within Landscape Character Area 15B Vale of Moreton Farmed Slopes. This in turn falls within Landscape Character Type Farmed Slopes.

10.40 The LCA identifies the '*development, expansion and infilling of settlements*' as a Local Force for Change.

10.41 The Potential Landscape Implications of such development includes the following:

- *Encroachment of built development onto the Farmed slopes intruding into the landscape, particularly on the more prominent upper slopes.*
- *Erosion of distinctive form, scale and character of small settlements on the Farmed Slopes including their relationship to the landscape and springline.*
- *Loss of characteristic small scale settlements and hamlets due to settlement growth and coalescence.*
- *Proliferation of suburban building styles, housing estate layout and materials and the introduction of ornamental garden plants and boundary features.*
- *Spread of lit elements on the Farmed Slope.*
- *Potential for glint from buildings, particularly on hillsides.*
- *Upgrading of rural lanes and holloways in areas of new development and the introduction of suburbanising features such as mini roundabouts, street lighting, highway fencing and kerbs, traffic calming at village entrances.*
- *Degradation of views to and from the Farmed Slopes from the adjacent Pastoral Lowland Vale and Ironstone Hills and Valleys.*
- *Urban fringe impacts such as fly tipping and dumping of vehicles.*
- *Loss of archaeological and historical features, field patterns and landscapes.*
- *Interruption, weakening or loss of the historic character of settlements and the historic context in how they have expanded, especially the importance of the relationship between the historic core of the settlement and surviving historic features such as churchyards, manor houses, burgage plots, historic farms, pre-enclosure paddocks and closes.*

10.42 The Outline Strategies and Guidelines advise:

- *Maintain to open, often highly visible and sparsely settled character of the Farmed Sloped.*

- *Avoid development that will intrude negatively into the landscape and cannot be successfully mitigated, for example, extensions to settlements onto the Farmed Slopes.*
- *Avoid development that may restrict or obscure views to or from the Farmed Slopes.*
- *Ensure new development is carefully integrated into the rural character of the Farmed Slopes.*
- *Ensure new development is proportionate and does not overwhelm the existing settlement.*
- *Ensure that new development does not adversely affect settlement character and form .*
- *Avoid developments incorporating standardised development layout, suburban style lighting, construction details and materials that cumulatively can lead to the erosion of peaceful rural landscape character.*
- *Avoid cramming development right up to the boundaries resulting in hard suburban style edge to the settlement.*
- *Control the proliferation of suburban building styles and materials.*
- *Conserve the distinctive dispersed character of villages on the Farmed Slopes and the relationship of settlements to their surrounding landscape*
- *Promote the use of local stone and building styles in the construction of new buildings and extensions to existing dwellings. (New buildings should, at least, respect local vernacular style).*
- *Adopt measures to minimise and where possible reduce light pollution.*
- *Avoid new inappropriate road infrastructure.*
- *Avoid proposals that result in the loss of archaeological and historical features or that impact on the relationship of the settlement and its links with surviving historical features.*
- *Identify key viewpoints to and from the Farmed Slopes.*
- *Plant trees and hedges within and around new development to reduce impact on the landscape ideally in advance of the development taking place.*
- *Retain existing trees, hedges etc as part of the scheme.*

10.43 A landscape and visual assessment of the site has been undertaken as part of the Council's Strategic Housing and Economic Land Availability Assessment 2021 (SHELAA). The site has reference S14. The SHELAA states:

*Landscape Sensitivity:*

*10.43.1 Notable landscape features include the parcel's location within the nationally valued AONB landscape. Additional features include mature boundary vegetation, arable field*



*pattern, neighbouring residential built form, settlement edge and recreation ground, the A436 and sloping topography. Historic mapping highlights that development has encroached upon the historic field pattern of the area as development from Stow to the west moves east. The addition to Griffin Close in the second half of the 20th Century removed a section of the field within parcel S22B.*

*S14 evaluation: High/Medium*

*10.43.2 The landscape sensitivity given to the parcel as part of its inclusion within the 'Study of land surrounding Key Settlements in Cotswold District Update' (Cotswold District Council and White Consultants, October 2014) report was High/Medium. The justification provided for this rating is reproduced below and is still considered to be an appropriate justification for the parcel's landscape sensitivity:*

*10.43.3 'The susceptibility of this site lies in its location on the edge of the gently sloping wold ridge top, its high visibility in the wider landscape to the east, its lack of vegetated eastern boundary and visibility to the A436 approaches. It is overlooked by housing on Griffin Close. Its value lies in its AONB designation. Housing development here would envelop the playing field and provide a harder introduction to the settlement than at present. If development were permitted it would need to be designed as a very high quality introduction to the settlement, retaining the existing southern boundary trees, and create a varied non-linear edge softened with trees to the east'*

10.44 The SHELAA has considered site S14 alongside land to its east and north-east (reference S22B). Sites S14 and 22B were the subject of a planning application for 146 dwellings in 2013 (13/01856/OUT). The aforementioned application was dismissed by the Secretary of State in 2015 (Appeal Ref: APP/F1610/A/13/2203411). The impact of the proposal on the AONB was amongst the reasons given for dismissing the appeal. The SHELAA report states the following in relation to sites S14 and S22B:

*'The findings of the planning appeal, which were that the development of this site would have a significant adverse impact on the character and appearance of the AONB and the setting of Stow-on-the-Wold, are still relevant and justified. Even a smaller or lower density development would have a significant landscape impact, although the development of S14 would be less harmful than the development of S22B.'*

10.45 It is evident that the most recent landscape and visual assessment of the site by this Council considers that the site has a High/Medium sensitivity. However, it is also of note that this current proposal does not extend across the sloping land to the east of the settlement as was the case with the proposal for 146 dwellings dismissed at appeal in 2015. The current site extends only marginally beyond the eastern edge of the settlement, which is defined by existing housing on Griffin Close to the north. As a consequence, the current proposal will result in a far less discernible extension of built development into the open countryside when compared to the scheme assessed in 2015. When viewed from the east, it will be seen alongside existing housing development rather than as a significant encroachment of the settlement into the AONB landscape. Moreover, existing roadside trees and vegetation along the A436 provide a strong landscape buffer between the aforementioned highway and the application site when approaching the town from the east. In combination with mitigation planting, it is considered that the proposed development can be assimilated

into the landscape without appearing as an obtrusive or incongruous feature within the landscape.

10.46 The Council's Landscape Officer states:

*10.46.1 The site is located within the Cotswolds AONB wherein the Council is statutorily required to have regard to the purpose of conserving and enhancing the natural beauty of the landscape. Given the landscape and visual context of the site and its surroundings, it is considered that the proposal could be appropriately assimilated within the receiving landscape.*

*10.46.2 The proposal generally aligns with the eastern settlement edge created by the existing residential development to the north. This would mean that the proposal would not appear as a protrusion into the rural landscape and could likely be considered as infill development between Oddington Road and existing development.*

*10.46.3 The proposal is set within a landscape scheme that would deliver additional planting and a new hedgerow/landscape buffer along the eastern boundary. GI benefit would also be provided in the form of publicly accessible circular walks around the scheme that would join up with the neighbouring open space to the west.'*

10.47 The submitted scheme proposes to introduce new tree and hedgerow planting in and around the application site. Street trees are also included within the scheme in accordance with paragraph 131 of the NPPF. Landscape buffer zones will be created between the proposed housing and the site boundaries in order to provide a soft edge to the development and to provide transitional areas between the built part of the site and the adjacent countryside. It is considered that the proposed scheme is making adequate provision for green infrastructure

10.48 With regard to design, the proposed dwellings seek to reflect the appearance of traditional Cotswold building forms. Whilst the proposed dwellings are of a relatively uniform size and appearance, this approach is considered appropriate given the estate nature of existing housing in the proximity of the application site and the fact that the proposed dwellings are consistent in terms of size and scale with existing housing to the north and west of the application site. The use of reconstituted stone as the primary walling material is also considered to be in keeping with the local area.

10.49 The proposed development is intended to be zero carbon. An Energy Statement has been submitted with the application which indicates that each dwelling will be provided with solar panels, an air source heat pump and an electric vehicle charging point. The scheme also seeks to adopt a fabric first approach as well as triple glazing. The Energy Statement also states '*All materials specified for the construction will be at least 'B' rated or higher under the BRE's Green Guide to Specification.*' it is considered that the proposed development is actively seeking to address the impact of climate change in accordance with this Council climate emergency declaration and Policy SSNP13: Zero Carbon Buildings of the emerging Neighbourhood Plan.

10.50 Having regard to the site's position alongside existing town development, existing roadside vegetation, landscape buffers around the edge of the site and proposed mitigation planting, it is considered that the development can be undertaken without

having an adverse impact on the character and appearance AONB. In addition, the proposed development will generate public benefits through the provision of affordable housing, which also weighs in favour of the release of the land for the development proposed. The design of the proposed scheme is also considered to respect local character and distinctiveness. The proposed development is considered to accord with the requirements of Local Plan Policies EN1, EN2, EN4 and EN5, emerging Neighbourhood Plan Policy SSNPI1 and guidance in Sections 12 and 15 of the NPPF.

- 10.51 The proposed scheme is considered not to constitute major development for the purposes of paragraph 177 of the NPPF, by virtue of its size proportionate to the settlement as a whole, its close proximity to the settlement, its residential use which is consistent with adjacent land uses and its overall scale and form. The proposal is considered not to have a significant adverse impact on the purposes for which the area has been designated as an AONB,

**(d) Access and Highway Safety**

- 10.52 The proposed development will be served by a new vehicular access onto the A436 to the south of the application site.
- 10.53 A new 3.5m wide pedestrian footway will be created along the raised verge which extends between the northern edge of the A436 and the southern boundary of King George's Field recreation ground to the west of the application site.
- 10.54 Gloucestershire County Council (GCC) Highway Officers have assessed the application and state:

*'Location of Development*

*10.54.1 Manual for streets recommends that walkable neighbourhoods are those which have a range of services and facilities within 10 minutes (approximately 800 metres) walking distances. However, this is not an upper limit and industry practice considers that 2km is a maximum walking distance door to door. Cycling also has the potential to substitute for short car trips, further facilitating sustainable travel, with the National Travel Survey 2019 (Table NTS0306) noting that the average cycle trip is approximately 3.5 miles (5.6km). The development site is located within easy walking and cycling distances to several services and amenities such as bus stops with regular services to Kingham, Bourton-on-the-Water, and Upper Rissington. Paragraph 105 of the National Planning Policy Framework (NPPF) is clear 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". The proposal seeks the improvement of the 'King George's Field' bus stop, located west of the application site, through provision of a flagpole and printed timetable information. This is accepted.*

*10.54.2 Local amenities include doctor's surgery, post office, local supermarket, primary school, and local shops. It is the view of the LHA that the site is located within a sustainable location with a reasonable range of services, facilities, and public transport links to support future occupiers.*

## Access

10.54.3 Vehicular access to the site will be made via a single access point onto Oddington Road. The access will be formed as a simple priority junction with a 5.5m carriageway width and 6m corner radii to the east and west. An Automated Traffic Count Survey (ATC) has been conducted to determine the visibility splays required in each direction along Oddington Road from the proposed site access. The outputs of the survey demonstrate 85th%ile speeds of 46.1mph eastbound and 43.6mph westbound, for which Manual for Streets 2 calculations have been used to determine the necessary visibility splays. The junction visibility splay requirements are 99m to the west and 91m to the east measured from a point 2.4m setback from the carriageway edge along the centre of the access. Plan ref SK01 Rev A confirms that the required visibility splays are achievable within land controlled by the applicant and public highway extent. To the west, 127.9m visibility splay are shown using DMRB calculations, which exceed those set out in MfS2. Furthermore, some 93m and 130.3m forward visibility to the west and east, respectively, are achievable in accordance with MfS2 Stopping Sight Distance (SSD) calculations.

10.54.4 Pedestrian and cycle access to the site will be made via a new Active Travel Route from the south-western extent of the site frontage, onto Oddington Road, to the existing provision at the junction with King Georges Field. The route will be provided at a width of 3.5m, as demonstrated on plan ref SK03 Rev B. This is accepted.

## Layout

10.54.5 The internal layout of the development accords with the requirements set out in Manual for Gloucestershire Streets. Vehicular parking is proposed with a total of 65 parking spaces, which exceeds the otherwise minimum parking standards 51 spaces for a development of this scale, however this is not perceived to materially impact the manner in which the development will operate. An indicative highway adoption plan has been submitted with the Transport Addendum Technical Note and is accepted.

## Trip rates and Impact

10.54.6 The TRICS database has been used to determine the number of vehicle trips estimated to be associated with the proposed residential dwellings. The outputs of the assessment indicate that the proposed development is expected to generate 17 and 16 vehicular trips during the AM and PM network peak periods, respectively. Paragraph 111 of the NPPF is clear that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe." It is the view of the LHA, that the development proposal is not perceived to result in a severe impact on the operation and safety of the local road network.

## Home to School Transport

10.54.7 In order to deliver sustainable housing growth, it is necessary to maintain a transport network that is capable of minimising adverse impacts upon the economy and environment, which seeks to deal with issues of accessibility, traffic congestion, journey times, journey time reliability and transport related costs imposed upon on businesses and other network users. If these issues are not addressed, then they could adversely impact on the

*performance of the local economy and the local environment, in terms of air quality, noise, severance etc.*

*10.54.8 The nearest primary schools are The Cotswold School and/or the Cotswold (N) Secondary Planning Area. Due to the distances involved and available services, it would prove justifiable to seek a transport contribution to provide an effective solution for students and offset the effect from the development on local educational provision. The contribution made up to £22,500 accounts for a cost of £900 per pupil per year over the course of 5 years, for an estimated pupil yield of 5 students.*

*10.54.9 The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained.'*

10.55 GCC Highway Officers raise no objection to the application.

10.56 The comments of the Town Council regarding the potential conflict arising between the new footway and existing openings onto King George's Field are noted. With regard to the westernmost entrance (which includes steps and pedestrian gates), the proposed footway will extend across a grass verge to the front of the steps and will not therefore prejudice their use or access into King George's Field via the aforementioned entrance. With regard to the easternmost entrance, the proposed footway will extend across an existing field entrance which is accessed via an unsurfaced track and a 5 bar gate. The creation of footway across the front of the entrance is considered not to prejudice use of the existing access nor to have a detrimental impact on highway safety given the relatively limited use of the existing entrance point.

10.57 It is considered that the proposed development can be undertaken without having an adverse impact on highway safety and provide adequate parking in accordance with Local Plan Policies INF4 and INF5.

**(e) Flooding and Drainage**

10.58 The application site is located within Flood Zone 1, which is the lowest designation of Flood Zone and one in which new residential development can be acceptable in principle. This application is accompanied by a Flood Risk Assessment (FRA) which has undertaken a detailed assessment of the site and also include measures relating to sustainable drainage (SuDS) and its future maintenance. The FRA indicates that on-site infiltration is a practical solution. Cellular soakaways will be introduced across the site as part of the drainage strategy.

10.59 GCC Lead Local Flood Authority, in its role as a statutory consultee has assessed this application and raises no objection. It states '*The FRA accompanying this application shows that the development is not at risk of flooding and that the development will not cause increased flood risk elsewhere. The drainage strategy is demonstrated to be suitable for this location on this geology.*'

- 10.60 Thames Water has not raised an objection to the proposal in relation to the disposal of surface or foul water.
- 10.61 The concerns raised by an objector regarding a recent sewage pipe leak to the east of the application site are noted. The matter has been investigated by Thames Water and the Environment Agency. Thames Water has advised that the leak arose from brick and debris being present and are addressing the matter. Thames Water confirms that its existing system has capacity to accommodate the proposed development and has not raised an objection to the proposal.
- 10.62 It is considered that the proposed development can be undertaken without having an adverse impact on drainage in accordance with Local Plan Policy EN14.

**(f) Impact on Residential Amenity**

- 10.63 The floorspace of the proposed dwellings will meet the minimum floorspace standards set out in the Government's Technical housing standards - nationally described space standard document and Local Plan Policy H1.
- 10.64 Each dwelling will be provided with a level of outdoor amenity space commensurate with the size of the dwelling proposed.
- 10.65 The proposed dwellings are orientated and positioned so as not to cause an unacceptable loss of light or overbearing impact to neighbouring residents or future residents of the proposed development.
- 10.66 The proposed dwellings will be located approximately 45m from the northern boundary of the application site and approximately 50-55m from the rear elevations of existing dwellings to the north. The distance between facing windows will be in excess of the 22m minimum set out in the Cotswold Design Code. It is noted that the submitted drawings show an undeveloped area of land between the proposed dwellings and the northern boundary of the application site. The applicant indicates that this land would be passed to Stow Community Land Trust. The current plans show that the land would remain as a grassed area should this application be permitted. A further planning application would be required if additional housing is to be constructed on the land in question.
- 10.67 It is considered that the proposed development will not have an unacceptable adverse impact on residential amenity and that it accords with Local Plan Policy EN2 and guidance in the Cotswold Design Code.

**(g) Impact on Biodiversity**

- 10.68 This application is accompanied by an Ecological Report which has assessed the site for protected species. The Council's Biodiversity Officer has assessed the submitted details and states '*...the phase 1 survey which encompasses the entirety of the field is sufficient to enable a thorough review of the potential biodiversity constraints. Overall habitats on-site are that of common and widespread habitat types, providing limited opportunities for protected and priority species however, badger activity was recorded along the eastern boundary but no evidence of sett building was discovered. Section 4.3 of the submitted ecological report outlines sufficient mitigation for badgers. In addition, CDC's precautionary*

*method of working document should be adhered to, ensuring precautionary mitigation for reptiles, common amphibians and nesting birds is implemented.*

*A lighting condition is recommended to ensure any external lighting is sensitively designed to prevent light spill towards retained hedgerows and trees that offer potential roosting features and navigational corridors. In addition, the submitted site plan indicates a green corridor could be incorporated along the eastern, southern and western boundaries however, no details relating to habitat enhancements have been incorporated into the plans therefore, the above ecological design strategy and landscape and ecological management plan conditions are recommended. I would suggest the incorporation of native hedgerows (filling in gaps), native tree planting, sowing of wildflower areas, the inclusion of integrated bird and bat boxes, reptile hibernaculum and hedgehog friendly fencing should be considered to ensure the proposed development secures net gains for biodiversity as laid out in paragraphs 174, 179 and 180 of the revised NPPF and Local Plan Policy EN8. '*

- 10.69 It is considered that the proposed development can be undertaken without having an adverse impact on protected species or their habitat having regard to Local Plan Policy EN8 and guidance in Section 15 of the NPPF.

### **Other Matters**

- 10.70 With regard to archaeology, GCC Archaeology states '*The proposed development site has been subject to archaeological investigation in the form of geophysical survey and trial trench evaluation (April 2013). These investigations recorded extensive evidence for archaeological remains of high regional significance relating to prehistoric, Roman and Anglo-Saxon occupation. The remains were subject to a scheduling request and on the advice of English Heritage (July 2013), the Secretary of State for Culture Media and Sport decided not to schedule the remains.*

*On the basis of the above I therefore recommend that a condition is attached to planning permission to allow for a programme of archaeological excavation.'* The applicant has agreed to the attachment of the requested condition.

- 10.71 The Council's Environmental and Regulatory Services Contamination Officer has requested a condition that will require a ground investigation study to be submitted and approved in writing by the Local Planning Authority. This will ensure that any potential contaminants can be identified and remediated where necessary.
- 10.72 In response to comments from GCC Minerals and Waste Section, the applicant has agreed to conditions covering site waste management and the recycling of materials where possible. Due to the proximity of the site to Stow-on-the-Wold, it is considered that the development of the site would not represent a suitable location for mineral extraction and, as such, the proposal would not adversely impact on the ability of GCC to deliver an adequate supply of mineral extraction sites in the future.
- 10.73 With regard to financial contributions, GCC Community Infrastructure requests contributions of £38,515.50 to secondary education and £7,252 to library services. GCC Highways has requested contributions of £22,500 towards Home to School Transport and £5,000 towards bus stop improvements. It is considered that the requested contributions are necessary to make the development acceptable in

planning terms, directly related to the proposed development and fairly and reasonably related in scale and kind to the development. The contribution request is considered to accord with Regulation 122 of the Community and Infrastructure Levy Regulations 2010.

- 10.74 New residential development is normally liable for the Community Infrastructure (CIL). However, affordable housing providers are able to claim an exemption subject to a number of criteria. If payment is required, Section 143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive, in payment of CIL is a material 'local finance consideration' in planning decisions.

## 11. Conclusion

- 11.1 Overall, it is considered that the proposed development will address an unmet need for affordable housing in the parish. It is considered that the proposal is acceptable as a Rural Exception Site and that the benefits arising from the proposal outweigh the other impacts of the scheme. It is therefore recommended that this application is granted planning permission subject to the completion of a S106 legal agreement covering the provision of affordable housing and financial contributions to education, library services and highway improvements.

## 12. Proposed Conditions:

1. The development shall be started by 3 years from the date of this decision notice.

**Reason:** To comply with the requirements of 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 approved shall be carried out in accordance with the following drawing number(s): P20-3111\_DE\_001\_o\_01, P20-3111\_DE\_001\_B\_07, P20-3111\_DE\_001\_B\_02, P20-3111\_DE\_001\_B\_04, P20-3111\_DE\_001\_C\_08, P20-3111\_DE\_002\_B\_01, P20-3111\_DE\_003\_F\_01, P20-3111\_DE\_003\_F\_02, P20-3111\_DE\_003\_F\_03, P20-3111\_DE\_003\_F\_04, P20-3111\_DE\_003\_F\_06, 23-015 599.

**Reason:** For purposes of clarity and for the avoidance of doubt, in accordance with the National Planning Policy Framework.

3. Prior to the construction of any external wall of the development hereby approved, samples of the proposed walling and roofing materials shall be approved in writing by the Local Planning Authority and only the approved materials shall be used.

**Reason:** To ensure that, in accordance with Cotswold District Local Plan Policy EN2, the development will be constructed of materials of a type, colour, texture and quality that will be appropriate to the site and its surroundings.



4. Prior to the construction of any external wall of the development hereby approved, a sample panel of walling of at least one metre square in size showing the proposed stone colour, coursing, bonding, treatment of corners, method of pointing and mix and colour of mortar shall be erected on the site and subsequently approved in writing by the Local Planning Authority and the walls shall be constructed only in the same way as the approved panel. The panel shall be retained on site until the completion of the development.

**Reason:** To ensure that in accordance with Cotswold District Local Plan Policies EN2, EN4 and EN5, the development will be constructed of materials of a type, colour, texture and quality and in a manner appropriate to the site and its surroundings. Retention of the sample panel on site during the work will help to ensure consistency.

5. Prior to the construction of any external wall of the development hereby approved, a sample panel of render of at least one metre square in size showing its proposed texture and colour shall be erected on the site and subsequently approved in writing by the Local Planning Authority and the walls shall be constructed only in the same way as the approved panel and shall be permanently retained as such thereafter. The panel shall be retained on site until the completion of the development.

**Reason:** To ensure that in accordance with Cotswold District Local Plan Policies EN2, EN4 and EN5, the development will be constructed of materials of a type, colour, texture and quality and in a manner appropriate to the site and its surroundings. Retention of the sample panel on site during the work will help to ensure consistency.

6. New render shall be of a roughcast type and be of a mix containing sharp sand, stone dust, pea shingle and lime unless an alternative mix is agreed in writing by the Local Planning Authority. The render shall finish flush with all stone dressings and shall not be belled outwards over the heads of doors, windows or any other opening.

**Reason:** To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policies EN2, EN4 and EN5.

7. All door and window frames shall be recessed a minimum of 75mm into the external walls of the building and shall be permanently retained as such thereafter.

**Reason:** To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policies EN2, EN4 and EN5.

8. No windows or external doors shall be installed/inserted/constructed in the development hereby approved, until their design and details have been submitted to and approved in writing by the Local Planning Authority.

The design and details shall be accompanied by drawings to a minimum scale of 1:5 with cross section profiles, elevations and sections. The development shall only be carried out in accordance with the approved details and retained as such at all times.

**Reason:** To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policies EN2, EN4 and EN5.

9. No bargeboards, exposed rafter feet or eaves fascias shall be used in the proposed development.

**Reason:** To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policies EN2, EN4 and EN5.

10. Prior to the first occupation of the development hereby approved, a comprehensive landscape scheme shall be approved in writing by the Local Planning Authority. It must show details of all planting areas, tree and plant species, numbers and planting sizes. The proposed means of enclosure and screening should also be included, together with details of any mounding, walls and fences and hard surface materials to be used throughout the proposed development.

**Reason:** To ensure the development is completed in a manner that is sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policies EN2, EN4 and EN5.

11. The entire landscaping scheme shall be completed by the end of the first full planting season (1st October to 31st March the following year) immediately following the first occupation of the development hereby permitted.

**Reason:** To ensure that the landscaping is carried out and to enable the planting to begin to become established at the earliest stage practical and thereby achieving the objective of Cotswold District Local Plan Policies EN2, EN4 and EN5.

12. Any trees or plants shown on the approved landscaping scheme to be planted or retained which die, are removed, are damaged or become diseased, or grassed areas which become eroded or damaged, within 5 years of the completion of the approved landscaping scheme, shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size and species as those lost, unless the Local Planning Authority approves alternatives in writing.

**Reason:** To ensure that the planting becomes established and thereby achieves the objective of Cotswold District Local Plan Policies EN2, EN4 and EN5.

13. Prior to the first occupation of the development hereby permitted, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The content of the LEMP shall include, but not necessarily be limited to, the following information:

- i. Landscape and ecological trends and constraints on site that might influence management;
- ii. Aims and objectives of management;
- iii. Appropriate management options for achieving aims and objectives;
- iv. Prescriptions for management actions;

- v. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5-10 year period);
- vi. Details of the body or organisation responsible for implementation of the plan;
- vii. Ongoing monitoring and remedial measures;
- viii. Timeframe for reviewing the plan; and
- ix. Details of how the aims and objectives of the LEMP will be communicated to the occupiers of the development.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body (ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented. The LEMP shall be implemented in full in accordance with the approved details.

The LEMP shall cover all the land outlined by the solid red line shown on drawing P20-3111\_DE\_001\_A\_07.

**Reason:** To maintain and enhance biodiversity, and to ensure long-term management in perpetuity, in accordance with paragraphs 174, 179 and 180 of the NPPF (Chapter 15), Policy EN8 of the Cotswold District Local Plan 2011-2031 and in order for the council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

14. The development shall be undertaken fully in accordance with the recommendations in Section 4.3 of the consultancy report (Ecological Report, AA Environmental Ltd., dated March 2023) and Cotswold District Council's Precautionary Method of Working document. All the recommendations shall be implemented in full, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure biodiversity is protected in accordance with the Wildlife and Countryside Act 1981 (as amended), the Protection of Badgers Act 1992, Circular 06/2005, the revised National Planning Policy Framework (in particular Chapter 15), Policy EN8 of the local plan and in order for the Council to comply for Part 3 of the Natural Environment and Rural Communities Act 2006.

15. Prior to the erection of an external walls of the development hereby permitted, an Ecological Design Strategy (EDS) shall be submitted to, and approved in writing by, the Local Planning Authority. The EDS shall include, but not necessarily be limited to, the following information:

- i. Details of planting such as, native hedgerows, species-rich grasslands, and native tree planting;
- ii. Type and source of materials to be used where appropriate, e.g. native species of local provenance;
- iii. Timetable for implementation demonstrating that works are aligned with the proposed phasing of the development;

- iv. Details of integrated bird (2 swift bricks per dwelling) and bat boxes (1 box per 4 houses and should be clustered next to suitable foraging features), reptile hibernacula, hedgehog friendly fencing;
- v. Details of initial aftercare and long-term maintenance and persons responsible for the maintenance.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

**Reason:** To enhance the site for biodiversity in accordance with paragraphs 174, 179 and 180 of the National Planning Policy Framework, Policy EN8 of Cotswold District Local Plan and in order for the council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006. It is important that these details are agreed prior to the commencement as any on-site works could have implications for biodiversity.

16. Prior to the installation of any external lighting for the development hereby approved, a lighting design strategy for biodiversity shall be submitted to and approved by the Local Planning Authority. The strategy will:
- a) identify the areas/features on site that are particularly sensitive for nocturnal wildlife;
  - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their commuter route.
  - c) No external lighting shall be installed other than that in accordance with the specifications and locations set out in the approved strategy.

**Reason:** To protect nocturnal wildlife in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, paragraphs 174, 179 and 180 of the National Planning Policy Framework (Chapter 15), Policy EN8 of the Cotswold District Local Plan 2011-2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

17. The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved details specified in MHP Arboricultural Impact Assessment and protection plan - drawing 23052.502 before any development including demolition, site clearance, materials delivery or erection of site buildings, starts on the site. The approved tree protection measures shall remain in place until the completion of development or unless otherwise agreed in writing with the Local Planning Authority. Excavations of any kind, alterations in soil levels, storage of any materials, soil, equipment, fuel, machinery or plant, site compounds, latrines, vehicle parking and delivery areas, fires and any other activities liable to be harmful to trees and hedgerows are prohibited within any area fenced, unless agreed in writing with the Local Planning Authority

**Reason:** To safeguard the retained/protected tree/s in accordance with Cotswold District Local Plan Policy EN7.

18. Prior to the commencement of the development hereby permitted, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority

The submitted details shall:

- i. include a timetable for its implementation; and
- ii. Provide a full risk assessment for flooding during the groundworks and building phases with mitigation measures specified for identified flood risks; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The development shall be undertaken fully in accordance with the approved details and maintained/managed in accordance with the approved details thereafter.

**Reason:** In order to ensure that the proposed development will not have an adverse impact on flooding and drainage in accordance with Local Plan Policy EN14. It is important that these details are agreed prior to the commencement of development as any on-site works could have implications for drainage and flood risk.

19. i) No development shall take place until an updated desk study has been produced to assess the nature and extent of any contamination, whether or not it originated on site, the report must include a risk assessment of potential source-pathway-receptor linkages. If potential pollutant linkages are identified, a site investigation of the nature and extent of contamination must be carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a Remediation Scheme specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before any development begins.

ii) The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority a Verification Report confirming that all works were completed in accordance with the agreed details.

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

**Reason:** To ensure any contamination of the site is identified and appropriately remediated in accordance with Local Plan Policy EN15. It is important that these details are agreed prior to the commencement of development as any on-site works could have implications for pollution and human health.

20. 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 shall identify:

- the specific types and amount of waste materials forecast to be generated from the development during site preparation & demolition and construction phases; and the specific measures will be employed for dealing with this material so as to:
- minimise its creation, maximise the amount of re-use and recycling on-site;
- maximise the amount of off-site recycling of any wastes that are unusable onsite; and reduce the overall amount of waste sent to landfill. In addition, the detailed site waste management plan must also set out the proposed proportions of recycled content that will be used in construction materials.

The detailed Site Waste Management Plan shall be fully implemented as approved unless the local planning authority gives prior written permission for any variation.

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

21. 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 shall include details of the appropriate and adequate space and infrastructure to allow for the separate storage of recyclable waste materials. The management of waste during occupation must be aligned with the principles of the waste hierarchy and not prejudice the local collection authority's ability to meet its waste management targets. All details shall be fully implemented as approved unless the Local Planning Authority gives prior written permission for any variation.

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

22. No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority

**Reason:** It is important to agree a programme of archaeological work in advance of the commencement of development, so as to make provision for the investigation and recording of any archaeological remains that may be destroyed by ground works required for the scheme. The archaeological programme will advance understanding of any heritage assets which will be lost, in accordance with paragraph 205 of the National Planning Policy Framework

23. The development hereby permitted shall be undertaken fully in accordance with the recommendations in the document titled 'Energy Statement' by Fention Energy dated 6th April 2023. Each dwelling hereby permitted shall be fitted with photovoltaic panels and an air source heat pump and be provided with an electric vehicle charging point prior to its first occupation in accordance with drawing number P20-3111\_DE\_001\_C\_08.

**Reason:** In order to ensure that the development addresses the impact of climate change in accordance with Local Plan Policy EN1.

24. Prior to the first occupation of each dwelling hereby permitted, the access, parking and turning facilities for that respective dwelling shall be provided fully in accordance with the approved plans.

**Reason:** In order to ensure that each dwelling is provided with adequate parking and access facilities in the interests of highway safety and in accordance with Local Plan Policies INF4 and INF5.

25. The development hereby approved shall not be occupied until visibility splays have been provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, measured perpendicularly), for a distance of 99 metres to the west and 91 metres to the east measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6 metres from the edge of the carriageway.

The visibility splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above carriageway level.

**Reason:** In the interests of highway safety in accordance with Local Plan Policy INF4.

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

- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Advisory routes for construction traffic;
- Any temporary access to the site;

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

**Reason:** In the interests of the highway safety in accordance with Local Plan Policy INF4. It is important that these details are agreed prior to the commencement of development as any on-site works could have implications for highway safety.

27. Prior to the first occupation of the development hereby permitted, the highway improvements works comprising the creation of the new footpath link from the south-western extent of the site frontage, onto Oddington Road, to the existing footpath at the junction with King Georges Field shall be constructed fully in accordance with the details shown on drawing SK03 B (within Technical Note - Transport Addendum September 2023 ).

**Reason:** In the interests of pedestrian and highway safety in accordance with Local Plan Policy INF4.

#### **Informatives:**

1. Please note that the proposed development set out in this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). A CIL Liability Notice will be sent to the applicant, and any other person who has an interest in the land, under separate cover. The Liability Notice will contain details of the chargeable amount and how to claim exemption or relief, if appropriate. There are further details on this process on the Council's website at [www.cotswold.gov.uk/CIL](http://www.cotswold.gov.uk/CIL)
2. The Lead Local Flood Authority (LLFA) will consider how the proposed sustainable drainage system can incorporate measures to help protect water quality, however pollution control is the responsibility of the Environment Agency.

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

Any revised documentation will only be considered by the LLFA when resubmitted through [suds@gloucestershire.gov.uk](mailto:suds@gloucestershire.gov.uk) e-mail address.

3. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.



4. If a protected species (such as any bat, great crested newt, dormouse, badger, reptile, barn owl or any nesting bird) is discovered using a feature on site that would be affected by the development or related works all activity which might affect the species at the locality should cease. If the discovery can be dealt with satisfactorily by the implementation of biodiversity mitigation measures that have already been drawn up by your ecological advisor and approved by the Local Planning Authority then these should be implemented. Otherwise a suitably experienced ecologist should be contacted and the situation assessed before works can proceed. This action is necessary to avoid possible prosecution and ensure compliance with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2017 (as amended), the Protection of Badgers Act 1992 and the Wild Mammals Act 1996. This advice note should be passed on to any persons or contractors carrying out the development/works.

Cotswold District Council's Precautionary Method of Working document can be found here: <https://www.cotswold.gov.uk/planning-and-building/wildlife-and-biodiversity/biodiversity-specifications/>

5. Works on the Public Highway

The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out. Contact the Highway Authority's Legal Agreements Development Management Team at [highwaylegalagreements@gloucestershire.gov.uk](mailto:highwaylegalagreements@gloucestershire.gov.uk) allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the 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.

#### *Highway to be adopted*

The development hereby approved includes the construction of new highway. To be considered for adoption and ongoing maintenance at the public expense it must be constructed to the Highway Authority's standards and terms for the phasing of the development. You are advised that you must enter into a highway agreement under Section 38 of the Highways Act 1980. The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980.

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

The Highway Authority's technical approval inspection fees must be paid before any drawings will be considered and approved. Once technical approval has been granted a Highway Agreement under Section 38 of the Highways Act 1980 must be completed and the bond secured.

*Impact on the highway network during construction*

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

*No Drainage to Discharge to Highway*

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.

*Protection of Visibility Splays*

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.