

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

Committee:	Planning
Date:	15 September 2020
Site Location:	Yew Tree Farm Tewkesbury Road Twigworth Gloucester Gloucestershire GL2 9PP
Application No:	19/00953/APP
Ward:	Innsworth
Parish:	Twigworth
Proposal:	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).
Report by:	Mr Adam White
Appendices:	Site location plan Approved Illustrative Masterplan Site layout plan Sample elevations and floorplans Proposed streetscenes
Recommendation:	Delegated Approve

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1. The application relates to land at Yew Tree Farm, Twigworth, which forms part of Strategic Allocation A1 Innsworth and Twigworth in the JCS (**see attached site location plan**). The site extends to approximately 3.1 hectares and consists of 2 pasture fields, a small barn, structures which lie within the rear curtilage of the dwelling at Yew Tree Farm, and an area of land which contains the remains of a small abandoned nursery with associated structures. The site also includes a finger of agricultural land in the south east corner of site, which extends to Brook Lane.
- 1.2. The site is bounded by the A38 to the north along with three dwellings that are indented into the northern site boundary. Immediately to the west of the site are residential properties, with Orchard Park, a residential park home, beyond them which also wraps around the southern site boundary. To the north east of the site is sporadic residential development and immediately to the east is a linear parcel of land which is currently used as a paddock. In the wider setting, the site is surrounded by open fields and countryside. The site is also located within 50m of listed buildings, namely Yew Tree Cottage immediately to the north west of the site and the Manor House on the opposite side of the A38.

- 1.3. The proposal seeks reserved matters approval for 74 dwellings pursuant to outline permission (Ref: 17/00852/OUT) (**see attached plans**). Approval is sought for layout, appearance, scale and landscaping. Access was not reserved for future consideration and was approved as part of the outline permission.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
13/00570/OUT	Outline application for a mixed residential development comprising up to 58 dwellings, a new vehicular access off the A38, public open space, landscaping and other associated works (Appearance, Landscaping, Layout and Scale to be reserved for future consideration).	REF	21.08.2013
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.	PER	20.12.2018

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)

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

- 3.3. Policies: SP1, SP2, SD3, SD4, SD6, SD8, SD9, SD10, SD11, SD12, SD14, INF1, INF2, INF3, INF5, INF6

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

- 3.4. Policies: TPT3, TPT6

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

- 3.5. Policies: DES1, DES2, NAT1, NAT2, NAT3, ENV2, TRAC1, TRAC2, TRAC9

Down Hatherley, Norton and Twigworth Neighbourhood Development Plan 2011- 2031

- 3.6. Policies: H2, FP1

- 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)
- 3.9. Planning (Listed Buildings and Conservation Areas) Act 1990

4.0 CONSULTATIONS

4.1. Twigworth Parish Council object for the following reasons:

- The access to the development is on a blind bend near Sandhurst Lane where visibility is impaired. This raised highway safety concerns.
- The SUDS suggested for the area should not be allowed into the existing sewer system or even to disperse into Brook Lane. The development will cause existing properties to flood and a more robust scheme to disperse this flood water needs to be in place. The existing pumping station is not robust or has the capacity to allow more flood water to drain into it and in severe flooding presently this must be pumped out by tanker.
- The housing backing into Orchard Park is 2 storey and this will affect these over 50s residential homes by taking away their privacy and right to light. In the outline planning this was not the case. The residents being retired, value their privacy and these large properties overlooking the park will look straight into their homes not allowing this privacy to continue.
- The Parish note with considerable concern that the mapping for Orchard Park still appears to be out of date and does not show the new mobile homes close to the boundary.
- The attenuation basin backs into the park home site and could cause flooding to these properties. How will the developer ensure that this is not the case?
- For an attenuation pond to work effectively the water table should be at least 1 metre below the drainage system itself. The water table in the area is at best 1 foot below the surface so how will this SUDS system suffice and work effectively in the area.
- There is currently no right of way from the development into Brook Lane so why has the developer included this in the plan?
- Considering the amount of greenery and trees that are being removed from the development the replacement planting seems insufficient. Any replacement greenery will need to be mature.

4.2. Innsworth Parish Council – No objections.

4.3. County Archaeologist – No objections.

4.4. Minerals & Waste (Gloucestershire County Council) – No objections.

4.5. Highways Authority (Gloucestershire County Council) – No objections.

4.6. Highways England – No objections.

4.7. Lead Local Flood Authority (Gloucestershire County Council) – No objections to the proposed drainage strategy.

4.8. Severn Trent Water – No objections.

- 4.9. Historic England – No objections.
- 4.10. Natural England – No objections.
- 4.11. Ecology consultant – No objection to the revised details subject to a condition to secure a CEMP.
- 4.12. Conservation Officer – No objections.
- 4.13. Strategic Housing & Enabling Officer – No objections.

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 and has been advertised in the local press.
- 5.2. 4 letters of objection have been received. Their comments are summarised as follows:
 - The site floods when it rains and development on the site could cause flooding to neighbouring properties.
 - There are safety concerns with the site access as it is on a bend in the road.
 - The proposed emergency access is not wide enough for a fire engine and could cause conflict between pedestrian, cyclists and incoming vehicles.
 - There are no details about how the developer will stop using the emergency access as a rat run.
 - The measures to prevent the through flow of traffic on the emergency and pedestrian/cycle access would prevent access to Yew Tree Cottage.

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 Development Plan 2011- 2031.
- 6.3. 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. Whilst not currently forming part of the development plan, policies contained in the emerging Borough Plan can be given weight in determining applications. 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. The relevant policies are set out in the appropriate sections of this report.

7.0 ANALYSIS

Principle of development

- 7.1. The principle of residential development at the site has already been established through the grant of outline permission and its subsequent allocation for housing in the JCS as part of the wider Innsworth and Twigworth Allocation (Policy A1). The consideration of this application is therefore solely concerned with the reserved matters in respect of layout, appearance, landscaping and scale.
- 7.2. Condition 5 attached to the outline permission requires all applications for the approval of the reserved matters to be generally in accordance with the principles and parameters described in the approved Design and Access Statement (dated September 2017) and the Illustrative Masterplan (CSA/3257/112 Rev C) (**A copy of the Illustrative Masterplan is attached to this report**). The reserved matters presented under this current application have therefore been assessed primarily in that context. Consideration has also been given to whether the proposed development accord with the terms of the outline permission and the associated S106 Agreements.

Layout, Appearance and Scale

- 7.3. 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.
- 7.4. JCS Policy SD4 provides 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. Criterion 6 of Policy SD10 of the JCS states that residential development should seek to achieve maximum density compatible with good design, the protection of heritage assets, local amenity, the character and quality of the local environment, and the safety and convenience of the local and strategic road network.
- 7.5. As previously set out, condition 5 attached to the outline permission requires all applications for the approval of the reserved matters to be generally in accordance with the principles and parameters described in the approved Design and Access Statement and the Illustrative Masterplan. This has therefore determined the detailed design of the scheme to a large degree. The Design and Access Statement that supports this current application sets out that the proposed site layout has considered the Illustrative Masterplan and seeks to create an integrated network of green corridors centred on the existing field boundaries. It follows that the layout has been designed around a series of irregular perimeter blocks, which provides an organic character. The layout uses a distorted grid to offset junctions and adopts a simple street hierarchy of primary, secondary and tertiary road. At the centre of the site is an area of public open space that incorporates a play area and an attenuation basin.
- 7.6. In terms of the proposed layout, it is considered that the road layout, block sizes and location of the public open space generally accord with what is shown on the Illustrative Masterplan. The proposed layout provides a sufficient degree of separation between properties and good levels of natural surveillance. The layout is considered to be legible and has a high degree of permeability and connectivity. The proposed layout is therefore considered to be acceptable.

- 7.7. In terms of appearance and scale, the scheme adopts a more traditional architectural approach. The Design and Access Statement sets out that the main facing materials have been chosen to reflect those found in Twigworth and comprise orange/brown brick, cream render and red/brown plain roof tiles. It follows that fenestration is kept simple with single brick arched or reconstituted stone cills, cottage style windows and entrance doors. The proposed dwellings vary in size and comprise 1, 2, 3, 4 and 5 bedroom detached, semi-detached and terraced properties. The dwellings are predominantly 2 storey with a number of 2.5 storey units at key focal points. The scheme also incorporates a pair of bungalows fronting onto the public open space.
- 7.8. During the consideration of the application, concerns were raised in respect of a number of the larger dwellings. In particular, a number of units incorporated large attached garages, which projected off the front elevation. Given the context of the surrounding area, it was considered that these units were not appropriate fronting onto the A38. These particular units have since been replaced with slightly smaller units with detached double garages where possible. It is considered that this now provides a more appropriate frontage to the site and better reflects the approved Illustrative Masterplan. With regard to the 2.5 storey units, this does not strictly accord with the Design and Access Statement approved at outline stage that suggested that the dwellings would all be 2 storey. However, the 2.5 storey units are of a similar scale to the 2 storey units with the additional level being accommodated in the roof space. The 2.5 storey units also serve as focal buildings at key locations within the site, which helps define the space and aids orientation and navigation.
- 7.9. In terms of the materials proposed, these are not considered to be acceptable. A condition is therefore recommended to secure details and/or samples of alternative facing materials and tiles, which are more consistent with the materials approved elsewhere on the Strategic Allocation.
- 7.10. In terms of the LEAP that is required, this is shown at the centre of the site, which accords with the approved Illustrative Masterplan. The size and location of the LEAP is also in accordance with the Fields in Trust Guidance. The Council's landscape consultant previously raised concerns about the proposed specification of the LEAP. It was commented that the bright colours of the play equipment and surfacing was out of character with the area and that a wider range of play equipment was also required. The LEAP has been revised accordingly, with more neutral colours being adopted. Additional play equipment has also been provided along with additional seating. Following these amendments, the proposed LEAP is now considered to be acceptable.
- 7.11. Subject to the condition to secure appropriate materials and in light of the revisions to a number of the house types, the proposed appearance and scale of the scheme is considered to be acceptable.

Landscaping

- 7.12. Policy SD4 of the JCS requires the design of open space and landscaped areas to be of a high-quality design, providing a clear structure and constitute an integral and cohesive element of the design. Similarly, Policy INF3 of the JCS states that where green infrastructure assets are created, retained or replaced within a scheme they should be properly integrated into the design and contribute to local character and distinctiveness.
- 7.13. The submitted Design and Access Statement sets out that the proposed landscaping includes a variety of street and feature trees and shrub planting to enhance the existing natural assets of the hedgerows and add colour and interest. Areas of amenity grassland are proposed to allow for recreational opportunities and low maintenance across larger areas. In summary, the landscaping proposals include new boundary landscaping and tree planting along the western,

eastern and southern site boundaries, and part of the north western boundary, to create a green edge to the development. The proposed dwellings along Tewkesbury Road are set back behind an area of green open space, which wraps around the development to create a green corridor. A green corridor is also proposed along the eastern part, which would also provide Great Crested Newt habitat.

- 7.14. The Council's landscaping consultant has reviewed the submitted landscaping drawings along with the supporting Landscape Specification and Landscape Management and Maintenance reports. Concerns were initially raised in respect of the quantity of Green Infrastructure and the general site planting. In particular, it was commented that there were very few street trees and that some of the proposed tree species were inappropriate; especially along the site frontage and within the open areas. It was also commented that there was limited space for perimeter vegetation around the attenuation basin.
- 7.15. Following the concerns raised in respect of the proposed landscaping, the applicant has revised the scheme. In terms of the quantity of Green Infrastructure, this has been increased to 0.84ha. Whilst this is slightly below the 0.95ha of Green Infrastructure indicated in the Design and Access Statement approved at outline stage, it is considered that the area proposed is acceptable. Regarding the proposed planting, the Council's landscaping consultant advises that the revised tree species are acceptable and the wildlife grass mixes within the attenuation basin are also acceptable. The attenuation basin has also been amended to allow for additional tree and hedge planting along the southern boundary edge. In light of the changes to the scheme, the proposed landscaping is considered acceptable.
- 7.16. Regarding trees, the application is also supported with a Tree Survey and a Tree Protection Plan, which was required by condition. The report sets out that the removal of low-quality trees and hedgerows would be required in order to implement the approved access to the site and to provide the attenuation basin and public open space at the centre of the development. However, it is evident that a moderate quality hedgerow would also have to be removed to the frontage of the site opposite plots 63-65 in order to accommodate the required visibility splays. This would be replaced with a new hedge planting set slightly further back into the site. The report found no high-quality trees on the site (Category A), with the majority of the trees being low quality (Category C). It follows that the moderate quality trees (Category B) would be retained and incorporated into the scheme.
- 7.17. It is considered that the proposal to remove a number of trees and hedgerows on the site is acceptable. In any event, their retention would be impractical given the requirement to adhere to the approved Illustrative Masterplan and to provide the visibility splays that are required by way of condition. Subject to adhering to the detailed tree protection measures, the proposal is considered to be acceptable in this regard.

Access

- 7.18. Policy INF1 of the JCS advises that proposals should ensure safe and efficient access to the highway network is provided for all transport modes and that the impact of development does not have a severe impact upon the highway network. Policy SD4 (vii) also requires development to be well integrated with the movement network within and beyond the development itself, ensuring links by other modes and to green infrastructure.
- 7.19. Whilst Twigworth Parish Council's concerns regarding the access are noted, access to the site was determined at outline stage and detailed a simple priority junction with a central pedestrian refuse island directly off the A38. The proposed layout incorporates the access approved at outline stage and is not open for consideration as part of this Reserved Matters application. However, access within the site for vehicles, cycles and pedestrians was not approved at outline stage and has been considered in conjunction with the layout proposed here.

- 7.20. As set out previously, it is considered that the road layout, block sizes and pedestrian/cycle links generally accord with the Illustrative Masterplan. The layout adopts a simple street hierarchy with a primary route running from the site access off the A38 to the heart of the development. This in turn serves a secondary route and a number of lanes to the peripheries of the development. These roads vary in width and surface treatment and have been designed to slow vehicular traffic and provide a safer environment for pedestrians and cyclists. The layout also details a segregated pedestrian route to the east of the development, which connects the A38 to Brook Lane, and a secondary emergency access off the A38, which also serves as a pedestrian/cycle route. The submitted plans include tracking details and demonstrate that appropriate visibility splays can be provided at the access off the A38 as required by the conditions attached to the outline permission.
- 7.21. Following consultation with the Highways Authority, it is advised that the latest iteration of the layout is acceptable from a highways perspective and accords with the terms of the outline permission. Concerns have been raised that the measures to prevent the through flow of traffic on the emergency and pedestrian/cycle access would prevent access to Yew Tree Cottage. To address this, the revised plans show bollards strategically placed to allow access to Yew Tree Cottage whilst preventing vehicular access for residents. In any event, a condition attached to the outline permission requires a scheme to prevent the through flow of vehicles from/to the emergency and pedestrian cycle/pedestrian access on the A38 Tewkesbury Road to be submitted to the Council for approval. The details currently submitted in respect of that condition reflect what is detailed on the layout presented here. Again, this will ensure that the existing rights of access that Yew Tree Cottage currently enjoy would not be adversely affected. In light of the above, the proposal is considered to be acceptable in highway terms.

Drainage and flood risk

- 7.22. JCS policy INF2 advises that development 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 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 mitigation. It also requires new development to incorporate Sustainable Urban Drainage Systems (SUDS) where appropriate to manage surface water drainage.
- 7.23. Twigworth Parish Council has stated that the SUDS suggested for the area should not be allowed into the existing sewer system or to disperse into Brook Lane. They point out that Brook Lane floods and development on the site would cause existing properties to flood. They also state that the existing pumping station is not robust or has the capacity to allow more flood water to drain into it.
- 7.24. Whilst the Parish Council's concerns are noted, the matter of flood risk was addressed at outline stage as was found to be acceptable. It is therefore not possible to revisit the principle of this development on flooding grounds as part of this application. However, planning conditions were attached to the outline permission, which require a detailed design, maintenance and management strategy for a sustainable surface water drainage system and drainage plans for the disposal of foul and surface water flows.
- 7.25. In terms of the drainage strategy for the site, following discussions between the applicants, the LLFA and Severn Trent Water, it is proposed to discharge the surface water to a culvert under the A38. The LLFA are satisfied with this drainage strategy and are confident that the A38 culvert solution is viable. Although details of the proposed drainage strategy have been provided with this application, these details will need to be submitted separately to the Council for approval as part of a condition discharge application. This will require approval from the Council before any works commence on site.

Residential amenity

- 7.26. 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.
- 7.27. Twigworth Parish Council initially raised concerns that the proposed layout would adversely impact on the existing properties in Orchard Park to the south of the site. Of particular concern were the proposed dwellings close to the southern boundary, which would overlook some of the mobile homes. To address this, the plans show that the plots 49-52 have been set back an appropriate distance from the southern site boundary with an intervening parking area. Additional planting is also proposed on the southern boundary in this location. In terms of the plots 34 and 35, these are also set back from the boundary and have their flank walls facing the park home development. There are 2 first floor windows in the side elevation of plot 34, however, these serve ensuite bathrooms and can be obscure glazed. This can be secured by way of a planning condition.
- 7.28. As pointed out by Twigworth Parish Council, the submitted plans do not accurately show the location of a number of mobile homes that have been sited close to the boundary of the site relatively recently. Of particular concern are the mobile homes sited close to the south west corner of the site. The plans currently detail a large dwelling proposed in this location (plot 53), which would be in close proximity to a mobile home close to the site boundary. It is considered that this relationship is currently unacceptable. In order to address this, the applicant is exploring whether suitable separation distances can be achieved by moving plot 53 further to the east along with providing suitable landscaping on the site boundary. Revised plans have yet to be submitted to demonstrate this and therefore an **update will be provided at Committee**.
- 7.29. In terms of the proposed layout itself, subject to achieving suitable amendments to plot 53, the dwellings would all have acceptable levels of outdoor amenity space that would not be unacceptably overlooked by adjacent units. Furthermore, there would be sufficient back-to-back distances between the proposed units, which would ensure good standards of amenity are achieved and maintained.
- 7.30. With regard to noise, a condition attached to the outline permission required a noise survey to be submitted, which identified any dwellings that would be likely to be affected by road noise from the A38 Tewkesbury Road. The submitted Noise Impact Assessment demonstrates that the proposed development can comply with the requirements of the condition subject to the incorporation of noise mitigation measures, which include alternative ventilation for various habitable rooms. The Council's Environmental Health consultation has reviewed the submitted Noise Impact Assessment and agrees with its findings. The condition requires the scheme to be implemented in accordance with the approved details and therefore the proposal is considered to be acceptable in this context.
- 7.31. Regarding the LEAP at the centre of the site, the plans show that there would be a minimum distance of at least 20m between the activity zone and the habitable room façade of the nearby dwellings. This therefore complies with the Fields in Trust Guidance in this respect.

Affordable housing

- 7.32. Policy SD12 of the JCS sets out a minimum requirement of 35% affordable housing within the Strategic Allocation sites. It follows that where possible, affordable housing should be provided

onsite and be seamlessly integrated and distributed throughout the development. Affordable housing must also have regard to the requirements of Policy SD11 concerning type, mix, size and tenure. The design of affordable housing should also meet required standards and be equal to that of market housing in terms of appearance, build quality and materials.

- 7.33. The provision of not less than 35% affordable housing for the site was secured at outline stage through a Section 106 Agreement. The Section 106 stipulates the number of affordable houses required (based on 74 units), along with the required house sizes and tenure split. It also requires the affordable housing to be indistinguishable in appearance from the open market units and each cluster of affordable housing units should not exceed 8 units.
- 7.34. Following consultation with the Council's Strategic Housing & Enabling Officer, it is confirmed that the proposed house types and tenure split for the affordable housing is acceptable. It is also considered that the architectural treatment for the affordable units is similar to the open market housing and therefore they would not be distinguishable in appearance. The proposal therefore accords with the terms of the Section 106 Agreement and is acceptable in this regard.

Heritage assets

- 7.35. 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. Policy SD8 of the JCS sets out that development should make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment. Designated and undesignated heritage assets and their settings will be conserved and enhanced as appropriate to their significance, and for their important contribution to local character, distinctiveness and sense of place.
- 7.36. The outline application was supported by a Built Heritage Assessment which identified eight Grade II listed buildings within 500 metres of the site. The site itself does not contain any formally designated heritage assets. However, there are three designated Grade II listed heritage assets within 50m of the site, namely The Manor House and an 18th Century milestone on the opposite side of the A38, and Yew Tree Cottage, which lies adjacent to the north west corner of the site.
- 7.37. The impact on Yew Tree Cottage was considered at outline stage and whilst the application site forms part of its setting, it was deemed that the site contributed little to its significance or special interest. Its setting is dominated by the A38 and there are other buildings, including residential buildings, in the immediate vicinity. The impact on the Manor House was also considered and similarly it was deemed that the site contributes little to its significance. It was therefore concluded that development on the site would be acceptable from a heritage perspective. In terms of the detailed scheme presented here, following consultation with the Council's Conservation Officer, it is confirmed that the proposal would not have an adverse impact on these identified heritage assets. The proposal is therefore considered to be acceptable in this regard.

Biodiversity

- 7.38. 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.

- 7.39. Condition 38 attached to the outline permission required an Ecological Mitigation and Enhancement Plan to be submitted as part of this Reserved Matters submission. This has been submitted as part of this application and provides an update on the ecological baseline following the surveys undertaken in 2019 and provides detailed avoidance and mitigation measure to protect important ecological features. It also provides details of compensation and enhancements required to ensure no net loss of biodiversity.
- 7.40. The plan sets out a number of mitigation measures, including habitat creation and enhancement, such as the provision of a new wildlife pond and a green corridor along the eastern corridor of the site. Suitable planting across the site is also proposed, including meadow and wildflower grassland, new native trees and hedgerows and native shrub planting. Further mitigation includes a dark corridor for commuting and foraging bats, the provision of bat and bird boxes, hibernacula/habitat piles, and hedgehog holes in garden fences. With regard to Great Crested Newts, it is proposed to utilise the Council's District Licencing Scheme (administered by NatureSpace on behalf of the Council), which involves a developer payment towards off-site compensation measures. An application has already been made to NatureSpace and a District Licencing Scheme Certificate has been issued.
- 7.41. Following consultation with the Council's ecology consultant, it is advised that the revised Ecological Mitigation and Enhancement Plan is acceptable and is sufficient to satisfy the requirements of the condition attached to the outline permission. It is noted that the Ecological Mitigation and Enhancement Plan states that a Construction Environmental Management Plan (CEMP) will be produced with input from the project ecologist. It advises that the CEMP will include details on drainage, pollution prevention, construction lighting and the location of site compounds, storage and access, which will be positioned outside tree root protection areas. A CEMP has not been submitted with this application; however, this can be secured by way of condition. Subject to this condition, the proposal is considered to be acceptable in this context.

8.0 CONCLUSION AND RECOMMENDATION

- 8.1. Considering all the above, subject to achieving suitable amendments to plot 53, the proposed development would result in an acceptable access, layout, scale, appearance and landscaping. The scheme advanced would be in accordance with the outline consent and the Illustrative Masterplan approved under that consent. The application is therefore recommended for **delegated approval subject to securing suitable revisions to plot 54 to ensure that there is an acceptable impact on adjacent residential property.**

CONDITIONS:

1. The development hereby approved shall be implemented in accordance with the following plans, documents and details:

- TO BE UPDATED.

Reason: To define the terms of the permission.

2. Notwithstanding the submitted details, no works above the floor plate level of any dwelling shall be

commenced until samples of all external walling and roofing materials proposed to be used have first been submitted to and approved in writing by the Local Planning Authority. All materials used shall conform to the sample(s) so approved.

Reason: In the interests of visual amenity.

3. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's organisational licence (WML-OR43-2019-1) and with the proposals detailed on NatureSpace Partnership plan 'Yew Tree Farm, Twigworth: Impact Plan for great crested newt district licensing', dated 17th July 2020.

Reason: In order to ensure that adverse impacts on Great Crested Newts are adequately mitigated and to ensure that site works are delivered in full compliance with the organisational licence WML-OR432019-1.

4. No development hereby permitted shall take place except in accordance with Part 1 of the GCN Mitigation Principles, as set out in the District Licence WML-OR43-2019-1 and in addition in compliance with the following:
 - Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.
 - Capture methods must be used at suitable habitat features prior to the commencement of the development (i.e. hand/destructive/night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable habitat, installed for the period of the development (and removed upon completion of the development).
 - Amphibian fencing and pitfall trapping must be undertaken at suitable habitats and features, prior to commencement of the development.

Reason: In order to adequately mitigate impacts on great crested newts.

5. No development shall take place until a Construction Ecological Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include, but not limited to the following:
 - a) Risk assessment of potentially damaging construction activities including provisions for protected species;
 - b) Identification of 'biodiversity protection zones' including (but not exclusively) hedgerows and mature trees;

- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The locations and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour after sunset);
- e) The times during construction when ecological or environmental specialists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similar person;
- h) Use of protective fences, exclusion barriers and warning signs;
- i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works;

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

Reason: To ensure proper provision is made to safeguard protected species and their habitats, in accordance with the guidance set out in the NPPF.

6. No building hereby permitted shall be occupied until all visibility splays shown on the approved plans ES054-ES-00-XX-GA-C-0655 Rev: P10, ES054-ES-00-XX-GA-C-0655.2 Rev: P5 and ES054-ES-00-XX-GA-C-0660 Rev: P11 have been provided and the area between those splays and the footway/carriageway/verge shall be reduced in level and thereafter maintained for the duration of the development so as to provide clear visibility at a height of no more 0.6 metres above the adjacent footway/carriageway/verge level. Nothing shall be planted, erected and/or allowed to grow within the visibility envelope and so formed which would obstruct the visibility described above.

Reason: To ensure motorists have clear and unrestricted views of approaching pedestrians, cyclists and vehicles when pulling out onto the highway, in the interest of highway safety.

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.

2. The decision is to be read in conjunction with planning permission 17/00852/OUT including the associated S106 legal agreements.
3. It is recommended that the NatureSpace Best Practice Principles are taken into account and implemented where possible and appropriate.
4. It is essential to note that any ground investigations, site preparatory works and ground / vegetation clearance works / activities (where not constituting development under the Town and Country Planning Act 1990) in a red zone site authorised under the District Licence but which fail to respect controls equivalent to those in condition 4 above would give rise to separate criminal liability under District Licence condition 9 (requiring authorised developers to comply with the District Licence) and condition 21 (which requires all authorised developers to comply with the GCN Mitigation Principles) (for which Natural England is the enforcing authority); and may also give rise to criminal liability under the Wildlife & Countryside Act 1981 (as amended) and/or the Conservation of Habitats and Species Regulations 2017 (for which the Police would be the enforcing authority).
5. There may be elements of the design that by detailed design may be subject to change and the applicant is advised that this planning permission will only relate to the submitted plans. As such, should the technical approval process result in changes to the plans there may be a need to resubmit the plans to secure them in planning.