

## TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

<b>Committee:</b>	Planning
<b>Date:</b>	21 July 2020
<b>Site Location:</b>	Land at Chestnut Tree Farm Twigworth GL2 9PN
<b>Application No:</b>	16/00904/OUT
<b>Ward:</b>	Innsworth
<b>Parish:</b>	Twigworth
<b>Proposal:</b>	Outline planning proposal for up to 100 dwellings together with associated public open space and equipped children's play space, landscaping, access and associated infrastructure. All matters reserved except for access.
<b>Report by:</b>	Lisa Dixon
<b>Appendices:</b>	Site location plan Indicative Masterplan
<b>Recommendation:</b>	Refuse

### 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site comprises a field, of approximately 5.3 hectares, located on the northern side the A38, Tewkesbury Road, Twigworth. Existing residential properties on Tewkesbury Road border the site along its southern/south-eastern boundaries. Sandhurst Lane bounds the site to the east and to the west, the site is bounded by the tree-lined, private access lane which leads to the 'Nature in Art' Gallery and Museum. Beyond the northern boundary lies open field/farmland. The site is noted within the supporting Design and Access Statement, to be currently in use as agricultural land.
- 1.2 The site does not fall within any national or local landscape designation. The south-western corner of the site and the adjoining land beyond to the west and the north lie within Flood Zone 2. Adjoining fields to the north and west also lie within Flood Zone 3. The village Settlement Boundary, as defined by the Adopted Neighbourhood Development Plan (NDP), runs along the southern and eastern boundaries of the site. As such, the site itself, with the exception of a small portion which lies in between existing built development fronting the A38, falls outside of the identified Settlement Boundary.
- 1.3 A public right of way runs parallel and just beyond, the northern boundary of the site, continuing across Sandhurst Lane in an easterly/south-easterly direction until it reaches the A38.
- 1.4 The Twigworth Strategic Allocation site, which has outline planning permission for 725 dwellings (planning reference: 15/01149/OUT), lies in close proximity to the south, on the opposite side of the A38.

- 1.5 A number of heritage assets lie in relatively close proximity to the site, among them, Twigworth Court which lies to the western side of the Nature in Art access and The Manor House, located towards the entrance to Sandhurst Lane on its eastern side.
- 1.6 Furthermore, a number of existing utilities either cross the site or are located in close proximity to it. A public sewer runs along the eastern site edge at the rear of the existing housing and a water main and low voltage cable run along the southern boundary to the 'Nature in Art' access/lane. In addition, existing electricity and BT services run along the Sandhurst Lane frontage.
- 1.7 The current application seeks outline planning permission for the erection of up to 100 dwellings, together with associated infrastructure, access and landscaping, including public open space and equipped children's play space. All matters except for means of access (Appearance, Landscaping, Layout and Scale) are reserved for future consideration **(See attached plans)**.
- 1.8 An indicative masterplan has been submitted to accompany the application which proposes a single point of vehicular access off Sandhurst Lane. The accompanying DAS notes the presence of a remnant orchard within the south-eastern and eastern parts of the site adjoining the A38, containing a pond and mature trees. These areas are proposed for retention within the indicative masterplan as part of new 'wildlife areas' to serve the development. A new pedestrian link is proposed through to the site from the A38, together with a new footpath link to the north of the site to connect with the existing PROW. The indicative masterplan proposes a children's play area towards the centre of the site and informal area of public open space (POS) along the western boundary abutting the adjoining Nature in Art access.
- 1.9 A single point of vehicular access, including adjoining pedestrian footway, is proposed off Sandhurst Lane. The accompanying DAS notes that the residential parcels have been arranged around a loose grid of perimeter blocks in order to maximise permeability for pedestrians and cyclists. Proposed housing is predominantly designed around cul-de-sacs, although the accompanying DAS notes that whilst the roads do not physically connect, 'there is a visual alignment with the route to 'Nature in Art'.
- 1.10 The DAS advises that the current scheme would provide a number of benefits, the main ones being; provision of accessible public open space including new children's play area, which can be used by existing and new residents alike; creation of a considerate development which responds to existing neighbours; delivery of new houses, providing for a broad community mix with a variety of house sizes and tenures; fostering of a sense of place with well-connected public realm footpaths and links to existing PROW; improved access to public transport and protection of biodiversity and habitat through the retention of existing ponds, orchards, hedgerows and trees.

## 2.0 RELEVANT PLANNING HISTORY

Whilst there is no planning history directly relating to the site itself, the following allowed appeal, at the Strategic Allocation site to the south/south-east of the site, is considered relevant.

Application Number	Proposal	Decision	Decision Date
15/01149/OUT  Appeal ref: APP/G1630/W/16 /3154464	Mixed use development comprising demolition of existing buildings; up to 725 dwellings and a local centre of 0.33 ha (A1, A2, A3, A4, A5, D1, D2 uses); primary school,	Appeal Allowed	21.12.2017

## 3.0 RELEVANT POLICY

3.1 The following planning guidance and policies are relevant to the consideration of this application:

### National guidance

3.2 Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG)

### Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) - Adopted 11 December 2017

3.3 Policies SP2 (Distribution of New Development); SD3 (Sustainable Design and Construction); SD4 (Design Requirements); SD6 (Landscape); SD8 (Historic Environment); SD9 (Biodiversity and Geodiversity); SD10 (Residential Development); SD11 (Housing Mix and Standards); SD12 (Affordable Housing); SD14 (Health and Environmental Quality); INF1 (Transport Network); INF2 (Flood Risk Management); INF3 (Green Infrastructure); INF4 (Social and Community Infrastructure); INF6 (Infrastructure Delivery); INF7 (Developer Contributions).

### Tewkesbury Borough Local Plan to 2011 - March 2006 (TBLP)

3.4 Policies: TPT6 (Cycle Parking); RCN1 (Outdoor Playing Space)

### Tewkesbury Borough Plan 2011-2031 Submission Version (May 2020)

3.5 Policies: RES3 (New Housing Outside Settlement Boundaries); RES4 (New Housing at other Rural Settlements); RES5 (New Housing Development); RES12 (Affordable Housing); RES13 (Housing Mix); DES1, HER3, NAT1, NAT3, ENV2, HEA1, RCN1, RCN2, TRAC1, TRAC2, TRAC3, TRAC4

### Down Hatherley, Norton and Twigworth Neighbourhood Development Plan – 2011 – 2031

3.6 Policies: E2, E3, H2, FP1

3.7 Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life); The First Protocol, Article 1 (Protection of Property)

## 4.0 CONSULTATIONS

- 4.1 **Twigworth Parish Council** - The Parish Council strongly objects to the current proposal on the following grounds; As set out within the provisions of the adopted Neighbourhood Development Plan (NDP), the site is not a suitable area for suburban expansion – the policies of the NDP should be adhered to; there are compelling physical and environmental reasons for retaining Twigworth's open, semi-rural character, namely the continued threat of pluvial flooding and serious traffic issues; virtually every rush hour brings tail-backs from the Longford roundabout to Orchard Park or beyond – the development would inevitably add to existing traffic congestion in this location; the rural lanes would become increasingly dangerous rat-runs – Sandhurst Lane would be unsurpassable and a safety hazard due to increased traffic, farm traffic and other users (cyclists, pedestrians and horse-riders etc); together with the Strategic Allocation, the development would comprise the start of the suburbanisation of Twigworth and the extinction of its attractive, open nature; the site lies within Flood Zones 2 and 3 – many of the existing properties on this side of the A38 have suffered significantly from pluvial and fluvial flooding; the infrastructure of the settlement cannot cope with the additional residential development proposed – the water pressure during the summer months is already extremely poor.
- 4.2 **Norton Parish Council** – Objection - Norton Parish raise objections to the proposal, citing highway safety concerns and traffic build-up resulting from vehicles to/from the development entering/emerging from the narrow Sandhurst Lane, to from the A38. The Parish raises additional concerns regarding the inability of existing infrastructure along this stretch of the A38 to cope with additional residential development. Concerns have also been expressed regarding impact on quality of life of existing residents.
- 4.3 **Sandhurst Parish Council** – Objection – Sandhurst Parish object to the scheme on the following grounds: The development would exacerbate pluvial and fluvial flooding; the Sandhurst Lane/A38 junction is inadequate to cater for the additional approximate 200 vehicles; Sandhurst Lane is a single lane with limited visibility and is already utilised as a rat run for traffic; Sandhurst Lane regularly floods during winter and is in exceptionally poor condition and unsuitable for the additional vehicles that would be generated by the development; there have been lots of unreported vehicular accidents in the immediate area and the development would increase highway safety concerns.
- 4.4 **Down Hatherley Parish Council** – Objection – Down Hatherley Parish Council raise concerns on the following grounds: the scale of the scheme fails to comply with criteria for new housing development, as set out within the adopted Neighbourhood Development Plan – Policy H2 clearly excludes development of this magnitude; Twigworth is already over-developed with the Strategic Allocation and Yew Tree Farm sites and has reached saturation point. As such, the proposal is totally unsustainable; there would be direct and cumulative traffic impacts – there is already severe traffic queues and rat-running along the lanes here; there is acknowledged pluvial and pluvial flooding in the locality and a further large development would add to the complexity of flood risk already present.
- 4.5 **County Highways Officer (CHO)** – The CHO requested additional information in order to fully assess the impacts of the development upon the highway network, including the cumulative impacts of existing developments/commitments. Following the submission of Junction capacity assessments in respect of the Sandhurst/A38 junction and Longford roundabout, the CHO has raised no objection on highways grounds, subject to appropriate planning conditions.

- 4.6 **County Council Lead Local Flood Authority (LLFA)** - Considers that the Flood Risk Addendum document adequately addresses the concerns relating to the location of infrastructure in flood zones 2 and 3 and advises that there would need to be legally binding agreement for access to the drainage structure for the lifetime of the development to enable the maintenance requirements. Legal documentation showing that the existence and access for maintenance of the ditch is required to be included in any submission for discharge of detailed drainage conditions related to this site. The LLFA raises no objection to the proposal provided the proposed works to the culvert are secured as part of any planning approval. Conditions are also required relating to surface water drainage details including a timetable for implementation and management and a maintenance plan.
- 4.7 **County Archaeologist (CA)** – The CA has no objection subject to conditions requiring the undertaking of an appropriate programme of work to excavate and record any significant archaeological remains, prior to the development, in order to mitigate the ground impacts of this scheme.
- 4.8 **Natural England (NE)** - Satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which Innsworth Meadows SSSI has been notified.
- 4.9 **Severn Trent Water (STW)** – With regards to surface water disposal, STW have raised no objections to the proposed pumped solution for discharge to the ditch course to the north of the site which subsequently connects to Cox's Brook. STW also raise no concerns in respect of the proposed means of foul sewage discharge but require the submission of a plan illustrating the final proposals, to allow final approval.
- 4.10 **County Development Contribution Investment Officer (County Education)** – Advised that the scheme would generate the following pupil yields and required s106 contributions:- Preschool places – 31 (£452,730.00) towards Churchdown/Innsworth Primary Planning Area; Primary places – 41 (£618,731.00) towards Norton C of E Primary School; Secondary places – 31 (£642,932.00) towards Churchdown School Academy. The scheme would also generate additional need for library resources, requiring a contribution of £19,600, based on a formula of £196.00 per dwelling.
- 4.11 **CPRE** – No response received.
- 4.12 **Crime Prevention Design Advisor (CPDA)** – The CPDA requires the development to incorporate Secured by Design standards/principles, including the requirement for a lighting plan, designed to allow for seasonal variations, thereby removing areas of deep shadow.
- 4.13 **NHS England Estates Advisor** – No response received.
- 4.14 **Urban Design Officer (UDO)** - The site is located to the rear of existing properties with very limited frontage or connections to the existing street hierarchy. Due to the scale of this development the UDO considers that it would have a negative impact on the rural character of Twigworth settlement.
- 4.15 **Conservation Officer (CO)** – The CO considers the development's heritage impact upon the setting of nearby heritage assets to be largely neutral, and that the layout and landscaping design would enable any potential conflicts that might occur to be addressed.

- 4.16 **Strategic Housing and Enabling Officer (SHEO)** - The SHEO advises that requirement on this major development under JCS Policy SD12 is for a 40% Affordable Housing contribution (the scheme originally proposed 35% AH provision), as the site is not within a Strategic Allocation area. A tenure split of 70/30 social rented to shared ownership tenures would be sought. The SHEO provide an indicative scheme of Affordable Housing units based on a total 100 dwellings but noted that this would be open to further negotiation.
- 4.17 **Landscape Officer (LO)** - In landscape terms, the LO considers that the site has potential for some housing development, subject detailed to design, with a comprehensive scheme that should take account of a number of landscape issues, including appropriate balance between the proportion of green space, housing density and layout and housing design layout that takes a landscape led approach
- 4.18 **Tree Officer (TO)** – The TO has expressed concerns with regards to the lack of proposed street trees to be planted especially from the proposed new entrance from Sandhurst Lane into the site and the street that runs through north to south. The TO has also noted the opportunity to incorporate further planting within the gardens. Conditions have been recommended by the TO, relating to the submission of a planting specification, planting methods and tree protection measures. Details of how the orchard and wildlife area will be managed would also be required and the existing trees must be retained as they are important for biodiversity. The TO has also recommended the inclusion of an accessible walking route around the whole of the application site part of which could be a woodland walk with native trees to encourage a positive health/wellbeing.
- 4.19 **Ecology Consultant (EC)** – The EC advises that the submitted Ecological report provides a comprehensive review of ecological features within the site and the impact of development upon these features. The EC raises no objection to the scheme, subject to appropriate planning conditions relating to the application of a European Protected Species Mitigation Licence from NE in respect of great crested newts, lighting scheme details, Ecological Management Plan for a minimum duration of five years and securing of the mitigation and enhancement measures outlined within the Ecological Report.
- 4.20 **Environmental Health (EHO)** – No adverse comment in respect of air quality. The EHO advises that the site potentially contains contaminated land from metal forging and requires the imposition of a suitable planning condition relating to a contamination site investigation.
- 4.21 **Environment Agency (EA)** – The EA advised that the current proposal represented a lower risk planning consultation which, therefore, did not fall within their criteria for formal consultation.
- 4.22 **Highways England (HE)** – HE undertook a review of the submitted Transport Assessment (TA) and requested additional capacity assessment to be carried out for the A40 Longford Roundabout to determine whether it would provide sufficient capacity to accommodate the JCS Strategic Allocation and Local Plan allocations in addition to the proposed current development. HE initially issued a Holding Response to enable this capacity work to be carried out. Following a review of the capacity assessment, HE accepts that the proposal would have only limited impact on the operation of the A40 Longford roundabout, once the agreed/scheduled improvement scheme has been carried out. As such, HE raises no objection, subject to the imposition of a similar condition to that imposed on the Twigworth SA site (Condition 16 of 15/01149/OUT), relating to implementation of improvement works at the Longford roundabout.

## **5.0 PUBLICITY AND REPRESENTATIONS**

- 5.1 The application has been publicised through the posting of site notices for a period of 21 days and/or the neighbour notification scheme. 32 public representations have been received and all raise objections to the proposal.

5.2 The expressed concerns are summarised as follows:

Highways impacts – the narrow, inadequate Sandhurst Lane is a single track with limited passing points and completely unsuitable to cope with the additional traffic; the Sandhurst Lane/A38 junction is an accidents black-spot and the cumulative traffic impact of this development, together with the committed developments on the SA site and Yew Tree Farm, would only add to highways dangers; Sandhurst Lane is frequently used by large farm vehicles, cyclists, horse-riders and pedestrians and the additional traffic would potentially increase accidents; the proposed pedestrian crossing on the A38 would be located where the line of site is poor, thereby resulting in potential accidents;

Flood Risk and Drainage – the A38/Sandhurst Lane junction often floods; there would be an increased burden of surface water resulting from the loss of this greenfield site; increased flood risk could have a detrimental impact upon the six, grade II Listed Buildings within the immediate area; the existing ponds on or close to the site are 150 years old and the clay sub-soil is impervious to water; current sewage capacity is already at its limit within the area; the drainage strategy should be right at the heart of whether an application should be approved in the first place and not left for late approval via condition;

Ecological Impacts – the site is home to various protected species included newts, bats and adders – the development would have a detrimental impact upon these species;

Other Matters – it is illogical to allow development on the western side of Twigworth when all of the infrastructure investment is occurring on the eastern side; the open character of the locality would be spoilt, exacerbating the rapidly diminishing open spaces; the proposal conflicts with the NDP and is at odds with the detailed work of the local community regarding preparation/adoption of the NDP; a larger community would require church facilities and the existing building is in considerable need of repair/restoration; the development would result in light and noise pollution.

## 6.0 POLICY CONTEXT

- 6.1 The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of The Town and Country Planning Act 1990. Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which 'indicate otherwise'. Section 70(2) provides that in determining applications the local planning authority 'shall have regard to the provisions of the Development Plan, so far as material to the application and to any other materials considerations.'
- 6.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on the Council to have special regard to the desirability of preserving listed buildings, their setting or any features of special architectural or historic interest which they possess.
- 6.3 The development plan comprises the Joint Core Strategy (JCS) (2017), the saved policies in the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP), The TBC Flood and Water Management SPD - March 2018 and a number of 'made' Neighbourhood Development Plans. In the case of the application site, the relevant NDP is the Down Hatherley, Norton and Twigworth Neighbourhood Development Plan 2011 – 2031.

- 6.4 The Pre-Submission Tewkesbury Borough plan was submitted to the Secretary of State for Housing, Communities and Local Government on 18 May 2020 for examination. On the basis of the stage of preparation it has reached it is considered that the plan can be afforded at least moderate weight. However, the weight to be attributed to individual policies will be subject to the extent to which there are unresolved objections (the less significant the unresolved objections, the greater the weight that may be given) and their degree of consistency with the NPPF (the closer the policies to those in the NPPF the greater the weight that may be given).
- 6.5 Other material policy considerations include national planning guidance contained within the National Planning Policy Framework.
- 6.6 The relevant policies and guidance are set out in the appropriate sections of this report.

## **7.0 ANALYSIS**

- 7.1 The key issues for consideration in relation to this application are considered to be; the principle of development; landscape and visual impact; scale and layout, affordable housing provision; highway and parking issues; residential amenity; flood risk and drainage; ecology; public open space and infrastructure requirements.

### **Principle of Development**

- 7.2 In this case, JCS Policy SD10 is the relevant starting point in considering the principle of development. Policy SD10 of the JCS states that within the JCS area new housing will be planned in order to deliver the scale and distribution of housing development set out in Policies SP1 and SP2. Housing development will be permitted at sites allocated for housing through the development plan, including Strategic Allocations and allocations in district and neighbourhood plans. On sites that are not allocated, housing development and conversions to dwellings will be permitted on previously-developed land in the existing built-up areas of Gloucester City, the Principal Urban Area of Cheltenham and Tewkesbury town, rural service centres and service villages except where otherwise restricted by policies within District plans. Policy SD10 follows that housing development on other sites will only be permitted where:
- i. It is for affordable housing on a rural exception site in accordance with Policy SD12, or;
  - ii. It is infilling within the existing built up areas of the City of Gloucester, the Principal Urban Area of Cheltenham or Tewkesbury Borough's towns and villages except where otherwise restricted by policies within District plans, or;
  - iii. It is brought forward through Community Right to Build Orders, or;
  - iv. There are other specific exceptions / circumstances defined in district or neighbourhood plans.
- 7.3 The application site is greenfield land that lies outside of the defined settlement boundary for Twigworth as defined in the Down Hatherley, Norton and Twigworth Neighbourhood Development Plan (DHNTNDP) and is not allocated for housing development. The site does not represent previously developed land within the built-up areas of a service village; is not a rural exception scheme; and does not represent 'infilling'. It has not been brought forward for development through a Community Right to Build Order and there are no policies in the existing Tewkesbury Borough Local Plan to 2011 which allow for the type of development proposed here. Moreover, additional housing need for Twigworth has not been established through the development plan. The proposal therefore conflicts with Policies SP2 and SD10 of the JCS.

## **Neighbourhood Development Plan**

- 7.4 The Down Hatherley, Norton and Twigworth NDP was 'made' on 28th May 2019 and, as such, comprises part of the Development Plan. Paragraph 47 of the NDP advises that the settlement boundary has been defined around the area of highest density with the intention of focusing future growth proposals to this part of Twigworth. The application site lies outside the settlement boundary although does abut it at the southern and eastern extent of the site. Paragraph 47 further provides that, whilst some development can be accommodated within it, it is likely that some growth will be required alongside these boundaries.
- 7.5 However, paragraph 50 of the NDP makes clear, the aspirations of the parish community over the plan period, in requiring steady delivery of new development 'through a series of modest developments and not on a single large site delivered in a short space of time'. The NDP sets out clearly, that what is proposed is an organic, piece by piece approach to sustainable growth in Twigworth, in line with available infrastructure. Further, the Community Action Point (Design Statement) on page 21 of the NDP provides further evidence that the NDP only envisages small scale developments by saying "Developments of multiple dwellings should generally adopt a farmstead cluster form".
- 7.6 Based upon the above, NDP Policy H2 sets out a number of criteria for guiding new housing development within the village, including the requirement for development to be located within or immediately adjacent to the settlement boundary, forming a logical extension to settlement form without undue harmful encroachment into the countryside (criterion 1). Policy H2 also requires development to achieve a standard of design and appearance of an appropriate density, scale and layout, which is respectful of its surroundings, village vernacular and materials, topography and heritage assets.
- 7.7 In view of the Parish's stated aspirations for moderate growth over the plan period, through a series of modest developments, it is considered that the proposed development of 100nos. dwellings, delivered within a single, large site, would be contrary to the Policy H2 of the NDP.
- 7.8 The proposal is therefore, considered to be in conflict with JCS Policy SD10 of the JCS and Policy H2 of the NDP.

## **The Emerging Development Plan**

- 7.9 The site falls outside of the defined settlement boundaries proposed within the emerging Tewkesbury Borough Plan 2011 – 2031 Submission Version (May 2020). Policy RES3 (criterion 3) of the TBPSV states that outside of the defined settlement boundaries, the principle of new residential development would be considered acceptable where development being proposed consists of 'very small scale development at rural settlements in accordance with Policy RES4. The accompanying reasoned justification advises that within the rural areas (i.e. those parts of the Borough located outside of defined settlement boundaries) a restrictive approach is required to new residential development consistent with the advice at paragraph 79 of the NPPF and Policy SD10 of the JCS, and so to not undermine the JCS spatial strategy and its distribution of development.

7.10 Policy RES4 (New Housing at other Rural Settlements) of the emerging plan seeks to support the vitality of rural communities and the continued availability of services and facilities in the rural areas by supporting the principle of very small-scale residential development within and adjacent to the built up area of other rural settlements (i.e. those not featured within the settlement hierarchy) providing, amongst other things:

a) it is of a scale that is proportionate to the size and function of the settlement and maintains or enhances sustainable patterns of development;

b) it does not have an adverse cumulative impact on the settlement having regard to other developments permitted during the plan period;

c) it complements the form of the settlement and is well related to existing buildings within the settlement;

d) the site of the proposed development is not of significant amenity value or makes a significant contribution to the character and setting of the settlement in its undeveloped state;

In all cases development must comply with the relevant criteria set out at Policy RES5. Particular attention will be given to the effect of the development on the form, character and landscape setting of the settlement.

7.11 In light of the above, the proposed development is therefore considered contrary to TBPSV Policies RES3 and RES4.

### **Council's 5 Year Housing Land Supply**

7.12 Whilst the proposal is contrary to Policies SP2 and SD10 of the JCS and Policy H2 of the of the NDP, it is also currently the case that the Council cannot demonstrate a 5-year supply of deliverable housing sites. It is the Council's current position that a 4.33 years supply of housing can be demonstrated. In this scenario, paragraph 11 of the NPPF states that where policies which are most important for determining the application are out of date, permission should be granted unless: i. the application of policies in the Framework that protect assets of particular importance provides a clear reason for refusing the development; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

7.13 The Framework clarifies that planning policies for housing will be judged out of date where, inter alia, the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites. Footnote 6 to paragraph 11 also clarifies which policies in the Framework provide a clear reason for refusing development and includes policies relating to heritage assets. As set out further in this report, it is considered that the proposed development would not harm the setting of any designated heritage assets and therefore that the presumption in favour of granting permission is engaged as per paragraph 11d of the Framework. This is also known as the 'tilted balance'.

- 7.14 Paragraph 14 of the Framework states that in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:
- the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
  - the neighbourhood plan contains policies and allocations to meet its identified housing requirement;
  - the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 73); and
  - the local planning authority's housing delivery was at least 45% of that required over the previous three years.
- 7.15 The DHNTNDP was adopted as part of the development plan on the 28th May 2019, and as such, is less than two years old. However, the plan does not contain policies and allocations to meet its identified housing requirement. As such, paragraph 14 of the Framework is not engaged.
- 7.16 In light of the fact that the Council cannot demonstrate a 5 year supply of deliverable housing sites at the current time, Policy SD10 of the JCS and NDP policy H2 are considered to be out-of-date, having regard to paragraph 11 of the NPPF. In these circumstances, the presumption should be that planning permission is granted unless there are adverse impacts of doing so, which would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.

### **Landscape and Visual Impact**

- 7.17 JCS Policy SD6 states that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. Proposals should have regard to local distinctiveness and historic character of different landscapes and proposals are required to demonstrate how the development will protect landscape character and avoid detrimental effects on types, patterns and features which make a significant contribution to the character, history and setting of a settlement area.
- 7.18 Similarly, Policy E2 of the NDP provides that development in the open countryside, outside settlements, should be in accordance with strategic development plan policies within the JCS relating to the protection of the visual amenities of the landscape. Furthermore, a number of vistas and landscape features have been identified for protection within the policy, from intrusive development, including the enclosed tree-lined drive to Wallsworth Hall, openness of sections of the A38 corridor and open green spaces between the built component of dispersed settlement pattern which help retain a sense of undeveloped and rural character.
- 7.19 The site forms a large flat arable field to the rear of existing residential properties and within close proximity to the A38. The site and the surrounding landscape setting are not covered by any landscape designations although the character of the landscape is attractive with strong field boundaries and hedgerow trees.

- 7.20 Although, all matters except for access have been reserved for future consideration, the application has been supported by a suite of supporting information relating to landscape, which includes an indicative site layout, Design Statement, Design Statement Addendum and Landscape and Visual Impact Assessment (LVIA). The Addendum notes that the site, as a single field, has a natural boundary defined by hedgerows and tree planting and that there are no hedgerows within the land parcel which could otherwise form a natural edge. The Addendum further notes that there are no hedgerows proposed for removal to accommodate 100 homes except from at required points of access. The scheme also proposes to set aside and retain the remnant orchard and an existing pond area as wildlife habitats which could be enhanced with managed accessibility for the wider community. The Design Addendum concludes that the delivery of 100 homes here would not change the rural settlement character of Twigworth due to its location behind existing homes, the retained orchard and proposed open spaces. Along Sandhurst Lane and the route to the Nature in Art Museum, the visibility of the proposal would be contained and would allow only part of the development to be perceived in a single view.
- 7.21 The submitted LVIA notes that the site is generally well contained by a mature vegetation structure. Mature woodland belts can be found along the site's south west boundary extending down to the site's south corner where it meets the A38. An established network of field hedgerows and hedgerow trees that characterises the wider landscape setting exerts its influence over the site's north and north-western boundary, offering a high level of visual containment from these aspects. The LVIA concludes that, in visual terms, the proposal would have limited effect on both the immediate and wider settings. Furthermore, the longer distance views from the rising landscape of the Cotswolds AONB within the wider landscape setting, would not be adversely affected, and the special character and qualities of the designation would not be compromised.
- 7.22 In landscape terms, the LVIA notes that the proposals would introduce new built form into the currently open field which represents a noticeable change. However, the proposed layout had been informed by the existing urban grain and the established vegetation structure to ensure that the development could be accommodated within the less sensitive urban fringe landscape. The established vegetation within the wider setting and the existing built form found along the A38 road corridor, would ensure that the proposals are not readily perceived on approaches to the village from this busy transport route and can therefore be integrated without compromising the character of the settlement. Consequently, the LVIA advises that the proposals would have a moderate to moderate/minor significance of effect upon the localised and wider landscape character. Within the site itself, it is noted that there would initially be significance of effect of major/moderate to moderate on immediate landscape character. However, this would reduce to moderate following completion of the scheme and the successful establishment of the proposed landscaping, which is not considered significant in landscape terms. Overall, the LVIA concludes that the proposal would not result in significant harm to the landscape character of visual environment and could be integrated in this location and is supportable from a landscape and visual perspective.
- 7.23 The Tewkesbury Borough Landscape and Visual Sensitivity Study – November 2014 – Final Report, was undertaken by the Council as part of the Borough Plan site allocation work for the Rural Service Centres and Service Villages. Although Twigworth was not taken forward as an allocated Service Village within the adopted Joint Core Strategy (December 2017), the proposal site was initially assessed as part of wider parcel of land (Parcel Reference: Twig – 01), as part of the over-arching Rural Service Centre and Service Village landscape work.

- 7.24 The Landscape and Visual Sensitivity Study (LVSS), noted that Twigworth is a small wayside settlement and is heavily influenced to the south, by the existing caravan/mobile home residential park. The study further notes that there are opportunities to enhance the landscape surrounding the settlement. The landscape character summary for the wider parcel states that the land is clearly part of the wider vale that spreads out to the north and west. Typically, there are high hedges along lanes surrounding medium to large scale arable fields. This land assessment parcel is influenced by the existing settlement edge, although that influence diminishes rapidly out into the vale.
- 7.25 Parcel Twig-01 is noted to have Medium Landscape Character Sensitivity and Low Visual Sensitivity. The parcel is noted not to be prominent and also, well contained and screened from the local road network by vegetation and existing settlement. In addition, the study concludes that the parcel is not conspicuous in long distance views. The visual summary for Parcel Twig-01 concludes that it is locally well-contained by robust hedges and settlement and although visible from the A38, Sandhurst Lane and local footpaths, it is not prominent. Coalescing vegetation limits views of the site from the north and west and the parcel is inconspicuous from elevated ground at Sandhurst Lane. There are also noted to be a number of visual detractors, including the caravan park and equestrian activity. The visual sensitivity of this land assessment parcel, to new residential development, increases with distance from the settlement edge out onto the vale. It is also noted to be sensitive to the perception of sprawl, encroachment and to changes to the predominantly linear settlement form.
- 7.26 In landscape terms, the Landscape Officer assessed the current proposal and considered that the site had some potential to accommodate housing development, subject to detailed design and a comprehensive scheme that should take account of the following landscape issues:
- 'Appropriate balance between the proportion of green space, housing density and layout; A housing design layout that takes a landscape led approach; Developing public access links through the development and into the surrounding countryside; Developing landscape and ecological corridors; Promoting green infrastructure opportunities; Conserving and enhancing boundary trees and hedges; Conserving and enhancing wildlife habitats and Creating an identity and sense of place within the development.'*
- 7.27 The Council's Tree Officer (TO) has been consulted in respect of the application. The TO notes that the site mainly consists of boundary trees and an orchard, as shown within the accompanying arboricultural impact assessment (AIA). The proposed new native tree planting and submitted tree retention/protection measures, are considered acceptable by the TO. Should Members be minded to permit the application, it is considered that the retention of the existing hedgerow could be secured via planning condition.
- 7.28 Twigworth Parish Council have raised strong objections to the proposal on a number of grounds, including landscape harm. Their concerns on this matter relate to the suburbanisation of the village and resulting loss of its attractive, open nature. Down Hatherley Parish Council have raised similar concerns in respect of the potential loss of valued landscape character of this part of the vale.

- 7.29 As set out above, JCS Policy SD6 requires development to seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. Furthermore, Policy E2 (Landscape Protection in the Open Countryside) of the NDP notes the importance of retaining identified important vistas and landscape features. These include the Wallsworth Hall tree-lined drive which adjoins the south/south-west of the site and the built component of dispersed settlement pattern, which helps to retain a sense of the undeveloped and rural character of the area. As also referenced above, the Tewkesbury Borough Landscape and Visual Sensitivity Study assessed the site as part of wider land parcel 'Twig – 01' and considered that there was potential to accommodate a level of residential development, should Twigworth have subsequently been taken forward as a Service Village within the JCS. However, the LVSS also advised that the visual sensitivity of this land assessment parcel, to new residential development, increases with distance from the settlement edge out onto the vale. Furthermore, the study noted the land parcel to be sensitive to the perception of sprawl, encroachment and to changes to the predominantly linear settlement form. It is considered that the overall quantum of residential development proposed within the current scheme, could not be satisfactorily integrated within the site without discernible visual encroachment into the rural landscape to the north. Furthermore, the quantum of units proposed would result in visual detriment to the existing dispersed settlement pattern of Twigworth village. The proposal is therefore, considered contrary to the landscape protection aims and objectives of Policy SD6 of the JCS and Policy E2 of the NDP and this identified harm is considered to weigh against the proposal in the overall planning balance.

#### **Best and Most Versatile Land (BMV)**

- 7.30 Paragraph 170 of the NPPF recognises the economic and other benefits of Best and Most Versatile Land (BMV) and advises that when considering development proposals, LPA's should seek to use poorer quality land in Grades 3b, 4 and 5, in preference to higher quality land. The site itself falls within Grade 2, 3a and 3b agricultural land and as such, the development of this field parcel would result in the loss of higher quality land, as set out within the NPPF. This weighs against the proposal in the overall planning balance.

#### **Design and Layout**

- 7.31 The NPPF sets out that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. This is now reflected in the National Design Guide, which provides planning practice guidance for beautiful, enduring and successful places.
- 7.32 Policy SD4 of the JCS advises that new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. It should be of a scale, type, density and materials appropriate to the site and its setting. Policy H2 of the NDP requires new development for housing within Twigworth settlement to achieve a standard of design and appearance of an appropriate density, scale and layout, which is respectful of its surroundings, the village vernacular and materials, local topography and any heritage assets.

- 7.33 The application has been submitted in outline form, with all matters (except for means of access) including layout, scale and appearance - reserved for future consideration. A detailed Design and Access Statement has been submitted in support of the application, together with an additional Design and Access Addendum. The DAS advises on the design process/architectural approach informing the scheme. The DAS notes that the site is unconstrained and could accommodate development of up to 100 homes, at a density of 33 dwellings per hectare and still have room for sufficient public open space and landscaping to make an attractive development with appropriate boundary treatments for surrounding land uses. The DAS further notes that to limit the housing numbers at less than 100 would be to create an edge to development which is artificially set and not informed by the assessment of the site's characteristics. This would not make best efficient use of the land, as the remainder land could not be effectively farmed, but would be lost from productivity for no gain of delivering much needed housing.
- 7.34 The DAS further notes that the scheme would also provide sufficient room to place the play area/POS within a location which would be readily accessible to the residents of the wider village as well as the new occupants. The scheme also proposes to set aside the remnant orchard and an existing pond area as wildlife habitats which can be enhanced with managed accessibility for the wider community. Surface water attenuation measures would also be integrated into informal landscaping areas, although the DAS notes that this would not impact upon usable public open space.
- 7.35 Direct pedestrian links to the A38 and local Public Right of Way are also proposed within the indicative masterplan and the DAS advises that this would enable an identified crossing point on the A38 to be built near existing bus stops. The DAS asserts that the position of the site behind existing properties avoids visually extending the village along the A38 towards Gloucester or Norton, thus preventing coalescence or suburbanisation. As such, the proposal for 100 homes would be as equally contained within the site as a smaller proposal and would not alter the perception of Twigworth as a linear settlement, when viewed from the A38.
- 7.36 No maximum and minimum scale parameters have been submitted as part of the outline proposal. However, the DAS notes a development of up to 100 homes would be sufficient in size to be able to offer a breadth of housing typologies, sizes and affordability for occupation, which would complement the existing older properties and the over 50's park home.
- 7.37 The DAS further notes that the new homes would cater for a range of household sizes, to allow a varied social community to develop - the scale of development within the site would allow for single person occupancy, young couples and families, older teenage families and retired occupants. The scope for this diversity is greater across 100 homes where there is room to build the different scale of properties without impacting on the amenity of the different occupants in a smaller site.
- 7.38 The Urban Design Officer (UDO) has been consulted on the current scheme and considers that quantum of development proposed for this site would result in loss of the feel and character of the existing rural settlement. Furthermore, the UDO considers that the site's location to the rear of existing properties would result in very limited frontage development or connections to the existing street hierarchy. There would be an awkward relationship between the rear of existing properties and the proposed development and due to the scale of the development, the UDO considers that there would be a negative impact on the character of Twigworth.

- 7.39 The allowed appeal site to the south-east is also of importance here. The development of 725 new homes, together with its associated facilities and infrastructure, will undoubtedly alter the settlement character on the eastern side of the A38. The parish aspirations in seeking to protect the remaining form and settlement pattern by seeking a series of organic, modest developments throughout the course of the plan period are expressed within Policy H2 of the NDP are therefore, clearly understood and enshrined within NDP Policy H2.
- 7.40 Paragraph 50 of the NDP sets out the following;
- 'A matter of profound importance to Twigworth is that, whatever growth level is ultimately determined, it should be delivered steadily over the plan's period through a series of modest developments and not on a large site delivered in a short space of time. The NDP proposes an organic, piece by piece, approach to support sustainable growth in Twigworth in line with the available infrastructure.'*
- 7.41 Members will be aware of the Oakridge, Higham appeal decision which is of importance with regard to the relevant weight to be attributed the Neighbourhood Development Plan in the light of the five-year supply shortfall. At paragraphs 29 and 30 of his decision letter the Secretary of State remarked:
- 29. 'Paragraph 12 of the Framework states that where a planning application conflicts with a Neighbourhood Plan that has been brought into force, planning permission should not normally be granted. Although the Neighbourhood Plan does not allocate sites, meaning that paragraph 14 of the Framework is not engaged, or set a settlement boundary, it represents an expression of how the community wishes to shape its local environment, and is relevant to the assessment whether the appeal proposal is acceptable or not.'*
- 30. The Secretary of State considers that there are no protective policies which provide a clear reason for refusing the development proposed. However, taking into account the material considerations set out above, including that there is conflict with a recently made Neighbourhood Plan, he considers that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. He considers that there are no material considerations which indicate that the proposal should be determined other than in accordance with the development plan.'*
- 7.42 Following on from this overarching requirement, Policy H2 of the NDP advises that development should form a logical extension to the settlement form, without appearing as an unduly harmful encroachment into the countryside and achieves a standard of design and appearance of an appropriate density, scale and layout, which is respectful of its surroundings, the Twigworth village vernacular and materials.
- 7.43 The aspirations of Twigworth Parish to see steady, modest growth throughout the plan period, are clearly set out within their NDP. Furthermore, the Oakridge decision makes clear, that despite there being no protective policies which provided a clear reason for refusal within the Oakridge case, the wishes of the community on how they wished to shape their community, can be an important consideration in planning decisions. The weight to be applied to any material consideration is a matter for the decision maker.
- 7.44 In conclusion on this matter the proposal considered contrary to JCS Policy SD4 and Policy H2 of the Down Hatherley, Norton and Twigworth NDP with regard to design/layout and scale/quantum. This matter weighs heavily against the proposal in the overall planning balance.

## **Housing Mix**

- 7.45 JCS Policy SD11 states that housing development will be required to provide an appropriate mix of dwelling sizes, types and tenures in order to contribute to mixed and balanced communities and a balanced housing market. Development should address the needs of the local area, including the needs of older people as set out in the local housing evidence base, including the most up to date Strategic Housing Market Assessment (SHMA).
- 7.46 No precise housing mix has been put forward as part of this application, although the DAS advises that a development of up to 100 homes is sufficient in size to be able to offer a breadth of housing typologies, sizes and affordability for occupation, which would complement the existing older properties and the over 50's park homes. The DAS advises that a range of household sizes would be provided, to allow a varied social community to develop - catering for single person occupancy, young couples and families, older teenage families and retired occupants.
- 7.47 Should Members be minded to permit the application, a condition would be required to secure an appropriate housing mix for any future reserved matters application in order that the development meets the needs of the Borough and as evidenced by the latest SHMA at the time of the reserved matters application.

## **Residential amenity including impact on amenity of existing adjoining Occupiers**

- 7.48 JCS Policy SD14 sets out that development should protect and seek to improve environmental quality and should not cause unacceptable harm to local amenity including the amenity of neighbouring occupants.
- 7.49 Although the application has been submitted in outline form, with all matters relating to layout and design reserved for future consideration, an indicative layout has been submitted in support of the proposal. The indicative layout illustrates that the development would largely sit behind the existing linear run of properties which front onto the A38. The indicative Masterplan demonstrates that a distance of 11 metres would be maintained between the closest existing dwelling to the site and new dwellings. This is considered acceptable in view of the oblique angle and orientation of the two buildings, relative to one another, as indicated by the indicative scheme. Back to back distances of 20 metres or more, would be maintained between the new dwellings and all other existing properties. Furthermore, a landscaped buffer would be provided between existing and new properties which would serve to further protect the residential amenity of both existing and proposed houses from overlooking, overbearing or loss of light.
- 7.50 The specific relationships to these existing, adjoining dwellings and the relationships of new properties within the development itself, would be considered at the reserved matters stage, should the outline application be approved. However, it is considered that the indicative masterplan illustrates that a level of residential development could be accommodated within the site, without detriment to the residential amenity of existing adjoining occupiers within the village.

- 7.51 In addition, the application has been supported by an Air Quality Assessment. The development has the potential to cause air quality impacts and an Air Quality Assessment was therefore required to determine baseline conditions, consider location suitability for residential use and provide consideration of potential effects as a result of the proposals. Air quality impacts may include dust emissions from construction works and road vehicle exhaust emissions associated with traffic generated by the site during the operational phase. Additionally, the development has the potential to expose future users to any existing air quality issues. Assuming good practice dust control measures are implemented, the residual significance of potential air quality impacts from dust generated by earthworks and construction activities was predicted to be negligible, within the report. The requirement for submission and subsequent approval of a Construction Method Statement (CMS) via planning condition would secure good practice in this regard.
- 7.52 During the operational phase of the development there is potential for air quality impacts as a result of vehicle exhaust emissions from traffic. These were assessed within the submitted report and the overall significance of potential impacts was determined not to be significant, in accordance with required guidance. As such, it is considered that air quality would not represent a constraint to development on the site and the Environmental Health Officer has raised no adverse comment in this regard.

### **Biodiversity**

- 7.53 JCS Policy SD9 seeks the protection and enhancement of biodiversity and geological resources of the JCS area in order to establish and reinforce ecological networks that are resilient to current and future pressures. Improved community access will be encouraged so far as is compatible with the conservation of special features and interest.
- 7.54 The application has been supported by an Ecological Appraisal which is based upon standard Phase 1 methodology. The Appraisal also includes an appraisal of faunal species and recording of the potential presence of any rare, or notable species, with specific surveys undertaken in respect of bats, Badger, Great Crested Newt and reptiles.
- 7.55 The site itself is not subject to any statutory or non-statutory ecological designations. The closest designation to the site is Innsworth Meadow SSSI, located approximately 0.75km south of the site.
- 7.56 The submitted appraisal notes that the site comprises an arable field, along with boundary hedgerows, tree lines, scrub, semi-improved grassland, an orchard, a pond and a small area of hardstanding. The habitats within the site are noted within the appraisal to be largely considered to be of low ecological value at the local level, with the hedgerows, tree lines, trees and orchard considered to be of elevated value in the context of the site. These habitats are largely retained and enhanced under the proposals. With regards to protected species, the Report concludes that no statutory or non-statutory nature conservation designations are present within the site, whilst no significant adverse effects on any designations within the site surrounds are anticipated.
- 7.57 The Phase 1 habitat survey concluded that the site is dominated by habitats of negligible to low ecological value and noted that the proposals have sought to retain the features of elevated value. Where it has not been practicable to avoid loss of habitats, new habitat creation has been proposed to compensate losses, in conjunction with the landscape proposals.

- 7.58 The habitats within the site have been recorded to support a range of fauna, including Badger, a modest assemblage of bats, birds and single/small numbers of Grass Snake, whilst a number of trees have been assessed to be of potential for roosting bats (albeit no evidence for the presence of roosting bats was recorded). In addition, a single onsite pond and two offsite ponds were recorded to support a metapopulation (population of spatially separated populations of the same species which interact at some level) of Great Crested Newt.
- 7.59 In light of these findings, the report proposes a number of mitigation measures in order to minimise the risk of harm to these and any other notable species that could be present or colonise from the local area. The report further concludes that the development would incorporate significant enhancements in the form of native tree and wildflower planting, creation of SuDS and swales and the provision of specific faunal enhancements, including bat, bird and insect boxes, hedgehog domes and hibernaculum/log piles for amphibians and reptiles. The report concludes that it is considered unlikely that the proposed development would result in significant harm to biodiversity and that the opportunity actually exists to provide a number of net gains for biodiversity as part of the proposals.
- 7.60 Natural England has been consulted in respect of the current proposal and is satisfied that, subject to the development being carried out in strict accordance with the details of the application submitted, there would be no damage or destruction to the interest features for which the Innsworth SSSI has been notified. As such, NE confirm that the SSSI does not represent a constraint in determining this application.
- 7.61 The Council's Ecological Consultant (EC) has also been consulted in respect of the scheme and has raised no objections, subject to strict adherence to the mitigation and enhancement measures included within the submitted Ecological Appraisal. The EC has also advised that a License would be required from Natural England in light of the identified presence of great crested newts. Should the application be approved, conditions would be required in respect of proposed lighting details and the submission of an appropriate Ecological Management Plan of a minimum five-year duration. With regard to habitats, the EC has advised that all hedgerows, tree lines and trees to be retained within the proposed development should be protected during construction in line with standard arboricultural best practice (BS5837:2012). Furthermore, updated survey work should be carried out in respect of trees with the potential to support roosting bats, in order to confirm their continued absence. The EC has also recommended appropriate planning conditions relating to the proposed ecological enhancements, including suitable tree planting species within the new wildlife areas and orchard areas, maintenance of the semi-improved grassland, the erection of wildlife information boards to aid new residents appropriate creation and management of the new SuDS and swales in order to maximise their wildlife benefits.
- 7.62 Having regard to the above, subject to the imposition of the identified planning conditions, it is considered that the proposal would accord with paragraph 175 of the NPPF and Policy SD9 of the JCS.

### **Drainage and Flood Risk**

- 7.63 JCS Policy INF2 advises that development proposals must avoid areas at risk of flooding and must not increase the level of risk to the safety of occupiers of a site and that the risk of flooding should be minimised by providing resilience and taking into account climate change. It also requires new development to incorporate Sustainable Urban Drainage Systems (SUDS) where appropriate to manage surface water drainage. This advice is reflected within the Council's Flood Risk and Water Management SPD.

- 7.64 The application has been supported by a Flood Risk Assessment (FRA) which advises that the closest surface water feature (with exception of the adjacent ponds) is an unnamed stream /drainage channel which is present approximately 135m north of the Site. This appears to be culverted to a degree and flows north-west / west towards the Cox's Brook located approximately 315m north-west of the Site. The Cox's Brook is understood to flow in a south to south-westerly direction towards the River Severn. Hatherley Brook which is classified as a main river runs in a westerly direction 700m south of the site and joins the River Severn 2.7km south-west of the site.
- 7.65 The FRA also notes that the site is located is predominantly within Flood Zone 1 which is therefore, at least at risk from flooding and is land assessed as having a less than 1 in 1000 annual probability of river or sea flooding (<0.1%). The report further provides that historical flood mapping provided by Gloucestershire County Council, showed that there were no records of flooding within the site boundary. The FRA advises that there are numerous anecdotal reports of flooding for the area, many of which are from periods of intense rainfall and associated flooding in the wider Severn catchment area. These historic local reports also include reports of flooding affecting roads in the vicinity of the site.
- 7.66 A small section on the south end of the site adjacent to the driveway leading to Wallsworth Court, is shown on the EA Flood Map for Planning to be located in Flood Zone 2. This is land assessed as having between a 1 in 1000 and 1 in 100 annual probability of river or sea flooding (between 0.1 and 1%). Correspondence from the Environment Agency, dated 13/04/2016, confirms this information and has been included with the accompanying appendices of the FRA. Based on the above, the FRA notes the risk of fluvial flooding to the site to be low. It should be noted that none of the land in flood zone 2 is proposed to house built form and would be part of the proposed landscape buffer.

#### Surface Water Flooding

- 7.67 With regard to surface water flooding, The Environment Agency's online Risk of Flooding from Surface Water mapping shows the majority of the site to be at very low risk of flooding from surface water, meaning an annual probability of surface water flooding of less than 1 in 1000 (<0.1%). As indicated in the Environment Agency's online Risk of Flooding from Surface Water map, there are small isolated depressions within the site that are shown to have a high risk of flooding from surface water, meaning an annual probability of flooding greater than 1 in 30 (>3.3%). This is confirmed by the LLFA within correspondence included within the FRA. The FRA advises that these isolated depressions are not believed to be of significant importance and any local pooling would be appropriately managed by the drainage system post-development. Based on the above, the risk of surface water flooding to the site is considered to be low.

#### Groundwater Flooding

- 7.68 The FRA advises that further ground investigation works would be required to progress detailed design including specific foundation advice and earthwork. These works should include a detailed assessment of the hydrogeological regime and potential impact and mitigation of shallow groundwater on the proposed development. However, based upon the carrying out of a Preliminary Infiltration Assessment Report, no groundwater was encountered during the excavation and the risk of groundwater flooding to the site is considered to be low - moderate.

### Outline Surface Water Drainage Strategy

- 7.69 The FRA recommends that an outline surface water drainage strategy should be undertaken which should demonstrate that the drainage network at the site will not flood at least during a 1 in 30 year event. It must also accommodate run-off during all events up to the 100 year plus climate change (as above) event to allow for increases in rainfall intensity due to climate change for the expected 100 year lifespan of the development. Building thresholds should be at least 150mm above the surrounding ground level to allow water to flow away from the buildings. Furthermore, if the surface water drainage system was to fail and surface water flooding was to occur on the site the layout of the buildings should be such that water is diverted away from them towards the local drainage network to eliminate the chance of a surface water pathway pooling against a building. The sustainable management of surface water runoff would be established during the detailed design of any development and is assumed to follow the principles discussed in this FRA and be adherent to any planning conditions attached to any permission.

### Surface Water Drainage Strategy

- 7.70 The site drainage, as proposed within the submitted FRA, would incorporate measures to slow, treat and store surface water. Where possible permeable surface structure such as block pavers and other porous surfaces would be installed. Attenuation storage in the form of sub-surface storage including gravel filled detention areas, storage at the pump location and a large detention basin on the west area of the site are also considered to be required. Attenuation storage would combine traditional hard engineered structures such as pipes and tanked storage (required for pumping station) with the preferable SuDS structures as the infiltration rates on site do not support a SuDS dominated strategy. Open surface conveyance and storage would be provided in onsite swales, as shown by soakaway testing the site is unsuitable for infiltration solutions and no assumption on infiltration from swales has been included within the drainage strategy. A detention basin would also form part of the design suitable to store and control large return period events. The discharge receptor for surface water discharge, is proposed to be the culverted watercourse located in the wider land holding (also within the applicant's ownership), to the north of the site, via a pumping station. As part of the surface water drainage strategy, it was proposed that surface water is pumped at greenfield rates, as estimated by the drainage consultants (24.2 l/s).
- 7.71 The Parish Council have raised strong concerns regarding the drainage strategy put forward in respect of the proposal and refer to the extent of the 2007 flooding and the resulting impact upon numerous homes within the village. The Parish remain unconvinced regarding the adequacy of the current data in respect of pluvial flooding. The Parish also refer to the site as being within Flood Zones 2 and 3 and note that water creeps along the fields from the River Severn through Sandhurst and into these fields, having a significant effect on the new and existing properties (which are already affected) as the water will have nowhere to flow. If surface water is channelled from this area further afield, the Parish advise that this would have a significant impact and devastating effects on already saturated land and other developmental areas that are already being planned which have not taken this application into consideration. Sandhurst Parish Council have similarly raised concerns with regard to recent flooding encroaching within the site itself and seasonal flooding experienced within the village. Down Hatherley Parish Council raises similar concerns in respect of the application and cite the inadequacy of flood risk modelling, particularly in relation to existing large-scale housing commitments within the village.

- 7.72 Both the Lead Local Flood Authority (LLFA) and the Council's Flood Risk Management Engineer (FRME), have been consulted in respect of the current proposal. The LLFA noted that the applicant's surface water drainage solution involves pumping water to a topographically higher location and into a watercourse which currently does not receive those flows. It would then enter a culvert outside the applicant's control, the condition and capacity of which are unknown. The LLFA's preferred option for this site, was to fully explore discharging the surface water west to the Cox's Brook which avoids the requirement to pump and is the surface water's more natural flow route. Here, there is a network of drainage ditches to the west of the site that appear to convey westwards towards Cox's Brook (further to the west) and the LLFA were originally of the view that whilst accepting other options may work, the westward route is the most sustainable solution and that to date it has not been demonstrated to be unviable. However, the applicant advised that the delivery of this strategy would involve crossing a private track and within land the applicant does not control. Discharge to an existing sewer would represent the last option in sustainable drainage terms.
- 7.73 Following queries raised by the LLFA and the Council's FRME, a Flood Risk Addendum was prepared which noted the watercourse to be culverted in short sections, which were in relatively poor condition. The drainage strategy proposes to improve the channel and restore sections to an open watercourse. The Addendum document was considered by the LLFA to adequately address their previous concerns relating to the location of supporting drainage infrastructure within flood zones 2 and 3. Subject to the imposition of appropriate conditions relating to securing an ongoing management regime for the surface water drainage scheme, including the opened culvert. The works to the culvert were considered by the LLFA to be critical to the success of the development. The applicant has provided subsequent reassurance that the culvert does in fact fall within their land ownership and as such, these works can be secured via planning condition.
- 7.74 Likewise, the FRME considered the 'FRA Addendum II' to satisfactorily address the concern of infrastructure being located in Flood Zones 2 and 3. The assurance to undertake the daylighting of culverts was also welcomed but the FRME also required reassurance that ongoing maintenance could also be practically secured in planning terms. Again, assurance that the watercourse falls within the applicant's ownership and therefore, maintenance can be secured via condition, has resulted in the FRME offering no objection to the application.
- 7.75 This surface water drainage strategy would be utilised in preparing the final detailed drainage design subject to the conditions of the Outline Application consent and adherent to the principle above.

#### Foul Water Drainage Strategy

- 7.76 The FRA notes that there is an existing foul water sewer network running to the east and west of the site and foul sewage arising from the development is proposed to discharge to this local foul water sewer system. The discharge would be on the eastern side of the site within the red line boundary. The northern section of the site would drain via gravity to the discharge point wherever possible. It is assumed due to the gradient of the site and location of the existing sewer infrastructure that a portion of the southern section of the site will require pumping to the discharge location to the existing network.
- 7.77 Severn Trent Water (STW) have been consulted in respect of the current scheme and have raised no objections. Having viewed the submitted FRA and FRA Addendum, STW have confirmed that they have no current concerns with the foul sewage proposals but advise that the discharge rate would need to be discussed/agreed with the LLFA and appropriate details submitted as part of the subsequent RM application.

- 7.78 In summary, the surface water strategy relies on greenfield discharges for surface water pumped from site with attenuation storage in the form of gravel filled detention areas, storage at the pump location and a large detention basin on the west area of the site. The foul water system would discharge to the local system through a combination of gravity fed and pumped discharge, related to the existing site levels with regard to the existing sewer infrastructure.
- 7.79 In accordance with the NPPF and PPG; flooding from all sources must be addressed and it should be ensured that flood risk is not increased elsewhere. Whilst the expressed concerns of the local communities are recognised and understood, following the submission of the Flood Risk Addendum and confirmation of ownership of the watercourse proposed to accommodate discharge of surface water arising from the development, both the LLFA and FRME are satisfied the scheme has demonstrated how flood risk would be satisfactorily managed over the lifetime of the development, in accordance with Section 14 of the Framework and Policy INF2 of the JCS.

### **Accessibility and Highway Safety**

- 7.80 Paragraph 103 of the NPPF sets out that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making. Furthermore, development should only be prevented or refused on highways grounds where there would be an unacceptable impact on highway safety or the residual cumulative impacts of development are severe (paragraph 109). JCS Policy INF1 requires that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters.
- 7.81 Whilst the application is in outline form, means of access has been included for consideration as part of the current scheme. The application proposes a single point of access to serve the development off Sandhurst Lane, within the eastern boundary of the site. This access would utilise the existing agricultural access point which currently serves the site. The application has been supported by a Transport Assessment (TA) which identifies the proposed access as the most suitable location to serve the development. The A38 is a class 1 principle highway with footways of varying widths and street lighting. The A38 is subject to a 40mph speed restriction and provides a link between Gloucester (approx. 3km to the south) and Tewkesbury (approx 12km to the north). Sandhurst Lane is a class 3 highway with no street lighting or footways.

### Accessibility

- 7.82 The vehicular access would be sited approximately 50m to the north of the existing A38 Tewkesbury Road/ Sandhurst Lane priority junction and would take the form of a simple priority junction. The Planning Statement advises that the principle of the proposed access has been agreed with Gloucestershire County Council's (GCC) Highways Officer, through scoping. In order to improve access to the site, the Planning Statement advises that it is also proposed to widen Sandhurst Lane to 6m between its junction with the A38 Tewkesbury Road and the proposed site access. The access has been designed in accordance with GCC's Manual for Gloucestershire Streets document to include 2m footways along both sides, up to Sandhurst Lane, and a 5.5m carriageway width.
- 7.83 The proposals also include a new pedestrian access point from the southern boundary of the site. The development proposals extend the existing pedestrian footway along the northern side of the A38 by approximately 10m to link with a new pedestrian access point. Provision for cycle access is also incorporated, via the proposed vehicular access point off Sandhurst Lane and/ or via the proposed pedestrian access point from the A38. Cycle parking would be agreed at the Reserved Matters stage in order to ensure that cycling is encouraged.

- 7.84 The TA advises that the proposal would not result in severe impacts on surrounding road networks and concludes that there are no highways or transportation reasons that would preclude the proposed development of up to 100 dwellings at this location. The application has also been supported by a Travel Plan which provides detail on how development at this location would help to encourage significant changes in the way people travel.
- 7.85 Local residents, Twigworth Parish Council and adjoining parish councils have raised highways concerns in respect of the proposal. Concerns relate to the potential for Sandhurst village to become an increased rat run as new residents seek to avoid the A38, highway safety concerns and cumulative traffic impacts relating to volume of vehicles utilising the single point of access from Sandhurst Lane onto the A38.
- 7.86 The County Highways Officer (CHO) has been consulted in respect of the current outline proposal and has noted that the development would provide access to the existing pedestrian footway facilities along the A38 and would also be accessible to local employment areas to the south (Twigworth Court Business Centre). The CHO further notes that the site would be in reasonable walking distance of north and south bound bus stops and that there are peak time bus services to Gloucester and Tewkesbury from Monday – Friday and Saturday, via the 71 service. The CHO concludes therefore, that the development would be within close proximity to a means of sustainable transport that is a viable alternative to the private motorcar.

#### Highway Safety

- 7.87 To the south, the A38 adjoins the A40 at the Longford Roundabout which allows access to the Strategic Road Network (SRN). The A38 has a variable speed limit between 40mph and 50mph, the posted speed limit at the Sandhurst Lane / A38 junction is 40mph. Footways are present on the southern side of the A38 with an intermittent footway of varying width present on the northern side. The carriageway is between 6.5m and 7m in width with double white centre lines which denote no overtaking at any time.
- 7.88 The CHO notes that the site's vehicle access is off the class 3 Sandhurst Lane which adjoins the A38 at a simple priority T-junction. Sandhurst lane does not feature footways or street lighting and has a varying width between 4m-5m. The CHO advises that there is scope to improve the section of Sandhurst Lane between the site access and the junction with the A38.
- 7.89 With regard to personal injury collision records, the CHO has advised that 7 personal injury collisions were recorded within the site study area on the stretch of A38 in proximity to the proposed development. Of those 7 incidents 4 were slight injury, 2 were serious injury and 1 was a fatality. Only 1 slight personal injury collision was recorded at the junction of Sandhurst Lane and the A38. This was as a result of a driver skidding on oil and causing a collision. This was considered to be an isolated incident for which no blame was attributed to highway layout.
- 7.90 The CHO advises that the proposed means of access via simple priority T-junction, would be an appropriate means of access for a site of this size, based on the annual average daily flow on the minor (site access road) and major highway (Sandhurst Lane). The site access would contain 8m radii's leading to a 5.5m carriageway with 2.0m footways extending into the site from Sandhurst Lane. A 5.5m carriageway can support two-way working on the straight alignment and complies with the local design guidance.
- 7.91 With regards to pedestrian access, the CHO has advised that the submitted drawings demonstrate appropriate off-site improvements to pedestrian facilities on the A38 to ensure access to and from the site to the northbound and southbound bus stops.

- 7.92 With regards to visibility, a speed survey has been undertaken on Sandhurst Lane and the required emerging visibility to the right has been demonstrated to be 35.8m and 36m to the left. Whilst no visibility splay has been demonstrated to the right on plan, the CHO considers that the required splay would be achievable within highway land or under applicant controlled land.
- 7.93 A total person trips TRICS analysis has been undertaken and submitted within the supporting Transport Assessment. With the mode split applied, the proposed development would generate 66 AM peak hour vehicle trips consisting of 13 arrivals and 53 departures onto the local highway network. The PM peak would see an additional 64 vehicle movements consisting of 42 arrivals and 22 departures onto the highway network. The percentage increase in vehicle movements along Sandhurst Lane and at the Sandhurst Lane/A38 junction, is noted by the CHO, to be high. However, the CHO concludes that the percentage increase appears substantial primarily as a result of the existing low traffic volumes recorded entering and egressing from Sandhurst Lane.
- 7.94 The Longford roundabout located south of the development site and is the main connection between the A40, A38 and routes towards Gloucester City Centre. In the AM peak, the junction is shown to exceed capacity for a '2021 base and committed development' scenario. However, the results have been assessed by the CHO, based on the A40 Longford Roundabout improvement scheme being in place by 2021 and providing additional capacity, especially during the more sensitive AM peak period. It is therefore accepted by the CHO, that the proposals only have a limited impact on the operation of the junction.
- 7.95 The planned delivery of the A40 Longford Roundabout improvement, as required by condition in respect of the outline permission for the nearby Twigworth Strategic Allocation site, is currently progressing through the S278 Legal Process with Highways England and is supported by funding secured through Growth Deal 3 by the GFirst Local Enterprise Partnership (LEP).
- 7.96 It is also proposed by the applicant to improve Sandhurst Lane between its junction with the A38 and site access junction. It is proposed that the carriageway is widened to 6m in order to allow for two-way working and to support the access and egress of a refuse vehicle into the site.
- 7.97 The development would also make provision for improved pedestrian facilities on the A38 with a new uncontrolled dropped kerb tactile crossing located to the west and across the Orchard Park access in order to facility accessibility to the north and southbound bus stops. The CHO has advised that the required visibility for the pedestrian crossing could be satisfactorily achieved.
- 7.98 Furthermore, the CHO has advised that the proposal would constitute betterment over the existing footway facilities and would allow access to public transportation which accords with the principles set out in Section 9 of the NPPF. The Gloucestershire Road Safety Partnership were also consulted by the CHO as part of their overall highways assessment and raised no concerns in respect of the proposals. A Road Safety Audit has been undertaken and includes the footway improvements. The Road Safety Audit is noted by the CHO to be compliant with the local GCC Guidance note for the provision of Safety Audit. No comments/concerns were raised for the improvements to pedestrian facilities.
- 7.99 In light of the above, the CHO recommends that no highway objection be raised, subject to the imposition of appropriate conditions, which includes access, visibility, street lighting, pedestrian crossing facilities, parking and turning, electric charging points, cycle storage, estate roads. The CHO has also advised that the submitted Travel Plan would require updating as a result of the proposed changes to pedestrian facilities and these details could be secured by way of a planning condition, should Members be minded to approve the application.

- 7.100 Highways England (HE) has also been consulted in respect of the proposal, in order to assess potential highways impacts of the development upon the A40 Longford roundabout, which forms part of the strategic road network. HE has offered no objection to the proposal, subject to the imposition of planning conditions. HE advises that the capacity of the A40 Longford Roundabout must be tested, in light of the current proposal in order to determine if this scheme remains suitable for accommodating the traffic from its development in addition to the JCS and Local Plan allocations. If not, further mitigation, over and above that previously identified may be required. Consequently, HE undertook a review of the Transport Assessment (TA) dated July 2016, as prepared on behalf of the applicant by WSP. Following the review, WSP were requested to provide justification on the methodology used to identify proposed trip distribution and its assignment, considering the volume of development trips anticipated to travel through the A40 Longford Roundabout.
- 7.101 Following earlier concerns raised by HE the applicant provided the required capacity assessments for the A40 Longford Roundabout improvement scheme, which included predicted trip generation and distribution data, traffic flow and junction modelling. On the basis of the results of this modelling, HE accepts that the proposals would only have a limited impact on the operation of the improved junction and does not consider the traffic impacts would be significant or would result in unacceptable impact upon road safety, as defined by the NPPF. These results are based on the A40 roundabout improvement scheme being in place by 2021, providing additional capacity, especially during the more sensitive AM peak period.
- 7.102 HE recommends a planning condition, similar to that imposed on the Twigworth/Innsworth permissions, limiting occupation of the dwellings until such time as the A40 Longford improvement scheme is in place. This is required to safeguard the operation of the A40 Longford Roundabout from the cumulative impact of developments and the delivery of plan lead development, until the identified improvement scheme has been implemented.
- 7.103 Whilst the concerns of the local community and Parish Councils have been carefully noted, the advice from specialist consultees indicates that, subject to the imposition of appropriate planning conditions, as recommended by the CHO and HE, the scheme would be acceptable in highways terms, in accordance with paragraph 109 of the NPPF and JCS Policy INF1.

#### **Access to Local Services and Facilities**

- 7.104 The site lies on the northern side of the A38, in close proximity to the highway itself. The number 71 bus route provides regular direct transport links, from the existing village, towards Gloucester city centre in one direction and Tewkesbury town centre in the other. As such, the site benefits from direct access to the city's and town's wide range of services, facilities and schools, by alternative means to the private motor vehicle. The nearest primary school is Norton C of E Primary, which is located within Norton village itself, approximately 1.2 miles north of the application site. The nearest secondary schools are further afield at Churchdown and Innsworth. The settlement currently benefits from some limited facilities, including a small shop/post office, petrol station and rural business centre. Paragraph 103 of the NPPF advises that significant development should be focused at locations which are or can be made more sustainable, through limiting the need to travel and offering genuine choice of transport modes. In terms of considering the current proposal, it is therefore, necessary to assess whether the proposed housing development would be balanced alongside the size, function and accessibility of the settlement. It is acknowledged that the limited range of facilities at Twigworth would inevitably require new residents to travel in order to access a wider range of services. However, it must also be acknowledged that the settlement is well connected to both Gloucester city and Tewkesbury town, which can be readily accessed by public transport. In addition, it is also of note that Twigworth Strategic Allocation, located in close proximity to the site, on the eastern side of the

A38, will bring with it, a level of additional facilities which could be readily utilised by new residents of the development.

### **Impact upon Heritage Assets including Archaeology**

- 7.105 When determining planning applications, the local authority should pay particular attention to the Planning (Listed Buildings and Conservation Areas) Act 1990, section 66 (1) in which "the local authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
- 7.106 Paragraph 189 of the NPPF advises that, in determining planning applications, local planning authorities should require applicants to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. This advice is reflected within Policy SD8 (Historic Environment) of the JCS, which requires both designated and undesignated heritage assets and their settings to be conserved and enhanced, as appropriate to their significance.
- 7.107 The site lies in relatively close proximity to a number of Grade II and one Grade II\* listed buildings, including; Wallsworth Hall (Country House) (Grade II\*), the main access for which is the private road along the southern site boundary and the following Grade II properties; 'The Manor House'; Yew Tree Cottage; Twigworth Lawn; Twigworth Court and its associated stable block.
- 7.108 The applicant has submitted a Heritage Statement (HS) in support of the scheme, together with an Archaeological Desk Based Assessment. In addition, a programme of archaeological field evaluation has been undertaken by the applicant on this site, and that the work has revealed archaeological remains relating to a Roman settlement (including associated Roman burials). The HS assesses the significance of built heritage assets within a 1km radius of the site boundary. The site itself contains no heritage assets but the Heritage Statement notes that there are eleven listed buildings within the wider study area. Both designated and non-designated heritage assets have been assessed in detail within the Statement, including their heritage significance and respective settings, with a further evaluation of any potential effects of development as shown on the accompanying Masterplan.
- 7.109 The HS concludes that the proposals to introduce a residential scheme at the Site would not have any direct effects upon the significance of any heritage assets. The principal consideration is whether the proposals cause harm to the significance of any heritage assets through harm to their respective settings.
- 7.110 The HS concludes that the Site does not contribute to the settings of the following listed buildings, nor would proposals have any effects on their heritage significance: Milestone (Grade II), Court Farm (Grade II), Barn immediately north east of Court Farm (Grade II) and Twigworth Lodge Hotel (Grade II).
- 7.111 The Conservation Officer (CO) has been consulted in respect of the proposal and advises that C18 Wallsworth Hall and early C19 Twigworth Court are higher status polite buildings, whose settings were self-consciously designed to contribute to their significance. By contrast, the other listed buildings in the vicinity of the site are mainly farmhouses or villas within the settlement of Twigworth and their settings are not extensive and their relationship with the wider landscape was a largely incidental one.

- 7.112 The CO further advises that given the separation distances involved and the screening effect of intervening development and/or vegetation, the presence of the proposed development is unlikely to have anything more than a neutral impact on the significance of any of the heritage assets cited above. Based on the above, the CO raises no objection to the scheme and concludes that the development's heritage impact is likely to be largely neutral, and that the layout and landscaping design would be able to satisfactorily address any potential conflicts that might occur.
- 7.113 Historic England has also been consulted in view of the site's proximity to the Grade II Star Wallsworth Hall. Historic England note that the relationship between Wallsworth Hall and the wider settlement of Twigworth is still legible, in the form of the two main drives, associated lodge, and Twigworth Court Farm and Farmhouse (Grade II) immediately adjacent to the southern entrance.
- 7.114 Historic England advises that, whilst the importance of preserving key views from Wallsworth Hall towards Gloucester and the significance that this open countryside affords the hall is highlighted, they consider this proposal unlikely to impact its historic setting. Whilst the topography and distance is such that visibility of development may be minimal from this asset, it will nevertheless affect the appreciation of the principal approach from the A38. Map regression indicates that this southerly drive is likely to be the original principal entrance: the survival of the entrance lodge (whilst a later building, nevertheless evidenced on historic maps), the distance from the main house (in order to emphasise the extent of land), and the approach leading directly to the small formal entrance court. Whilst Historic England do not object to this proposal, they stress the necessity to screen development along this drive to preserve this experience and recommend a scheme that pushes built form away from this western boundary in the form of a green buffer. The indicative Masterplan illustrates that an appropriate landscaped buffer could be incorporated within the scheme, along the extent of the western boundary.
- 7.115 With regard to the presence of archaeology within the site, the County Archaeologist (CA) has been consulted and has confirmed that the results of the field evaluation were positive and the northern part of the application site was found to contain numerous archaeological features indicative of the presence of a Roman settlement. However, the CA advises that the archaeology is not considered to be of the first order of preservation, since it has undergone erosion from later ploughing with the result that all surfaces formerly associated with the remains have been removed. For that reason it is the CA's view that the archaeology present on this site is not of the highest archaeological significance, so meriting preservation in situ. On that basis, the CA has confirmed that no objection is raised in respect of the development of this site, with the proviso that an appropriate programme of work to excavate and record any significant archaeological remains should be undertaken prior to the development in order to mitigate the ground impacts of this scheme. This could be secured via planning condition, should Members be minded to approve the application.
- 7.116 In light of the above, the scheme is considered to accord with Paragraph 189 of the NPPF and JCS Policy SD8 with regards to the requirement not to cause harm to the significance of any heritage assets through harm to their respective settings.

### **Affordable Housing**

- 7.117 JCS Policy SD12 sets out that on sites outside of strategic allocations, a minimum of 40% affordable housing will be sought, should be provided on site and should be seamlessly integrated and distributed throughout the development scheme. Paragraph 53 of the NDP reflects this requirement for new residential development to provide an appropriate quantum of affordable housing to meet objectively identified need.

- 7.118 The accompanying Planning Statement notes that the development proposes up to 100 homes comprising a mix of 2-5 bedroom homes with 35% of the total provision to be affordable housing.
- 7.119 The Housing and Enabling Officer (HEO) has re-iterated the requirement for 40%, rather than the originally proposed 35%. A tenure split of 70/30 social rented to shared ownership tenures would be sought. An indicative scheme of Affordable Housing units based on a total 100 dwellings has been provided by the HEO. However, the exact tenure could be open to further discussion at Reserved Matters stage, should Members be minded to approve the outline application.

	<b>Social rent</b>	<b>Shared ownership</b>	<b>Total</b>
1 bed apt/mais	8	0	8
1 bed bungalow	2	1	3
2 bed house	8	6	14
3 bed house	7	5	12
4 bed house	2	0	2
5 bed house	1	0	1
	28	12	40

- 7.120 However, following recent discussions with the agent, it has been confirmed that the applicant has given their agreement to provide 40% of the total housing provision as affordable housing. The affordable housing provision would be secured by way of a section 106 agreement.

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

- 7.121 The Framework sets out that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. JCS Policy INF4 provides that where new residential development will create or add to, a need for community facilities, it will be fully met as on-site provision and/or as a contribution to facilities or services off-site. JCS Policies INF6 and INF7 support this requirement. Saved Local Plan Policy RCN1 requires the provision of easily accessible outdoor playing space at a standard of 2.43ha per 1000 population on sites of 10 dwellings or more. Assuming that the 100 dwellings would have an average of 2.4 occupants per dwelling, this would generate an additional population of 240 persons. As such, there would be a resulting requirement for provision of 0.3 ha.
- 7.122 As the application is outline form with all matters except for access, reserved for future consideration, the layout is not fixed at this stage. However, the indicative Masterplan illustrates that an area of informal public open space (POS) would be provided within the southern corner of the site and along the western boundary which also incorporates the proposed SuDS basin and landscaping buffer. A children's play area would be centrally located within the development and the existing pond and remnant orchard which adjoins the A38, would provide additional POS in the form of an enhanced wildlife area. The accompanying DAS advises that proposed open space would total 1.25 ha, the existing retained orchard wildlife area would provide 0.63 ha of space and the proposed children's area of play would provide 0.05 ha of space.

- 7.123 The DAS advises that the existing pond and surrounding vegetation would be designated as a wildlife area, through which would cross the footpath linking the site to the A38 pavement. The central landscape connection would link from the pond wildlife area through the western hedgerow boundary. This connection would provide a central public open space, enclosed by dwellings, incorporating a new children's play area. The open space along the southern boundary would be informal in character, with provision made for a SUDs attenuation basin. The DAS notes that this space could also include natural and informal seating and play opportunities (such as logs/rocks) to encourage natural play, relaxation and socialising.
- 7.124 Based upon the indicative Masterplan, it is considered that the required amount of public open space could be adequately and appropriately met within the site, in accordance with JSC Policy INF4 and Saved Policy RCN1 of the Local Plan.

### **Community Infrastructure**

- 7.125 The Community Infrastructure Levy (CIL) regulations allow local authorities to raise funds from developers undertaking new building projects in their area.
- 7.126 On-site requirements (whether they are delivered on or off site), and specific infrastructure requirements that can be robustly justified as necessary to make the development acceptable in planning terms (and otherwise the application would be refused without that infrastructure) will still be delivered via s106 obligations. The regulations stipulate that, where planning applications are capable of being charged the levy, they must comply with the tests set out in the CIL regulations. These tests are as follows:
- a) necessary to make the development acceptable in planning terms
  - b) directly related to the development; and
  - c) fairly and reasonably related in scale and kind to the development.
- 7.127 The CIL Amendment Regulations 2019 came into force on 1 September 2019 and made a number of important changes to the operation of CIL and s106 obligations. Amongst other matters, Regulation 123 of the CIL regulations has been removed in its entirety which removes the restriction on pooling funds for a single infrastructure from more than five s106 obligations. It also allows both CIL and s106 contributions to be secured for the same infrastructure project although the aforesaid tests (Regulation 122) continue to apply.
- 7.128 The NPPF sets out that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of planning conditions or obligations. It makes clear that obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
- 7.129 JCS policies INF6 and INF7 combine to require infrastructure to be delivered to meet the infrastructure and services required as a consequence of development. Education and libraries. JCS Policy INF6 relates directly to infrastructure delivery and states that any infrastructure requirements generated as a result of individual site proposals and/or having regard to cumulative impact, new development should be served and supported by adequate and appropriate on/off-site infrastructure and services. The Local Planning Authority will seek to secure appropriate infrastructure which is necessary, directly related, and fairly and reasonably related to the scale and kind of the development proposal. JCS Policy INF7 states the arrangements for direct implementation or financial contributions towards the provision of infrastructure and services should be negotiated with developers before the grant of planning permission. Financial contributions will be sought through s106 and CIL mechanisms as appropriate.

- 7.130 Following consultation with the County Council, it has been advised that the proposed development would give rise to additional pupil yields and would require the following contributions to mitigate the impact. Section 106 contributions are required to be secured towards pre-school, primary and secondary education as well as library provision. The request towards education provision has been assessed as directly related to the development and is needed in order to mitigate the education needs arising from the proposal. Officers consider the requested contributions to meet the statutory tests and support the position taken by GCC. The agent has confirmed the developer is willing to enter into the s106 agreement in respect of education and library contributions.
- 7.131 In respect of library provision, GCC has confirmed that the scheme would generate additional need for library resources and a contribution of £19,600 (based on the formula of £196 per dwelling) is therefore required to make this application acceptable in planning terms.
- 7.132 Taking account of consultation responses, this application would result in the following infrastructure requirements to be secured by s106 obligations:
- Affordable Housing - 40%
  - LEAP
  - Education - Pre-school Pupil Yield – 30; £452,730.00 (Provision in the Churchdown/Innsworth Primary Planning Area);
  - Primary Pupil Yield – 41; £618,731.00 (Norton C of E Primary School);
  - Secondary Pupil Yield – 31; £642,932.00 (Churchdown School Academy).
  - Library contributions - A contribution of £19,600 (based on the formula of £196 per (dwelling)
  - Recycling & waste bins - £73 per dwelling
- 7.133 There is no signed agreement to provide the required community and education facilities contrary to the requirements of the NPPF, policies SD12, INF4, INF6 and INF7 of the emerging JCS. This weighs against the proposal. Nevertheless, these are matters which could be resolved by the signing of appropriate planning obligations.

## **8.0 Conclusion and Recommendation**

- 8.1 Section 38(6) of the Town and Country Planning Act 1990 provides that, if regard is to be had to the development plan, the determination must be made in accordance with the development plan unless other material circumstances indicate otherwise. Section 70(2) of the Act provides that the Local Planning Authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.
- 8.2 The application site lies outside of the settlement boundary for Twigworth, as defined within Proposal Map M3 of the Down Hatherley, Norton and Twigworth NDP and is not allocated for housing development. The site does not represent previously developed land within the built up areas of a service village; is not a rural exception scheme; and does not represent 'infilling'. It has not been brought forward for development through a Community Right to Build Order and there are no policies in the existing Tewkesbury Borough Local Plan to 2011 which allow for the type of development proposed here. The proposal therefore conflicts with Policies SP2 and SD10 of the JCS and Policy H2 of the NDP.

- 8.3 However, the Council cannot currently demonstrate a five year supply of deliverable housing sites and therefore the Council's policies for the supply of housing are out of date, in accordance with paragraph 11 of the Framework. There are also no policies in the Framework that protect assets of particular importance which provide a clear reason for refusing the development in this instance and the 'tilted balance' applies. On that basis the presumption is that permission should be granted unless there are adverse impacts of doing so which would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole.

### **Benefits**

- 8.4 The delivery of market and affordable housing would provide a considerable social benefit; especially in the context of a housing supply shortfall. Furthermore, there would be economic benefits both during and post construction through the creation of new jobs and the support to existing local services and the local economy. Overall, given the scale of development, these benefits would attract substantial weight in favour of granting permission in light of the Council's housing land supply position.
- 8.5 The provision of public open space would be a social benefit which would serve the needs of the existing community as well as new residents. This is recognised as a limited benefit in support of development as this element may be required in any event, in order to mitigate the impacts of the development itself.

### **Harms**

- 8.6 Harm arises from the conflict with development plan policies relating to housing, particularly JCS Policy SD10 and Policy H2 of the DHNTNDP, although it is accepted that the Council's housing policies are currently out of date.
- 8.7 Harm would also arise to the landscape by virtue of the loss of a green field and the encroachment of built form within the open countryside. The quantum of development proposed would also result in harm to the existing form and settlement pattern, evidenced within the western side of Twigworth and the resulting loss of its open, rural character.
- 8.8 The loss of higher quality agricultural land, falling within Grades 2, 3a and 3b, as a result of the development, would also represent harm.
- 8.9 The absence of a signed section 106 agreement in respect of securing affordable housing and contributions for recycling/waste, pre-school, primary and secondary education, library and outdoor play area/equipment weighs against the proposal at this stage. However, it is recognised that these matters could be resolved through the completion of appropriate section 106 obligations.

### **Neutral**

- 8.10 Whilst the application is in outline with all matters reserved for future consideration, save for access, the supporting DAS and illustrative site layout does not raise any residential amenity issues in terms of a loss of light, outlook and privacy. The development would not be at an acceptable risk of flooding and appropriate drainage infrastructure can be provided. The proposal would not harm the setting of any designated heritage assets and there would be an acceptable impact in terms of archaeology. The proposal would be served by a safe and suitable access and the residual cumulative impact on the highway network would not be severe. The proposal would also be acceptable in terms of its impact on biodiversity. Therefore, subject to compliance with conditions, the proposal would result in neutral impact on residential amenity, flood risk and drainage, heritage assets, highways and ecology.

## Overall Conclusion

- 8.11 The Council cannot currently demonstrate a five year supply of deliverable housing sites and as such, the housing policies in the JCS are deemed to be out-of-date as per footnote 7 to paragraph 11 of the Framework. This also applies to the housing policies contained in the DHNTNDP. The weight that can be afforded to the relevant housing policies is therefore reduced.
- 8.12 As previously set out, paragraph 14 of the Framework states that in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits. This is subject to certain criteria; one of which specifies that the neighbourhood plan must have become part of the development plan two years or less before the date on which the decision is made. This is the case in respect of the Down Hatherley, Norton and Twigworth Neighbourhood Development Plan 2011-2031, which was 'made' on 28<sup>th</sup> May 2019, and as such is less than two years old.
- 8.13 Paragraph 50 of the DHNTNDP sets out the following;
- 'A matter of profound importance to Twigworth is that, whatever growth level is ultimately determined, it should be delivered steadily over the plan's period through a series of modest developments and not on a large site delivered in a short space of time. The NDP proposes an organic, piece by piece, approach to support sustainable growth in Twigworth in line with the available infrastructure.'*
- 8.14 As evidenced within the Oakridge, Highnam appeal decision, the Neighbourhood Plan *'represents an expression of how the community wishes to shape its local environment, and is relevant to the assessment whether the appeal proposal is acceptable or not.'* In this regard, it is clear that the current proposal runs completely contrary to the stated expression of how the Parish and its community wish to shape their future. This is also abundantly clear within the objections raised by the Parish in respect of the current proposal.
- 8.15 The Oakridge appeal decision further states;
- 'The Secretary of State considers that there are no protective policies which provide a clear reason for refusing the development proposed. However, taking into account the material considerations set out above, including that there is conflict with a recently made Neighbourhood Plan, he considers that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. He considers that there are no material considerations which indicate that the proposal should be determined other than in accordance with the development plan.'*
- 8.16 The aspirations of Twigworth Parish to see steady, modest growth throughout the plan period, are clearly set out within their NDP. Furthermore, the Oakridge decision makes clear, that despite there being no protective policies which provided a clear reason for refusal within the Oakridge case, the wishes of the community regarding how they wished to shape their community, were of fundamental importance in the assessment of the case. The current planning proposal should be regarded no differently.
- 8.17 The potential benefits arising from the proposal are substantial. However, the identified harms above, and in particular, the overriding conflict with the Neighbourhood Development Plan, is considered to significantly and demonstrably outweigh the benefits in this case. For these reasons, it is recommended that the application is **Refused**.

## REASONS:

1. The proposed development conflicts with Policies SP2 and SP10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 -2031 (December 2017) in that the proposed development does not meet the strategy for the distribution of new development in Tewkesbury Borough and the application site is not an appropriate location for new residential development of the scale proposed. Furthermore, the proposed development conflicts with Policy H2 of the Down Hatherley, Norton and Twigworth Neighbourhood Development Plan, which seeks to ensure that sustainable growth should be delivered steadily over the Plan period, through a series of modest developments and not on a single, large site delivered in a short space of time.
2. The overall quantum of development and its resulting layout, as indicated by the proposed indicative Masterplan, would result in an unduly harmful encroachment into the landscape and contribute to the loss of the defining linear settlement pattern and open, semi-rural nature, which is characteristic of this part of Twigworth village. The proposed development therefore, fails to accord with Policy H2 of the Down Hatherley, Norton and Twigworth Neighbourhood Development Plan – 2011-2031 and Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (JCS)(December 2017).
3. The proposed development would result in the loss of Best and Most Versatile agricultural land and the loss of this valuable resource is not outweighed by economic or other benefits, contrary to paragraph 170 of the National Planning Policy Framework. (2019).
4. In the absence of an appropriate planning obligation, the application does not provide housing that would be available to households who cannot afford to rent or buy houses available on the existing housing market. As such, the proposed development conflicts with Policy SD12 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (JCS)(December 2017).
5. In the absence of an appropriate planning obligation, the application does not make provision for the delivery of recycling/waste bins, education contributions for pre-school, primary and secondary education provision and library provision. The proposed development is therefore, contrary to Policies INF4, INF6 and INF7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (JCS)(December 2017).

## INFORMATIVES:

1. In accordance with the requirements of the NPPF the Local Planning Authority has worked with the applicant in a positive and proactive manner in order to seek solutions to overcome planning objections and the conflict with Development Plan policy by seeking to negotiate with the applicant to address identified issues of concern and providing on the council's website details of consultation responses and representations received. However, negotiations have failed to achieve sustainable development that would improve the economic, social and environmental conditions of the area.