

11/00091/OUT

## Land To The Rear Of Invista, Green Street, Brockworth

Valid 23.02.2011

Outline application for a mixed- use development of up to 220 dwellings, 13,600sq.m of B8 floorspace with 675sq.m of ancillary office space, provision of a cricket pitch and pavilion, and other associated public open space and highway works (including means of access)

Grid Ref 388733 216177

Parish Brockworth

Ward Brockworth

Invista Textiles (UK) Ltd

C/o Agent

## RECOMMENDATION DELEGATED PERMIT

### Policies and Constraints

PPS's 1, 3, 4, 5, 7, 9, 10, 22, 23, 25

PPG's 13, 17, 24

RPG 10 - SS2, SS5, SS12, EC1, EC4, TCS2, HO2, HO3, HOU5 and HOU6.

Circular 05/05

Structure Plan Second Review - S.1, S.2, S.3, S.5, S.6, S.7, H.1, H.2, H.3, H.4, H.7, H.9, E.1, E.2, E.3, E.5, E.6, T.1, T.2, T.3, T.4, T.8, NHE.1, NHE.2, NHE.6, RE.1, RE.2, F.1, P1.

Structure Plan Third Alteration (Proposed Third Modifications) - SD.1, SD.2, SD.3, SD.9, SD.11, SD.12, SD.13, SC.2, SC.3, SC.4, and SC.15.

Tewkesbury Borough Local Plan to 2011 - March 2006 - GNL2, GNL8, GNL11, GNL15, HOU1, HOU4, HOU13, EMP1, TPT1, TPT3, TPT5, TPT6, EVT3, EVT1, EVT5, EVT9, LND4, LND5, LND7, RCN1, RCN2, NCN5, NCN6

Affordable Housing Supplementary Planning Guidance

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

The First Protocol, Article 1 (Protection of Property)

Gloucestershire Strategic Housing Market Assessment (February 2009)

Estimating Housing Need and Demand in Gloucestershire (February 2009)

BS5837:2005 - Guide for Trees in Relation to Construction

Public Right Of Way

Important Open Space

Tree Preservation Orders

Major Employment Site

### Consultations and Representations

**Brockworth Parish Council** – Object to the application on the following grounds:

- The site is outside the residential development boundary as defined by the Borough Local Plan and the application should therefore be refused.
- Residential development has previously been refused on this site where the Planning Inspector considered that the site did not constitute urban land and had visual importance in relation to the adjoining AONB. This is still very relevant.
- Strongly object to 2.5 storey houses, and 2 storey houses that could be of a height of 9 metres. 2.5 storey housing at Coopers has proved unsuccessful.
- The development would have an unacceptable impact on the character of the area and the adjacent Cotswold AONB.
- The landscape buffer to the AONB is insufficient in width.
- The development would change the character of the area by expanding Brockworth and changing the rural nature of Green Street.
- Additional street lighting would change the rural nature of the area during night time hours.
- The development would result in the loss of an important open space as defined by Policy LND5 of the Borough Local Plan.
- The cumulative impact of other recently permitted developments in the area will cause traffic congestion.
- Traffic lights at the Green Street/Ermin Street junction will lead to tail backs.

- The development would put an increasing burden on the existing health facilities in the area. The current doctor's surgery in Abbotswood is already stretched and has been highlighted in the Parish Plan by residents as needing to be expanded.
- Local residents have made it clear to the Parish Council that they are against the development and this is the prominent feeling of Brockworth residents.

**Hucclecote Parish Council** – Object on the following grounds:

- Traffic – assuming an average of 1.5 vehicles per household there would be an increase of 330 vehicles entering and leaving the proposed estate on a daily basis. This increased traffic on Green Street and at the Ermin Street junction would put further pressure on local roads include the busy Hucclecote Road.
- Drainage – concerns over the level of surface water that would be directed through Invista's private drain into Wotton Brook. The Wotton Brook already receives surface water from the Business Park and Coopers Edge. The Wotton watercourse is restricted where it flows under the M5 motorway and in July 2007 flooding occurred within parts of Hucclecote and Barnwood where extreme amounts of surface water flowed into Wotton Brook.
- Open Space – more housing developments within Brockworth would further erode the amount of open space currently available and encroach upon the AONB.
- Amenities – Additional homes put pressure on existing schools and doctor's surgeries. A new doctor's surgery was rejected by the PCT at the Coopers Edge development on the grounds that there was already enough capacity. However, an addition 220 homes would bring new patients to surgeries in Hucclecote and Brockworth.
- Concerns over noise impacts in relation to the existing Invista factory.

**Stroud District Council** – No response at the time of writing this report.

**Gloucester City Council** – No response at the time of writing this report.

**Environment Agency** - No objection subject to planning conditions relating to sustainable drainage, ground levels and contamination.

**Highways Agency** – No objection, subject to a planning condition requiring the submission of a comprehensive travel plan. The additional information provided has satisfied the Highways Agency that the development will not have an undue impact on the strategic road network.

**Sport England** – Given that the development would result in the loss of former sports pitches, the proposal must include replacement and new sports pitches and facilities to accommodate the additional development. There is an identified need for new and improved pitches and facilities for rugby, football and cricket within Brockworth. Off-site provision should be secured by Section 106 Obligations.

**Natural England** - No objections. The Environmental Statement does highlight some landscape and ecological impacts and these should be addressed through effective mitigation measures.

**County Highways Authority** - No objection subject to S106 obligations relating to the provision of Real Time Passenger Information at 2 bus stops; green travel plans; and highway safety measures at the junction of Green Street and Green Way. Also propose conditions relating to improved accessibility and ensuring highway safety, including the widening of part of Green Street and the need to provide a temporary car parking areas during the construction process.

**County Education** – No objection subject to completion of Section 106 Agreement. The application proposes the requested planning obligations for education and libraries.

**County Ecologist** – No objection subject to planning conditions and a legal agreement to secure an Ecological and Landscape Management Plan covering a significant post construction period; and an Ecological Construction Method Statement.

**County Archaeologist** – No objection subject to a planning condition requiring further archaeological investigation works and recording.

**The Ramblers Association** – No response at the time of writing this report.

**Severn Trent Water** – No objection subject to a condition requiring details of foul and surface water discharge to be submitted and approved prior to the commencement of development.

**Borough Environmental Health** – No objection, subject to planning conditions to mitigate against noise and ground contamination.

**Housing Enabling and Policy Manager** – No objection subject to the delivery of the agreed level of 40% affordable housing with all affordable units being provided to Code for Sustainable Homes Level 4. The tenure split ratio will be 50:50 or 70:30 in favour of social rented if grant funding is received. The following housing mix has been agreed:

Social Rented

1 bed apartment – 5.7% 1 bed bungalow – 5.7%  
2 bed apartment - 8.0% 2 bed bungalow – 4.5% 2 bed house – 8.0%  
3 bed house – 6.8%  
4 bed house - 6.8%  
4 bed house – 4.5

Shared Ownership

2 bed house – 31.8%  
3 bed house – 18.2%

**Cultural Development Manager** – Satisfied that the proposed Planning Obligations in relation to sports pitches/facilities and play provision provide a suitable package of replacement and new facilities to serve the community.

**Community Planning and Partnerships Officer** – Satisfied that the development caters for the proven needs of the community.

**Laurence Robertson MP** – Objects to the application for the following reasons:

- The loss of the employment allocation will not help to encourage private sector job growth in the area and will limit job opportunities.
- There is an acknowledged shortage of open space and playing field provision in Brockworth. The proposed open space would be a reduction on that existing.
- The application is made on the basis of the RSS, a discredited process currently before parliament for scrapping. The site is therefore contrary to the current Development Plan.
- The proposed access off Green Street would be in conflict with the recent planning decision on the land at Kennel Lane, which required the closure of part of Green Street.
- The traffic issues created by this proposal would seriously undermine the area of Green Street as it would not be able to cope with such an increase in traffic
- The current site is a valuable buffer between the residential part of Brockworth and the business park. This proposal will merge the two and must therefore be avoided.
- The current work on housing needs in the Borough has yet to be finalised, and as such there is no proven need for this additional housing, and no proven need in the parish of Brockworth.

**Local Residents** – 518 letters of objection have been received from local residents and 1 letter of support. The reasons for their representations are summarised below:

Objections

- The proposal is contrary to the Borough Local Plan and the County Structure Plan and there is no proven need for new housing.
- Brockworth has already suffered from significant levels of new development recently and this further development would put additional strain on existing local services, including local medical surgeries.
- The development would result in the loss of an important open space and playing fields in Brockworth.
- The site currently acts as an important visual buffer between the residential area and the business park. The development would result in a continuous building line when viewed from the Cotswold AONB. This visual break should be maintained and the playing fields reinstated.
- Residential development has previously been refused on this site where the Planning Inspector considered that the site did not constitute urban land and had visual importance in relation to the adjoining AONB.
- The development would result in traffic chaos in Green Street.
- The County Council has recently completed some traffic calming measures in the area. Granting this development would undo that work.
- The increase in traffic resulting from this development would make it dangerous for pedestrians and cyclists to cross Ermin Street and Green Street, especially for children and the elderly.
- There would inevitably be an increase in the number of cars parking on the road between Green Street and Seabrook Road. This would cause obstruction and further congestion on the already poor condition of the road surface.

- The existing 'access only' restriction on Green Street is regularly flouted and would continue to be to a greater degree if this development is allowed.
- Green Street is a quiet rural lane enjoyed by walkers and pet owners and it would be a great shame to see its unique character destroyed by this development. It is very much a local amenity providing access to the countryside.
- Brockworth residents deserve to have some open spaces kept to act as a buffer between the village and the increasing sprawl of developments around it.
- Green Street and Ermin Street are already unable to cope with the volume of water run off from the surrounding hills. Building new houses and paving over fields will increase the drainage problems, causing increased flooding and potentially leading to road accidents and damage to homes.
- The noise levels and pollution from the increased traffic will damage the local environment.
- The noise from the business park is already significant. The additional industrial building on the site would worsen the impact on neighbours.
- The fields and hedgerows on Green Street are home to wildlife that has lived undisturbed on the site for many years. The intensive use of the bridleway would impact upon bat habitats.
- There are TPO trees on the site, which need to be retained. It must be ensured that the root systems of these trees are not harmed by development.

### Support

1 letter of support has been received by a local resident on the grounds that the local area is in desperate need of affordable housing, sports pitches and pavilion facilities that could be secured through this development. The site would not adversely affect local residents and the area needs some new development.

**Comparo Ltd (applicants for Homelands 2 proposal at Bishops Cleeve)** – Have the following concerns in relation to the application:

- The Planning Statement suggests that Homelands Farm Phase I is undeliverable within the next five years, which is not the case given that the Reserved Matters for Phase I have been approved and the remainder of the site is to be submitted imminently.
- The proposal involves the loss of important playing fields.
- The proposal focuses urban development in a protected area of open space as described by Local Plan Policy LND5.
- Has a negative impact upon the future use of the adjacent employment land. The close proximity of housing to industrial uses could result in noise and disturbance conflicts.

### **Planning Officers Comments: OMR**

#### **1.0 Introduction**

1.1 The application relates to the land to the rear of the Invista factory on the southern side of Ermin Street, Brockworth. The application site comprises a total of 19.1 hectares and includes the former Woodlawns Country Club (12.5ha), a Nursery Field (3.4ha) and redundant parts of the Invista factory site (3.2ha). The site sits between the Invista factory to the north, residential development to the east, and the Gloucester Business Park to the west and south-west. The Cotswold Area of Outstanding Natural Beauty (AONB) also abuts the Nursery site to the south. The former Woodlawns Country Club is accessed off Green Street and the industrial side of the site can be accessed off both Ermin Street and Golf Club Lane (**see location plan attached**).

1.2 The former country club formerly comprised a number of private sports pitches, a pavilion and a clubhouse, all used in association with the factory. However, over the last few years the pavilion and clubhouse have been demolished and the playing fields have been left in an overgrown state. The Mid-Glos Bowls Club however, is still open on the site. The part of the site within the curtilage of the existing Invista factory comprises existing landscaped areas, pallet stores, hardstandings and a derelict boiler house.

1.3 There are a number of mature hedgerows and trees on the site, some of which are protected by a Tree Preservation Order. There is also a public bridleway that runs through the site between the country club and nursery field. Although the site is bordered by development on three sides, it is located outside the Brockworth Residential Development Boundary as defined by the Tewkesbury Borough Local Plan to 2011 – March 2006. Part of the site is within the Gloucester Business Park Employment allocation as defined by Policy EMP1, whereas the remainder of the site is designated as an Important Open Space by Policy LND5 (**A plan showing the land designations of the site will be displayed at Committee**).

## 2.0 Planning History

2.1 There is extensive planning history in relation to the development of the factory site and the associated country club to the rear. The factory was originally built and occupied in the early 1960's by the British Nylon Spinners. The factory was taken over by ICI Fibres in the mid-1960's who developed the site in to a large industrial complex. ICI Fibres then acquired the land to the rear of the factory and established a private sports club for its employees. Further expansion took place in the early 1990's when DuPont UK took over ICI Fibres. The Woodlawns Country Club continued to be run for its employees, but was also opened up to non-employees.

2.2 91G/2291/09/01 – Outline planning permission was granted in 1992 for the expansion of the factory and the provision of new replacement sports pitches. The proposal included the expansion of the industrial use on to approximately half of the existing playing fields. Replacement playing fields were proposed on the Nurseries site. This permission was renewed a number of times but finally lapsed in 2003 without the permission being implemented.

2.3 94/9017/1329/OUT – An outline application was refused and later dismissed on appeal in 1996 for the expansion of the factory, reorganisation of sports pitches and social club and the provision of new residential development. The proposed expansion of the factory was similar to that permitted in 1992. However, this proposal included the provision of approximately 50 new dwellings on the Nursery field. In making this decision, the Planning Inspector considered that there was no need for new housing within the Borough at the time and that due to the location of the site outside the Residential Development Boundary and due to the amenity value of this open space, the harm caused outweighed any other benefits that there may have been to the scheme at the time (**A copy of the appeal decision is attached**).

2.4 In 2004 DuPont UK was taken over by Invista and shortly after this time membership of the Woodlawns Country Club rapidly declined and the club became insolvent. The country club site has since fallen in to dereliction and disrepair. The clubhouse and pavilion buildings have been demolished due to arson attacks, and the former playing fields are overgrown. The site is open for access to the Mid-Glos Bowls Club, but the remainder of the site is closed to the public.

## 3.0 Current Application

3.1 The current proposal seeks outline planning permission for a mixed-use development of up to 220 dwellings and 13,600m<sup>2</sup> of B8 commercial use with 674m<sup>2</sup> of ancillary office space. The proposal also includes the provision of an on-site cricket pitch and pavilion, and other associated public open space and associated highway works. The plans show that the residential development would be accessed off a single estate road off Green Street, and the commercial development would be accessed off Golf Club Lane. The means of access is to be dealt with at this stage, but all other matters are reserved for future consideration.

3.2 Whilst the remaining matters of layout, scale, appearance and landscaping are reserved for future consideration, the applicant has provided a series of indicative Masterplans, which indicate the likely characteristics of the development. A design and access statement has also been provided, which gives further information on the likely design and layout of the development and the rationale behind the concept.

**Copies of the Masterplan documents and the design and access statement will be displayed at committee. Copies will also be displayed in the Members Lounge 1 week prior to the committee meeting.**

3.3 The application has been accompanied by an Environmental Statement as required under the Town and County Planning (Environmental Impact Assessment) (England) Regulations 2011. **A copy of the Environmental Statement's Non-Technical Summary will be displayed in the Members Lounge 1 week prior to the Committee Meeting.**

3.4 The application has also been accompanied by an Affordable Housing Statement, the most recent version of which proposes 40% affordable housing. The applicant has also confirmed proposals for off-site contributions towards education, libraries, sports pitches, play areas and facilities, highway safety improvements and sustainable transport measures.

## 4.0 Circular 05/05 and the Community Infrastructure Levy Regulations

4.1 Government guidance on Planning Obligations is set out in Circular 05/05. Government policy is that planning obligations should be sought only where they meet the following tests:

- Necessary to make the proposed development acceptable in planning terms

- relevant to planning,
- directly related to the proposed development,
- fairly and reasonably related in scale and kind to the proposed development,
- reasonable in all other respects.

4.2 The Community Infrastructure Levy (CIL) Regulations came into force on the 6th April 2010. The 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 new tests set out in the CIL regulations. These new 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.

4.3 As a result of these relatively new regulations, Local Authorities and applicants need to ensure that planning obligations are genuinely 'necessary' and 'directly related to the development'. As such, the new 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.

## **5.0 The Principle of Development**

### **5.1 The Development Plan**

5.1.1 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. The development plan comprises the Regional Planning Guidance for the South West (2001) (RPG10) which has been adopted as the interim Regional Spatial Strategy for the South West, The Gloucestershire Structure Plan Second Review (SPSR) adopted 1999 and the Tewkesbury Borough Local Plan to 2011 - March 2006. The status of these plans and relevant policies from each of them are set out below.

### **5.2 Regional Planning Guidance Note 10 (RPG10)**

5.2.1 RPG10 is part of the statutory Development Plan, it provides for the period to 2016 and as such is the most up to date strategic planning policy for the area. RPG10 seeks to implement a vision of sustainable development including the concentration of most development at the Principal Urban Areas (PUAs), which include Cheltenham and Gloucester.

5.2.2 Policy SS2 provides that PUAs offer the best opportunity for accommodating the majority of development in the most sustainable way. Furthermore, Policy SS2 requires that development takes place primarily within defined PUAs. Where this is not possible, development should be in the form of planned urban extensions to the PUA. Paragraph 3.10 states that "provision should be made for well designed new development in urban fringe locations."

5.2.3 Policy SS5 requires that structure planning authorities should plan for the long-term growth of PUAs; planning authorities should involve all the districts for the area of each PUA. Structure Plans should, amongst other things, support forward planning and investment in infrastructure and a more sustainable distribution of development.

5.2.4 Policy SS12 – 'Gloucester and Cheltenham Principal Urban Areas' provides that the local authorities, developers, infrastructure and transport providers and other agencies should work together to achieve Economic and housing development at sustainable locations either through the intensification of development within the urban areas, or if all development needs cannot be met in this way, through planned urban extensions.

5.2.5 Policy SS20 advocates the protection of environmental assets and the enhancement of the countryside as a whole and Policy EN1 promotes the maintenance and enhancement of the regions biodiversity resources and countryside character.

### **5.3 Status of Regional Spatial Strategies (RSS)**

5.3.1 The Government has announced that it intends to abolish Regional Spatial Strategies (RSSs) so that they no longer form part of the Development Plan. The Government revoked all RSSs in July 2010 but this

was found to have been unlawful following a high court challenge by the developer Cala Homes. The Government has acknowledged that all RSSs are re-instated but has re-emphasised its intention to abolish RSSs when the proposed Decentralisation and Localism Bill becomes law. The Government is currently carrying out a Strategic Impact Assessment to identify any impacts that might arise from removing the regional tier of government.

5.3.2 A second legal challenge by Cala Homes against Government advice that the intention to revoke RSSs was a material planning consideration was defeated in February 2011. The judgement confirmed that the intended revocation of Regional Strategies was capable of being a material consideration which can be considered by local planning authorities and planning inspectors when making planning decisions. This decision was ratified following an unsuccessful appeal against the High Court decision.

#### **5.4 Gloucestershire Structure Plan Second Review (SPSR) adopted 1999**

5.4.1 The SPSR is also part of the Development Plan being the last adopted Structure Plan for Gloucestershire. However, it was adopted prior to the publication of revised PPG3 Housing in 2002, which has been superseded by PPS3, and it therefore lacks the context of the more recent government guidance on sustainable development.

5.4.2 Policy S1 of the SPSR states that *“The bulk of new development should be accommodated within and adjacent to the County’s larger towns at scales and locations that: (inter alia) a) maintain and enhance the predominance of Gloucester and Cheltenham as the focus for new development in the County, c) meet transport demands in safe and energy efficient ways primarily aiming at reducing the need to travel and f) avoid the coalescence of existing settlements”*.

5.4.3 Policy H4 gives more specific guidance: *“Most residential development will be provided in the Central Severn Vale. Development should be provided in locations where employment, leisure, commercial and community facilities can be integrated and where there are opportunities to maximise the use of public transport. In providing for residential development priority will be given to development within Gloucester and Cheltenham and then to locations adjacent or close by which are or can be easily and conveniently accessed by means of transport other than the private car...”*.

5.4.4 Policy S3 places a priority upon the development of land within existing built-up areas where this would not be detrimental to the urban environment. Policy S.5 requires that local authorities have regard to the need for community facilities and services.

5.4.5 Policy E1 sets out that about 160 hectares of employment land will be encouraged in Tewkesbury Borough. Policy E2 highlights that Brockworth is identified as a key strategic employment location where land will be reserved for long-term employment needs. It states that employment development should be provided in locations where housing, commercial, leisure and community facilities can be integrated and wherever possible improved, including maximising opportunities to use public transport.

#### **5.5 Tewkesbury Borough Local Plan to 2011 – March 2006**

5.5.1 The application site lies outside the residential development boundary of Brockworth as defined by the Tewkesbury Borough Local Plan to 2011 – March 2006. As such, 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.

5.5.2 The western portion of the site is located within the Major Employment Site allocation of the Gloucester Business Park. Policy EMP1 of the Local Plan states that proposals for Business (B1), General Industrial (B2) and Warehousing (B8) will be supported in such areas. The policy also states that new development on these sites should be accessible by a choice of transport modes.

5.5.3 Policy LND5 relates specifically to identified Important Open Spaces and states that proposals which would adversely affect the character and appearance of these areas will not be permitted. The eastern portion of the application site is identified within the Local Plan as an Important Open Space as it forms an important visual gap between the existing built up area and the Gloucester Business Park.

5.5.4 Policy GNL11 provides that permission will not be granted for development unless the infrastructure and public services necessary to enable the development to take place are either available or can be provided.

## **5.6 Gloucester, Cheltenham & Tewkesbury Joint Core Strategy (JCS)**

5.6.1 Since 2008 Officers and Members have been working on developing a robust evidence base to support the development of a Joint Core Strategy (JCS) for Gloucester, Cheltenham and Tewkesbury. This evidence base has become critically important given the intention to abolish RSSs set out in the Localism Bill and reflects the government's intentions for decisions to be made at a local level.

5.6.2 The JCS is an emerging spatial planning strategy which seeks to plan for the development needs of the area up to 2031 and has an extensive evidence base. In preparing the JCS, the JCS authorities have invested significantly in the evidence base informing the development plan and entered into extensive frontloading with stakeholders, elected members and the wider public. A 'Developing the Preferred Option' document has recently been approved for consultation. Responses will then be used to inform the Preferred Option Document to be published for further consultation in summer 2012, before the final version of the Joint Core Strategy is submitted to the Secretary of State for independent examination in autumn 2013.

## **5.7 Other Material Policy Considerations**

5.7.1 On the 23rd March 2011 the Rt Hon Greg Clark MP, The Minister of State for Decentralisation, issued a written Ministerial Statement titled '*Planning for Growth*', which is capable of being regarded as a material consideration in the planning application process. The Statement highlights that the Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. The Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy.

5.7.2 As part of the suggested reforms mentioned above, the Government has also published the draft National Planning Policy Framework (NPPF) on the 25th July 2011. It should be noted that this is a consultation document and is, therefore, subject to potential amendment. It is capable of being a material consideration, although the weight to be given to it will be a matter for the decision maker in each particular case.

5.7.3 The purpose of the NPPF is to make the planning system less complex and more accessible, and to promote sustainable growth. It reiterates the key message of the 'Planning for Growth' Statement, which is to provide a presumption in favour of sustainable development. The NPPF maintains the expectation that councils should have a rolling five year supply of deliverable sites to meet their housing needs with at least a 20% additional allowance to create competition and choice in the land market. The current target of housing development taking place on previously developed is to be removed.

5.7.4 Both Statements explain that when deciding whether to grant planning permission, local planning authorities should give weight to the need to support enterprise, economic and other forms of sustainable development. However, they also make it clear that local planning authorities are also obliged to have regard to all other relevant considerations.

## **5.8 5-Year Housing Land Supply and the Implications of PPS3**

5.8.1 Paragraph 71 of PPS3 states that "*Where Local Planning Authorities cannot demonstrate an up-to-date five year supply of deliverable sites, for example where Local Development Documents have not been reviewed to take into account policies in this PPS or there is less than five years supply of deliverable sites, they should consider favourably planning applications for housing, having regard to the policies of this PPS including the considerations in paragraph 69*". Paragraph 69 sets out the criteria which Local Planning Authorities should have regard to in deciding planning applications, these are:

- achieving high quality housing;
- ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people;
- the suitability of a site for housing, including its environmental sustainability;
- using land effectively and efficiently;
- ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives.

5.8.2 The need to continue to provide a 5 year land supply was confirmed by the DCLG in a letter to Local Planning Authorities on the 6th July 2010 where it was confirmed that "*although the overall ambition for*

*housing growth may change, authorities should continue to identify enough viable land in their Development Plan Documents to meet that growth*". The letter also makes it clear that "Local planning authorities will be responsible for establishing the right level of local housing provision in their area, and identifying a long term supply of housing land without the burden of regional housing targets. The letter effectively gives Local Planning Authorities three options for establishing their housing requirement from which 5 year housing land supply can be measured, as follows:

- Accept the requirements of the Draft RSS (Option 1) housing figures;
- Accept the development requirements of the Secretary of State's Proposed Changes to Draft RSS (Option 2); or
- Review the development requirements locally.

5.8.3 Objections have been raised from the Parish Council's and local residents on the grounds that the site is located outside the Brockworth Residential Development Boundary. Local residents are also of the view that there is no proven need for additional housing and therefore the development should be refused, as it is contrary to the Development Plan. Local residents have also commented that Brockworth has suffered from its fair share of new housing development in recent times and it would therefore be unjustified to provide further new housing in this area.

5.8.4 The application has been accompanied by a planning supporting statement, which sets out the applicant's view that Tewkesbury Borough Council is unable to demonstrate a 5 year housing land supply. In taking this view, the supporting statement suggests that large strategic sites already granted permission by the Council are unlikely to deliver the required annualised build rates over the next 5 years given current market conditions. In addition, it is suggested that within the Structure Plan period the Council has consistently under performed against its annual targets and it is unlikely that there would now be an upturn in delivery in the current economic climate.

5.8.5 In considering the housing requirement for the Joint Core Strategy (JCS), the three Councils have chosen to review their housing requirements locally. The 'Developing the Preferred Option' document referred to above (see section 5.6 above) sets out a range of housing levels accompanied by strategic allocations which, along with existing urban capacity and commitments, would deliver the housing supply required in the first ten years of the plan. This would result in a shortfall in the second part of the plan period which would need to be addressed in the future. The range of housing levels for the JCS area will be consulted upon once all three authorities have approved the document for public consultation.

5.8.6 Tewkesbury Borough Council does have a shortfall in 5 year supply when compared against Draft RSS and Structure Plan figures. By using Draft RSS figures the Borough currently has a shortfall of 2,463 dwellings, which is equivalent to a 2.4 year shortfall. Using Structure Plan figures the shortfall is 1,394 dwellings, equivalent to a 1.7 year shortfall. This shortfall is measured against a trajectory, which does not include the emerging JCS strategic allocations.

5.8.7 On this basis, Paragraph 71 of PPS3 is engaged (see paragraph 5.8.1 above) and the Council must consider planning applications for housing favourably having regard to the criteria set out in Paragraph 69 of PPS3.

5.8.8 In this regard it is important to note that the Invista site was considered through the Strategic Housing Land Availability Assessment 2011 (SHLAA), and it concluded that the site was 'Suitable', 'Available' and 'Achievable' for delivery of residential development. This assessment was made on the basis that the site is controlled by a single landowner (Available); that there is a reasonable prospect that housing would be developed on the site in the near future (Achievable); and that the site is very well related to the existing settlement boundary of Brockworth and local services and facilities, with existing development on 3 sides of the site (Suitable). The proposal also generally accords with the spirit of RPG10 and Structure Plan in that it is a sustainable site on the edge of Gloucester. The remaining criteria set out in Paragraph 69 of PPS3 will be considered later in this report.

## **5.9 Employment Land Issues**

5.9.1 Policy EC10 of PPS4 sets out that "local authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably".

5.9.2 This approach is reinforced by the recent Ministerial Statement titled '*Planning for Growth*' and the draft National Planning Policy Framework, which advise that support should be given to enterprise and facilitation

of housing, economic and other forms of sustainable development. The Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy. In addition, Paragraph 75 of the draft National Planning Policy Framework advises that "planning policies should avoid the long term protection of employment land and applications for alternative uses of designated land should be treated on their merits having regard to market signals and the relative need for different uses."

5.9.3 The western portion of the application site falls within a designated Major Employment Site protected under Tewkesbury Borough Local Plan Policy EMP1, which supports B1, B2 and B8 commercial uses. The remaining employment allocation comprises approximately 6.1ha of land. This policy plays an important role in protecting both existing and new major employment sites; and this is supported by both Tewkesbury's Employment Land Review (2008) and the Gloucester, Cheltenham and Tewkesbury Employment Land Review (2010).

5.9.4 The 2008 Employment Land Review undertook a review of all employment sites within the Borough and classified each site into one of three categories; including;

**Class I** sites - those sites that any change of use should be strongly contested;

**Class II** sites - actions to strengthen these existing sites are to be encouraged; and

**Class III** sites - where sites may be important to meet demand for cheap or rural locations.

5.9.5 The overall Invista site, including the factory and the western portion of the application site, was assessed within the wider Gloucester Business Park and was given class I status, noting the area as "a key location for high quality development". The current proposal makes provision for 13,600 sqm of B8 employment use together with an ancillary 675sqm of B1 use, covering 4.6ha of the remaining 6.1ha allocation left at the EMP1 site.

5.9.6 The current application complies with Policy EMP1 of the Local Plan insofar as it makes provision for 4.6 ha of B8/B1 employment use within the Gloucester Business Park designation. The proposal would result in the loss of 1.5ha of employment land as defined by Policy EMP1 of the Local Plan. However, this loss in employment land needs to be weighed against the provision of accessible amenity space and landscaping within the context of the proposals as a whole.

## **6.0 Sustainable Transport and Highway Safety**

6.1 Policy T.1 of the Structure Plan Second Review requires that new development be located so as to minimise the length and number of motorised journeys. Policy T2 promotes walking through the provision of safe and convenient pedestrian routes. Policy T3 promotes cycling by the development of a comprehensive network of safe and convenient cycle routes and the provision of secure cycle parking facilities in new developments. Policy T4 provides that the maintenance and enhancement of the bus service network will be promoted by improvements to passenger services to existing and proposed development, in conjunction with bus operators and developers where appropriate.

6.2 Local Plan Policy TPT1 relates to access for developments and 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.

6.3 The proposed means of access to the development is not a reserved matter and is therefore being considered at this stage. The submitted masterplans for the development show that there would be one primary means of access to serve the residential development, at the point of the existing country club site access off Green Street. It is noted that Green Street narrows significantly after the existing access point, hence the reason that the whole development would be accessed at this point where the road is wide enough to accommodate this level of traffic. The commercial building would be accessed off Golf Club Lane from the Gloucester Business Park. The illustrative masterplan layout documents indicate a street hierarchy, which includes a main circular estate road, secondary routes and tertiary lanes. Emergency access points, and cycle and pedestrian links are also provided. The existing public bridleway which runs between the Country Club and Nursery sites would be retained and opened up as a pedestrian and cycle link.

6.4 The submitted Transport Assessment (TA) concludes that the local public transport and highway networks are of a high standard and able to cater for the additional trips forecast. The development would include walking and cycling routes linking all of the land uses with the development and local public transport networks and local services. In addition, the internal estate roads shown on the indicative masterplans

would be designed to DfT's Manual for Streets standards. However, some highway and sustainable transport improvement measures are proposed in order to mitigate the development, including:

- provision of junction improvements to Ermin Street/Green Street;
- travel plan requirements for both the residential and employment developments;
- cycle parking facilities for the residential and employment developments.

6.5 The Parish Councils and a number of local residents have raised strong objections to the application on highway and pedestrian safety grounds. Locals are particularly concerned about the increased level of traffic that would result from an additional 220 dwellings in the area, and specifically the impact this would have on congestion and highway safety on Ermin Street and Green Street in particular.

6.6 Objectors have referred to the fact that the County Council has recently carried out a number of traffic calming measures in the area and there are concerns that allowing this development would undo that work. It has been suggested that Green Street, which is currently a relatively lightly trafficked rural lane, would become a heavily congested road with vehicles queuing to access Ermin Street at rush hour times. Cars would also park on Green Street, which would cause obstructions and further congestions in the area. Finally, there are concerns that the existing 'access only' restriction on Green Street is regularly flouted and this issue would become more problematic if this development is allowed.

6.7 The Highways Agency were initially concerned about the suitability of the residential trip rate data suggested in relation to the impact on the capacity of the A417 and A46 junctions and the adequacy the submitted travel plan. However, further to negotiation and the submission of revised trip rate data, the Highways Agency is now satisfied that the proposed development would have an acceptable impact on the A417 and A46 junctions. The Highways Agency therefore has no objection to the application subject to a planning condition requiring the completion and implementation of a detailed travel plan.

6.8 In terms of the impact on the local highway network, the revised trip data and modelling work discussed above has satisfied the County Highways Authority that the development could be provided, subject to mitigation measures and planning obligations, without having an undue impact on the local road network. In taking this view, it is noted that there does not appear to be an existing highway safety problem at the existing Ermin Street/Green Street junction as a result of lack of visibility. In addition, the site is in a sustainable location, within walking distance of local facilities within Brockworth and with very good public transport links to both Cheltenham and Gloucester centres. Furthermore, new walking and cycling links could be provided which would connect the development with the existing networks.

6.9 Therefore the County Highways Authority has no objection to the application subject to the following mitigation measures which have been agreed by the applicant:

#### Highway Improvement Works

- Visibility improvements to the junction of Green Street and Green Way to aid vehicles exiting Green Way.
- The widening of a section of Green Street to 5.5 metres from the Green Way junction to the application site junction.
- The provision of a 3 metre wide pedestrian cycleway link between the employment and residential development, and the junction of Green Street and Green Way.

#### Section 106 Planning Obligations

- £24,500 contribution towards highway safety measures on Ermin Street, to be spent on a pedestrian refuge and associated highway works to the west of the Ermin Street/Green Street junction.
- £21,528 contribution towards the provision of Real Time Passenger Information;
- £10,000 for monitoring of residential and employment travel plans plus appropriate default payments.

6.10 Planning conditions are also recommended requiring detailed drawings of the proposed site accesses; details of vehicular parking and turning within the site; a construction method statement, including the provision of temporary vehicle parking for site operatives and wheel washing facilities during construction; and the provision of secure cycle facilities on the site.

6.11 Subject to the above highway improvements, conditions and planning obligations, it is considered that the proposal complies with the relevant transport policies within the Development Plan.

## **7.0 Landscape, Visual and Loss of Important Open Space Implications**

7.1 Policy NHE1 of the Structure Plan Second Review sets out that the Countryside's character, appearance

and natural resources will be protected from harmful development unless the social and economic needs of the area or wider environmental objectives outweigh such harm. Policy LND4 of the Local Plan makes it clear that the countryside is worthy of protection for its own sake. Policy LND7 also requires high quality landscaping schemes to form an integral part of the overall development.

7.2 The eastern portion of the application site is designed as an Important Open Space in the Local Plan for the reason that the site forms an important visual gap between the built up area and the Gloucester Business Park. Policy LND5 states that development which would adversely affect the character and appearance of these areas should not be permitted.

7.3 The Parish Councils and a number of local residents have objected to the application on the grounds that the development would have an unacceptable impact on the character of the area and the adjacent Cotswold AONB. In particular, it is argued that the site currently forms an important visual buffer between the residential area and the business park, and the development of the site would change the rural nature of this part of Brockworth. Reference has also been made to the fact that residential development on part of the site has previously been dismissed on appeal where the Planning Inspector considered that the development would have resulted in the loss of an important area of green space between the existing residential and commercial developments.

7.4 The submitted Environmental Statement (ES) contains a Landscape and Visual Impact Assessment (LVIA) which assesses the impact of the proposals on the wider landscape. The ES confirms that the site does not lie within any nationally designated landscapes. However, the southern boundary of the site lies adjacent to the Cotswold AONB boundary, and due to this close proximity the impact on its setting is material. The site is visible from a number of public vantage points including longer distance views from Coopers Hill, which is located to the south of the site.

7.5 The LVIA refers to the fact that the character of Brockworth has changed significantly in recent years with the development of the Gloucester Business Park and the Coopers Edge housing scheme, which when completed will provide 1,900 dwellings. As a result of this, the site is now bounded on 3 sides by development. The ES explains that in the context of distant views from within the Cotswold AONB, the site sits against the backdrop of the remainder of Brockworth and the wider City of Gloucester. As such, it is suggested that the development of the site would provide a coherent continuation of the existing settlement meaning that the effects would be imperceptible. The ES also argues that subject to appropriate design, densities and landscape mitigation the long-term visual impacts of the development would be sensitive and would not result in a significant overall change of character to the existing settlement.

7.6 Whilst the site is bordered on three sides by development, it is clear that the proposed development would have a significant visual impact on the character of this part of Brockworth and result in the loss of part of the designated Important Open Space. The Appeal Inspector for the housing proposal on the site in 1994 concluded that this land formed an important green finger of open land that links to the Cotswold AONB and provides a soft edge to the built-up area on the border of the AONB.

7.7 The Borough Landscape Officer agrees that this open space provides an important green finger of open land. However, in the event that the principle of development on the site is considered favourable, the Landscape Officer also agrees with the conclusions made within the ES that the overall visual impact of the proposed development in the wider landscape could be successfully mitigated. In taking this view, the Landscape Officer is mindful that the proposal includes the provision of 5.4 hectares of open space within the centre of the site, which would retain some visual separation between the existing contrasting residential and employment developments, albeit to a lesser degree than currently exists.

7.8 In addition, the Landscape Officer is comforted by the fact that the masterplans for the development focus on the retention and integration of mature trees, hedgerows, the soft green verge along Green Street and the public bridleway. The existing bridleway is overgrown, un surveilled and lacks inclusivity. However, the masterplans show that the bridleway route would be opened up and would form an important feature of the development. The masterplans and Design and Access Statement also show that linear routes would be provided through the site and that building heights would be limited to a maximum of two storeys around the southern and eastern edges of the development, which would all help to minimise the impact of the development. No development on the site would exceed 2.5 storeys in height.

7.9 It is therefore considered that due to the physical characteristics of the site, and its immediate environs, it would be possible to secure a sensitively designed form of development and any significant long-term impacts could be adequately mitigated through future reserved matters applications and planning conditions.

## Arboricultural Issues

7.10 The Landscape Officer is encouraged to see that it is the intention to save the majority of mature trees on the site, including those protected by Tree Preservation Order. The submitted masterplans demonstrate that the layout of the development has been designed in order to incorporate existing landscape features, without adversely affecting their health or visual amenity. It is therefore considered that the retention of these features would continue to contribute positively to the openness of the site and the character of the wider area. The Landscape Officer was originally concerned about the proximity of a couple of TPO trees to the proposed built form. However, the submission of a proving layout shows that these trees could be incorporated within the layout without adversely affecting their health, in accordance with British Standards covering trees in relation to construction.

## **8.0 Design and Layout**

8.1 PPS1 sets out that design which is inappropriate to its context or fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted. PPS1 also promotes the creation of socially inclusive, sustainable communities by ensuring that all new development is located where services can be easily accessed by all, reducing the need to travel by car. PPS3 further encourages sustainable development that is easily accessible and well connected to public transport and community facilities and services, and is well laid out so that all the space is used efficiently, is safe, accessible and user friendly. Local Plan Policy GNL2 requires design statements/development briefs to be submitted with all major planning applications, to address the key principles of urban design. All applications for new housing are required to include a Design and Access Statement (DAS), explaining the design.

8.2 The application has been submitted in outline form and therefore the detailed matters of the scheme would be determined at reserved matters stage. However, the supporting DAS and Illustrative Masterplans give a strong indication of the fundamental principles behind the design and layout of the scheme. The masterplans comprise a number of drawings which show the general land use split; the circulation of internal routes; housing densities; character areas; and street lighting levels.

8.3 The masterplans show that that the residential development would be located to the eastern side of the site adjacent to the existing residential area, whereas the commercial development would be located to the west adjoining the Gloucester Business Park. These land uses would be separated by a large central area of public open space, which would provide an important green wedge within the development. A soft verge would be retained along Green Street in order to retain the rural feel of the street to some degree. The access to the residential development would be via a single point off Green Street, at a location where the road is wide enough to accommodate the additional traffic that would arise. The Council's Urban Design Officer has been in close discussions with the designers from the start of the planning process and is satisfied that the spread of land uses across the site provide a clear and logical rationale.

8.4 The submitted 'Housing Density Plan' shows that the lower densities (20 dwellings per hectare - dph) would be located along the southern boundary with the AONB and the eastern boundary with Green Street, in order to minimise the impact on the rural edges. Higher densities of 32 and 40 dph would be achieved within the centre of the development. The overall density would be approximately 28 dph which, given it's location on the edge of the settlement adjacent the AONB is considered acceptable and would result in the efficient and effective use of land. The DAS also specifies that buildings fronting the southern and eastern boundaries would not exceed 2 storey height, although the masterplans do not actually show this. Given the importance of minimising the impact on the rural edges, the Urban Design Officer considers that the densities proposed are appropriate, but considers it necessary for the masterplan to be amended to specifically show that no buildings exceeding 2 storey height would be located along the rural edges, with the possible exception of designated landmark buildings.

8.5 Further to requests from the Urban Design Officer, the applicants have also amended the 'Character Areas' plan, reducing the number of character zones from 5 to 3. It was considered that 5 different character areas for a development of only 220 dwellings would have been inappropriate. The 3 character areas now proposed would provide a much stronger overall character, whilst providing a degree of variety. The masterplans also identify opportunities for key landmark buildings, although the Urban Design Officer feels that the location of these buildings should be reconsidered to maximise the quality of the development.

8.6 In terms of the content of the DAS, the Urban Design Officer is of the view that it provides limited detail in relation to the likely architectural style of the proposed buildings. Whilst it is understood that the detailed design and layout would be secured through future reserved matters applications, it is necessary for the DAS

to provide a clear and robust architectural approach in order to satisfy the Authority that the resulting development would be appropriate. Further information has recently been submitted in relation to the architectural approach for the commercial building and this is considered acceptable. However, the information submitted for the residential element is still considered to be unrestrictive and does not give a definitive commitment towards the use of materials and the architectural styles that would be used.

8.7 Further negotiation is therefore required in order to achieve an acceptable position on the architecture of the development; the location of key landmark buildings; and a commitment towards preventing the use of parking courts. Subject to the above amendments, it is considered that the masterplans are based on site specific design responses and are based on sound urban design principles and would result in high quality housing in accordance with PPS1 and the requirements of paragraph 69 of PPS3.

## **9.0 Affordable Housing**

9.1 Policy HO3 of RPG10 provides that sufficient affordable housing be provided in order to meet community needs in both urban and rural areas.) Policy H.7 of the Structure Plan Second Review requires that provision should be made for those unable to compete in the housing market. Local Plan Policy HOU13 provides that the Council will seek to negotiate with developers to provide affordable housing.

9.2 An Affordable Housing Supplementary Planning Guidance (SPG) was adopted by the Council in August 2005. The purpose of the SPG is to assist the implementation of affordable housing policies contained within the Local Plan and it is a material consideration in the determination of planning applications.

9.3 The original Affordable Housing Statement submitted with the application proposed 30% affordable housing, with a tenure split of 50% social rented and 50% shared ownership (or 70% social rented and 30% shared ownership if grant funding could be secured). The proposed mix of affordable units included 1-2 bedroom apartments and 2-4 bed houses. The proposed affordable housing units were also proposed to be constructed to Level 4 standard in the Code for Sustainable Homes.

9.4 In making this offer the applicant referred to the Council's Affordable Housing SPG which indicates that 30% affordable housing will usually be sought on windfall sites unless particular circumstances justify higher or lower proportions.

9.5 The Council's Housing Enabling and Policy Manager objected to this proposal on the basis that the Gloucestershire Housing Needs Assessment 2009 indicates higher levels of need in the Brockworth area. The Assessment supports a requirement of 40% affordable housing being provided on this site. Objections were also raised in relation to the housing mix on the basis that no affordable bungalows or 5 bed units would have been provided, which are required to serve elderly/disabled and larger families respectively.

9.6 With this in mind the applicant has now formally offered 40% affordable housing, which is acceptable to the Housing Enabling and Policy Manager. In terms of tenure and mix, the proposal of 50:50 tenure split, or 70:30 in favour of social rented if granting funding can be secured, is considered acceptable and is consistent with tenure splits secured on other development sites within the Borough. The housing mix has also been amended to include 1 and 2 bed bungalows, which satisfies the requirements of the Housing Enabling and Policy Manager. The commitment to provide Level 4 rating in the Code for Sustainable Homes is also welcomed. The spread and clustering arrangements of the affordable housing units would be secured through future reserved matters applications and the Section 106 Agreement.

9.7 As such, subject to the completion of a Section 106 Agreement, the affordable housing proposal is considered to accord with Policy H7 of the Structure Plan and Policy HOU13 of the Local Plan. Furthermore the proposals would achieve a good mix of housing reflecting local need in accordance with paragraph 69 of PPS3.

## **10.0 Flood Risk and Drainage**

10.1 PPS25 sets out the Governments' aims of planning policy on flood risk and aims to direct development to areas at low risk of flooding. The application site falls within Flood Zone 1, defined in PPS25 as 'low probability' with less than a 1 in 1000 probability of river or sea flooding in any one year.

10.2 Policy F.1 of the Structure Plan Second Review presumes against development at direct risk from flooding and/or development that would increase the risk of flooding elsewhere. Similarly Local Plan Policy

EVT5 requires that certain developments within Flood Zone 1 be accompanied by a flood risk assessment and that developments 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 urban drainage systems (SUDS) criteria.

10.3 A number of local residents and the adjoining Hucclecote Parish Council have raised objections to the proposal on drainage and flooding grounds. There are concerns over the increased level of surface water that would be created through the introduction of additional hard surfaces. This additional surface water would be directed through the existing Invista drain into the Wotton Brook, which already receives surface water from the Business Park and the Coopers Edge development. It is stated that extreme amounts of water flowed through the Wotton Brook during the July 2007 floods, which resulted in flooding to parts of Hucclecote and Barnwood.

10.4 The submitted Flood Risk Assessment (FRA) confirms that there are no main rivers that cross or are in the immediate vicinity of the site. The nearest ordinary watercourses are the Horsbere Brook, which flows some 500m north of the site, and the Wotton Brook located some 800m to the west of the site. A ditch also runs along the south-western boundary of the site. However, none of these watercourses pose risk of flooding to this site.

10.5 The FRA also shows that the site is serviced by a number of existing drainage facilities. In particular, the site benefits from an existing 1200mm private storm drain which takes surface water run-off from the Invista site. There are also existing surface water and foul sewage drains running north along Green Street from the development site. The FRA concludes that there is little or no risk of fluvial or tidal flooding and no risk of flooding from groundwater sources. There is the possibility of some overland flooding during extreme rainfall events. However, subject to a number of sustainable drainage (SUDS) mitigation measures, the proposed development would not be at undue risk. These proposed mitigation measures include:

- Provision of cut-off drains along the southern most edge of the site to be directed to the existing watercourse.
- Sustainable Drainage System (SUDS), including provision of 4 balancing ponds and permeable paving on driveways and parking areas.

10.6 The Environment Agency (EA) and the Council's Land Drainage Manager have assessed the submitted FRA and concur that the site is at low risk of fluvial flooding (Flood Zone 1) and therefore the most significant impact would be in relation to surface water discharges given the predominantly undeveloped nature of the site. It is accepted that this surface water would drain towards the existing 1200mm private drain, which has been calculated as having sufficient capacity to drain the proposed development area. The use of SUDS techniques, which includes balancing ponds and permeable surfacing materials, are also welcomed and it would be necessary to secure the detailed design of the drainage system via planning conditions. The permeable surfacing materials would also be secured through future reserved matters applications.

10.7 With this in mind, the Environment Agency does not object to the application as it would not be at undue risk of flooding or exacerbate flooding problems for third party property. The proposal therefore complies with the guidance contained within national policy PPS25, and Policies F.1, EVT5 and EVT9 of the Development Plan.

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

11.1 Planning Policy Guidance Note 17 (Planning for Open Space, Sport and Recreation) presumes against the loss of existing playing fields and sporting facilities. However, Paragraph 13 notes that development may provide the opportunity to exchange the use of one site for another to substitute for any loss of open space, or sports or recreational facilities. Any replacement facilities should be at least as accessible as the existing or former facility and at least equivalent in terms of size, usefulness, attractiveness and quality. PPG17 does not distinguish between private and public recreational uses in terms of the availability of facilities.

11.2 Policy RE.2 of the Structure Plan requires the provision of a high standard of open space in new residential development. Local Plan Policy RCN1 requires the provision of easily accessible outdoor playing space at a standard of 2.43 ha per 1000 population in accordance with the NPFA's 'Six Acre Standard'. New outdoor playing space should be generally subdivided as follows:

- 1.6Ha-1.8Ha youth and adult use
- 0.2Ha-0.3Ha children's formal play space
- 0.4Ha-0.5Ha children's informal play space

Of which 1.2 Ha per 1000 population should be playing pitches.

11.3 The application site formally comprised a number of private sports pitches, including three senior football pitches and a cricket square, as well as the clubhouse and a separate cricket pavilion. The site also accommodated outdoor tennis courts and an outdoor bowling green. The former sports pitches, pavilion and clubhouse were all in use up until 2004 by members of the Country Club and employees of the Invista factory. However, since that time the sports pitches have been unused and the land has become very overgrown and unrecognisable from its former use. In addition, the former clubhouse and pavilion buildings have been demolished as a result of arson attacks. The land is now closed off to the public and it is understood that the landowners have no intention of reopening the land for sport and recreational purposes.

11.4 The applicant's initial position was that because the playing fields and facilities have not been in use for over 5 years and the playing fields were private, there is no requirement to compensate for the loss of the playing fields within this development. However, PPG17 does not differentiate between the private and public use of playing fields. As such, the applicant accepted the Council's position that the loss of these sports pitches and facilities should be compensated for.

11.5 With this in mind, Sport England has identified a shortfall in cricket and youth football facilities in the area. The need for a permanent base for the Brockworth Albion Football Club has been identified as has the fact that existing senior football and rugby pitches in the area are overused and there is therefore a need for pitch quality improvements.

11.6 Further to negotiations between the applicants, the Council and Sport England, the applicants have agreed to provide a financial contribution of £500,000 towards off-site sports facilities in the Brockworth area as an equivalent substitute package for the loss of playing field provision at the application site. It is considered that this contribution would provide a satisfactory replacement sports package to compensate for the loss of the former playing fields at the application site and meet identified local need. The off-site replacement sports package is therefore considered to comply with PPG17 in this regard.

11.7 In terms of the requirement for new facilities arising from the provision of 220 dwellings, a total of 1.2ha of open space is required, of which 0.6 hectares should be playing pitches in accordance with the requirements of Local Plan Policy RCN1. The application proposes on-site provision of approximately 5.4ha of open space, which includes the provision of a new 12-wicket senior cricket pitch and pavilion building; 2 mini/youth football pitches to meet the identified shortfall in youth football provision in the area; 2 Locally Equipped Areas of Play (LEAPs); landscaping and incidental open space.

11.8 Finally, the submitted illustrative Masterplan currently shows the provision of an outdoor bowling green. However, the Council have questioned the need for such a facility on the site and concerns have been raised about its future maintenance. It is considered that the provision of a Multi-use Games Area (MUGA) would better meet the needs of the local community and the applicant has therefore instead agreed to provide a contribution of £115,000 towards the provision of an off-site MUGA, which would meet the Council's standard specification.

11.9 The provision of the facilities discussed above would be secured through Section 106 Agreement. The proposed on-site and off-site provision of open space is therefore considered acceptable in light of advice in PPG17 and the requirements of Policy RCN1 of the Local Plan.

## **12.0 Community, Education and Library Provision**

12.1 Policy S.5 of the Structure Plan Second Review requires that in providing for new development local authorities should have regard to the need for community facilities and services. Local Plan Policy GNL11 highlights 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.

12.2 There are concerns from the Parish Council's and local residents in relation to the added pressures that would be placed upon existing local facilities and services as a result of this development. The Parish Council's have expressed the view that Brockworth has seen a significant level of new developments in the area recently and further development would result in further demand for additional services, such as local education and medical facilities.

12.3 The County Council is aware that there is currently an issue in relation to local early years and primary school provision and this development will create a demand for additional spaces. Based on local demographic analysis, taking into account existing housing commitments including the Coopers Edge and Kennel Lane developments, the County Council has requested a financial contribution of £72,639 towards improving early years provision in the area. In terms of primary school facilities there is a requirement for a

financial contribution of £605,330 to be used towards infrastructure works at Brockworth Primary School and/or Castle Hill Primary School. However, analysis shows that secondary school facilities are already adequately catered for with capacity at Brockworth Enterprise, Chosen Hill and Barnwood Park schools, which are the nearest to the application site. Therefore, no secondary school contribution is sought.

12.4 The County Council have also identified a need to provide an extended library service to meet the new demand that would be generated through this development. As such, a contribution of £43,120 would be required towards improving the library service for local people. The County Council has also identified the need for new fire hydrants which could be secured through an appropriately worded planning condition.

12.5 In terms of the need for other community facilities, the Council's Community Planning and Partnerships Officer has been in consultation with a number of community bodies including Brockworth Parish Council and the Primary Care Trust (PCT). The Parish Council suggested a need for a range of improved facilities, particularly doctor and dentist surgery places. However, the PCT does not share this view. The PCT has advised that the 3 GP surgeries in the catchment area (Abbotswood Road, Brockworth; Brookfield Road, Hucclecote; and Hadwen, Abbeydale) already have the capacity to meet the need that would arise from the Invista, Coopers Edge and Kennel Lane developments. The PCT is fully aware of the capacity concerns of the Parish Council however does not feel that it can justify planning obligations from this development. Therefore, whilst the views of the Parish Council are sympathised with, without evidence to justify such a need from the PCT it is not considered that the Council can justify a planning obligation in this regard.

12.6 The Parish Council also suggested contributions to the continued funding of a community minibus, allotment provision and warden controlled sheltered accommodation. The funding of the minibus and warden controlled housing could not be justified in this case. In terms of allotments, the proposal already includes appropriate provision towards open space/recreation as set out above (see section 11).

12.7 The applicants accept that the development would give rise to the need for local educational and library provision and have therefore agreed to the above early years, primary school and library contributions requested by the County Council. As set out in other chapters of this report the applicant has also agreed to provide the required levels of affordable housing, sports pitches, changing rooms and play areas as identified by the Parish Council and the Council's Community Planning and Partnerships Officer. The proposal is therefore considered to accord with Policies S.5 and GNL11 of the Development Plan, subject to the completion of a Section 106 Agreement.

### **13.0 Noise and Vibration**

13.1 Planning Policy Guidance Note 24 recognises that noise can have a significant effect on the environment and on the quality of life enjoyed by individuals and communities. It therefore acknowledges that the planning system has the task of guiding developments, which generate high levels of noise pollution, to locations away from sensitive developments such as housing. Where it is not possible to achieve such a separation of land uses, local planning authorities should consider whether it is practical to control pollution levels, or to mitigate the impact, through the use of planning conditions. This advice is reflected in Development Plan Policies P1 and EVT3. There are no specific Development Plan policies that relate to vibration, although Policy P1 of the Structure Plan deals with pollution and disturbance issues generally.

13.2 PPG24 recommends the use of noise exposure categories (NECs) ranging from A to D to assess the suitability of a site near a source of noise, taking into account both daytime and night time levels as follows:

- A - Noise is not a determining factor
- B - Noise should be taken into account, conditions may be required
- C - Planning permission should not normally be granted in most circumstances
- D - Planning permission should normally be refused

13.3 The site is located in close proximity to the Gloucester Business Park and Invista factory, where potentially noisy B2 industrial uses exist. In addition, Ermin Street is within relatively close proximity and is a heavily trafficked road. The ES explains that noise and vibration sensitivity testing was carried out at a number of receptor locations on the periphery of the application site. The testing confirms that the current noise levels in the area are dominated by road traffic noise, and that the levels of noise and vibration from units on the Gloucester Business Park are relatively limited.

13.4 In terms of the development proposed, the ES indicates that the residential development would fall within NEC A, meaning that future residents would not be unduly affected by noise based on existing conditions. The ES also confirms that the current noise levels experienced from the Invista factory are low due to the significantly reduced operations at that site over the last few years. Mitigation measures are

however, considered necessary to ensure that the new B8 unit would not cause undue noise and disturbance to future occupiers of the residential development.

13.5 The Borough Environmental Health Officer accepts that the residential development would be categorised as being within NEC A, and therefore the proximity of housing to the existing Business Park and local transport network would be suitable in this case. The B8 unit could potentially create noise issues for future residents however such issues could be addressed by suitable mitigation measures. These measures could be adequately secured by planning condition.

13.6 Historically, the Invista factory created significant noise levels which often resulted in complaints from local residents. However, since Invista took over the site from DuPont a number of years ago the operations at the site have significantly reduced. As a result, only a very small number of noise related complaints have been received since that time, which have been as a result of isolated incidents. There is of course, the possibility that the factory could be used intensively again in the future. However, the Council would have Statutory Noise Nuisance powers at its disposal to address further noise issues in the event that the operations at this site significantly intensified in the future.

13.7 It is accepted that there would be some noise and disturbance during the construction process and this must be accepted to a degree. However, planning conditions could be imposed to restrict working hours to limit such disturbance. Furthermore, construction noise can be adequately addressed under Environmental Health legislation if necessary. It is therefore considered that the development could be provided without having an undue impact on the residential amenity of existing and future local residents. The proposal therefore accords with PPG24 and Policies P1 and EVT3 of the Development Plan in this respect.

#### **14.0 Air Quality**

14.1 PPS23 confirms that air quality can be a material planning consideration. Policy P1 of the Structure Plan provides that development will not be provided where it would cause an adverse impact in terms of air pollution. Council's must be satisfied that the cumulative impacts of the development and existing uses would not make the development unacceptable.

14.2 The ES notes that the application site is located in an area where air quality is mainly influenced by emissions from the road network, predominantly Ermin Street, and from the industrial uses on the adjacent Gloucester Business Park, including the Invista factory. A number of local addresses have been used as receptor sites in which to base the air quality testing. In terms of increased traffic, the ES calculates that the increased levels of Nitrogen Dioxide (NO<sub>2</sub>) from the majority of receptors would be imperceptible. There would be a perceptible change in levels directly outside the site on Green Street, but this level would still be well within accepted tolerances. In terms of the impacts from existing industrial uses, it is noted that air quality issues existed many years ago at the Invista factory. However, the operations at this factory have significantly reduced over the years and air pollution levels have similarly reduced.

14.3 The Environmental Health Officer has been consulted and raises no objection on grounds of air quality. It is noted that there may be some existing air quality impacts in the immediate area due to the present air bag plant at Invista and fumes from road traffic. With this in mind, it is noted that a very small number of odour related complaints have been made to the Council over the years from local residents. However, the impacts would remain below actionable pollution levels and the proposed development would therefore not have an undue impact on future occupiers of the housing development.

14.4 The ES also identifies the construction process of the development as a potential source of air pollution. The Borough Environmental Health Officer notes that there would be impact during the construction phase as a result of increased vehicle movements and dust. However, it is concluded that the impacts would be negligible, with any effects being localised and effectively controlled through good site practice. The proposal is therefore considered to accord with Policy P1 of the Structure Plan.

#### **15.0 Archaeology and Cultural Heritage**

15.1 PPS5: Planning for the Historic Environment sets out that the Government's overarching aim is that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations. Policy NHE.6 of the Structure Plan Second Review seeks to conserve sites of archaeological importance.

15.2 The assessment and evaluation for this site identified low potential for significant archaeological remains to be preserved. However, within the western portion of the proposed development area the

evaluation found a zone of activity dating to the medieval period, comprising of a possible layer of occupation debris and a ditch or gully. The function of this activity is uncertain, but it may allude to an area of domestic occupation dating back to the 12th – 13th century.

15.3 The County Archaeologist is satisfied that the submitted information is sufficient and that the later ploughing of the application site is likely to have damaged the medieval archaeology that has been identified, and therefore the site is not worthy of preservation in situ. However, the medieval archaeology found in the western portion of the site offers potential for advancing our understanding of medieval settlements in the locality. Subject to a planning condition to secure an appropriate programme of further investigation to assess the archaeological remains the proposal accords with the advice contained within PPS5 and Policy NHE6 of the Structure Plan.

## **16.0 Ecology and Nature Conservation**

16.1 PPS9 requires Local Planning Authorities to consider the effect of proposals on biodiversity and geological conservation and ensure that sufficient weight is given to statutory nature conservation designations, protected species, and biodiversity and geological interests in the wider environment. Structure Plan Policy NHE2 provides that development will be required to protect and where possible enhance the biodiversity of the County. Local Plan Policy NCN5 seeks to protect and enhance biodiversity in considering development proposals.

16.2 Objections have been received from local residents who are concerned that the development would result in the loss of wildlife and their habitats on the site. The ES explains that a Phase I Habitat Survey highlighted a number of potential biodiversity issues including the close proximity of the site to the Cotswold Beechwood Special Area of Conservation (SAC), which is an international designation, and the proximity of the Hucclecote Meadows SSSI (Site of Special Scientific Interest). In addition, the site is also located adjacent to the Cotswold AONB, which indicates ecological value. As such, there are potential issues relating to bats and nesting birds, as well as conditions suitable for reptile habitats.

16.3 However, despite the proximity of these ecologically sensitive sites, the ES has demonstrated that the application site itself is of low intrinsic ecological value and has not revealed any significant impacts in terms of reptile and bird nesting. The County Ecologist and Natural England have been consulted on the application and generally agree with the findings of the ES. However, given the amount of mature trees and hedgerows on the site, it is considered that the site is likely to provide habitats for bats, which are protected species.

16.4 The ES identifies a number of mitigation measures, including the provision of construction method statements and Ecological and Landscape Management plans, which could be secured by planning conditions and Section 106 Agreement. The management plans would be required to include an overall scheme for bat habitats. Therefore, subject to the above measures the proposal is considered to accord with Policies NHE2 of the Structure Plan and Policy NCN5 of the Local Plan.

## **17.0 Ground Contamination**

17.1 Policy P.1 of the Structure Plan states that development will not be provided where there is an unacceptable impact in terms of contamination of land or soil. The ES identifies three potential source areas of contamination, including a former air raid shelter on the site; a historic coal bunker and an oil tank farm. However no significantly elevated contaminants have been identified with respect to human health on the site. Another potential source of contamination could be an existing boiler house which is due to be demolished. However, no detailed investigations can be carried out until the building has been demolished.

17.2 Due to the lack of investigation in relation to the boiler house, and the potential of some contamination within underlying soils that could form part of future residential gardens and open space, the ES suggests that further ground contamination investigations take place together with mitigation measures to remove any contamination from the site.

17.3 The Environment Agency and the Borough Environmental Health Officer generally agree that the likely contamination levels are negligible, there are concerns that only limited investigations works have been carried out to-date and there are potentially other areas which require further investigation. As such, it is considered necessary to impose planning conditions requiring further risk assessments and site investigation schemes to be carried out, together with the provision of any necessary mitigation measures required as a result of that work. Subject to such conditions it is considered that the proposal complies with Policy P1 of the Structure Plan in respect of ground contamination.

## **18.0 Renewable Energy**

18.1 PPS1 advocates the prudent use of natural resources. Its supplement - Planning and Climate Change – sets out how planning should contribute to reducing emissions and stabilising climate change, and take into account the unavoidable consequences. The use of decentralised and renewable or low carbon energy is advocated. Local Plan Policy GNL8 encourages a high level of efficiency in relation to the design of new development. Policy EVT1 supports proposals for renewable energy provided that, amongst other things, they do not have adverse impact on residential amenity and the landscape.

18.2 The ES provides a commitment that all affordable housing units will be constructed to Code Level 4 under the Code for Sustainable Homes, with the remaining market units being built to Code Level 3. The ES also confirms that the B8 commercial building will be constructed to a 'Very Good' rating under the British Research Establishment's Environmental Assessment Method (BREEAM).

18.3 As the application has been submitted in outline form it is not possible at this stage to give precise details of the proposed measures. However, the ES and illustrative masterplans show that opportunities for passive solar heating and photovoltaic tiles/panels could be achieved by virtue of a high proportion of south facing facades. The ES also suggests that rainwater harvesting systems, energy efficient boilers and water efficient taps and showers are likely to be incorporated. A planning condition is therefore recommended to secure these energy efficient characteristics and ensure that at least 10% of the energy supply of the development shall be secured from decentralised and renewable or low carbon energy sources. As such, the proposal is considered to accord with Policies GNL8 and EVT1 of the Local Plan.

## **19.0 Overall Balancing Exercise**

19.1 The site is located outside the Brockworth Residential Development Boundary where new housing development conflicts with Policy HOU4 of the Local Plan. In addition, the proposal would result in the loss of 1.5ha of employment land that is currently protected under Local Plan Policy EMP1. The development would also be constructed on part of the land designated by Policy LND5 of the Local Plan as an Important Open Space. For these reasons, the proposed mixed use development is contrary to the Development Plan.

19.2 However these conflicts with policy must be weighed against other material considerations in favour of the development. As set out in section 5.8 above, it is clear that, whilst it has been decided that the local development requirements will be reviewed locally, Tewkesbury Borough is currently unable to demonstrate a 5-year housing land supply when compared against the draft RSS and Structure Plan. The Council is therefore required under Paragraph 71 of PPS3 to consider applications for housing favourably on sites which meet the relevant criteria in Paragraph 69 of PPS3. As set out above, the Strategic Housing Land Availability Assessment (SHLAA) indicates that the site is Achievable, Available, and Suitable in terms of its relationship with the existing settlement of Brockworth and the proximity to local services, facilities and sustainable transport links.

19.3 The housing requirement for the JCS area is still in the process of being assessed. The emerging JCS proposes strategic allocations at the urban areas of Gloucester, Cheltenham and Tewkesbury to accommodate the long-term development needs of the JCS area. Due to their size and location, the JCS allocation sites will be strategic in nature and will address wider strategic issues concerning the location of development. It is not considered that the development of 220 dwellings in this sustainable location could be considered to undermine the emerging Joint Core Strategy or pre-determine the location of strategic development.

19.4 The proposal for the B8 commercial building on the existing Gloucester Business Park allocation is in accordance with Policy EMP1 of the Local Plan. However the proposals would result in the loss of the remaining 1.5ha of employment land to provide open space and sports pitches. This loss of employment land must be weighed against the housing supply position outlined above as well as the overall sustainable economic growth benefits of the scheme and the provision of replacement sports pitches. National planning advice contained within PPS4, the draft NPPF and the 'Planning for Growth' Ministerial Statement requires local authorities to adopt a positive approach to economic development. It is noted that there are currently a number of undeveloped and unoccupied plots at the Gloucester Business Park, and it is not considered that the loss of 1.5ha of employment land would have an undue impact on the employment needs of Tewkesbury Borough and would not significantly conflict with the overarching purposes of PPS4, the draft NPPF or the Ministerial Statement 'Planning for Growth'. In this case it is considered that, on balance, taking into account the housing land supply shortfall the loss of employment land is outweighed by the wider benefits of the scheme.

19.5 Similarly, the development of part of the Important Open Space defined in the local plan, and the potential landscape harm must be weighed in the overall planning balance. Whilst the Open Space does perform an important function the ES shows that the landscape harm could be satisfactorily mitigated whilst the proposals also involve significant areas of open space which would perform a similar, albeit smaller, role in breaking up the edge of the built development of Brockworth. Again, it is considered that the wider benefits of the scheme outweigh the loss of the designated open space and would have an acceptable impact on the wider landscape.

19.6 The Environmental Statement demonstrates that the development would have an acceptable impact on the environment, in line with the relevant development plan policies, with any moderate adverse impacts capable of being adequately mitigated against. These mitigation measures could be secured through future reserved matters application, planning conditions and planning obligations through Section 106 Agreement.

19.7 Subject to further minor amendments to the Masterplan documents and Design and Access Statement it is considered that the design and layout of the scheme would provide a comprehensive development that would have an acceptable impact upon the character and appearance of the area, and would be based on sound urban design principles. The proposal would provide for adequate access, parking, affordable housing, open space, sports facilities and residential amenity, which would provide suitable living conditions for the future occupiers of the site.

## 20.0 Conclusion

20.1 Whilst the proposed development conflicts with Local Plan Policy HOU4, the Council cannot at this time demonstrate a 5 year Housing Land Supply when measured against the draft RSS and Structure Plan. As such paragraph 71 of PPS3 requires applications for housing to be considered favourably having regard to the criteria in paragraph 69. In that regard, the proposal would achieve high quality housing; ensure a good mix of housing; result in a socially, environmentally and economically sustainable development; use land efficiently and effectively; and would not undermine the wider policy objectives, of particularly the Joint Core Strategy.

20.2 As such, it is considered that there are other material considerations in this case that, on balance, outweigh any harm that would be caused by virtue of the conflict with the Development Plan.

20.3 It is therefore recommended that **permission be delegated to the Corporate Head of Borough Development in order to secure minor alterations to the Masterplan documents; additional information within the Design and Access Statement; drafting of appropriately worded planning conditions and to allow for the completion of the Section 106 Agreement to secure the following planning obligations:**

- **Affordable Housing - 40% provision, with a tenure split of 50% shared ownership and 50% social rented (or 70:30 in favour of social rented if grant funding can be secured).**
- **Education - £72,639 for early years provision, and £605,330 for primary school provision.**
- **Libraries - £43,120 based on £196 per dwelling.**
- **On-Site Sports – Cricket pitch and pavilion to ECB standards (up to a value of £300,000), with 2 mini/youth football pitches to be provided in the outfield.**
- **Provision of 2 on-site Locally Equipped Areas of Play (LEAPs).**
- **Off-Site Sports - £500,000 towards football/rugby improvements at Mill Lane Playing fields and Brockworth RFC.**
- **£115,000 towards provision of off-site Multi-use Games Area (MUGA).**
- **Highways – £21,528 towards real time passenger information; £24,500 for highway safety measures on Ermin Street; £5,000 for residential travel plan monitoring with a default payment of £50,900; and £5,000 for employment travel plan monitoring with a default payment of £8,586.**
- **Recycling - £50 per dwelling = £11,000**
- **Dog bins & signs – 1 bin per 45 houses at £350 per bin. 1 sign per 10 houses at £50 per sign = £2,850**
- **Provision of Landscape and Ecological Management Plan over 20 year period.**

## Summary of Reasons for Decision:

Whilst the proposal conflicts with Policies HOU4 and EMP1 of the Tewkesbury Borough Local Plan to 2011 –

March 2006, the evident shortfall in the Council's 5-year housing land supply requires the local planning authority to consider applications for housing favourably on sites which meet the requirements of Paragraph 69 of PPS3. With this in mind, it is considered that the site is achievable, available and suitable in terms of its relationship with the existing settlement of Brockworth and the proximity to local services, facilities and sustainable transport links. Furthermore, the proposal would provide a development of an appropriate layout and design and would have an acceptable appearance upon the appearance of the area. The proposal would provide for adequate access, parking, open space and landscaping. Subject to mitigation measures secured through planning conditions, it is considered that the proposed development would not result in undue environmental impacts and would not adversely affect the satisfactory operation of the highway network. Subject to a Section 106 Agreement it is considered that the proposal would provide an adequate level of affordable housing across the site, as well as community, educational and replacement sports pitch provision. In this regard, the proposal complies with Policies S6, S7, H7, T1, NHE.1, NHE2, RE1, P1 and F1 of the Gloucestershire Structure Plan Second Review and Policies GNL2, GNL11, HOU13, TPT1, EVT3, EVT5, LND7 and NCN5 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

#### **RECOMMENDATION DELEGATED PERMIT**

Conditions: To follow