

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

Committee:	Planning
Date:	18 August 2020
Site Location:	Land Off Ash Lane Down Hatherley Gloucester
Application No:	19/00925/FUL
Ward:	Severn Vale South
Parish:	Down Hatherley
Proposal:	Construction of six detached single storey dwellings with associated garages and new vehicular access off Ash Lane.
Report by:	Victoria Stone
Appendices:	Location Plan & Proposed Block/Context Plan Site Plan as Proposed House Type 1 – Floor Plans, Elevations as Proposed House Type 2 – Floor Plans, Elevations as Proposed House Type 3 – Floor Plans, Elevations as Proposed
Recommendation:	Delegated Permit

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1. The application relates to a parcel of land which is located along the western side of Ash Lane in Down Hatherley (see attached location plan). Ash Lane is a private, no through road located off Down Hatherley Lane.
- 1.2. The site is generally level, rectangular in shape and covers approximately 0.59 hectares. The site comprises semi-improved grassland, although some of the vegetation has been removed from the site.
- 1.3. The southern boundary of the site is in the same ownership of the applicant and comprises a recently constructed housing development of five dwellings, granted under permission 18/00361/FUL beyond this lies a row of detached properties. To the northern boundary lies a small parcel of agricultural land beyond which lies existing residential properties. Residential properties also border the east of the site and to the west lies agricultural land.
- 1.4. The site is not subject to any landscape designations.
- 1.5. The application site forms part of the Strategic Allocation A1 Innsworth and Twigworth in the Joint Core Strategy and is shown to be 'Housing and related Infrastructure' in the JCS Indicative Site Layout Proposal Map.

- 1.6. This application is submitted in full and seeks permission for the construction of six four bedroom detached bungalows. Vehicular access to the development would be via an existing field access off Ash Lane. Each property would benefit from off-road parking spaces. In addition three of the properties would have a detached garage, while three would have an integral garage.
- 1.7. Since the application was first submitted, the proposal has been subject to revisions which have primarily sought to amend the siting and orientation of the proposed dwellings in response to officer concerns. A new notification and consultation period has been carried out.

2.0 RELEVANT PLANNING HISTORY

There is no planning history related to the site itself however there is extensive planning history associated with the wider strategic allocation at Innsworth and Twigworth. The following history is of particular relevance:

Application Number	Proposal	Decision	Decision Date
15/01149/OUT	A mixed use development comprising demolition of existing buildings; up to 725 dwellings and a local centre of 0.33ha (A1,A2,A3,A4,A5,D1,D2 uses); primary school, open space, landscaping, parking and supporting infrastructure and utilities; and the creation of a new vehicular access from the A38 Tewkesbury Road.	ALLOWED AT APPEAL	21.12.2017
15/00749/OUT	A mixed use development comprising demolition of existing buildings, up to 1,300 dwellings and 8.31 hectares of land for employment generating uses comprising a neighbourhood centre of 4.23ha (A1, A2, A3, A4, A5, D1, D2, B1), office park of 1.31ha (B1) and business park of 2.77ha (B1 and B8 uses), primary school, open space, landscaping, parking and supporting infrastructure and utilities, and the creation of new vehicular accesses from the A40 Gloucester Northern Bypass, Innsworth Lane and Frogfurlong Lane.	GRANTED	21.12.2017
17/00852/OUT	Outline planning application for the erection of up to 74 dwellings with public open space, landscaping and sustainable drainage system (SUDS) and vehicular access point from Tewkesbury Road. All matters reserved except for the means of access.	PERMITTED	20.12.18
18/00361/FUL	Construction of 5 detached single storey dwellings with associated garages and new vehicular access points.	PERMITTED	29.05.19

18/01285/APP	Approval of Reserved Matters (access, appearance, landscaping, layout and scale) comprising Phase 1 of Outline planning permission ref: 15/00749/OUT for the erection of 253 no. dwellings with associated infrastructure.	APPROVAL	31.07.19
19/00935/APP	Approval of Reserved Matters (Access, Appearance, Landscaping, Layout and Scale) comprising Phase 1a of Outline Permission Ref: 15/01149/OUT for the erection of 79no.dwellings and associated engineering operations, drainage infrastructure and landscaping.	APPROVAL	23.12.19
19/00771/OUT	Erection of up to 32 new homes (including affordable housing), access, drainage and other associated works on land to the south of Down Hatherley Lane, Twigworth. All matters are reserved for future consideration except access.	PENDING	
19/00953/APP	Application for the approval of reserved matters (appearance, landscaping, layout, and scale) pursuant to outline planning permission reference 17/00852/OUT for the erection of up to 74 dwellings with public open space, landscaping and sustainable drainage system (SuDS).	PENDING	
19/00996/APP	Approval of Reserved Matters for access, appearance, landscaping, layout and scale comprising Phase 2 of Outline planning permission ref: 15/00749/OUT for the erection of 175nos. dwellings with associated infrastructure.	PENDING	

3.0 RELEVANT POLICY

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

National guidance

3.2. National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) and National Design Guide (NDG)

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

3.3. Policies SP1, SP2, SD3, SD4, SD6, SD9, SD10, SD11, SD12, INF1, INF2, INF4, INF6, INF7, SA1, A1

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

3.4. Policies RCN1, RCN2

Tewkesbury Borough Plan 2011-2031 Pre-Submission Version (October 2019)

3.5. Policies RES5, RES12, RES13, DES1, NAT1, ENV2, RCN1, RCN2, COM2, TRAC1, TRAC9

Down Hatherley, Norton and Twigworth Neighbourhood Plan 2011-2031

3.6. Policy E3

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

3.8. The First Protocol, Article 1 (Protection of Property)

4.0 CONSULTATIONS

4.1. **Down Hatherley Parish Council** – Object for the following reasons:

- Ash Lane is not adopted and is maintained by current residents. The developer fails to recognise this nuance; the legality of assuming right of access is seriously challenged by a number of residents;
- Maintenance issues along Ash Lane;
- Highway safety concerns;
- Development represents a second-phase build at this location – developers should have been transparent from the outset;
- Piecemeal approach appears to be a tactic aimed at diluting the strength of any opposition;
- Development would be crammed into the site and represents over development;
- No demonstrable requirement for additional housing within the Parish;
- Development would surround and overshadow the neighbouring properties fronting Ash Lane;
- Open aspect from properties along Ash Lane would be obliterated;
- Harm to existing residents due to disruption during construction of the development;
- Development would be contrary to a condition attached to the outline consent for the wider strategic allocation which requires no more than 150 dwellings to be occupied until a scheme to alter Longford Roundabout has been implemented.

4.2. **County Highway Authority** – No objection to the original scheme advanced however no comment on the revised proposal has been received at the time of writing the report.

4.3. **Urban Design Officer** – Objected for the following reasons:

- Represents a piecemeal approach to development and results in a development that fails to relate well to the site or its context;
- Narrow access arrangement and back land nature of the scheme means the proposal would fail to integrate into its wider surroundings, both physically, socially and visually;
- Revised layout is not an improvement as it creates frontage looking directly at the rear gardens and properties to the east.

4.4. **Ecologist** – In general the mitigation and enhancements proposed are acceptable – however the enhancement plan needs to be updated to include details of habitat that will be present prior to works so that GCN and Reptiles can be safely moved.

4.5. **Strategic Housing Enabling Officer** – As it would not be possible to seamlessly integrate affordable housing on-site, an off-site contribution of £186,103 is requested.

- 4.6. **Flood Risk and Management Officer** – No objection to the proposal, subject to conditions securing the design/maintenance of the proposed foul and surface water drainage.

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1. The application has been publicised through the posting of a site notice for a period of 21 days.
- 5.2. A number of comments objecting to the applicant has been received. The comments are summarised as follows:
- The JCS Strategy is to access the A38 directly not via Ash Lane. Any JCS related development should be paused until the A38/A40 roundabout improvements are completed;
 - Ash Lane or the proposed access track does not have safe pedestrian access nor street lighting; thus would compromise pedestrian and highway safety. Increased traffic would compromise highway safety; not robust enough to deal with the increased level of traffic
 - Parking provision is not sufficient;
 - A new development of more than five dwellings should be served by an adopted public highway;
 - Addition of a cycle/pedestrian way which leads onto Ash Lane is completely unacceptable and unnecessary;
 - Ash Lane is a private road, has no direct highway access and no defined legal right to use Ash Lane;
 - Proposal would set a precedent that could allow further spurs off the lane;
 - Concerned the proposed 'pedestrian and cycle path' will result in Ash Lane being used as an additional access road to the wider strategic site to the west;
 - Would emergency vehicles be able to access the new dwellings due to new layout;
 - Concern over the scale of the cycle/pedestrian access – how will vehicles be prevented from using the access;
 - Submission documents are factually incorrect (Cotswold Transport Planning Report);
 - Visibility splay requires third party land;
 - Upgrade works on the junction of Ash Lane to Down Hatherley need to be carried out;
 - Land should be a recreational space to enhance the quality of life experienced by the residents of Ash Lane;
 - Public sewers are unable to cope with additional demand;
 - Concerned over the increase in surface water by this development;
 - Development will cause noise and disruption to the once rural lane;
 - No benefit to the community;
 - Existing community infrastructure not sufficient to meet needs of residents from the proposed dwellings;
 - Development would not be in-keeping with the lane and would cause adverse harm to the semi-rural character of Ash Lane;
 - Current proposal along with the previous five dwellings (18/00361/FUL) constitute a major development therefore the procedures for major development should have been followed;
 - Development should incorporate energy saving and efficiency measures;
 - Development would cause a nuisance to existing residents during construction phase;
 - Housing not contributing to the affordable housing shortage;
 - Cramped development;
 - Site was previously designated as Green Belt;
 - Development would have an impact on the local wildlife, including the green woodpecker;

- The number of dwellings being permitted has reached epidemic proportions, the traffic congestion will be horrific, no more housing is needed;
 - Concerns over monitoring of the drainage in the future as area has a high water table;
 - Ecological mitigation measures would not replace the lost habitat from the development;
 - Great crested newt's population not considered at all;
 - Development would encroach on the privacy of the established homes along Ash Lane;
- 5.3. Three general comments have been received. The comments are summarised as follows:
- There is no weight restriction to Ash Lane;
 - Single storey nature and design of development would be in-keeping with neighbouring properties;
 - Other developers would have built high density properties;
 - Objectors are incorrect on a number of matters.

6.0 POLICY CONTEXT

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
- 6.2. The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), saved policies of the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP), and a number of 'made' Neighbourhood Development Plans. Of direct relevance to this application is the Down Hatherley, Norton and Twigworth Neighbourhood Plan 2011-2031.
- 6.3. A further material consideration is the Pre-Submission Tewkesbury Borough Plan to 2031 (2019), which 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).
- 6.4. Other material policy considerations include the National Planning Policy Framework (NPPF) and its associated Planning Practice Guidance and the National Design Guidance (NDG).
- 6.5. The relevant policies are set out in the appropriate sections of this report.

7.0 ANALYSIS

Principle of Development

- 7.1. Strategic Policies SP1 and SP2 of the JCS set out the scale and distribution of development to be delivered across the JCS area in the period to 2031. The identification and delivery of seven Strategic Allocations (SA) on the edges of existing urban areas is an important part of the delivery of the JCS as a whole.
- 7.2. Policy SA1 (Strategic Allocations Policy) formally designates the seven SA's and focuses on the need to deliver comprehensive development in each of these areas.

- 7.3. The application site forms part of the wider Strategic Allocation A1 at Innsworth and Twigworth. The site itself is identified as an area for Housing and Related Infrastructure on the Indicative Site Layout Proposals Map A1 Policies SA1 and A1 identify provisions that applications within the SA will be expected to deliver.
- 7.4. The principle of the development is therefore considered acceptable providing the provisions of policies SA1 and A1 as well as wider planning objectives and policies are met, and subject to there being no material considerations indicating that the application should be determined other than in accordance with the development plan.

Five Year Housing Land Supply

- 7.5. On the basis the Council cannot at this time demonstrate a five year supply of deliverable housing land, the Council's policies for the supply of housing should not be considered up-to-date in accordance with footnote 7 of the NPPF. In accordance with paragraph 11 of the NPPF, the presumption in favour of sustainable development indicates that permission should be granted unless policies for protecting assets of particular importance provides a clear reason for refusing the development or any adverse impacts of permitting the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Design and Visual Amenity

- 7.6. Section 12 of the NPPF sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. This is echoed in JCS policy SD4 and emerging policy RES5 of the Pre-submission Tewkesbury Borough Plan (2019) which states new development should respond positively to, and respect the character of, the site and its surroundings, enhance local distinctiveness and the grain of the locality.
- 7.7. The application proposes six dwellings of a traditional design. All properties would be bungalows and would incorporate a mixture of pitched and half-hipped roofs. The dwellings would be constructed out of bricks (Weinerberger Terca Kempley Antique) and tiles (Marley Modern Interlocking Concrete in Smooth Grey). This design approach and the materials proposed to be used is considered acceptable and therefore no objections are raised to the style of the proposed dwellings.
- 7.8. The dwellings would be arranged in a linear layout sited behind the existing properties which front Ash Lane. Each property would be in a similar set back position with a front garden area and a private rear garden. The plot sizes would not be dissimilar to surrounding plots in terms of the level of built form within the plot. There is no dispute that the siting of the dwellings as proposed would be at 'odds' with the prevailing settlement pattern along Ash Lane. However it should be noted that this site has been allocated for residential development in the JCS and therefore is likely to be developed as some point. Any proposal advanced at this site would fail to respect the linear form along Ash Lane by virtue of the location of the land behind the ribbon development along Ash Lane. As such any development of this site should be considered in the context of the wider strategic allocation.

- 7.9. Policy SA1 of the JCS requires proposals in SA's to enable a comprehensive scheme to be delivered across the developable area and all proposals to be accompanied by a comprehensive masterplan to demonstrate how the development will take account of the wider allocation needs. Whilst planning permission has been granted at a number of sites within the wider strategic allocation it should be noted that currently no scheme has been advanced for land immediately to the west of the application site and therefore an indicative plan to show how the site and the land to the west could possibly be developed has been provided. This demonstrates that the proposed development could integrate with the wider allocation to the west. Further, a pedestrian and cycle link to the wider allocated site is proposed to enable activity and social interaction and provide a movement network for people to the facilities within the allocation. For these reasons it is considered that the current proposals would not prejudice the sustainable and comprehensive delivery in the remaining SA.
- 7.10. In light of the above, it is considered that the design and layout of the proposed development would be appropriate to the site and its setting. The proposal is therefore considered to accord with JCS Policy SD4 and A1 and guidance set out in the NPPF in this regard.

Residential Amenity

- 7.11. In respect of the impact of the development upon residential amenity, paragraph 127 of the NPPF specifies that planning decisions should ensure development creates places with a high standard of amenity for existing and future users. This advice is reflected in JCS policies SD4 and SD14 which require development to enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space. Development should have no detrimental impact on the amenity of existing or new residents or occupants.
- 7.12. The proposed layout plan demonstrates that there would be sufficient distance between the proposed and existing properties on Ash Lane. The properties would be single storey and the development would be accommodated without undue detriment to neighbouring amenity. The proposed development would include the introduction of three detached single storey garages within close proximity to the boundary with the neighbouring properties to the west of the site. Given the single storey height (2.15m eaves height) no objections are raised to the siting of the garages in respect of overbearing however whilst no windows are shown to be positioned in the east facing side elevations a condition is recommended to ensure none are added at a later date to prevent any possible overlooking issues.
- 7.13. In respect to the amenity of future occupiers, the proposed dwellings would be located in a linear position and are all single storey in height. The proposed dwellings are well-spaced apart and the incorporation of satisfactory boundary treatment would ensure there would be no overlooking or overshadowing issues.
- 7.14. The design of the layout of the site and the internal layout configuration has been carefully considered to ensure the development should not cause an adverse impact upon the residential amenity of the future occupiers neighbouring properties.
- 7.15. All dwellings would benefit from sufficient private garden space.

- 7.16. Policy SD11 of the JCS states that new housing should meet and where possible exceed appropriate minimum space standards. Emerging Policy DES1 (Housing Space Standards) of the pre-submission TBP requires all new residential development to meet the Government's nationally described space standards as a minimum, to ensure that high quality homes are delivered that provide a sufficient amount of internal space appropriate for occupancy of the dwelling. Whilst this is not currently an adopted policy all the proposed dwellings would exceed the national space standards.
- 7.17. On this basis, it is considered the proposed development would result in acceptable levels of amenity being maintained for the existing residents along Ash Lane and secured for future residents of the development.

Access and Highway Safety

- 7.18. 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. Further, 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. Policy RES9 and TRAC9 of the emerging TBP states that proposals need to make provision for appropriate parking and access arrangements and not result in the loss or reduction of existing parking areas to the detriment of highway safety.
- 7.19. It is proposed to use an existing field access off Ash Lane to provide vehicular access to the site. As mentioned above, a pedestrian/cycle link would also be provided to the wider strategic allocation to the west of the site. In respect to the internal layout, each dwelling would have sufficient off-road parking spaces with sufficient space within the application site for turning and manoeuvring in order to allow vehicles to enter the highway in a forward gear.
- 7.20. Gloucestershire County Council Highway Authority did not raise any objections, subject to a number of conditions, to the original scheme advanced. At the time of writing the report no comments have been received from the Highway Authority on the revised scheme therefore **Members will be provided an update.**

Drainage and Flood Risk

- 7.21. Policy INF2 of the JCS seeks to prevent development that would be at risk of flooding. Proposals must not increase the level of risk to the safety of occupiers of a site, the local community or the wider environment either on the site or elsewhere. For sites of strategic scale, the cumulative impact of the proposed development on flood risk in relation to existing settlements, communities or allocated sites must be assessed and effectively mitigated. New development should incorporate suitable Sustainable Drainage Systems where appropriate.
- 7.22. Policy A1 of the JCS states that adequate flood risk management across the site should be delivered in the SA's and all more vulnerable development should be wholly located within Flood Zone 1. This includes measures to reduce flood risk downstream through increasing storage capacity.

- 7.23. The site is located within Flood Zone 1 and is therefore at a low risk from flooding. The Water Management Statement (WMS) submitted in support of the application confirms surface water from the site will be discharged via infiltration using cellular soakaways and water butts would be provided for each dwelling for the storage of water to recycle. Further, the development would incorporate large areas of permeable surfaces. The WMS sets out the development would incorporate a fully sustainable system with no connections being required to the public surface water sewerage system. A proposed Drainage Plan has been submitted, alongside a Sustainable Drainage and Landscape Management Plan. The Council's Flood Risk and Management Officer has confirmed the approach for foul and surface water management would be acceptable however the specific design details in particular of the requirement amount of attenuation/infiltration need to be secured via condition.
- 7.24. In terms of foul drainage, it is proposed to dispose foul sewage via a mains sewer. Severn Trent have raised no objections to the proposals subject to a condition securing satisfactory drainage plans for the disposal of foul and surface water.

Ecology

- 7.25. Policy SD9 of the JCS seeks to protect and, wherever possible enhance biodiversity, including wildlife and habitats. The NPPF sets out, inter alia, that when determining planning applications, Local Planning Authorities should aim to conserve and enhance biodiversity by encouraging opportunities to incorporate biodiversity in and around developments, especially where this can secure measurable gains for biodiversity.
- 7.26. As part of the application a Biodiversity Enhancement Report, a Biodiversity Management Plan, a Construction Ecological Management Plan and a Preliminary Ecological Appraisal, all prepared by CTM Wildlife, have been submitted. The Council's Ecologist considers the proposed mitigation and enhancement measures to be generally acceptable, however she has asked for amendments to be included in an updated Enhancement Plan. An updated Biodiversity Enhancement and Construction Ecological Management Plan has been submitted and are currently being reviewed by the Council's Ecologist, therefore **an update on this matter will be provided to Member.**

Affordable Housing and Other Developer Contributions

- 7.27. The NPPF sets out that LPAs should set policies for meeting affordable housing need on development sites. Policy SD12 of the JCS requires a minimum of 35% affordable housing on SA's. Where possible, affordable housing should be provided on-site. On sites where it is not possible to deliver all affordable housing as on-site provision, the residual requirement should be provided through acceptable alternative mechanisms.
- 7.28. In this case, the Council's Housing Enabling Officer confirmed that based on the scheme as submitted, it would not be possible to seamlessly integrate affordable housing on-site, therefore an off-site contribution towards affordable housing would be an appropriate mechanism. A financial contribution of £186,103 is required. This would be secured through a Section 106 agreement.
- 7.29. Policy INF4 of the JCS requires appropriate social and community infrastructure to be delivered where development creates a need for it. Policies INF6 and INF7 support this requirement. As the site forms part of the wider SA, Policy SA1 sets out that infrastructure should be provided comprehensively across the site taking into account the needs of the whole SA.

- 7.30. Ordinarily a scheme for six units would unlikely attract the need to contribute towards community, open space, outdoor recreation and sport facilities, education and library provision. However, as the site forms part of the wider SA, Policy SA1 sets out that infrastructure should be provided comprehensively across the site taking into account the needs of the whole SA.
- 7.31. Having regard to the relevant consultee responses officers recommend that a financial contribution towards community provision, open space, outdoor recreation and sports facility provision is not required in this case because this infrastructure will be provided as part of the wider strategic allocation.
- 7.32. Following consultation with Gloucestershire County Council it has been advised that the proposed development would require the following contributions towards education provision in order to mitigate the impact:

Pre-school = **£27,163.80**

Primary = **£37,123.86**

Secondary = **£38,575.92**

- 7.33. In terms of libraries, Gloucestershire County Council have advised that the scheme would generate a need for library resources in the Tewkesbury Area and a contribution of **£1,176** is therefore required to make the application acceptable in planning terms.
- 7.34. At the time of writing the report ongoing discussions are taking place with regard to the aforementioned contributions from Gloucestershire County Council therefore **an update on this matter will be provided** at committee.

Other Matters

- 7.35. A number of concerns have been raised from third parties regarding the potential use of the proposed pedestrian/cycle path to the wider strategic land to the west by vehicles. To address these concerns traffic management measures, such as bollards, could be incorporated into the design. Officers have asked County Highways for comments on this possible solution and **an update at Planning Committee** will be provided on this matter.
- 7.36. In May 2019 planning permission was granted for five dwellings on land to the south and south-east of the application site, planning reference 18/00361/FUL. Both applications have been submitted by the same applicant. Comments from third parties have been raised in regard to the piecemeal approach taken by the applicant by submitting two separate applications. In respect to affordable housing provision, had one application been submitted for both phases of the development an on-site contribution would have been requested as there would have been greater flexibility in the design of the whole site. However based on the current proposal before us, for six dwellings, it is considered it would not be possible to seamlessly integrate affordable housing on the site therefore a further off-site financial contribution is considered to be the most appropriate mechanism to secure affordable housing. This is in addition to the off-site financial contribution secured as part of the adjacent development. As detailed above, consideration is still being given as to whether any developer contributions towards the provision of infrastructure and services required as a consequence of development would be required as part of this application.

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. On the basis the Council cannot at this time demonstrate a five year supply of deliverable housing land, the Council's policies for the supply of housing are out of date. In accordance with paragraph 11 of the NPPF, the presumption in favour of sustainable development indicates that permission should be granted unless policies for protecting areas of assets of particular importance in the NPPF provide a clear reason for refusing the development proposed, or any adverse impacts of permitting the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole. There are no NPPF policies for the protection of areas or assets of particular importance which apply in this case and therefore, it is clear that the decision-making process for the determination of this application is to assess whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.
- 8.3. The application site forms part of the wider Strategic Allocation in the JCS at Innsworth and Twigworth. The site itself is identified as an area for Housing and Related Infrastructure on the Indicative Site Layout Proposals Map A1. The principle of the development is therefore considered acceptable.

Benefits

- 8.4. Weight should be given to the provision of new housing and the off-site contribution towards affordable housing in the Borough, on a Strategic Allocation which contributes towards the JCS Strategic Housing Needs, especially in the context of a housing supply shortfall.
- 8.5. In terms of economic benefits, as with any new residential development, the construction of new dwellings bring benefits during the construction phase, and following construction through additional spending power in the local economy as a result of the increased population.

Neutral

- 8.6. The design and layout of the proposed development is considered acceptable and demonstrates that the dwellings would not prejudice the sustainable delivery of the wider allocation.
- 8.7. The proposal should, subject to satisfactory details and the imposition of appropriate planning conditions, be acceptable in regards to highway safety and ecological impact.
- 8.8. There should be no undue impact in terms of residential amenity.

- 8.9. In light of the above, no adverse impacts of granting planning permission have been identified, it therefore follows, in accordance with paragraph 11 of the NPPF, the presumption in favour of sustainable development indicates that permission should be granted. As such it is therefore recommended that the grant of permission be **delegated to the Technical Planning Manager subject to resolution of the outstanding highway and ecology matters; the addition to/amendment of planning conditions as appropriate; and the completion of a legal agreement to secure a financial contribution towards affordable housing and other developer contributions directly related to the development and considered necessary to make the development acceptable in planning terms.**

CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Unless where required or allowed by other conditions attached to this permission/consent, the development hereby approved shall be carried out in accordance with the information provided on the application form and the following plans/drawings/documents:
 - 21909/17 - Site Location Plan
 - 21909/11G – Proposed Site Plan
 - 21909/12A – House Type 1 – Floor Plans & Elevations as Proposed
 - 21909/13B – House Type 2 – Floor Plans & Elevations as Proposed
 - 21909/14A – House Type 3 – Floor Plans & Elevations as Proposed
 - 21909/16C – Landscaping Plan & Materials Schedule as Proposed

Reason: To ensure that the development is carried out in accordance with the approved plans.

3. The construction of the external surfaces of the dwellings hereby approved shall be carried out in accordance with the materials as detailed in the Building Materials Schedule as shown on the approved drawing no.21909/16C (Landscape Plan & Materials Schedule as Proposed).

Reason: To ensure that the new materials are in keeping with the surroundings and/or represent quality design.

4. All soft and hard landscaping of the site shall be carried out in accordance with the approved landscape scheme as demonstrated on the approved drawing no.21909/16C (Landscape Plan & Material Schedule as Proposed).

The hard landscaping of the site shall be completed before any dwelling hereby permitted is first occupied.

All planting and seeding/turfing shall be carried out in accordance with the approved details in the first planting and seeding/turfing season following the occupation of the any dwelling hereby permitted.

The planting shall be maintained in accordance with the schedule of maintenance. Any trees or plants which, within a period of five years from the completion of the planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To protect the amenities of protect the amenities of properties and ensure the proposed development does not have an adverse effect on the character and appearance of the area.

5. Prior to the first occupation of any dwelling hereby permitted the boundary treatment shall be erected/planted, including those to be installed between the plots, in accordance with the details shown on the approved drawing no.21909/16C (Landscape Plan & Material Schedule as Proposed).

Reason: To protect the amenities of protect the amenities of properties and ensure the proposed development does not have an adverse effect on the character and appearance of the area.

6. Each new building, including the garages, shall be constructed at the floor slab levels as shown on the approved drawing no. 21909/11G (Site Plan as Proposed).

Reason: To protect the amenities of neighbouring properties and to ensure the development does not have an adverse effect on the character and appearance of the area.

7. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any order revoking, re-enacting, substituting, amending, extending, consolidating, replacing or modifying that Order no windows or other openings shall be constructed on the east facing roof slope or east facing side elevation of any of the detached garages hereby approved.

Reason – To protect the amenities of adjoining properties from unacceptable overlooking.

8. No development shall commence of site until a detailed design, maintenance & management strategy and timetable of implementation for the surface water drainage strategy (e.g. Sustainable Drainage System – SuDS) presented in the Water Management Statement, prepared by Clive Petch Architects, has been submitted to and approved in writing by the Local Planning Authority. The detail must demonstrate the technical feasibility/viability of the drainage system through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the life time of the development. The scheme for surface water drainage shall be carried out in accordance with the approved details before the development is first put in to use/occupied.

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

9. No development shall be brought in to use/occupied until a SuDS management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime, has been submitted to and approved in writing by the Local Planning Authority. The approved SUDS maintenance plan shall be implemented in full in accordance with the agreed terms and conditions.

Reason - To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding.

INFORMATIVES:

1. In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.