

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

Committee:	Planning
Date:	15 September 2020
Site Location:	Land at Twigworth Gloucester Gloucestershire
Application No:	20/00524/APP
Ward:	Innsworth
Parish:	Twigworth
Proposal:	Approval of Reserved Matters (Access, Appearance, Landscaping, Layout and Scale) comprising Phase 1b of Outline Permission Ref: 15/01149/OUT for the erection of 154no. dwellings and associated public open space, engineering operations, drainage infrastructure and landscaping.
Report by:	Mr Adam White
Appendices:	Site location plan Site layout plan Streetscene drawings Site Wide Masterplan Document (SWMD) extract
Recommendation:	Delegated Approve

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1. The current reserved matters application relates to Phase 1b, which is effectively a sub-phase of Phase 1 of the wider development site (in relation to the phasing plan submitted in respect of condition 6 of the outline permission). The wider Phase 1 also includes further residential development (approximately 334 houses in total), surface water drainage infrastructure, formal and informal public open space, playing pitches and changing rooms.
- 1.2. Phase 1b is located at the heart of the Twigworth Strategic Allocation and is centred on a spine road that will run through the wider allocation (**see attached site location plan**). Phase 1b abuts the recently approved Phase 1a, which is located to the north west. Phase 1b also abuts the village green to the north and the Hatherley Brook public open space to the south, which will also be delivered as part of the strategic allocation.
- 1.3. The application site is currently comprised of agricultural fields along with some accompanying hedgerows. The land is relatively level and is not subject to any formal or informal landscape designation.
- 1.4. The current proposal is for 154 dwellings and includes associated public open space, engineering operations, drainage infrastructure and landscaping pursuant to outline permission 15/01149/OUT (**see attached plans**). Approval is sought for access, appearance,

landscaping, layout and scale. Of the 154 dwellings proposed as part of this application, a total of 31 (20%) would be affordable.

- 1.5. In addition to the supporting plans, the application documents also include a Statement of Compliance; a Design and Access Statement; a Waste Minimisation Statement and Site Waste Management Policy; an Affordable Housing Statement; a Noise Assessment and Mitigation Scheme; an Outdoor Lighting Report; and an Arboricultural Method Statement.

2.0 RELEVANT PLANNING HISTORY

- 2.1. In October 2015 an outline planning application was submitted for '*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*' (Ref: 15/01149/OUT). That application was refused by the Council in January 2016 and an appeal was subsequently submitted to the Planning Inspectorate (PINS Ref: APP/G1630/W/16/3154464).
- 2.2. The appeal was the subject of a Public Inquiry, which also considered an application for a mixed-use development on land at Innsworth Lane, Innsworth (Ref: 15/00749/OUT). On the 5th August 2016 the conjoined appeal was recovered for the Secretary of State's determination and both applications were subsequently allowed on the 27th December 2017.
- 2.3. Both permissions were carried forward into the adopted Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 as a strategic housing allocation (Policy A1 – Innsworth & Twigworth) and the Green Belt designation has been removed.
- 2.4. Following the grant of permission, a reserved matters application was submitted for the principle access to serve the development (Ref: 18/01199/APP). That application was subsequently approved in May 2019. In addition, a number of condition discharge applications have been submitted in respect of the conditions attached to the decision notice. Of particular relevance to this current application are the conditions relating to a Phasing Plan (condition 6), a Site Wide Masterplan Document (condition 7), a recycling strategy (condition 8), details of street maintenance (condition 17), surface water drainage details (condition 21), and noise (condition 26).
- 2.5. More recently, reserved matters approval was granted for 79 dwellings with associated public open space and drainage infrastructure as part of Phase 1a (Ref: 19/00935/APP). In addition, reserved matters approval for a further 5 dwellings as part of Phase 1b was also granted (Ref: 20/00473/APP). That approval also granted minor changes to the previously approved drainage infrastructure. Reserved matters approval has also been granted for a minor change to the access to the future Local Centre (Ref: 20/00520/APP).

3.0 RELEVANT POLICY

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

National guidance

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

National guidance

- 3.3. National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG)

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

- 3.4. Policies: SP1, SP2, SD3, SD4, SD6, SD8, SD9, SD10, SD11, SD12, SD14, INF1, INF2, INF3, INF5, INF6, A1

Tewkesbury Borough Local Plan to 2011 - March 2006

- 3.5. Policies: TPT3, TPT6

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

- 3.6. Policies: RES5, RES12, DES1, NAT1, NAT3, ENV2, TRAC1, TRAC2, TRAC3, TRAC9

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

- 3.7. Policies: H2, FP1

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

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

4.0 CONSULTATIONS

- 4.1. Twigworth Parish Council objects for the following reasons:

- There is no information as to who will maintain the SUDs system. How often this will be maintained, who by, how will this be paid for and who will renew this after the 30 year life cycle of the system?
- Has anyone so far checked for any tree preservation orders in the area? This must be checked first before any damage has been done.
- All vehicles at all times must be parked within the development and not strewn along the A38, in the layby at the mouth of the development, outside the church or on the car park at The Oakwood, which has been the case over the past 12 months on occasion.
- Who will ensure that construction will not impact on wildlife?
- Who will ensure that trees are not damaged during construction?

- 4.2. Highways Authority (Gloucestershire County Council) – Further details are required in respect of the shared surfaces.

- 4.3. Lead Local Flood Authority (Gloucestershire County Council) – No objections.

- 4.4. Environmental Health (WRS – Noise) – No objections.

- 4.5. Urban Design 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. To date, no letters of representation have been received.

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), 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 consent and its subsequent allocation for housing in the JCS as part of the wider Innsworth and Twigworth Allocation (Policy A1). This application therefore relates solely to the approval of the access, layout, appearance, landscaping and scale of Phase 1b of the wider development site.
- 7.2. Whilst an indicative masterplan was submitted with the original outline application, a condition attached to the decision notice required a Site Wide Masterplan Document (SWMD) to be submitted to the Council either prior to or alongside the first application for approval of reserved matters (condition 7). The SWMD was required to be in accordance with the Parameter Plans submitted with the outline application and include a set of Design Principles. Those Design Principles included the principles for determining the design, form, heights and general arrangement of external architectural features of buildings; the principles of the hierarchy for roads and public spaces; potential arrangements for car parking; the principles for the design of the public realm; and the principles for the laying out of the green infrastructure, including the access, location and general arrangements of the sports pitches and play areas. In addition, the SWMD was required to include a two-dimensional layout drawing that shows the broad arrangement of development blocks including indications of active frontages; density ranges; maximum building heights; character areas; the location and general extent of public open space, including Play Areas; existing landscape features to be retained; and proposed structural planting.

- 7.3. Pursuant to condition 7, a SWMD was submitted to the Council and the condition was subsequently discharged (**a copy of the two-dimensional layout drawing approved as part of the SWMD is attached**). Condition 7 requires all reserved matters applications to accord with the approved SWMD, unless otherwise agreed in writing. The reserved matters presented under this current application have therefore been assessed primarily in the context of the approved SWMD. However, consideration has also been given to whether the proposed development accord with the outline consent, the associated S106 Agreements and the details approved under the other planning conditions attached to the outline consent.

Layout, Appearance and Scale

- 7.4. 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 version of the 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.
- 7.5. The Design and Access Statement that accompanies the application describes the design concept for the scheme. It sets out that a key feature of the layout is the design of the frontage that will overlook the Village Green and the Hatherley Ribbon Park. The layout generally has evolved as a series of traditional perimeter blocks with homes facing outward across the street and public open spaces or facing potential future developments. The end of each street has been arranged to terminate at focal buildings to close views or towards open spaces. These provide a simple, well connected and legible arrangement. It follows that within the site, dwellings are arranged to face the street network in the order of hierarchy. The site has been designed with pedestrians in mind, with a footway and cycle connection linking from the gateway (and down the western green corridor) through to Hatherley Brook and the Innsworth Development.
- 7.6. The SWMD describes four main character areas that have been shaped by land use, green infrastructure and existing site conditions. The majority of Phase 1b falls within the 'Core Neighbourhoods Character Area', with the southern edge falling within the 'Hatherley Ribbon Park Character Area'. In terms of the Core Neighbourhoods Character Area, the SWMD describes a strongly connected deformed grid with a density of 35-40dph. It states that the majority of this character area will have perimeter development blocks apart from occasional courtyard or mews blocks where an element of rear parking is required. Contained within the Core Neighbourhoods Character Area are a number of street types, which include Village Streets, Community Streets and Green Lanes. The Village Streets form the main principal routes around the development with dwellings either side incorporating direct accesses. The frontage design principles here include short to medium building setback to provide front gardens with a continuous and regular building line. The Community Streets form the smaller roads within the individual development blocks and incorporate continuous building lines to provide enclosure comprised of runs of terracing, semi-detached and detached units. The building setbacks are varied to reinforce the informality of the street. The Green Lanes are located at the periphery of the parcels and are accessed via community streets. They should serve no more than 5 units and have a more dispersed frontage albeit with a strong building line to help define squares, green spaces and corridors.
- 7.7. Turning to the Hatherley Ribbon Park Character Area, the SWMD sets out a lower density of 30-35dph with a perimeter block arrangement with shorter widths to allow more views and connections through to Hatherley Brook. There should be regular building heights and mostly 2 storeys. Again, there are a number of street types within this character area although only the Green Lanes are relevant to this current proposal. Again, the Green Lanes are located at the

periphery of the parcels and are accessed via community streets. They should serve no more than 5 units and an unobstructed pedestrian corridor should be provided to dwellings. There should be a more dispersed frontage in these locations with a more informal building line. There should be mainly detached units with deep setbacks and generous front gardens. Parking should be to the side of units in garages.

- 7.8. In terms of the layout of Phase 1b, it is considered that the road layout, block sizes and location of the public open space generally accord with what is shown in the SWMD and is acceptable. It is also considered that the proposed layout and density accord with the Core Neighbourhoods and Hatherley Ribbon Park character areas described in the SWMD along with the associated design principles of the various streets that form part of those character areas. There are a couple of instances where the Green Lanes serve more than 5 dwellings, however, the character of these areas is not materially affected, and the highways officer is satisfied from a highway perspective.
- 7.9. In terms of the appearance of the proposed dwellings, the style of the Core Neighbourhoods Character Area is described as a transitional architectural style blending the use of materials between a sensitive to heritage approach through the Gateway and more rural towards Hatherley Brook. It also states that a different architectural treatment will occur for main frontages around Garden Squares, Green Corridors and the Village Green. Materials are described as redbrick, light coloured renders and reconstituted stone, with grey and red/brown tiles. The use of more colour variety is advocated including through brick colours, render and occasional greys. In terms of the Hatherley Ribbon Park Character Area, the architectural style is described as rural with horizontal rhythm to building elements and traditional fenestration. The colour palette is described as controlled and limited with use of muted greens, creams and blues.
- 7.10. The architectural approach adopted within the Core Neighbourhoods Character Area is of a traditional form drawing on simple vernacular style detailing. The architectural style is generally consistent across the character area, with the use of more gable fronted units fronting onto the Village Green and the green corridors. A similar architectural approach was adopted on Phase 1a. In terms of the Hatherley Ribbon Park Character Area, a simple traditional approach has also been adopted although reconstituted stone has been introduced as a facing material in this area. It is considered that the appearance of the proposed dwellings is acceptable and is consistent with the SWMD.
- 7.11. With regard to scale, the SWMD stipulates that buildings in the Core Neighbourhoods Character Area should be 2 storeys with potential 2.5 storeys as corner markers. Within the Hatherley Ribbon Park Character Area, the buildings should be predominantly 2 storeys. The storey heights proposed here accords with the SWMD in this respect.

Landscape

- 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. In respect of the landscape strategy for the wider development, the SWMD sets out a number of key design principles. These principles include a multifunctional network of open spaces and green corridors; the integration and protection of existing landscape structure; the creation of a series of open spaces for all abilities; natural play; and the use of flood attenuation to create new wildlife habitats. Within the Core Neighbourhoods Character Area, the SWMD promotes

informal tree and shrub planting within the streets and front gardens. Within the Village Green, the SWMD also promotes informal tree and shrub planting along with seating.

- 7.14. It is considered that the proposed planting is consistent with what was approved on Phase 1a and is acceptable. Furthermore, it is considered that the general landscaping and green infrastructure accords with the SWMD in this regard.
- 7.15. The application also includes details of the LEAP that is required within the Village Green. Whilst the LEAP is not sited in the exact location indicated in the SWMD, its location further to the east of the Village Green is considered to be acceptable. The acceptability of the proposed play equipment within the LEAP has yet to be confirmed and therefore an **update will be provided at Committee**.

Access

- 7.16. 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.
- 7.17. As set out previously, it is considered that the road layout, block sizes and pedestrian links generally accord with what is shown in the SWMD. Furthermore, the proposal accords with the relevant design principles for street design and frontage design described in the different character areas. This allows for direct access to all units for both pedestrians and vehicles. The routes are all well-lit with good levels of natural surveillance. Tactile paving would also be provided at key crossing points to assist the visually impaired.
- 7.18. A key feature of Phase 1b is the incorporation of a number of shared surfaces within the scheme. Whilst this is acceptable in principle, the Highways Officer has requested further details to demonstrate that the design of the shared surfaces is acceptable from a highway safety perspective. Following discussion, the applicant and the Highways Officer have agreed an approach and further details will be forthcoming. **An update will therefore be provided at Committee.**
- 7.19. In terms of street maintenance, condition 17 attached to the outline consent requires each reserved matters application to include details of the proposed arrangements for the future management and maintenance of the proposed streets within each phase. Similar to Phase 1a, it is proposed that the responsibility for the management and maintenance of the highway assets for the lifetime of the development will be offered for adoption by Gloucestershire County Council. Until the streets are adopted, the applicant will be responsible for the upkeep of the roads and any other areas to be transferred to the Management Company. This would be funded by an annual charge levied against each property.
- 7.20. With regard to parking, the Highways Officer raised concerns that the level of parking for the 4 bedroom properties was not in line with the guidance contained in the recently adopted Manual for Gloucestershire Streets (MfGS). The MfGS advises that 4 bedroom homes should be afforded at least 3 parking spaces, excluding garages. In order to address this, revised plans have been submitted, which shows an increased level of parking across Phase 1b. In particular, the 4 bedroom units along the spine road all now have either 3 parking spaces or 2 parking spaces and a carport. Elsewhere around the peripheries of the development, additional visitor parking has been provided to discourage parking being displaced onto the spine road. Whilst not all 4 bedroom homes have been provided with 3 parking spaces, it is considered that the approach adopted here is a pragmatic one given that there will be a transition period following the introduction of the new guidance. The Highways Officer has also

confirmed that this approach is acceptable. Other than the quantum of parking, the parking arrangements generally reflect what is described in the SWMD and the parking spaces meet the minimum standards specified. The proposal is therefore considered to be acceptable in this regard.

Residential amenity

- 7.21. 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.
- 7.22. Given the location of the housing within Phase 1b, the proposal would not impact on existing residential property. In terms of the proposed layout itself, 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.
- 7.23. The amenity of future residents was also considered as part of the outline consent in respect of noise from the A38. Accordingly, condition 26 of the outline consent requires each Reserved Matters application to be accompanied by a noise survey to identify any dwellings that would be likely affected by road noise from the A38. If any affected dwellings are identified, the condition requires noise mitigation measures to be implemented prior to occupation. In accordance with that condition, the application is supported by a Noise Assessment and Mitigation Scheme, which presents an assessment of the noise environment within the proposed development, based on the proposed layout. The assessment states that the properties within Phase 1b would be constructed at least 160m from the A38, with the properties effectively screened from the road by existing dwellings and dwellings currently under construction within Phase 1a or due to be constructed within the overall development. The assessment concludes that the noise environment within the dwellings to be constructed in Phase 1b would be acceptable and achieve the requirements of condition 26. Following consultation with the Council's Environmental Health advisor, it is advised that the submitted noise assessment is satisfactory and no objections have been raised. The proposal is therefore considered to be acceptable in this regard.

Surface water drainage

- 7.24. 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 mitigated. It also requires new development to incorporate Sustainable Urban Drainage Systems (SUDS) where appropriate to manage surface water drainage.
- 7.25. Condition 21 attached to the outline consent requires no development to commence until a detailed surface water drainage strategy for the entire site has been submitted to and approved in writing by the Local Planning Authority. The condition also stipulates that no building within each phase of the development shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority as part of the reserved matters applications and which accord with the approved site wide drainage strategy for that phase or part of a phase. In accordance with this condition, a detailed surface water drainage and SUDS strategy were

submitted to the Council, which were subsequently approved by the Council on the 18th October 2019.

- 7.26. The drainage details submitted with this application follows the principles set out in the approved surface water drainage and SUDS strategy. Following consultation with the Lead Local Flood Authority, they are satisfied that the proposed surface water drainage details accord with the agreed detailed drainage strategy and are acceptable.

Affordable housing

- 7.27. 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.

- 7.28. The provision of no more than 35% affordable housing for the wider site was secured at outline stage through a S106 Agreement dated 7th July 2017. The S106 sets out the following requirements:

- At least 60% of the General Affordable Housing Units shall be provided as Affordable Rented Units and the remaining provided as Intermediate Housing Units.
- No more than 50% and no less than 10% of the dwellings on any phase to be provided as General Affordable Housing Units unless otherwise agreed in writing by the Council.
- General Affordable Housing Units must not be located in groups of more than 16 where they comprise a mix of housing and flats; and more than 12 where they comprise housing only.
- Affordable Housing Units to be generally indistinguishable in appearance from the Open Market Units.
- 5% of the Affordable Housing Units across the site to be constructed to the accessible and adaptable homes standard with the remaining being constructed to mandatory Building Regulations standards.

- 7.29. The application has been supported by an Affordable Housing Statement that sets out the following schedule of accommodation:

- 7 x 2-bedroom Affordable Rent
- 12 x 3-bedroom Affordable Rent
- 4 x 2-bedroom Affordable Intermediate
- 8 x 3-bedroom Affordable Intermediate

- 7.30. The provision of 31 affordable units in this phase represents 20% of the total dwellings proposed, which is above the 10% minimum and below the 50% maximum limit set out in the S106. It is considered that the proposed affordable units would be tenure blind and would not be readily distinguishable from the market units.

- 7.31. The Council's Housing Enabling Officer is satisfied that the proposed affordable housing mix and clustering is acceptable and accords with the requirements of the S106. The proposal is therefore acceptable in this regard.

8.0 CONCLUSION AND RECOMMENDATION

- 8.1. Considering all of the above, 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 SWMD approved under that consent. The application is therefore recommended for delegated **approval subject to confirmation of the LEAP details and subject to securing acceptable details for the shared surfaces.**

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.

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 15/01149/OUT including the associated S106 legal agreements.