

15/00749/OUT

Land North of Innsworth Lane, Innsworth

Valid 06.07.2015

A mixed use development comprising demolition of existing buildings, up to 1,300 dwellings and 8.31 hectares of land for employment generating uses comprising a neighbourhood centre of 4.23ha (A1, A2, A3, A4, A5, D1, D2, B1), office park of 1.31ha (B1) and business park of 2.77ha (B1 and B8 uses), primary school, open space, landscaping, parking and supporting infrastructure and utilities, and the creation of new vehicular accesses from the A40 Gloucester Northern Bypass, Innsworth Lane and Frogfurlong Lane.

Grid Ref 385508 221165

Parish Innsworth

Ward Innsworth With Down
Hatherley

Robert Hitchins Limited

C/O Agent

RECOMMENDATION Minded to Refuse

Policies and Constraints

National Planning Policy Framework

Planning Practice Guidance

Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies GNL2, GNL8, GNL11, GNL15, HOU4, HOU13, GRB1, TPT1, TPT3, TPT6, TPT9, EMP2, RET4, EVT1, EVT2, EVT3, EVT5, EVT9, LND4, LND7, RCN1, RCN2, RCN10 and NCN5.

Main Modifications JCS - SA1, SP1, SP2, SD1, SD4, SD5, SD7, SD10, SD11, SD13, SD15, INF1-8, SA1 and A1

Affordable Housing SPG

Flood and Water Management Supplementary Planning Document

Public Right of Way

Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)

The First Protocol, Article 1 (Protection of Property)

The Community Infrastructure Levy Regulations - 2010

The Localism Act 2011

Green Belt

Listed Buildings - various

Public Rights of Way (PROW)

Consultations and Representations

Innsworth Parish Council -: Comments as follows:

- Highways issues including the need to widen Frogfurlong Lane;
- Neighbourhood centre should include doctor's surgery, dentist's and pub serving food;
- No need for another community hall;
- Proposed sports changing facilities could include a bar and social area;
- Query whether enough secondary school places in the area;
- Wish to see provision of land for burials and allotments.

Down Hatherley Parish Council - Objects on Green Belt, prematurity and highways grounds. Also refer to comments the Parish Council made to the JCS consultation in 2012 on the following issues:

- The character of Down Hatherley;
- Retention of Green Belt;
- The need to avoid further flooding;
- Roads and traffic;
- Impacts of the airport on new housing;
- Traveller sites.

Churchdown Parish Council - Objects on the following grounds:

- Loss of Green Belt;
- Traffic impacts;
- Impacts on the Innsworth Meadows SSSI;
- Flood risk;

- Urban Design (support the Urban Design Officer comments);
- Location of employment land;
- Lack of clarity on neighbourhood centre proposals;
- No reference to secondary school provision;
- Impacts of the airport;
- Note should be taken of the Churchdown and Innsworth Neighbourhood Plan.

Landscape Consultant - Objects on the following grounds:

- There is no clear Green Infrastructure (GI) Strategy which should be at the heart of the masterplan;
- The ES does not address potential cumulative impacts;
- The LVIA does not address the cumulative impacts (with Twigworth);
- There would be a substantial loss of open countryside and perception of openness particularly when taking into account the cumulative impacts.

Urban Design Officer - Objects:

- The DAS appears to be fairly generic;
- The masterplan has a lack of a clear and understandable movement network resulting in poor connectivity between different land uses;
- The high street is not an appropriate location for purely employment uses;
- The GI is poorly considered and badly connected;
- The parameters plans are confusing and do not give a clear understanding of the character of the proposed place;
- Overall the broad location of land uses is considered acceptable, however the movement network and green infrastructure need to be totally reconsidered.

Environmental Health Officer

Air Quality

- The proposed A40 junction requires further investigation based on the final design before planning permission is granted;
- Otherwise, generally agree with the conclusions of the Environmental Statement;
- Conditions required to secure low emission boilers and electric vehicle charging points.

Lighting - No objection subject to conditions.

Noise/Odour - No objection subject to conditions for a Construction Environmental Management Plan; noise mitigation for dwellings; extraction systems for any catering uses.

Contaminated land - No objection subject to conditions.

Strategic Housing Enabling Officer - Objects to 30% affordable housing. The evidence base supporting the emerging JCS suggests 35% affordable housing should be provided on qualifying sites.

Conservation Officer - No Objection.

Community and Economic Development Manager - Provides advice on requirements for on-site open space. Requests contributions towards community/sports facilities.

Lead Local Flood Authority - No objection subject to conditions.

Highways England - Recommend non-approval of the application due to insufficient information to assess the impact of the proposed development on the strategic road network.

County Highways Officer - Object on the basis that it has not been demonstrated that the proposed development has taken up the opportunities for sustainable transport modes to reduce the need for major transport infrastructure; that safe and suitable access to the site can be achieved for all people; and that improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.

County S106 Officer - Requests contributions towards pre-school, primary and secondary education and libraries.

County Archaeologist - No objection subject to condition.

Environment Agency - No objection subject to conditions relating to levels, flood compensation and ecological betterment/mitigation. Further information requested on climate change allowance.

Natural England - Object due to lack of information/assessment of the Innsworth Meadows SSSI, including impacts on hydrology.

Gloucestershire Wildlife Trust - Object on grounds of lack of evidence that Innsworth Meadow will be adequately protected and enhanced. The application doesn't go far enough towards the aspirations of the NPPF guidance in paras 9 and 109. There is need for further work on drainage, GI (and indeed whole layout) and habitat enhancement, especially with reference to the SSSI. We would wish to see a site-wide GI strategy produced at Stage Phase One into which later phases are fitted.

Tree Warden - Crucial that wildlife corridors and habitats are retained and enhanced sensitively. Traditional and relic orchards and veteran perry pear trees should be retained.

Historic England - request appropriate assessment of the setting of Grade II* heritage assets in the area.

Severn Trent Water - No objection subject to condition.

Public Health England - Some concerns regarding air quality reflecting the Environmental Health Officer comments. Agree land contamination requires further assessment and that a condition is required for a scheme of mitigation/control.

Gloucester City Council - Supports the principle of development subject to the following:

- Retail provision should not be for comparison goods;
- Gypsy and traveller provision should be properly addressed;
- Employment land provision should be increased to reflect the JCS;
- Opportunities to enhance ecological connectivity should be explored;
- Requisite facilities should be secured through section 106 obligations.

29 letters of objection have been received including one from the Gloucester City Councillors representing neighbouring wards. The reasons for objecting to the application are summarised as follows:

- The site is in the Green Belt and should be protected;
- There would be a negative impact on the character of the area which would become a suburb of Gloucester;
- There is a serious lack of infrastructure in the area to cope with a development of this scale;
- Flood risk would be increased; the water table in the area is high and the fields already flood multiple times per year. The drainage system can't cope;
- The local highway network can't cope with the extra traffic; the Longford roundabout is already a bottleneck;
- Proximity to the airport and Imjin barracks is a concern;
- Brownfield sites should be used in preference to Green Belt;
- All Green Belt is precious and should be retained;
- Impact on wildlife;
- Traffic in Churchdown would be chaos in the rush hour. There are already serious problems at the Hare and Hounds roundabout;
- The proposal would result in a huge strain on local infrastructure and an increase in anti-social behaviour;
- There is insufficient infrastructure in the area;
- There has been no change since the previous refusal;
- No regard has been given to the need for secondary school provision;
- There is no work for people already living in the area;
- The local community doesn't want the development;
- Premature to the JCS;
- Question the need for new housing;
- There should be a safe path from the new housing to the Technology Park;
- Insufficient pedestrian crossings from the existing to new development;
- The layout appears cramped;
- An urban extension here is inevitable; it should be of high quality and be joined up to ensure good connections between existing and proposed development;
- The proposals fail to take up all opportunities for ensuring good development;
- There should be an access road from Tewkesbury Road to Innsworth Lane with a spur onto the bypass;
- The neighbourhood centre should better relate to existing housing;
- There should be a substantial new public park;

- The current scheme does not offer adequate community benefit to offset the loss of Green Belt;
- There needs to be sufficient education and medical provision;
- A link to the A40 is required before a significant number of dwellings are occupied;
- Increased traffic would compromise the safety of all road users including cyclists and pedestrians;
- Already too many schools in the area which add to traffic problems;
- Down Hatherley will become a rat-run.

Planning Officers Comments: Mr Paul Skelton

1.0 The site and its location

1.1 The application site comprises approximately 105.6 hectares of largely agricultural land to the east of the A38 at Twigworth. The site includes buildings associated with Drymeadow Farm in the western part of the site. The site is bound to the north by the Hatherley Brook with open countryside beyond. To the west and south west are agricultural fields with the ongoing Longford development adjoining the built up area of Longford. The southern site boundary abuts the existing residential development of Innsworth and the Innsworth Technology Park. To the west is Imjin barracks. The site also includes the Innsworth Meadows Site of Special Scientific Interest and stretches of Innsworth Lane, Frogfurlong Lane and the A40. A number of public footpaths cross the site (**see attached location plan**).

2.0 Planning History

2.1 A non-determination appeal for a mixed use urban extension comprising of 1750 dwellings, 12,900 square metres of light industrial units, etc was dismissed following a public inquiry on 30th June 2010. The appeal had been recovered by the Secretary of State (SoS) who, in dismissing the appeal disagreed with the Inspector as to the weight to be given to the then emerging RSS which had proposed an urban extension in this location. This is because the new Government at the time had signalled its intention to abolish regional planning. The SoS agreed with the Inspector that the proposal amounted to inappropriate development in the Green Belt which would harm its openness.

2.2 The site was included as part of a previous draft allocation in the emerging Joint Core Strategy (JCS) for Innsworth and Twigworth (Draft for Consultation - October 2013). However the Twigworth part of the allocation was removed and did not appear in the Submission Version of the JCS (November 2014). The Innsworth site remained however.

2.3 Following the JCS examination sessions in 2016, the JCS Inspector published her interim findings and recommended that the Twigworth site be included in the JCS for at least 750 dwellings. She further stated that *"The allocation could be increased if the JCS team demonstrate that more housing in this location is appropriate and deliverability is addressed"*.

2.4 Land to the North of the Hatherley Brook is shown to be in the applicants ownership and is subject of an appeal against refusal of up to 725 dwellings (application reference: 15/01149/OUT). Permission was refused in January 2016, at a time when the site was not included in the emerging JCS, on Green Belt, landscape, social cohesion, design and transport grounds, as well as reasons relating to the lack of a signed s106 planning obligations to secure the necessary affordable housing and infrastructure.

3.0 The Proposals

3.1 The application is made in outline with all matters reserved for future consideration. The proposals are for a mixed use development comprising demolition of existing buildings, up to 1,300 dwellings and 8.31 hectares of land for employment generating uses comprising a neighbourhood centre of 4.23ha (A1, A2, A3, A4, A5, D1, D2, B1), office park of 1.31ha (B1) and business park of 2.77ha (B1 and B8 uses), primary school, open space, landscaping, parking and supporting infrastructure and utilities, and the creation of new vehicular accesses from the A40 Gloucester Northern Bypass, Innsworth Lane and Frogfurlong Lane.

3.2 The application is supported by an illustrative masterplan which indicates how the quantum of development could be delivered. The application is also supported by various parameters plans; a Planning Statement; Design and Access Statement; Statement of Community Involvement; Sustainability Statement; Waste Management Statement; Retail Statement; Transport Assessment and Travel Plan; Utilities Statement; and a Flood Risk Assessment.

3.3 The application is also accompanied by an Environmental Statement required as the proposed development constitutes EIA (Environmental Impact Assessment) development in accordance with the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 2011. The Environmental Statement which assesses a range of social, environmental and economic issues.

4.0 The Community Infrastructure Levy Regulations

4.1 The Community Infrastructure Levy (CIL) Regulations allow local authorities to raise funds from developers undertaking new building projects in their area. Whilst Tewkesbury Borough Council has not yet developed a levy the regulations stipulate that, where planning applications are capable of being charged the levy, they must comply with the tests set out in the CIL regulations. These tests are as follows:

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

4.2 As a result of these regulations, Local Authorities and applicants need to ensure that planning obligations are genuinely 'necessary' and 'directly' related to the development'. As such, the Regulations restrict Local Authorities ability to use Section 106 Agreements to fund generic infrastructure projects, unless the above tests are met. Where planning obligations do not meet the above tests, it is 'unlawful' for those obligations to be taken into account when determining an application. The need for planning obligations is set out in relevant sections of the report.

4.3 The CIL regulations also provide that as from 6 April 2015, no more contributions may be collected in respect of an infrastructure project or a type of infrastructure through a section 106 agreement, if five or more obligations for that project or type of infrastructure have already been entered into since 6 April 2010, and it is a type of infrastructure that is capable of being funded by the levy.

5.0 Principle of Development

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. The key consideration in assessing the principle of development therefore are the existing and emerging development plans for the area and Government policy in respect of new housing development.

Tewkesbury Borough Local Plan to 2011 - March 2006

5.2 The development plan comprises the saved policies of the Tewkesbury Borough Local Plan to 2011 - March 2006 (the 'Local Plan'). The application site lies outside any recognised settlement boundary as defined by the Local Plan. Consequently, the application is subject to policy HOU4 which states that new residential development will only be permitted where such dwellings are essential to the efficient operation of agriculture or forestry or the provision of affordable housing. The Council can currently demonstrate a five-year supply of deliverable housing sites and as such policy HOU4 should be given considerable weight.

5.3 Local Plan Policy GRB1 (Green Belts) considers the construction of new buildings to be inappropriate within the Green Belt, unless it involves, inter alia, development necessary for the efficient use of agriculture or forestry; essential facilities for outdoor sport and recreation; for cemeteries and other uses of land which preserve the openness of the Green Belt, and which do not conflict with the purposes of including land within it. New housing and commercial developments are not listed as those which are acceptable in the Green Belt and therefore the current proposals must be considered to constitute inappropriate development in the Green Belt. As this advice is repeated in the NPPF, this policy is considered to be up-to-date and carries full weight in the determination of this application, however it should be noted that the NPPF allows for inappropriate development where there are very special circumstances which clearly outweigh Green Belt harm.

Emerging Development Plan

5.4 The emerging development plan will comprise the Joint Core Strategy (JCS), Tewkesbury Borough Plan and any adopted neighbourhood plans. These are all currently at varying stages of development.

5.5 Paragraph 216 of the NPPF sets out that decision-takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

5.6 The JCS Proposed Main Modifications Version February 2017 (MMJCS) is the latest version of the document and sets out the preferred strategy over the period of 2011-2031. This document, inter alia, sets out the preferred strategy to help meet the identified level of need. Policy SP2 of the MMJCS sets out the overall level of development and approach to its distribution.

5.7 The MMJCS strategy seeks to concentrate new development in and around the existing urban areas of Cheltenham and Gloucester to meet their needs, to balance employment and housing needs, and provide new development close to where it is needed and where it can benefit from the existing and enhanced sustainable transport network. Development is also directed to Tewkesbury town in accordance with its role as a market town and to rural service centres and service villages.

5.8 On 20 November 2014 the JCS was submitted for examination. The Inspector published her Interim Findings in May 2016 and the JCS authorities have now approved Main Modifications to the plan for consultation. Consultation will take place in February/March 2017 and further examination hearings are expected to take place in the summer.

5.9 The JCS has therefore reached a further advanced stage, but it is not yet formally part of the development plan for the area and the weight that can be attached to each of its policies will be subject to the criteria set out above, including the extent to which there are unresolved objections. In respect of the distribution of housing (Policy SP2) there are significant objections to this policy. Further comments on the weight to be attributed to any policies in the JCS relevant to this application are discussed in the appropriate sections of this report.

5.10 The MMJCS identifies a strategic allocation of 2,295 dwellings at Innsworth and Twigworth to meet the needs of Gloucester. Each strategic allocation has been given a site specific policy to cover detailed issues to be considered in bringing forward development. These delivery issues are based ON the JCS evidence base and is what is considered necessary to enable sustainable development. Policy A1 of the MMJCS specifically relates to the Innsworth and Twigworth strategic allocation and reads as follows:

The Strategic Allocation identified at Innsworth & Twigworth (as shown on Proposals Map Plan A1 and A1a) will be expected to deliver:

- i. Approximately 2,295 new homes.**
- ii. Approximately 9 hectares of employment generating land.**
- iii. A local centre including the provision of an appropriate scale of retail, healthcare and community facilities to meet the needs of the new community.**
- iv. New primary and secondary education schools and facilities.**
- v. A green infrastructure network of approximately 100 hectares, corresponding with flood zones 2 and 3.**
- vi. Protection to key biodiversity assets, including a new nature reserve with the green infrastructure area to support the restoration of the SSSI and improve the ecology of the area.**
- vii. Adequate flood risk management across the site and ensure that all vulnerable development is located wholly within flood zone 1. This includes measures to reduce flood risk downstream through increasing storage capacity.**

- viii. **Flood risk management will be a critical part of master planning the site in linking the Innsworth and Twigworth areas, avoiding overland flow routes and addressing surface water flooding. Detailed flood risk assessments must utilise the latest flood risk modelling information for the whole site and any other areas impacted by the development in terms of flood risk.**
- ix. **A layout and form of development that respects the landscape character as well as the character and setting of heritage assets and the historic landscape.**
- x. **A layout and form that integrates, where appropriate, important hedgerows within the development.**
- xi. **A layout and form that reduces the impact of electricity pylons and high voltage lines; with the siting of residential development being a particular consideration.**
- xii. **Primary vehicle accesses from A38, Innsworth Lane and explore the potential for a new main junction onto the A40 to the south of the site.**
- xiii. **The potential for a highway link through both the Innsworth and Twigworth sites linking the A38 and A40.**
- xiv. **Measures necessary to mitigate the traffic impact of the site, including the use of travel plans to encourage the use of more sustainable transport modes.**
- xv. **High quality public transport facilities and connections within and adjacent to the site.**
- xvi. **Safe, easy and convenient pedestrian and cycle links within the site and to key centres, providing segregated links where practical.**

5.11 Whilst Policy A1 has only recently been included in the Main Modifications to the Submission JCS following the Inspector's interim findings, the Innsworth element of the allocation has been included in all draft versions of the JCS to date and has been found to be sound by the Inspector. The Twigworth element was included in the October 2013 draft of the JCS but removed from the Submission version (November 2014). However in her Interim Findings the Inspector commented that land at Twigworth was an obvious choice for a housing-led allocation and that the land had been assessed as making a limited contribution to the Green Belt. The Inspector went on to say that *"However, large parts of the site are outside the flood hazard zones and the flood risk appears to be no worse than for Innsworth. Furthermore, the promoters of the 750 dwelling site only intend to build housing in Flood Zone 1. With respect to integration, a master plan has been produced for the 750 dwelling development, which appears to satisfactorily integrate this Twigworth site with Innsworth via green infrastructure."*

5.12 In addition, the extensive evidence base to the emerging JCS is also material to the consideration of this application. Many reviews and assessments have been carried out around various topics. These documents are part of a much larger emerging evidence base and should not be viewed independently. The evidence relating to this particular site will be discussed within the appropriate sections of this report.

5.13 The Tewkesbury Borough Plan is at an early stage of preparation. Initial consultation took place in 2015 and a Pre-submission consultation is expected to take place in late summer/autumn 2017. Given its stage of preparation very limited weight can be given to the emerging Borough Plan.

5.14 Work is ongoing on developing a neighbourhood Development Plan (NDP) for Churchdown and Innsworth. A draft plan is being prepared for consultation and as such the NDP is at an early stage of preparation. At this stage no weight can be given to the emerging NDP.

National Planning Policy Framework and Planning Practice Guidance

5.15 The NPPF aims to promote sustainable growth and requires applications to be considered in the context of sustainable development and sets out that there are three dimensions to sustainable development: economic, social and environmental.

- the economic role should contribute to building a strong, responsive and competitive economy;
 - the social role should support strong, vibrant and healthy communities; and
 - the environmental role should protect and enhance the natural, built and historic environment.
- These roles should not be undertaken in isolation, because they are mutually dependant.

5.16 Paragraph 12 of the NPPF clarifies that it does not change the statutory status of the development plan as the starting point for decision-making. Proposed development that accords with the development plan should be approved, and proposed development that conflicts should be refused unless other material circumstances indicate otherwise.

Paragraph 14 of the NPPF sets out a presumption in favour of sustainable development, which for decision taking means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
 - where specific policies in the Framework indicate development should be restricted.

5.17 Footnote 9 to paragraph 14 gives examples of where policies in the Framework indicate that development should be restricted and includes land designated as Green Belt, which applies to the application site in this case.

5.18 In terms of economic growth, one of the 'core principles' of the NPPF is to proactively drive forward and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Paragraph 19 of the NPPF states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth and that planning should operate to encourage and not act as an impediment to sustainable growth.

5.19 In terms of housing delivery, the NPPF sets out that local authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing, including identifying key sites which are critical to the delivery of the housing strategy over the plan period. Paragraph 49 states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

5.20 The NPPF attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The Government are also clear that unmet need is unlikely to outweigh harm to the Green Belt and other harm to constitute the 'very special circumstances' justifying inappropriate development in the green belt. A full analysis of Green Belt issues is contained in section 6 below.

5.21 Other specific relevant policies within the NPPF are set out in the appropriate sections of this report.

Conclusions on the principle of residential development

5.22 The Council can demonstrate a five-year supply of deliverable housing sites and as such the presumption in favour of sustainable development is not engaged. The proposed development conflicts with Policy HOU4 of the Local Plan and also represents inappropriate development in the Green Belt in conflict with TBLP policy GRB1. As such the presumption is against the grant of planning permission unless other material planning circumstances indicate otherwise, including whether there are very special circumstances which clearly outweigh the harm to the Green Belt. Consideration must also be given the consistency of the proposal with the emerging policy A1 of the MMJCS as outlined above.

6.0 Green Belt

6.1 As set out above, the proposal constitutes inappropriate development in the Green Belt and thus conflicts with saved Local Plan policy GRB1. The NPPF provides that, as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local authorities should ensure that substantial weight is given to any harm to the Green Belt by reason of inappropriateness. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. This is reflected in policy SD6 of the MMJCS.

6.2 The appellants Planning Statement (PS) recognises that the proposal represents inappropriate development in the Green Belt and that very special circumstances which clearly outweigh the harm would be required to justify permission. The PS states that "*...the site has been recognised in the [AMEC] Green*

Belt Review as making a limited contribution to checking unrestricted sprawl; to preventing the merger of towns; to safeguarding the countryside; and to preserving the setting of Gloucester, and as a result it clearly makes a limited contribution to the Green Belt currently and is proposed to be removed. As set out above, this conclusion was also reached by the JCS Inspector in her Interim Findings (see paragraph 5.11 above).

6.3 Nevertheless, the proposed development is inappropriate development in the Green Belt and thus very special circumstances which clearly outweigh the harm by inappropriateness must be shown to justify development.

6.4 As well as the harm by reason of inappropriateness the harm to openness and the purposes of including land as Green Belt must also be considered, along with any other harms. The site currently comprises flat, open fields. The impact on views is considered in greater detail in section 7 (Landscape) below, however, post development, there would be up to 1300 houses plus associated employment and infrastructure development which would clearly have a harmful effect on the openness of the site from views within and from outside the site. This would conflict with the fundamental aim of keeping Green Belt land open, and with the key Green Belt purpose of safeguarding the countryside from encroachment.

Appellants' Very Special Circumstances Case

6.5 The Appellant has put forward an argument to say that there are considerations which amount to very special circumstances in this case. Firstly it is suggested that the proposal represents sustainable development providing economic, environmental and social benefits in a location supported by the JCS authorities. Further, the Applicants argue that it is recognised that releases from the currently designated Green Belt boundary are required to meet the current developmental needs of the area. The definitional harm to the Green Belt arising from the Proposed Development must therefore be significantly reduced in their view.

6.6 Furthermore the Appellant considers that the Green Belt at the application site has been identified as making a limited contribution to Green Belt purposes. As a consequence it has previously been proposed to be removed from the Green Belt in the JCS Draft for Consultation. The weight to be afforded to the harm to the Green Belt is therefore also significantly reduced. Finally the applicants consider that the Proposed Development would contribute to the objectively assessed needs for housing and employment and is consistent with the emerging development plan. The appellant considers that these benefits are considerable.

6.7 The Appellant concludes in respect of Green Belt issues that as, in their view, there exist very special circumstances that justify the release of the site from the Green Belt, footnote 9 of the NPPF does not apply and paragraph 14 is engaged. Officers however do not agree with this approach.

Analysis of the applicants' Very Special Circumstances case

6.8 It is clear that the site has long been identified as suitable for an urban extension. The site was first included within an 'Area of Search' for 2,000 houses in the draft RSS in 2006; this was increased to 2,500 houses in the Proposed Changes RSS, as recommended by the EiP panel. Since the abolition of regional planning, the site has been identified as a potential urban extension location in all draft versions of the JCS to-date. In determining the Perrybrook application in 2015, the Secretary of State commented in relation to that site (also a Strategic Allocation in the JCS, and before that in the Proposed Changes version of the RSS) as follows:

"Bearing in mind that the JCS has been prepared so as to be broadly consistent with current national policy, the Secretary of State agrees with the Inspector that considerable weight should be attached to the broad approach of the JCS and, as a consequence, the contribution which the application site is expected to make to the strategic planning of the area".

Those comments were made at a time when the JCS Inspector's Preliminary Findings had been published and before the publication of the Interim Findings and the MMJCS for consultation.

6.9 Considerable weight must also be given to the social and economic benefits related to the provision of 1,300 new dwellings and over 11 hectares of employment generating uses, as well as the associated infrastructure. It is also noted that the ES sets out that the residential development proposed would result in £133m of capital investment (based on a figure of £1,020/sq.m), with the employment and infrastructure additional to this. In addition it is expected that the residential development would result in between 160 and 260 additional jobs during construction; other elements of the proposals would increase this. These jobs, in addition to the new residents, would also help support the local service economy.

6.10 Against these benefits are the clear harms to the openness of the Green Belt and the open countryside arising from the replacement of undeveloped land with the proposals put forward. Whether other harms exist will be explored in the proceeding sections of this report.

6.11 It is clear that the harm to the Green Belt must be given substantial weight. Nevertheless, there would be substantial benefits arising from the proposal in respect of a significant contribution to housing requirements, along with the associated economic and social benefits. Whilst these benefits are considerable, it is not considered that they would, on their own, represent the very special circumstances which clearly outweigh the Green Belt and other harm. However, the proposal is also in broad accordance with the JCS strategy for the delivery of a strategic allocation to the North of Gloucester. This in itself should be given considerable weight. This weight however must be assessed in light of the consistency of the proposals with the emerging Policy A1 of the MMJCS which indicates how the Strategic Allocation, which also includes land at Twigworth, should be brought forward. These matters will be considered in detail in the relevant sections below.

Conclusion on Green Belt Matters

6.12 Overall, it is considered that the circumstances set out above are *capable* of amounting to the very special circumstances required to clearly outweigh the identified harm to the Green Belt, and other harms. The overall conclusion on this matter is dependant however on a full assessment of the application proposals.

7.0 Landscape and Visual Impact

7.1 One of the core planning principles of the NPPF sets out that the planning system should recognise the intrinsic character and beauty of the countryside. Section 11 of the NPPF sets out that the planning system should contribute to and enhance the local environment by, amongst other things, protecting and enhancing valued landscapes. Local Plan Policy LND4 provides that in rural areas regard will be given to the need to protect the character and appearance of the rural landscape and Policy SD7 in the MMJCS states that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. Policy A1 of the MMJCS requires the strategic allocation to deliver *"A layout and form of development that respects the landscape character as well as the character and setting of heritage assets and the historic landscape; and "A layout and form that integrates, where appropriate, important hedgerows within the development.*

7.2 The site does not fall under any statutory or non-statutory landscape designation. The site lies within the Settled Unwooded Vale within the Vale of Gloucester. This is a flat to gently undulating landscape with medium to large-scale field pattern dissected by streams and watercourses. Whilst predominantly rural and agricultural, there are clear influences from the edge of Gloucester including, power lines and road infrastructure, the sewerage treatment works, Imjin Barracks and residential properties fronting on to Innsworth Lane as well as commercial development off Drymeadow Lane.

7.3 The topography of the area lends itself to wide and expansive views albeit coalescing hedgerows and trees within field boundaries tend to screen and filter low-level views. The level of screening and filtering varies with hedge management. Many hedges have been trimmed through the autumn and early winter allowing some very expansive views across the site from the surrounding road network. The development site is typical of the local landscape character. It abuts Gloucester, which exerts a strong local influence. However that influence diminishes rapidly to the north and the site retains a strong rural character typical of open countryside within the Vale. This is particularly true of the Hatherley Brook corridor, which also supports the Gloucestershire Way long distance route that connects with the River Severn to the west.

7.4 A 'Landscape and Visual Impact Assessment' (LVIA) has been undertaken to inform the environmental statement. The LVIA concludes that the proposals retain the majority of existing field boundary hedgerows and trees, which would be reinforced with additional planting to limit the effects of the proposed development on local and wider landscape character. The LVIA this concludes that the effect on landscape character would not be significant. The LVIA also advises that the limited loss of trees and hedgerows proposed would be mitigated by new planting within open spaces. The proposed conversion of arable farmland to natural and semi-natural open spaces, new areas of tree and shrub planting both in open spaces and 'on-plot', and the creation of new water features in the form of SUDS retention basins would result in a net beneficial impact on landscape features and elements.

7.5 The LVIA further explains that the existing internal and peripheral boundary vegetation, together with field hedgerows and tree planting in the surrounding landscape, mean that the site has limited inter-visibility beyond 500-1000m from its boundary. Views from the south and west are further restricted by the existing built development of Innsworth and Imjin Barracks. Apart from views from PRowWs within or very close to the site, and views from existing residential properties on the northern edge of Innsworth, the LVIA considers that the proposed development would not result in any unacceptable visual effects, and those effects would be reduced in significance over time as new and existing vegetation grows and matures. Overall the LVIA concludes that the proposed development is considered to be appropriate to the setting and landscape character of the site and offers suitable landscape mitigation measures in terms of visual amenity.

7.6 The proposals would clearly result in significant harm by the very nature of the proposed development. This broad principle of developing this site as an urban extension to Gloucester has of course been subject to the scrutiny of the EiP of the JCS and the Inspector has found the principle of the allocation sound. The MMJCS does however allocate the site in combination with proposed development at Twigworth.

7.7 The Council's Landscape Consultant (LC) has assessed the submitted material. The LC raises concerns that the submitted Green Infrastructure (GI) Parameters Plan fails to communicate a clear strategy for the integration of circulation (including wider linkages), biodiversity, water and amenity space. There are no clear non-vehicular routes indicated within or beyond the site boundary (for example, to the Gloucestershire Way along the Hatherley Brook), nor do the proposed open spaces within the masterplan seem to form a logical network of linked multi-functional spaces or green corridors. The LC is concerned that the GI Parameters Plan appears to be a reactive drawing rather than a strategic tool informing the evolution of an effective masterplan.

7.8 The LC is similarly concerned about the ES which does not address the potential cumulative effects of the proposed site at Twigworth which will be heard at the same Public Inquiry. The LC points out that both the EIA regulations and the Landscape Institute Guidelines for Landscape and Visual Impact Assessment both require that cumulative and in combination effects are considered. Given the proximity of the two proposals (which in terms of the MMJCS represent a single urban extension), this is considered to represent a serious omission.

7.9 In general terms, and notwithstanding the above comments, the LC considers that the proposals could be seen as a logical urban extension of Gloucester. It would not be disproportionate in scale or "awkward" in its form when compared to the larger settlement. The masterplan does show some restraint to the north and suggests a fragmented settlement edge that makes use of the existing field pattern and field boundaries. This approach provides an effective buffer between it and the Hatherley Brook and the Gloucestershire Way to the north.

7.10 As indicated in paragraph 7.4 above, development of this scale would inevitably result in some landscape harm. Whilst there is a strong urban influence to the south of the site, that influence diminishes rapidly towards Hatherley Brook away from the existing settlement edge and a development of this scale would inevitably result in the loss of a substantial area of open countryside. This is a flat landscape and whilst hedgerows and field boundary trees do coalesce to filter low-level views, it would cause a substantial loss of the perception of openness, in particular from Frogfurlong Lane, Innsworth Lane, footpaths crossing the site itself, and from the Gloucestershire Way. This loss of the perception of openness would represent harm to a key characteristic of the open, flat vale landscape in this area.

7.11 The LCs comments on cumulative effects were produced before the publication of the MMJCS which reintroduces development at Twigworth as part of policy A1. Nevertheless the LC is concerned that the cumulative effects of the two parts of the strategic allocation have not been assessed as part of the LVIA or ES. In his view the two schemes together would deliver a swathe of settlement effectively linking Twigworth to Gloucester and would encroach significantly upon the Hatherley Brook and the Gloucestershire Way. There would be a significant loss of open countryside and loss of openness within the rural vale landscape. The effects would be particularly adverse along the Gloucestershire Way from which both schemes would be clearly visible in both consecutive views along the route and in concurrent views where the schemes would face each other across the Brook leaving only a relatively narrow strip of open space between them. Whilst the principle of development may be acceptable for both sites, they should be considered in combination to ensure an appropriate landscape led design response to the strategic allocation as a whole.

7.12 Overall it is considered that the proposed development would represent a significant encroachment into the countryside. This harm is of course tempered by the fact that the site is allocated for development in the emerging MMJCS. Nevertheless, the proposal has not been properly assessed in combination with the site at Twigworth and furthermore the Green Infrastructure proposals are immature and do not produce a clear

strategy for how GI will contribute to the resulting development. This is particularly important given the relationship with the other part of the emerging strategic allocation at Twigworth. This is a matter which weighs against the proposal in the overall planning balance.

8.0 Design and Layout

8.1 The NPPF sets out that the Government attaches great importance to the design of the built environment (paragraph 56). Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. At paragraph 57 the NPPF advises that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities.

8.2 Similarly Policy SD5 of the MMJCS seeks to encourage good design and is consistent with the NPPF and so should be accorded considerable weight. Policy SA1 of the MMJCS requires development proposals to enable a comprehensive scheme to be delivered across the developable area within each Strategic Allocation, and to be accompanied by a comprehensive masterplan for the entire Strategic Allocation. The masterplan should demonstrate how new development will integrate with and complement its surroundings in an appropriate manner. Policy A1 requires to the strategic allocation to deliver, inter alia, a layout and form of development that respects the landscape character as well as the character and setting of heritage assets and the historic landscape; a layout and form that integrates, where appropriate, important hedgerows within the development; and a layout and form that reduces the impact of electricity pylons and high voltage lines; with the siting of residential development being a particular consideration.

8.3 All matters relating to design and layout are reserved for future consideration. However, the application has been supported with an indicative layout and parameter plans which illustrate how the site could be developed, and a Design and Access Statement (DAS). The Indicative Masterplan (**a copy will be displayed at Committee**) shows the disposition of land uses and the proposed structure for movement within the development. The DAS states that the average net density would be 36 dwellings per hectare, allowing for differing densities across the site to respect landscape sensitivity. The DAS sets out that the overall density results in the efficient use of the site whilst at the same time promoting densities which are appropriate to the local area and which will help assimilate the development into the surrounding areas. Further, the DAS provides some broad indications of how the site could be developed.

8.4 The Urban Design Officer (UDO) has assessed the proposals and comments that the DAS is fairly generic. The UDO raises concern in respect of the indicative masterplan, commenting that there is a lack of a clear and understandable movement network. The primary street does not serve the majority of the development, running to the south of the site. The secondary street structure is indirect and illegible. Further, the network of smaller streets indicated does not create workable blocks, nor do they show how the parcels would be accessible from all sides. There is a similar criticism of the proposed location of the school as it is unclear how it would be accessed and appears also to show it surrounded by cul-de-sacs, which would not result in good design. The UDO considers that the distribution of other uses including the employment site and neighbourhood centre appears logical.

8.5 The UDO shares the same concerns as the LC in that she considers that the green infrastructure is poorly considered and badly connected. It does not create a connected and legible green infrastructure and it does not take advantage of the existing public rights of way. The UDO is also concerned that the parameters plans relating to scale, density, building heights and massing do not provide a clear indication of how the site would be developed. Overall, the UDO considers that whilst the broad location of land uses is considered acceptable, the movement network and green infrastructure should be totally reconsidered.

8.6 There is also concern, as expressed by the LC regarding the relationship between this site and the appellants other proposals at Twigworth. The DAS makes little, if any, reference to the Twigworth site and as such there is no assessment of the cumulative impacts nor indication of how the two sites might be developed to secure a high quality urban extension as required by the NPPF and the MMJCS. Whilst the JCS Inspector says in her Interim Findings that *With respect to integration, a master plan has been produced for the 750 dwelling development, which appears to satisfactorily integrate this Twigworth site with Innsworth via green infrastructure* there is no indication in the proposals for either the Innsworth or Twigworth schemes that a comprehensive approach has been considered in the design process. The appellants have consistently promoted the Twigworth site through the JCS process but have chosen not to amend their design proposals for this application, which was originally submitted in July 2015, to have regard to the Twigworth proposals.

8.7 In conclusion, whilst the proposed development is in outline with all matters reserved, the submitted information does not satisfactorily demonstrate how the proposals would be comprehensively developed in conjunction with the Twigworth proposals. The proposals do not demonstrate high quality design and the GI and movement hierarchy is not well developed or explained. The lack of any firm details as to how the proposed development could come forward in an acceptable way, in conjunction with the site at Twigworth, in light of the NPPFs commitment to high quality design does not give any confidence as to how the site would be developed. The proposal would therefore conflict with the NPPF and the design and strategic allocation policies of the emerging MMJCS. These failings weigh significantly against the proposals.

9.0 Accessibility and Highway Safety

9.1 Section 4 of the NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. It states at paragraph 29 that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that "opportunities to maximise sustainable transport solutions will vary from urban to rural areas". Paragraph 32 states that planning decisions should take account of whether opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure. Furthermore, development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

9.2 The NPPF also requires safe and suitable access to all development sites for all people. Policy TPT1 of the Local Plan requires that appropriate access be provided for pedestrians, cyclists and vehicles, and that appropriate public transport services and infrastructure is available or can be made available. It further requires that traffic generated by and/or attracted to the development should not impair that safety or satisfactory operation of the highway network and requires satisfactory highway access to be provided. Similarly policies INF1 and INF2 of the MMJCS seek to provide choice in modes of travel and to protect the safety and efficiency of the transport network. Policy A1 of the MMJCS requires, inter alia, strategic allocations to deliver:

- Primary vehicle accesses from A38, Innsworth Lane and explore the potential for a new main junction onto the A40 to the south of the site.
- The potential for a highway link through both the Innsworth and Twigworth sites linking the A38 and A40.
- Measures necessary to mitigate the traffic impact of the site, including the use of travel plans to encourage the use of more sustainable transport modes.
- High quality public transport facilities and connections within and adjacent to the site
- Safe, easy and convenient pedestrian and cycle links within the site and to key centres, providing segregated links where practical.

9.3 As set out all matters have been reserved for future consideration, including access. A comprehensive Transport Assessment (TA) has however been submitted which examines the transport effects of the proposed development on the existing transport system and provides the basis for the assessment in the ES. A Residential Travel Plan has also been prepared as a guide to managing travel to and from the proposed development.

9.4 The TA concludes that a comprehensive analysis of the transport impacts of the proposed development has been carried out, giving rise to details of proposed measures to improve access by public transport, walking and cycling with the objective of reducing the number and impacts of motorised journeys. Further it is asserted that a sustainable development can be achieved which positively encourages pedestrian, cycle and public transport linkages with Gloucester and gives encouragement to travel by sustainable modes.

9.5 The TA sets out that modelling has shown that a new junction on the A40 Gloucester Northern Bypass would be required to provide the primary access to the development proposed, without which the local highway network would not be able to accommodate the additional traffic arising from the proposed development resulting in unacceptable queuing and delay. The TA asserts that the need for a new A40 site access junction is consistent with the conclusions of the Atkins modelling work undertaken to inform the JCS. Further, this modelling work has identified the requirement for improvements at other junctions on the local road network. Any impacts during construction phase could be mitigated through planning conditions.

9.6 Finally, the TA concludes that *"Overall, the TA has addressed the transport impacts of the proposed development. It has demonstrated that opportunities for sustainable transport modes have been taken up, safe and suitable access can be achieved for all people, and improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development in accordance with the NPPF, and Local Planning Policy including the emerging Joint Core Strategy"*.

9.7 As the proposed development would be close to the Strategic Highway Network (SRN), i.e. in this case the A40, Highways England (HE) have been consulted. Whilst HE are on balance satisfied with the trip generation methodology, the TA does not satisfactorily assess the distribution and assignment of the trips generated by the development. HE are not satisfied at this stage that the application demonstrates that the proposed development would have a satisfactory impact on the operation of the A40(T) and as such recommended in August 2016 that the application not be approved for a period of 6 months. Where a connection is proposed onto the SRN it must be demonstrated that the proposal would be safe, and demonstrates benefits to the economy. At this stage HE are not satisfied that these two tests have been met. HE have recently confirmed that their position remains the same as set out in August 2016. It is understood that discussions are ongoing between the appellants and HE on this matter.

9.8 The County Highways Officer (CHO) has also been consulted. The CHO has queried the modal share set out in the TA and considers that vehicle movements could be higher than the TA anticipates. In relation to distribution the CHO advises that no evidence has been submitted to indicate if the base year models of local junctions are 'valid' by comparing outputs to the observed operation. There are locations where the submitted base year figures indicate no congestion, but local knowledge would suggest that the junctions already operate over capacity. For example, the submitted modelling indicates that the Longford Roundabout (A38/A40) is currently operating with spare capacity in both the morning and afternoon peak periods, when experience suggests to the contrary. Similarly, the TA indicates that the Hare & Hounds traffic signal controlled junction in Churchdown currently operates with spare capacity in both peaks.

9.9 The CHO notes the mitigation package suggested by the appellant which includes design mitigation, improvements to the local highway network and SRN and contributions to public transport and travel planning. However given the lack of information to demonstrate that the traffic impacts of the proposed development have been robustly tested, the CHO objects to the application.

9.10 Overall, it has not been demonstrated that the appeal proposals would have an acceptable impact on the strategic or local highway networks, that opportunities for sustainable transport modes to reduce the need for major transport infrastructure have been taken up, nor that improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. The proposed development therefore conflicts with the advice provided at section 4 the NPPF, local plan policy TPT1 and emerging policies INF1, INF2, SA1 and A1 of the MMJCS.

10.0 Flood Risk and Drainage

10.1 The NPPF states at paragraph 100 that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

10.2 Policy EVT5 of the local plan and Policy INF3 of the MMJCS seek to prevent development that would be at risk of flooding. Policy EVT5 requires that certain developments within Flood Zone 1 be accompanied by a flood risk assessment and that development should not exacerbate or cause flooding problems. Furthermore, Policy EVT9 of the Local Plan requires that development proposals demonstrate provision for the attenuation and treatment of surface water run-off in accordance with sustainable drainage systems (SUDS) criteria.

10.3 Policy A1 of the MMJCS sets out that development at the strategic allocation will be expected to deliver adequate flood risk management across the site and ensure that all vulnerable development is located wholly within flood zone 1. This includes measures to reduce flood risk downstream through increasing storage capacity. Further, it sets out that flood risk management will be a critical part of master planning the site in linking the Innsworth and Twigworth areas, avoiding overland flow routes and addressing surface water flooding. Detailed flood risk assessments must utilise the latest flood risk modelling information for the whole site and any other areas impacted by the development in terms of flood risk.

10.4 The adopted Flood and Water Management Supplementary Planning Document has the following key objectives: to ensure that new development does not increase the risk of flooding either on a site or cumulatively elsewhere and to seek betterment, where possible; to require the inclusion of Sustainable

Drainage Systems (SuDS) within new developments, which mimic natural drainage as closely as possible (e.g. permeable paving, planted roofs, filter drains, swales and ponds) and provision for their long-term maintenance, in order to mitigate the risk of flooding; to ensure that development incorporates appropriate water management techniques that maintain existing hydrological conditions and avoid adverse effects upon the natural water cycle and to encourage on-site storage capacity for surface water attenuation for storm events up to the 1% probability event (1 in 100 years) including allowance for climate change.

10.5 The ES contains a chapter on hydrology, drainage and flood risk whilst the application is also supported by a Flood Risk Assessment (FRA). The FRA concludes that the site has been assessed as part of the level 2 strategic FRA which support the JCS and that the majority of the site is within flood zone 1. All proposed residential development as shown on the indicative masterplan would fall within flood zone 1 with the employment area adjacent to the Innsworth Technology Park partially located in flood zone 2. Further, the FRA sets out that flood risk from all sources (sea, fluvial, pluvial, surface water, sewers, groundwater and artificial sources) has been assessed and concludes that the development would be safe from flood risk and would not increase flood risk elsewhere.

10.6 The FRA sets out that a drainage strategy has been developed incorporating SuDS to ensure that pluvial risk would be managed on site, with run off discharging mainly to the Hatherley Brook in a way that mimics current greenfield run off, taking into account a 30% allowance for climate change. Through the application process Environment Agency (EA) guidance changed in this respect and for this area it is now recommended that a 70% allowance for climate change is used. As a result the appellant carried out further modelling and now suggest that floor levels are set at a minimum of 600mm above the 1:1000 flood level which is used as a proxy for the 1:100 plus 70% allowance for climate change level. This strategy would be managed and maintained for the lifetime of the development. The FRA sets out that the proposed access onto the A40 would be designed so as to ensure the road level is above the 1:100 level plus climate change, with the Innsworth drain culverted beneath to ensure, with additional flood storage compensation, that flood storage capacity is not reduced. The FRA also concludes that the drainage strategy for the site would ensure that any impacts on the hydrology of the Innsworth Meadows SSSI would be negligible. Overall the FRA concludes that the site could be safely developed without increasing the risk of flooding on site or elsewhere.

10.7 There are a number of concerns from the Parish Council, neighbouring Parish Councils and local residents concerned about the flood risk impacts of the proposed development. The Environment Agency were consulted and agree with the conclusions of the appellants FRA, originally recommending conditions relating to flood storage compensation and levels. Following the change to policy in respect of the climate change allowance and submission of the appellants revised modelling the EA were reconsulted and agree with the appellants suggested use of the 1:1000 flood level to reflect the 70% allowance for climate change. However the EA requested further information including climate change figures for all model node points within and bounding the site, and for both Flood Zones 2 and 3 based on the higher central and upper climate change allowance categories. To date this information has not been provided.

10.8 The EA also commented that given that the site includes land covered by flood zones 2 and 3, the sequential and exceptions tests are required to be passed. This issue has been assessed through the development of the JCS and the site has been consistently been allocated for development following the application of SFRA2. The principle of development is accepted therefore and as set out above, in terms of the more vulnerable uses including the residential development, these are all proposed in flood zone 1, the area at least risk of flooding. The only built development in flood zones 2 and 3 would be employment uses and the link road onto the A40. In terms of the site therefore, the most vulnerable development is proposed in the area of least flood risk in accordance with the NPPF.

10.9 The County Council as Lead Local Flood Authority (LLFA) have also been consulted and comment that the application meets the requirements of a major application and raise no objections based upon the surface water management proposals for the site subject to conditions requiring full drainage details and flood attenuation details. Severn Trent Water have also raised no objection subject to a condition requiring details of surface water and foul sewage.

10.10 In light of the above the principle of developing the site as proposed is acceptable on flood risk grounds subject to the EA being satisfied in respect of the further information requested. However at this stage, the required information has not been submitted and therefore it has not been demonstrated that the proposals as they currently stand are acceptable from a flood risk perspective. This weighs against the proposal. Further, whilst the FRA makes a vague reference to development at Twigworth, the two sites have not been considered comprehensively as required by policy A1 of the MMJCS. This matter is considered further in section 18 of this report, below.

11.0 Noise/Air Quality

11.1 The NPPF states at paragraph 120 that to prevent unacceptable risks from pollution, planning decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. In respect of air

quality it advises that planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas (AQMAs), and the cumulative impacts on air quality from individual sites in local areas.

11.2 Local Plan Policy EVT3 provides that new development should be sited away from sources of noise and planning permission should not be granted for development where noise would cause harm and could not be ameliorated. Policy SD15 of the MMJCS also seeks to protect health and improve environmental quality. These policies are considered to be consistent with the NPPF and are therefore afforded significant weight.

11.3 The ES undertakes an assessment of noise and vibration both during and post development, based on existing noise levels. The ES concludes that during construction there is potential for short term adverse effects on existing noise sensitive receptors nearby, but that this could be addressed by appropriate mitigation and control measures. The employment generating uses would result in negligible adverse impacts which could be addressed through careful design at reserved matters stage. Road traffic noise would increase and there would be negligible adverse noise effects, with increases that would not be discernible under normal listening conditions. New dwellings adjacent to Innsworth Lane could be constructed to a suitable standard to avoid undue noise pollution from road traffic noise. Noise arising from the proposed school and sports facilities could be addressed at the detailed design stage. Overall the ES concludes that noise and vibration arising from the development could be suitably mitigated so that impacts are reduced to an acceptable level.

11.4 In terms of Air quality, the ES advises that construction works would have the potential to create dust, but that appropriate measures managed by a dust management plan would mean that the overall effects would be insignificant. Assessments have been carried out on the potential impacts on air quality arising from increased road traffic emissions. The results of those assessments show that the impacts on existing properties along the road network would be negligible. In terms of nitrogen dioxide the ES considers the assessment should be carried out in the context of a reduction in vehicle emissions, in which case almost all of the selected local receptors would experience a negligible impact as a result of the proposed development, with just two or three locations experiencing a slight adverse impact, but the concentrations would remain below relevant national air quality objectives. The need for a reassessment of the air quality impacts once the layout of the A40 junction is confirmed. The ES concludes that the overall impact on air quality would not be significant.

11.5 The Environmental Health Officer (EHO) has been consulted and generally agrees with the conclusions made in the appellant's Air Quality Assessment in relation to particulate matter (PM10 and PM2.5) with all concentrations predicted to remain below the relevant national air quality objective.

11.6 In relation to Nitrogen Dioxide (NO₂), whilst the general conclusions of the ES are accepted, the EHO is concerned about the potential alternative designs for the proposed junction onto the A40. Until a design has been finalised it is not possible to assess air quality impacts in the locality of the junction and the EHO considers that such an assessment should be undertaken prior to a decision being made on the appeal because, should the assessment predict a significant impact on air quality, the design of the junction may need to be revised in order to provide appropriate mitigation. Public Health England share these concerns.

11.7 Policy SD4 of the MMJCS requires, inter alia, that development proposals will demonstrate how they contribute to the aims of sustainability by, amongst other things, increasing energy efficiency and avoiding unnecessary pollution. To this end the EHO recommends conditions relating to the use of low NO_x boilers and electric vehicle charging points.

11.8 In relation to noise the EHO is generally satisfied with the conclusions of the ES however points out that lower noise levels should be used for garden areas than relied on in the ES. To this end the EHO recommends that any planning permission should be subject to a condition requiring assessment at reserved matters stage and, where necessary, mitigation measures being identified and implemented prior to occupation of any dwelling.

12.0 Affordable Housing

12.1 Local Plan Policy HOU13 provides that the Council will seek to negotiate with developers to provide affordable housing and is supported by an Affordable Housing Supplementary Planning Guidance (SPG) which was adopted by the Council in August 2005. Policy SD13 of the MMJCS specifies a requirement for a minimum of 35% affordable housing within strategic allocations.

12.2 The application proposals are vague in respect of affordable housing proposals. An Affordable Housing Statement (AHS) has been submitted at Appendix 1 of the appellant's Planning Statement which advises that the applicant is willing to offer a policy compliant number of affordable dwellings on site, pointing out that the Council's Affordable Housing Supplementary Planning Guidance identifies a requirement for 30% affordable housing, i.e. up to 390 dwellings on this site, although the AHS recognises the emerging JCS required at that time of 40% or up to 520 affordable dwellings. The AHS states that the precise number, mix and tenures of affordable housing will be agreed through a detailed s106 package however no such details are available at this stage. A Draft Heads of Terms document is attached at Appendix 3 of the Planning Statement which states that 30% of the dwellings would be affordable. It is however noted that in the appellants Statement of Case for the appeal, they note the emerging JCS requirement for 35%.

12.3 The MMJCS currently requires a minimum of 35% affordable housing on strategic allocations. As such the current proposal as set out in the draft Heads of Terms would be unacceptable and no viability evidence has been put forward to demonstrate that 35% could not be achieved on this site. The Housing Enabling Officer (HEO) comments that having consulted with colleagues at Gloucester City Council, the tenure split should be 75% rented and 25% intermediate affordable housing to best reflect the local need. Other details would need to be agreed with the appellant

12.4 In conclusion the proposal for 30% is considered to be unacceptable and in any event at this stage there is no signed s106 obligation. On that basis the proposed development does not adequately provide for housing that would be available to households who cannot afford to rent or buy houses available on the existing housing market, contrary to the NPPF, saved Policy HOU13 of the Local Plan and emerging Policy SD13 of the MMJCS. Nevertheless it is anticipated that further discussions will be held with the appellant before the Public Inquiry with a view to resolving this issue.

13.0 Open Space, Outdoor Recreation and Sports Facilities

13.1 The NPPF sets out that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Furthermore, saved policy RCN1 of the Local Plan requires the provision of easily accessible outdoor playing space at a standard of 2.43ha per 1000 population. The Council's adopted Playing Pitch Strategy sets out requirements for formal playing pitches.

13.2 The Community and Economic Development Manager (CEDM) has been consulted and advises that in accordance with the above policies, the proposal would generate a requirement for 3.53ha of playing pitches. This provision should be supplemented by a clubhouse/pavilion based on two team changing room and community space incorporating a bar/kitchen/function room and office. The CEDM also considers that a full size artificial floodlit pitch should be provided and, to enable access between the facilities and the proposed development at Twigworth, access would be required across the brook to enable pedestrians to access the sports facilities.

13.3 The CEDM notes the play provision provided for on the illustrative masterplan and advises that within this provision there is a need for a skate park and MUGA. All the proposed open space would be subject to maintenance payments in accordance with the council's standard maintenance sums.

13.4 In terms of sports facilities the Community and Economic Development Manager has requested contributions based on the size of population proposed and the Sports England 'sports facility calculator' which estimates demand for community sports facilities. Based on this information the CEDM advises that contributions totalling £1,114,103 are required which would be used towards the provision of the artificial pitch referred to above.

13.5 A Draft Heads of Terms document has been submitted with the application which sets out a suggested mechanism for the delivery of Public Open Space/Formal Recreational Provision which would be dealt with through the reserved matters application process. There are no suggested contributions towards sports facilities or any other required off-site recreational facilities and no legal agreement to provide the required

Public Open Space/Outdoor recreation and sports facilities has been agreed. On that basis the proposed development conflicts with the NPPF, Local Plan policy GNL11 and emerging JCS policies INF5 and INF8. Nevertheless it is anticipated that further discussions will be held with the appellant before the Public Inquiry with a review to resolving this issue.

14.0 Community, Education and Library Provision

14.1 The NPPF states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Plan Policy GNL11 and Policy INF5 of the MMJCS highlight that permission will not be provided for development unless the infrastructure and public services necessary to enable the development to take place are either available or can be provided. Policy A1 of the MMJCS requires the provision of a local centre including the provision of an appropriate scale of retail, healthcare and community facilities to meet the needs of the new community and new primary and secondary education schools and facilities. These policies are consistent with the NPPF.

14.2 The ES chapter on socio-economics advises that the development as proposed allows for primary school provision. The conclusions are somewhat vague however it does appear to recognise the need to provide a primary school. The conclusions in respect of secondary education in the ES are similarly vague in that it suggests that capacity exists within the wider Gloucester area for secondary education, but that appropriate contributions will be made as required. The Draft Heads of Terms document states that the applicant will make such contribution as can be lawfully justified under the CIL regulations towards education and library facilities.

14.3 The ES does not identify a need for community facilities however this is allowed for in the description of development. The ES provides that the increased population would result in the need for a further 1.4 GPs based on the 2013 national average, however based on the expected number of patients per GP by 2015 there would be a surplus of GPs in the area. This information has not been updated. Nevertheless the proposal allows for the provision of a site for healthcare provision and this is indicated to have a major positive effect of the proposal.

14.4 The Community and Economic Development Manager (CEDM) has commented on community facilities and advises that the Parish Council do not wish a further community facility to be provided on site given the existing provision. A request has been made for a sum of £150,000 to be made towards the improvement of existing facilities and this is considered reasonable in the context of the CIL regulations.

14.5 The County Council (GCC) has commented as Local Education Authority and advise that the proposal would result in 105 nursery/pre-school aged children and 364 Primary School aged children and that this need should be met by on-site provision of a combined nursery and 2FE Primary School. In terms of secondary school provision the development is likely to give rise to the need for 220 places which could be met by the expansion of Churchdown and/or Chosen Hill schools requiring a contribution of £4,447,847. GCC also advise that the proposed development and increase in population would have an impact on resources at the local libraries and as such a contribution of £254,800 is required which would be used to improve infrastructure at Gloucester, Churchdown and/or Longlevens.

14.6 There is no agreement to provide the required community and education facilities contrary to the requirements of the NPPF, Policy GNL11 of the Local Plan and policies INF5 and INF8 of the emerging JCS. This weighs against the proposal. Nevertheless it is anticipated that further discussions will be held with the appellant before the Public Inquiry with a review to resolving this issue.

15.0 Heritage Assets

15.1 Section 66 of the Listed Buildings and Conservation Area Act places a statutory duty on LPAs to have special regard to the desirability of preserving the setting of listed buildings. The NPPF advises that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

15.2 The ES includes an assessment of the likely significant effects of the proposed development on heritage resources. In terms of archaeology the ES builds on evidence provided by a programme of archaeological assessment and evaluation. The County Archaeologist (CA) has been consulted and agrees with the conclusions of the ES that the archaeological remains are not of the first order of preservation, since

the land has been intensively cultivated during the mediaeval period and later. Nevertheless, while not of the highest significance, the CA considers that the archaeology contained within this site has high potential for advancing our understanding of later prehistoric and Roman settlement and landscape, both locally and within the wider region. The location of these remains within the hinterland of the important Roman city of Gloucester is an additional point of high interest. On that basis the CA raises no objection in principle to the development of this site, subject to a planning condition requiring the implementation of a programme of archaeological work in accordance with a written scheme of investigation.

15.3 The ES sets out that there are no listed buildings with a 500m radius of the site. Beyond this, whilst there are a number of grade II listed buildings along the A38, the ES asserts that the setting of these assets is considered to primarily relate to their existing curtilages and their position along associated major roadways with agricultural land adjacent forming a wider incidental backdrop and any impact is considered negligible. The site itself does contain non-designated heritage assets in the form of WWII military structures (huts and shelters) which are of local importance however this part of the site is not proposed for development and the site provides only an incidental backdrop to the setting of these structures whose importance is principally in their form and historic use.

15.4 Historic England (HE) have been consulted and have referred to the setting of Wallsworth Hall and the church of St Mary and Corpus Christi at Down Hatherley which have not been identified by or addressed in the ES. The Conservation Officer (CO) has been consulted in this regard and advises that these assets are 1500m to the north-west and 900m to the north-east respectively from the site's closest boundaries. Given these separation distances the CO does not consider further assessment is merited. Wallsworth Court for example has no intervisibility with the site and given the intervening presence of Twigworth and the A38 corridor, would not even be perceived as being in proximity to it.

15.5 In light of the above the proposals would not result in harm to heritage assets or their settings.

16.0 Ecology and Nature Conservation

16.1 The NPPF sets out, inter alia, that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by encouraging opportunities to incorporate biodiversity in and around developments. Furthermore, planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats. Policy NCN5 of the local plan and Policy SD10 of the MM JCS seeks to protect and, wherever possible enhance biodiversity, including wildlife and habitats. Policy A1 requires the strategic allocation to deliver protection to key biodiversity assets, including a new nature reserve with the green infrastructure area to support the restoration of the SSSI and improve the ecology of the area.

16.2 An assessment of the likely significant ecological effects of the proposed development has been undertaken which informs the Ecology and Nature Conservation chapter of the ES. The ES concludes that with mitigation the development proposals would not result in any adverse effects on habitats or species of any significance and there would be no net loss of any features of ecological importance. Potential loss of habitat for protected species would be replaced with habitats of equal size and greater quality. Overall the ES concludes that the potential impacts would be positive.

16.3 Natural England (NE) have been consulted and object on the grounds that the application, as submitted, has the potential to damage or destroy the interest features for which Innsworth Meadow SSSI has been notified. Further information is required to assess the impact upon the SSSI in respect of hydrology and habitats and on the basis that opportunities for green infrastructure as required by the emerging JCS have not been taken up. In particular policy A1 requires a nature reserve to be provided within the GI. NE raised similar concerns in respect of the Twigworth site which indicates that a comprehensive response to the development proposed by policy A1 of the MMJCS is required. The Gloucestershire Wildlife Trust raise similar objections.

16.4 As set out above the appellant has successfully promoted the Twigworth sites to the JCS examination with the Inspector noting that *"...a master plan has been produced for the 750 dwelling development, which appears to satisfactorily integrate this Twigworth site with Innsworth via green infrastructure. Whilst this is noted, that masterplan has not been submitted in respect of either appeal proposal and has not been assessed through the Environmental Impact Assessment process.*

16.5 Overall the application is not supported by sufficient information to assess the cumulative potential impacts on the Innsworth Meadows SSSI and does not take up opportunities for GI as required by the MMJCS. As such the application conflicts with advice in the NPPF, Policy NCN5 of the local plan and

Policies SD10 and A1 of the emerging MMJCS and this is a matter which weighs against the proposal. It is understood that discussions are ongoing between the appellants and NE on this issue.

17.0 Loss of agricultural land

17.1 Paragraph 112 of NPPF advises that local planning authorities should take into account the economic and other benefits of the best and most versatile land (BMV). Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use poorer quality land in Grades 3b, 4 and 5 in preference to higher quality land. Paragraph 109 of the NPPF puts the protection and enhancement of soils as a priority in the conservation and enhancement of the natural environment.

17.2 The ES sets out that of the application site includes of 101.6 hectares of agricultural land of which 41% (41.1ha) constitutes BMV. It is advised that 15% (13.4 ha) of this is grade 2 BMV, with a further 26% (25.1ha) being subgrade 3a. The ES states that the proposed development would result in the permanent loss of 47.3ha of agricultural land of which 25.6ha would be BMV, the loss of which is assessed as significant. In terms of soil quality, provided it was properly handled, the impact would be negligible. The agricultural land covers three separate holdings (including land farmed by the appellant) and the ES concludes that the proposal would result in the loss of one small non-commercial holding and the reduction in size of two other commercial units.

17.3 In terms of soil quality, NE have commented that if development is to proceed the developer should use an appropriately experienced soil specialist to advise on, and supervise, soil handling, including identifying when soils are dry enough to be handled and how to make the best use of the different soils on site in accordance with DEFRA guidance.

17.4 The proposed development would lead to the permanent loss of BMV agricultural land as set out above. This is a matter which weighs against the proposal in the overall planning balance however the weight to be applied to this harm is reduced to a degree by virtue of the site being identified for development in the emerging JCS.

18.0 Comprehensive development

18.1 As set out above Policy SA1 of the MMJCS requires that development proposals should enable a comprehensive scheme to be delivered across the developable area within each Strategic Allocation. Developers must ensure that the sites provide an appropriate scale and mix of uses, in suitable locations, to create sustainable developments that support and complement the role of existing settlements and communities. Further, proposals must be accompanied by a comprehensive masterplan for the entire Strategic Allocation. This should demonstrate how new development will integrate with and complement its surroundings in an appropriate manner, in accordance with Policy SD5; and infrastructure should be planned and provided comprehensively across the site taking into account the needs of the whole Strategic Allocation.

18.2 The requirements of Policy A1 of the MMJCS are set out at paragraph 5.10 above. Whilst the appellant has two proposals that are intended to contribute the majority of the quantum of development identified in policy A1, they have failed to assess the strategic allocation as a whole. Whilst it is accepted that Twigworth was only introduced into the submitted JCS following approval of the Proposed Main Modifications for consultation in January 2017, both applications were submitted in 2015 and the applicant continued to promote the Twigworth site as an omission site to the JCS EiP on the basis of a masterplan which the JCS Inspector states in her Interim Report "*which appears to satisfactorily integrate this Twigworth site with Innsworth via green infrastructure*".

18.3 As set out in a number of places throughout this report there is no evidence before the Council that this masterplan (which has not been submitted in relation to this appeal) is the result of robust assessment through the EIA process and as such cannot be considered at this stage. It is noted that reference is made in the appellants 'full' Statement of Case for the appeal to the fact that the cumulative landscape and visual effects of the proposal will be considered in light of the appeal proposal at Twigworth however there is no mention of cumulative effects of any of the other matters.

18.4 Policy A1 of the MMJCS provides that flood risk management will be a critical part of master planning the site in linking the Innsworth and Twigworth areas, avoiding overland flow routes and addressing surface water flooding. Detailed flood risk assessments must utilise the latest flood risk modelling information for the whole site and any other areas impacted by the development in terms of flood risk. This policy is supported by the 'Review of Flood Information Relating to Land at Twigworth' report by Thomas Consulting (TC Report). The report indicates that the greatest issues for the consideration of development in this area is the

potential catchment change indicated by the Twigworth application which shows that all surface water drainage from both catchments would be discharged to the Hatherley Brook catchment. The TC report advises that there is no common law right to do this and it could only be achieved by having legal easements in place from the point of discharge to the Hatherley Brook, to its confluence with Cox's brook, or for the appellants to redesign their proposals to take into account the catchment split and provide drainage to Cox's Brook.

18.5 Paragraph 4.23 of the TC Report concludes that the *pluvial flooding issues in the area of land being considered for allocation at Twigworth are significant, but are capable of being resolved as part of a master plan for an allocated area and in the detailed design*. Therefore, and notwithstanding the conclusions arrived at in section 13 of this report, officers consider that the flood risk/drainage issues relating to the entire strategic allocation should be comprehensively and robustly assessed in advance of planning permission being granted.

18.6 This site is allocated for development as part of a wider strategic allocation at Innsworth and Twigworth. The current proposals do not assess the proposals in a comprehensive way and the impacts on the environment have not been properly assessed through the EIA process. On that basis the proposed development conflicts with policies SA1 and A1 of the emerging MMJCS. As a result of this lack of comprehensive assessment it has not been demonstrated that the proposed development would contribute to a high quality masterplanned design for the strategic allocation as a whole, contrary to the requirements of the NPPF. This is a matter which weighs considerably against the appeal proposals.

19.0 Overall Balancing Exercise

19.1 As set out above the starting point for determination of this application is the development plan. The proposed development would conflict with Policy HOU4 of the development plan, to which substantial weight should be applied. Similarly the proposed development would conflict with policy GRB1 of the development plan in that it constitutes inappropriate development in the Green Belt. The weight to this policy must be reduced however in that it does not allow for development where it can be demonstrated that very special circumstances which clearly outweigh the harm to the Green Belt by inappropriateness and other harms. The emerging policy SD6 of the MMJCS reflects the NPPF as if does allow for development where very special circumstances can be demonstrated. Nevertheless the NPPF provides that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm is clearly outweighed by other considerations.

Benefits

19.2 Considerable weight is given to the positive social and economic benefits which would arise from the proposal, including the provision of new homes in a location supported by the emerging MMJCS, of which 35% would be much needed affordable homes (subject to agreement with the appellant). The delivery of this scale of development would bring considerable economic benefits, as would the proposed employment uses.

Harms

19.3 Against these benefits are the harms to the Green Belt, both in terms of the harm by reason of inappropriateness and the harm to openness which inevitably arises by the replacement of agricultural fields with an urban extension of this nature. It is of course recognised that the site is allocated as part of a strategic urban extension to Gloucester in the emerging MMJCS, however the fact remains that the site is within the Green Belt where permission should be refused for this type of development unless very special circumstances which clearly outweigh the harm to the Green Belt and other harms. The preceding sections of this report have identified further harms arising from the proposals which are summarised below.

19.4 In terms of other harms the proposal would clearly result in harm to the landscape, although again it is accepted that the Council supports the principle of development of the site through the emerging JCS which reduces the weight that can be afforded to this harm in the overall planning balance. Nevertheless, the proposal has not been assessed cumulatively with the appellant's other proposals for land at Twigworth and this is a significant failing in the appeal proposals. This lack of a comprehensive approach to landscape assessment has a consequential impact on the design of the scheme which again, does not take into account the fact that this site is only part of the wider A1 strategic allocation. The proposal would also result in the permanent loss of 25.6ha of best and most versatile agricultural land.

19.5 The proposals do not demonstrate that the appeal proposals would have an acceptable impact on the strategic or local highway networks, that opportunities for sustainable transport modes to reduce the need for major transport infrastructure have been taken up, nor that improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.

19.6 In relation to pollution, the proposal fails to demonstrate that there would be an acceptable air quality impacts in the area of the proposed junction with the A40. In relation to ecology, the applicant has not demonstrated that the proposals would have an acceptable impact on the ecology and hydrology of the Innsworth Meadows SSSI.

19.7 A key theme running through many of the issues relevant to this proposed development is the lack of an assessment of the cumulative impacts of this proposal and the appellants other site at Twigworth which will be considered at the same Public Inquiry. A comprehensive approach to the development of the A1 strategic allocation is required by the emerging MMJCS to ensure that the area is properly planned. The appeal submission does not demonstrate how the cumulative impacts of these two large scale major developments would be carried out, nor could it as the cumulative impacts have not been robustly assessed through the Environmental Impact Assessment process.

Neutral Effects

19.8 It has been established through the submission of the Environmental Statement, and through consultation with specialist consultees, that the impact of this development on flood risk (in so far as it relates to this specific site rather than the wider strategic allocation) and archaeology can be adequately mitigated. The mitigation measures required can be secured through planning conditions, S106 obligations and future reserved matters applications. It is also noted that whilst there is not currently agreement in respect of affordable housing and the provision of social infrastructure, it is anticipated that some level of agreement will be reached on these matters to mitigate the potential harm that would arise from the development proceeding without the necessary affordable housing and social infrastructure in place.

20.0 Overall Planning Balance and Conclusion

20.1 Section 38(6) of the Town and Country Planning Act 1990 provides that, if regard is to be had to the development plan, the determination must be made in accordance with the development plan unless other material circumstances indicate otherwise. Section 70 (2) of the Act provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. The Council can currently demonstrate a five-year supply of deliverable housing sites and in this case, as reiterated by paragraph 12 of the NPPF, the presumption is against the grant of permission given the conflict with policies HOU4 and GRB1 of the development plan. As such permission should be refused unless material planning circumstances, including the very special circumstances required to outweigh Green Belt harm, indicate otherwise.

20.2 The proposed development results in harm to the Green Belt, including harm by reason of inappropriateness and loss of openness. This harm to the Green Belt must carry substantial weight. The proposed development would also give rise to other significant 'other' harms which are identified in paragraph 19.3 to 19.7 above. Inappropriate development in the Green Belt can only be permitted where very special circumstances exist which clearly outweigh harm to the Green Belt and other harms. It is considered that the benefits of the proposal outlined above in addition to the fact that the site is identified in an area allocated for development in the emerging development plan, and has been for some time, are capable of amounting to very special circumstances required to clearly outweigh the harm to the Green Belt. However, in this case, given the other identified harms outlined above, it is not considered that the benefits justify a departure from the development plan in this case. The proposed development as submitted would not result in sustainable development as required by the NPPF.

20.3 Furthermore, it is considered that even if the Council could not demonstrate a five year supply of deliverable housing sites that the adverse impacts would significantly and demonstrably outweigh the benefits and specific policies in the NPPF would indicate that development should be restricted.

20.4 It is therefore officer opinion that members should advise the Secretary of State that the Council would be **minded to refuse** planning permission for the appeal proposals in the interest of the proper planning of the area.

RECOMMENDATION Minded to Refuse

Reasons:

- 1 The proposed development conflicts with saved Policy HOU4 of the Tewkesbury Borough Local Plan to 2011 - March 2006 in that the site lies outside the defined residential development boundary of the settlement in a location where new housing is strictly controlled.
- 2 The proposed development conflicts with section 9 of the NPPF (Protecting Green Belt land), saved Policy GRB1 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and emerging policy SD6 of the Proposed Main Modifications version of the Joint Core Strategy in that it represents inappropriate development in the Green Belt which would compromise its open character, appearance and function.
- 3 The proposed development would result in an unwarranted and significant intrusion into the rural landscape which would harm the rural character and appearance of the locality. As such, the proposed development conflicts with the National Planning Policy Framework, saved Policy LND4 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and emerging Policy SD7 of the Proposed Main Modifications version of the Joint Core Strategy.
- 4 Whilst the proposals are in outline form with all matters reserved, the submitted information does not demonstrate how the site could be developed in an environmentally acceptable way. The submitted proposals do not demonstrate how the site would be developed as part of a comprehensive scheme to be delivered across the developable area within Strategic Allocation A1 as defined in the Proposed Main Modifications version of the Joint Core Strategy, and no comprehensive assessment of the risk of flooding across the strategic allocation has been carried out. The proposals are not accompanied by a comprehensive masterplan for the entire Strategic Allocation and as such it has not been demonstrated how the proposed development would integrate with and complement its surroundings in an appropriate manner, in the interests of proper planning. As such the proposed development conflicts with advice in the National Planning Policy Framework and emerging policies SD5, SA1 and A1 of the Proposed Main Modifications version of the Joint Core Strategy.
- 5 The proposals do not provide satisfactory information to show that the operation of the A40 would not be adversely affected by the traffic impacts of the development proposal. As such the application has not demonstrated that there would be an acceptable impact on the strategic road network in conflict with the National Planning Policy Framework, Policy TPT1 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and Policies INF1, INF2, SA1 and A1 of the Main Modifications version of the Joint Core Strategy.
- 6 Insufficient information has been submitted to demonstrate that the proposed development has taken up the opportunities for sustainable transport modes to reduce the need for major transport infrastructure. Furthermore the proposals do not demonstrate that safe and suitable access to the site can be achieved for all people or that improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development proposed. As such the proposed development is contrary to section 4 of the National Planning Policy Framework, saved Policy TPT1 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and Policies INF1, INF2, SA1 and A1 of the Proposed Main Modifications version of the Joint Core Strategy.
- 7 The proposed development would result in the loss of Best and Most Versatile agricultural land and the loss of this valuable resource is not outweighed by economic or other benefits contrary to paragraph 112 of the National Planning Policy Framework.
- 8 The application is not supported by sufficient information to demonstrate that there would be an acceptable cumulative impact on the Innsworth Meadows Site of Special Scientific Interest in the context of other planned development. As such the proposed development conflicts with Paragraph 118 of the National Planning Policy Framework and emerging policies SD10 and A1 of the Proposed Main Modifications version of the Joint Core Strategy.
- 9 By reason of a lack of a final design for the proposed junction with the A40, the proposals do not demonstrate that the proposed development would have an acceptable impact on air quality, in particular through nitrogen dioxide emissions. As such the proposed development conflicts with the National Planning Policy Framework and emerging Policy SD15 of the Proposed Main Modifications version of the Joint Core Strategy.

- 10 Insufficient information has been submitted to fully demonstrate that the proposed development would not be at risk of flooding and would not increase the risk of flooding elsewhere. As such the proposals conflict with the advice in the National Planning Policy Framework, saved Policy EVT5 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and policies INF3 and A1 of the Proposed Main Modifications version of the Joint Core Strategy.
- 11 The application does not provide for housing that would be available to households who cannot afford to rent or buy houses available on the existing housing market. As such the proposed development conflicts with saved Policy HOU13 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and emerging policies SD12 and SD13 of the Proposed Main Modifications version of the Joint Core strategy.
- 12 The application does not make adequate provision for on-site or off-site playing pitches with changing facilities and sports facilities to meet the needs of the proposed community. The application therefore conflicts with saved Policy RCN1 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and section 8 of the NPPF (Promoting healthy communities) and policies INF5, INF7 and SA1 of the Proposed Main Modifications version of the Joint Core Strategy.
- 13 The application does not make provision for the delivery of education, health and community infrastructure, library provision, or recycling infrastructure and therefore the proposed development is contrary to saved Policy GNL11 of the Tewkesbury Borough Local Plan to 2011 - March 2006, section 8 of the NPPF (Promoting healthy communities) and emerging policies INF5, INF7 and SA1 of the Proposed Main Modifications version of the Joint Core Strategy.