

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

Committee:	Planning
Date:	17 November 2020
Site Location:	Parcel 4967 Opposite Cherry Orchard Lane Twyning Tewkesbury Gloucestershire
Application No:	20/00636/OUT
Ward:	Tewkesbury North And Twyning
Parish:	Twyning
Proposal:	Outline application including access, with all other matters reserved for up to 36 (maximum) residential dwellings for over 55's
Report by:	Mr Adam White
Appendices:	Site location plan Indicative site layout Indicative proposed links
Recommendation:	Refuse

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1. The application site comprises a parcel of agricultural land measuring approximately 2.7 hectares, located to the south of Twyning (**see attached location plan**). The land is generally level and has an irregular shape with a wide frontage onto Shuthonger Lane before narrowing to the east and widening out again on its eastern boundary. The site is bound by hedgerows and mature trees; some of which are subject to Tree Protection Orders.
- 1.2. The site is located within open countryside and is intersected by two Public Rights of Way. To the north of the site is existing residential development, which is separated by intervening fields, public open space and recreational facilities. To the south, west and east of the site are open fields and countryside. The site is not subject to any formal landscape designation although the eastern boundary of the site abuts a Landscape Protection Zone.
- 1.3. The current application seeks outline planning permission for up to 36 dwellings for the over 55's. All matters are proposed to be reserved for future consideration with the exception of the access point, which would be provided directly off Shuthonger Lane (**See attached plans**).

- 1.4. Whilst the application is submitted in outline form, it is supported by an indicative layout plan, which shows how the quantum of development proposed could be accommodated on the site. The indicative site layout shows a mixture of detached, semi-detached and terraced properties. All properties are shown as being accessed from one main road running through the centre of the site. The indicative site layout shows an area of public open space at the heart of the site as well as a smaller open space to the east of the site where an attenuation pond is shown. The indicative building heights are identified as being single storey and two-storey.

2.0 RELEVANT PLANNING HISTORY

- 2.1. In December 2019, planning permission was refused for up to 50 dwellings (Ref: 19/00531/OUT). The application was in outline with all matters reserved for future consideration except for access. Permission was refused for a number of reasons including its location, landscape impact, design and layout, impact on the road network and ecology. The application was also refused for a number of technical reasons relating to the lack of a signed Section 106 Agreement.

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) (December 2017)

- 3.3. Policies: SP1, SP2, SD3, SD4, SD6, SD8, SD9, SD10, SD11, SD12, SD14, INF1, INF2, INF3, INF4, INF5, INF6, INF7

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: RES2, RES3, RES4, RES5, RES12, RES13, DES1, HER4, LAN3, NAT1, NAT3, ENV2, RCN1, COM2, COM4, TRAC1, TRAC2, TRAC3, TRAC9

Twynning Neighbourhood Development Plan 2011-2031 (April 2018)

- 3.6. Policies: GD1, GD3, GD4, GD5, GD6, GD7, GD8, GD9, H2, H3, LF1, E3, TP1, TPT2, ENV2, ENV3

- 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. Twyning Parish Council – Object for the following reasons:

- It is contrary to Policy GD1 of the TNDP and Policies SP2 and SD10 of the JCS relating to new housing development in the open countryside;
- It is contrary to Policy RES3 of the emerging Tewkesbury Borough Plan which restricts new housing outside the recognised Development Boundary;
- The application is contrary to Policy ENV2 of the TNDP and the site forms part of the Strategic Gap identified between Twyning and Church End in Policy LAN3 of the Preferred Options version of the emerging Tewkesbury Borough Plan;
- It is contrary to the National Planning Policy Framework, which states that where a planning application conflicts with a Neighbourhood Plan that has been brought into force, planning permission should not normally be granted;
- It is contrary to JCS Policy SD6 which protects the landscape and visual sensitivity and the environment from harmful development. The proposal would also represent an urbanised intrusion into the open countryside and would cause irreversible harm to the character, appearance and biodiversity of the rural landscape;
- The expansion of Twyning into the open countryside would inevitably harm the settlement pattern, the landscape and the character of the village;
- The poor quality and inaccuracy of this application is indicative of its disregard for the local context, providing a generic and poorly argued case for development (particularly on Objectives of Sustainable Development) and pays insufficient attention to the distinctiveness and sense of place of this locality;
- The site cannot connect into the main sewer and the drainage details are unsustainable.
- The proposal will require extensive street lighting contrary to Policy GD8 of the TNDP;
- There is limited bus provision in the village;
- Pedestrian access from the west would be hazardous;
- There has been no prior consultation with the Parish Council despite promotional material stating that it was a condition of the landowner that there is to be close liaison with the Parish Council to assist in their future housing needs.

4.2. Lead Local Flood Authority (LLFA) - Concerns that the watercourse crossing the site may not be carried forward into the final drainage design.

4.3. Environmental Health (WRS) – No objections.

4.4. Highways Authority – No objections.

4.5. Urban Design Officer – Objects as the proposal would appear detached from the main built form of the village and would further encroach into open countryside.

4.6. Tree Officer – Concerns regarding the proximity of development to protected trees.

4.7. Ecology consultants – Further information required in respect of European sites.

4.8. Natural England – No comments.

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. 34 letters of objection have been received and their comments are summarised as follows:

- The submitted Great Crested Newt survey is out of date. This needs to be addressed.
- This is yet another application for housing, which contravenes the wishes expressed in the village's Neighbourhood Development Plan.
- These houses would put additional stress on the local infrastructure, particularly the sewerage system.
- Although these houses are being suggested as suitable for older people, there is nothing to stop them being sold subsequently to younger people with children.
- It would be one more link in a chain leading eventually to the joining together of Twyning Green and Church End.
- The urbanisation of a green field well outside the development boundary would have a detrimental effect on the rural character and appearance of the open countryside. In addition, it would encroach on the open character of the countryside between Twyning and Churchend.
- As a concept, it is questionable whether Twyning needs a new development for the older generation. It would have had more impact had the housing been of an affordable nature for first time buyers. As it is, the design and layout are not conducive to the character of the surrounding area and represents a further incursion into the open countryside.
- The location is isolated, and residents would almost certainly have to use their car for their normal day-to-day business. The impact on the road network would be unacceptable.
- The intention in relation to the management of surface and foul water is completely unacceptable.
- The sewerage system within the village is already over-used, when heavy rainfall, sewerage escapes up on to the public roads and pavements.
- Given the nature of this development site it is expected that extensive lighting will be required.
- The location seems baffling due to where the field is located, surrounded by private paddocks and roads it would be a complete eye sore and also isolated due to location.
- The village is at capacity and any further influx of homeowners would be damaging to Twyning and its appeal. The village already suffers with high volumes of traffic and is becoming increasingly unsafe for the local residents.
- It is not clear what binding provisions would be put in place to ensure that only over 55's could purchase the properties, either from new or on subsequent purchases. It is entirely foreseeable that the developer (or first purchasers) could in future seek to sell properties to buyers under 55, including families with small children.
- There is no demand in the village for properties for over 55's; there is a good supply of housing suitable for over 55's which comes on the market in the village. There are no particular features of the village which make it especially well-suited to over 55's looking for retirement living.
- Whilst there may be some 'affordable housing' on the development, the need for affordable housing is not high among the over 55s. It is likely that most properties on the development will be high priced housing, to attract wealthy older people to what is seen as a 'premium' location.

- There are limited facilities in the village. It is unclear whether the two pubs will remain in business in either the short or long term. Whilst there is a small shop, it is limited in size. There is no GP surgery or other amenities, and no prospect of such amenities arriving in the village. Residents would have to travel to Tewkesbury for these essential services. It cannot be a 'self-contained' development for over 55's.
- The proposed development would be beyond this natural boundary and would therefore alter the boundary character of the village.
- There is no definitive plan provided, but the indicative plan shows a very crowded plot which is not sympathetic to the location or site. Likewise, the indicative property styles are not in keeping with the village.
- Such a development would diminish the strategic gap between Twyning and Church End.
- The current pedestrian access from the land in question to the village is by the footpath at the east (bottom) of the site, which is even in summer usually muddy and boggy and unpassable without wellies and would be absolutely unsuitable as a main or even secondary access. Even if a pavement is added on the grass verge at the side of the road, it will be a long walk into the village, particularly for the elderly.
- The road which would give access to the development (leading to Church End) is small, and the most common access to the village (and therefore to that development) is down a single lane road off the A38, which already is often jammed due to existing traffic. The suggested increase in traffic from the development is significantly understated. The development would significantly increase traffic using these small roads. Public transport in the vicinity of the village is extremely limited and there is no prospect of it increasing, so there will be many more cars in the area and many more journeys by car.
- Should this proposal be approved, it will set a dangerous precedent and encourage further applications between the two rural settlements in an area which does not have the infrastructure to support.
- Twyning itself already has a large population of the over 55's, there are already sufficient suitable houses which regularly come on the market.
- Access for the A38 from Shuthonger Lane is most directly serviced by Pages and Cherry Orchard Lanes. These are not sufficient to allow for two-way vehicular traffic and are in poor state of repair.
- This village already has an extensive demographic of retirees and what it needs to succeed is to have young families moving to the area to support our village school and give the next generation more than just a retirement village.
- Cherry Orchard Lane, which is immediately opposite the site, is a hazardous, limited visibility junction. These are rural lanes also used by vulnerable road users (including horse riders, cyclists etc.) together with heavy farm machinery, this needs to be taken into consideration in this decision.

5.2. A letter of objection has also been received from Laurence Robertson M.P. His comments are summarised as follows:

- The proposal is contrary to the development plan.
- Twyning was not identified by the Council as being suitable to meet the need above those developments already permitted.
- The lanes are already struggling with the vehicles using them.
- The site is isolated with no regular bus service, which means that property owners would need to use their cars for normal business.
- There are concerns regarding the drainage system.
- There are concerns that the properties may be sold to people who are not over 55.
- The proposal would have an impact on the rural character and appearance of the area.
- There is existing property available in the village, which could accommodate over 55s.

- Additional lighting would cause light pollution and is contrary to the Neighbourhood Plan.

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 relevant to this site is the Twyning Neighbourhood Development Plan 2011-2031 (TNDP).
- 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. This revised scheme differs from the previously refused scheme in that it now proposes that the development would be for the over 55's. Policy SD11 of the JCS supports the provision of specialist accommodation, including accommodation for older people, where there is evidence of a need for this type of accommodation and where the housing / bed spaces will contribute to meeting the needs of the local community. It sets out that specialist accommodation should be located to have good access to local services. In the case of Extra Care housing schemes which provide ancillary features on site, these facilities should complement those already available in the locality and should be made available to the wider community.
- 7.2. The application contains limited detail as to the exact nature of the scheme. However, information provided by the applicant suggests that it would essentially be a retirement development comprised of C3 dwellings. It is not known if an element of care would also be provided, or any other services or facilities for that matter. The applicant envisages that the development would be restricted to over 55s by way of a planning condition. However, it is suggested that such restrictions usually allow occupation by spouses or dependants of the main occupant who may or may not be over 55. An element of affordable housing is also proposed.

- 7.3. Whilst the exact nature of the scheme is not clear, it is evident that there is a need for accommodation for older people within the Borough. Indeed, the JCS sets out that in 2011, older people accounted for 13% of the population of the JCS area. This proportion could increase by 20% by 2031. However, other than a general need, nothing has been provided by the applicant to demonstrate that the proposal would meet a specific housing need at Twyning. The weight that can be afforded to the provision of specialist housing in this location is discussed further in this report.
- 7.4. Whilst the proposal is for specialist accommodation, it is apparent that the scheme is for C3 housing. The proposal would therefore still be subject to the Council's housing policies.
- 7.5. Policy SD10 of the JCS states that within the JCS area new housing will be planned in order to deliver the scale and distribution of housing development set out in Policies SP1 and SP2. Housing development will be permitted at sites allocated for housing through the development plan, including Strategic Allocations and allocations in district and neighbourhood plans. On sites that are not allocated, housing development and conversions to dwellings will be permitted on previously-developed land in the existing built-up areas of Gloucester City, the Principal Urban Area of Cheltenham and Tewkesbury town, rural service centres and service villages except where otherwise restricted by policies within District plans. Policy SD10 follows that housing development on other sites will only be permitted where:
- 1) It is for affordable housing on a rural exception site in accordance with Policy SD12, or;
 - 2) It is infilling within the existing built up areas of the City of Gloucester, the Principal Urban Area of Cheltenham or Tewkesbury Borough's towns and villages except where otherwise restricted by policies within District plans, or;
 - 3) It is brought forward through Community Right to Build Orders, or;
 - 4) There are other specific exceptions / circumstances defined in district or neighbourhood plans.
- 7.6. At a local level, policy GD1 of the Twyning Neighbourhood Development Plan (TNDP) states that proposals for new housing outside the development boundary, and not on sites designated for residential development, in the open countryside will be supported if they meet one or more of the following criteria and comply with all other policies in the development plan:
- a) Replacement dwellings;
 - b) Rural exception housing to meet an identified Parish need in accordance with Tewkesbury Borough Council policy;
 - c) Agricultural and forestry dwellings;
 - d) Where proposals would involve the re-use or conversion of an existing building and accords with the relevant development principles set out at Policy GD3; or
 - e) The future Local Plan for Tewkesbury identifies an additional need for further housing in Twyning as a service village beyond the sites designated for residential development in this plan and the defined development boundary.

- 7.7. The application site is greenfield land that lies outside of the defined settlement boundary for Twyning as defined in the Twyning Neighbourhood Development Plan and is not allocated for housing development. The site does not represent previously developed land within the built-up areas of a service village; is not a rural exception scheme; and does not represent 'infilling'. It has not been brought forward for development through a Community Right to Build Order and there are no policies in the existing Tewkesbury Borough Local Plan to 2011 which allow for the type of development proposed here. The proposal therefore conflicts with policy SD10 of the JCS and policy GD1 of the TNDP.

Housing Land Supply

- 7.8. Whilst the proposal is contrary to Policy SD10 of the JCS and Policy GD1 of the TNDP, it is also currently the case that the Council cannot demonstrate a 5-year supply of deliverable housing sites. It is the Council's current position that a 4.37 years supply of housing can be demonstrated. In this scenario, paragraph 11 of the NPPF states that where policies which are most important for determining the application are out of date, permission should be granted unless: i. the application of policies in the Framework that protect assets of particular importance provides a clear reason for refusing the development; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 7.9. The Framework clarifies that planning policies for housing will be judged out of date where, inter alia, the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites. Footnote 6 to paragraph 11 also clarifies which policies in the Framework provide a clear reason for refusing. There are no such policies in the Framework that provide a clear reason for refusal in this case and therefore the presumption in favour of granting permission is engaged as per paragraph 11d of the Framework. This is also known as the 'tilted balance'.

Status of the Twyning Neighbourhood Development Plan

- 7.10. Paragraph 14 of the Framework states that in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:
- a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
 - b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;
 - c) the local planning authority has at least a three-year supply of deliverable housing sites (against its five-year housing supply requirement, including the appropriate buffer as set out in paragraph 73); and
 - d) the local planning authority's housing delivery was at least 45% of that required over the previous three years.
- 7.11. The TNDP was adopted as part of the development plan on the 17th April 2018 and is therefore older than two years. Consequently, it no longer benefits from the protection that would have been afforded by paragraph 14 of the Framework. However, the TNDP remains an integral component of the adopted development plan and decision makers should continue to have full regard to it in determining planning applications.

Landscape impact

- 7.12. JCS Policy SD6 states that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. Proposals will have regard to local distinctiveness and historic character of different landscapes and proposals are required to demonstrate how the development will protect landscape character and avoid detrimental effects on types, patterns and features which make a significant contribution to the character, history and setting of a settlement area. Policy GD4 of the TNDP requires development to respect the local landscape quality and ensure that important public views are maintained wherever possible. Development shall be of a height, massing and appearance that does not adversely affect important public views.
- 7.13. Of further relevance is Policy ENV2 of the TNDP which states that development proposals should ensure the retention of the open character of the countryside between Twyning Village and Church End and not detract from its open and undeveloped character. Closely related to this is Policy LAN3 of the emerging Borough Plan, which seeks to protect the strategic gaps identified in the Policies Map to help retain the separate identity, character and/or landscape setting and prevent their coalescence. One such strategic gap that has been identified is land between Twyning and Church End.
- 7.14. The application is supported by a Landscape and Visual Impact Assessment (LVIA), which sets out that the site lies within the Severn and Avon Vales National Character Area (NCA:106). At a more local level, the Gloucestershire Landscape Character Assessment places the site within Landscape Character Area SV 12A 'Twyning Hills' and the Landscape Character Type known as 'Low Hills and Commons'.
- 7.15. On the recently refused scheme, the Council's landscape consultant advised that Shuthonger Lane retains a strong rural character in the vicinity of the application site by virtue of mature roadside hedges and glimpsed views to open countryside beyond. The site is typical of the local rural landscape character defined as the Twyning Hills Landscape Character Area in the Gloucestershire Landscape Character Assessment. The site is bounded by mature hedgerows, some impressive hedgerow trees (some subject to TPOs) and a tall, non-native evergreen tree belt. Unlike the more elevated residential development to the north, known as 'Cornerways', the application site sits slightly lower and does not feature conspicuously in long distance views from the south and east. However, there are clear views into and across the site from the Cornerways development and associated open space, from Shuthonger Lane and from local footpaths that cross the site. This is at odds with Policy GD4 of the TNDP which seeks to ensure that important public views are maintained wherever possible, which include views to the south east from Shuthonger Lane, identified as views D11 in Appendix B to the TNDP.
- 7.16. The landscape consultant also stated that the new Cornerways development creates a somewhat conspicuous settlement edge to Twyning from the south in the vicinity of the application site. Whilst this would soften over time, it does exert an influence over the application site and its immediate surroundings. The application site sits slightly lower than the Cornerways development and as a consequence is less conspicuous in long distance views from the south and east. However, despite this, a number of concerns are raised. Primarily, the public open space and private paddock associated with the Cornerways development serves to provide a defensible rural settlement edge to Twyning. The proposed development would render that function redundant and therefore the responsibility for delivering an appropriate rural edge would then fall to the current application.

- 7.17. The application site occupies a somewhat awkward, long and thin land parcel and the landscape consultant was previously of the view that the refused scheme did not go far enough to demonstrate that it could accommodate an efficient layout whilst delivering adequate landscape mitigation to deliver a new, defensible and appropriate countryside edge to Twyning or protect the rural character of Shuthonger Lane. In this current scheme, it appears that the applicants have sought to address this by reducing the housing numbers, which would allow built form to be pulled back from the south west edge of the site. However, it is considered that this would not be sufficient to mitigate the suburban influences the development would exert on the rural character of Shuthonger Lane between Church End and Twyning. This could create an unwelcome perception of an isolated settlement halfway between the two settlements. Moreover, it would erode the open character of the countryside between Twyning Village and Church End, which serves to protect the character and setting of these settlements.
- 7.18. In light of this, it is considered that the proposals would deliver a conspicuous and stark scheme, which would have a detrimental impact on the local landscape character and views from local footpaths and from Shuthonger Lane. The proposal would also erode the gap between Church End and Twyning, which would be harmful to the separate identity and character of these settlements as well as their landscape settings. This weighs heavily against the proposals in the planning balance.

Design and layout

- 7.19. 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. Policy SD4 of the JCS advises that new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. It should be of a scale, type, density and materials appropriate to the site and its setting. At a local level, Policy GD3 of the TNDP states that new development should reflect the historical growth that has shaped the distinctive character of Twyning Parish respecting the pattern of development, its grain, density and materials within the immediate area.
- 7.20. The application is in outline form, with all matters relating to layout, scale, appearance and landscaping to be reserved for future consideration. However, the application is supported with an indicative site layout, which shows how the quantum of development proposed could be accommodated on the site. The application is also supported with a Design and Access Statement, which provides further context to the indicative site layout.
- 7.21. In terms of the layout, the indicative site layout shows a main road accessed off Shuthonger Lane that would run through the centre of the site. This would in turn feed a series of smaller private driveways and courtyards. At the centre of the site is an area of open space. Further to the east, where the site tapers, are further dwellings with a drainage pond located at the far end of the site.

- 7.22. The Design and Access Statement stresses that the purpose of the indicative site layout is to show how the site 'could' be developed. However, given the constraints of the site, it is difficult to see how the site could be developed in any other way. The protected trees and hedgerows on site effectively constrain the main bulk of the development to the west of the site. This is further compounded by the route of the public footpath and underground water main that runs through the site, which dictates where the Public Open Space can be located. In addition, the tapered nature of the site restricts the nature of what can be provided at the centre of the site and the fall of the land dictates that the most likely location for the drainage pond is at the far east of the site. As with the previously refused scheme, the result of this is that the northern boundary would essentially be comprised of rear gardens with the development effectively facing away from the main settlement. This would also be at odds with the recent development to the north, which looks out onto the open space and currently forms a clear edge to the settlement.
- 7.23. Consistent with the previously refused scheme, the fundamental problem with the site in design terms is that it does not integrate at all with the existing settlement. The site would be obviously detached from the main settlement, both physically and visually, which would be compounded by the existing trees and hedgerows to the site boundaries that would further hide and isolate the site. It would appear as a somewhat isolated and incongruous enclave of development, which would be urban in character, encroaching into the open countryside. The proposal therefore fails to respond to the urban structure of the village, or the character of the surrounding area. The proposal fails to maintain or improve the character of the area and represents poor design, contrary to the development plan and advice contained within the Framework. This weighs heavily against the development in the planning balance.

Residential Amenity and Environmental Quality

- 7.24. JCS Policy SD14 sets out that development should protect and seek to improve environmental quality and should not cause unacceptable harm to local amenity including the amenity of neighbouring occupants. Similarly, Policy GD6 of the TNDP states that development proposals will need to demonstrate that they will not lead to unacceptable levels of noise, general disturbance, smell, fumes, loss of daylight or sunlight, loss of privacy or have an overbearing effect on neighbouring properties.
- 7.25. The application site is located away from existing residential development and would therefore not result in any detrimental loss of light, privacy or outlook to existing properties. Although the application is in outline form, with matters relating to scale and layout reserved for future consideration, it is considered that the development could be laid out to ensure that any future occupiers would be afforded acceptable levels of amenity. This would be fully considered at the reserved matters stage. Furthermore, following consultation with the Council's Environmental Health advisors, no objections are raised in relation to noise, nuisance or air quality.
- 7.26. With regard to contamination, the previous application was supported by a Phase 1 Contamination Study, which indicated that the site may be contaminated as a result of past or current uses and is within 250m of a site that has been landfilled. No such contamination study has been provided with this current application. The Council's Environmental Health Officer previously raised no objections subject to the imposition of conditions to secure a scheme to deal with any contamination that may be present on site. Given that the scheme presented here is broadly the same as what was refused very recently, it is considered that there is no reason to reach a different conclusion with regard to contamination. This is a neutral factor in the planning balance.

Housing mix

- 7.27. JCS Policy SD11 states that housing development will be required to provide an appropriate mix of dwelling sizes, types and tenures in order to contribute to mixed and balanced communities and a balanced housing market. Development should address the needs of the local area, including the needs of older people as set out in the local housing evidence base, including the most up to date Strategic Housing Market Assessment (SHMA). This is further reflected in Policy H2 of the TNDP and Policy RES13 of the emerging Borough Plan, which both require a mix of housing in terms of dwelling size, type and tenure.
- 7.28. No precise housing mix has been put forward as part of this application, although the Design and Access Statements suggests that the development would '*comprise a mix of dwelling types suitable for older people*'. Matters relating to the housing mix should be addressed at outline stage and therefore if Members are minded to grant planning permission, a planning condition is recommended to ensure that any housing mix proposed at the reserved matters stage is in accordance with the local housing evidence for the area at the time of submission. Given the nature of this application, it may be necessary to deviate from the required housing mix at the time of submission. For example, 3 and 4+ bedroom may not be suitable for a development that is age restricted. However, any significant deviation from the evidence base at the time of submission would need to be fully justified. Subject to this condition, the proposal would accord with Policy SD11 of the JCS and Policy RES13 of the emerging Borough Plan.

Affordable housing

- 7.29. JCS Policy SD12 sets out that on sites outside of strategic allocations, a minimum of 40% affordable housing will be sought. It follows that they should be provided on site and should be seamlessly integrated and distributed throughout the development scheme. Policy H3 of the TNDP requires affordable housing to be in accordance with the Council's adopted development plan policies.
- 7.30. The current proposal suggests that 40% of the houses on site would be affordable. No suggested tenure mix has been submitted for affordable housing provision, but the Council's Strategic Housing Enabling Officer suggests the following preferred mix:
- 4 x 1-bedroom apartments/maisonettes - Social rent
 - 3 x 2-bedroom houses - Social rent
 - 2 x 2-bedroom houses – Shared Ownership
 - 2 x 3-bedroom houses - Social rent
 - 2 x 3-bedroom houses - Shared Ownership
 - 1 x 4-bedroom house - Social rent
- 7.31. As 40% affordable housing would equate to 14.4 units (based on a total of 36 houses), a financial contribution equivalent 0.4 of a unit would also be required to contribute to affordable housing provision off site. This is estimated to be around £30,000 based on recent 2 bed sales prices in the Tewkesbury area.
- 7.32. The applicant initially envisaged that the affordable housing would be age restricted. However, the Council's Strategic Housing Enabling Officer advised that he would not support age restricted affordable housing as only about a fifth of the Council's housing register would be eligible for the properties. It would also not meet his expectation of a '*mixed and balanced community*', as per the JCS requirements.
- 7.33. The applicant has now agreed to the preferred tenure mix for the affordable housing, which would not be age restricted. However, no Section 106 Agreement has been advanced at the time of writing this report. This therefore weights against the proposal.

Biodiversity

- 7.34. 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. In a similar vein, Policy GD4 of the TNDP states that development will normally be expected to protect and enhance existing ecological corridors and landscape features for their biodiversity value. New development should avoid causing harm to the network of local ecological features such as watercourses, ponds, hedgerows and tree lines. If resulting harm cannot be avoided, adequately mitigated or, as a last resort, compensated for, then permission will not be granted.
- 7.35. The application is supported by a Preliminary Ecological Appraisal that includes a Phase 1 Habitat Survey and protected species assessment, which were completed on the 9th March 2020. The appraisal notes that the site comprises two small improved grassland fields with ruderals and herbaceous plants surrounded by hedgerows, scattered trees and fencing. Field drains are present along the northern and eastern boundaries of the eastern field. In the south-western extent of the site is an area of hardstanding used for parking. The site is surrounded by grassland fields to the south, east and west. A grassland field and new residential development are located to the north of the site.
- 7.36. In terms of protected and notable species, the appraisal advises that the hedgerows, scattered trees and scrub habitat offer nesting opportunities for birds. The site offers suitable terrestrial habitat for Great Crested Newts (GCN). A pond to the north of the site was assessed as having excellent suitability for GCN, whilst a pond to the south had good suitability for GCN. Six scattered trees on and adjacent to the site boundary were assessed as having low Bat Roost Potential (BRP) and three trees of moderate BRP. The scattered trees, hedgerows, drains and scrub provide suitable habitat for foraging and commuting bats.
- 7.37. It follows that the habitats on site provide suitable foraging and sheltering opportunities for badgers. Whilst no signs of badger were identified on the site, there is the potential for badgers to venture onto the site. No evidence of otter was recorded on site. However, there are records of otter within the local area and the River Avon lies only 610 m to the east. There is connectivity to the site through a network of hedgerows and therefore there is potential for otter to venture onto site. Polecats were recorded within the local area and it is possible that they may also venture onto the site. The majority of the habitats on site are considered to be suitable for hedgehogs.
- 7.38. The appraisal recommends that any trees assessed as having moderate potential to support roosting bats on the site would require presence/absence surveys should they require removal or pruning works to facilitate the proposals. However, whilst further surveys are recommended, it is evident that all of the trees are identified as being retained. If permission was to be granted, a condition is recommended to secure a suitable lighting scheme for the site. The appraisal also sets out a number of recommendations and enhancement measures during the construction and operational phase, including appropriate planting and the provision of bat bricks or boxes.

- 7.39. Following consultation with the Council's ecology consultant, it is recommended that as the GCN surveys are now over a year old, the Habitat Suitability Index (HIS) assessment of the ponds and presence/absence GCN surveys should be updated. These surveys should be used to update the GCN mitigation recommendations, including timings. This is required prior to determination. It is noted that the Preliminary Ecological Appraisal recommends that this could be addressed through the District Licence scheme. However, no evidence has been provided to suggest that such an application has been made. In the absence of this, it is not possible to determine whether the proposed development would have an acceptable impact on protected species; namely GCN. This weighs against the proposal in the planning balance.
- 7.40. In terms of the bat roost potential for a number of trees, whilst the Preliminary Ecological Appraisal recommends further surveys, it is evident that all of the trees are identified as being retained. If permission was to be granted, a condition is recommended to secure a suitable lighting scheme for the site.
- 7.41. In terms of the potential impact on European sites, the application is supported with a Habitats Regulations Screening Assessment. It found that there would be no likely significant effects on the Bredon Hill Special Area of Conservation (SAC) or the Dixon Wood SAC, either alone or in combination with other schemes nearby. This is due to the size and location of the proposed development, the reasons for their designation, and the distance between the site and the SACs. The Council's ecological consultant concurs with these findings and is satisfied that the proposed development would not result in significant effects on European sites.

Arboricultural implications

- 7.42. Policy GD4 of the TNDP sets out that where appropriate, proposals for new development shall be accompanied by a landscape strategy which will identify existing landscape features and set out measures to be taken to safeguard, and where appropriate enhance, existing trees, hedgerows and other landscape features. Development shall seek to retain and manage existing woodland areas, in-field trees, boundary trees and hedgerows. Removal of such features will be resisted.
- 7.43. There are seven Oak trees that are situated within the application site and on the adjacent land, which are protected by a Tree Preservation Order (TPO 393). Following consultation with the Council's Tree Officer, concerns have been raised with regards to the potential impact on protected trees T2 and T3, which are located close to the northern site boundary. The illustrative layout suggests that the gardens in this location would be small and therefore the trees could feel imposing. This could lead to pressure to have these trees reduced or cut back. In addition, Oak trees are high water demand trees and there could be possible future subsidence and risk claims, which could result in considerable pruning works being carried out to the trees or even their removal. Further concerns are raised regarding the proposed street that would run through trees T5 and T6 as the root protection area for these trees could be larger than currently suggested.
- 7.44. Whilst the concerns of the Tree Officer are noted, it is considered that the scheme could be designed in such a way as to address the potential impact on the protected trees in question. It is therefore considered that the proposal would have an acceptable impact on protected trees subject to agreeing a suitable layout at the reserved matters stage and subject to securing an appropriate Arboriculture Method Statement by way of a planning condition. This is a neutral factor in the planning balance.

Drainage and flood risk

- 7.45. JCS Policy INF2 advises that development proposals must avoid areas at risk of flooding and must not increase the level of risk to the safety of occupiers of a site and that the risk of flooding should be minimised by providing resilience and taking into account climate change. It also requires new development to incorporate Sustainable Urban Drainage Systems (SUDS) where appropriate to manage surface water drainage. This is reflected in emerging PSTBP policy ENV2. Similarly, Policy GD7 of the TNDP states that for developments in areas with known surface water flooding issues, appropriate mitigation and construction methods will be required. New development in areas with known ground and surface water flooding issues will seek to provide betterment in flood storage and to remove obstructions to flood flow routes where appropriate.
- 7.46. The application is supported by a Flood Risk Assessment (FRA), which includes a surface water drainage strategy. The FRA sets out that the site is located within Flood Zone 1 and is therefore at a low risk of fluvial and tidal flooding. Furthermore, it is stated that the site is at a low risk of flooding from surface water, sewers, groundwater and reservoirs. In terms of surface water drainage, the FRA details a drainage strategy that expresses a preference for the infiltration of surface water via private soakaways and SuDS, incorporating swales and a drainage pond.
- 7.47. The Lead Local Flood Authority (LLFA) has reviewed the FRA and note that the site is currently drained by two watercourses. One runs along the northern boundary of the site and one runs across the site providing a flow path for surface water from the fields to the south to the watercourse along the northern boundary. The LLFA advise that for this development to be feasible the watercourse needs to be maintained. The LLFA are concerned that the watercourse is not shown on any plans or referenced in the FRA and therefore might not be carried forward to the final design. This could put properties at risk of flooding from overland flows.
- 7.48. Whilst the LLFA concerns are noted, they did not object to the previous drainage strategy on the refused scheme, which is broadly the same as that proposed here. The indicative site layout shown here is also similar to what was previously proposed, which demonstrates that the watercourse in question could be retained as part of any future drainage scheme. In any event, these details could be secured through a suitably worded planning condition. Subject to such a condition, the proposal is considered to be acceptable in terms of flood risk. This is a neutral factor in the planning balance.

Access and highway safety

- 7.49. The Framework sets out that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making. Furthermore, development should only be prevented or refused on highways grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development are severe. JCS Policy INF1 requires that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters. Policy TP1 of the TNDP echoes this and states that development will only be permitted where it will not cause a severe adverse traffic impact and increase in the volume of traffic within Twynning Parish that cannot be acceptably mitigated, particularly where the road network is narrow and pedestrian facilities inadequate.

- 7.50. Access is proposed to be dealt with at outline stage. However, as a matter of clarity, this only relates to the single vehicular access off Shuthonger Lane in this application. All other internal routes within the site are proposed to be dealt with at reserved matters stage. The submitted Transport Statement (TS) details a new vehicular access to the site off Shuthonger Lane that would be located further north of the existing field access. In addition, it is proposed to provide a new footway along Shuthonger Lane that would extend from the site access towards the village. The TS includes vehicle trip generation for the proposed dwellings based on a TRICS assessment and currently estimates 22 AM (8am-9am) and 17 PM (4pm-5pm) two-way peak hour vehicle trips.
- 7.51. The proposed access is the same as previously proposed on the recently refused scheme. In that case, the Highways Officer was satisfied that the proposed visibility splays were sufficient, and the access was acceptable in highway safety terms. Given that the same access arrangements are proposed here, the same conclusions can be drawn. The Highways Officer is satisfied that the estimated trip rates are robust and suitable to determine the impact of the development on the highway network. He is therefore of the view that the proposal would not have a severe impact on the highway network.
- 7.52. With regard to accessibility, the Highways Officer notes that Twynning is identified as a service village and has suitable levels of services and facilities to support limited growth. These facilities include a primary school, church, village store and public houses. He is of the view that access to these services and facilities is not materially different to other sites that have been allocated within the settlement boundary. This is subject to the provision of appropriate links between the site and existing footways. In this regard, he notes that a new footway link along Shuthonger Lane from the proposed site access is also proposed.
- 7.53. In terms of public transport, the Highways Officer recognises that the limited number of services does mean that buses are not an attractive mode of travel especially journeys to and from work. However, it is pointed out that the housing development to the north of the site was found to be acceptable at appeal subject to a financial contribution towards enhanced public transport services. The Highways Officer therefore does not object to the proposal on the grounds of accessibility subject to a similar contribution towards enhanced public transport services. A contribution of £62,000 is therefore sought which would be used towards providing an additional morning and evening bus service between Cheltenham and Ledbury. The applicant has confirmed that they are agreeable to this contribution, which would be secured through a Section 106 Agreement.
- 7.54. In light of the above, it is considered that the site would be served by a safe and suitable access and the residual cumulative impact on the highway network would not be severe. However, whilst the applicant is agreeable to the requested contribution towards public transport provision, there is no signed Section 106 Agreement to secure it. Without this, the proposal would be overly reliant on the use of the private motor vehicle to access employment provision and day-to-day services and facilities. This weighs against the proposal in the planning balance.

Public Rights of Way

- 7.55. Two Public Rights of Way (PROW) run through the site (ATW28 and ATW29). Both footpaths connect to Twynning to the north with one PROW running through the centre of the site (ATW28) and the other running along the eastern boundary of the site (ATW29). The indicative site layout shows how these could be accommodated within the development without being built over, obstructed or diverted.

- 7.56. The TS notes these PROWs and states that they provide a safe and convenient link to Twyning via the residential developments to the north and also to the east via Kilmore Lane. It goes on to state that these PROWs should be considered as an alternative route and the development is not reliant upon their use given the proposed footway along Shuthonger Lane.
- 7.57. These footpaths are currently unlit and unsurfaced, and the Highways Officer previously stated that they are not of a suitable standard in terms of construction for safe and suitable access for all users. The applicant also no longer proposes any upgrades to these routes. It is therefore considered whilst the PROWs do provide connections to Twyning, they are of limited benefit in terms of accessibility for pedestrians.

Heritage assets

- 7.58. Paragraph 189 of the NPPF states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 7.59. An archaeological desk-based assessment, a geophysical survey and an archaeological evaluation has been submitted with the application. Thank you for consulting me in relation to this application. The County Archaeologist advises that the archaeological reports provided, including that into a field evaluation undertaken on the site, indicate no evidence for any significant archaeology. He is therefore of the view that there is a low risk that the proposed development would adversely affect archaeological remains and recommends that no further archaeological investigation or recording needs be undertaken. This is a neutral factor in the planning balance.

Open space and play facilities

- 7.60. The Framework sets out that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. JCS Policy INF4 provides that where new residential development will create or add to, a need for community facilities, it will be fully met as on-site provision and/or as a contribution to facilities or services off-site. JCS Policies INF6 and INF7 support this requirement. Saved Local Plan Policy RCN1 requires the provision of easily accessible outdoor playing space at a standard of 2.43ha per 1000 population on sites of 10 dwellings or more.
- 7.61. Based on Saved Policy RCN1 of the Local Plan, the development is required to provide 0.2ha of outdoor playing space. The quantum of development proposed would also normally generate a requirement for a Local Equipped Area for Play (LEAP). Given that the affordable housing would not be age restricted and the open market units could accommodate occupants under the age of 55, including dependent children, it is considered that outdoor playing space and appropriate play facilities should be sought at this stage.

- 7.62. The indicative site layout does make some provision for open space on site, mainly at the centre of the development, which could feasibly incorporate a LEAP. However, at this stage it is not clear as to whether this area would be required to provide compensatory habitat for Great Crested Newts as set out in the Further Great Crested Newt Assessment report. If this is the case, the site is located reasonably close to the Twynning Recreation & Amenity Complex (TRAC), which incorporates an equipped play area, playing pitches and changing facilities. Given the proximity of these facilities, it is considered an equivalent financial contribution could be secured for these off-site facilities instead. This would be secured through a S106 Agreement.
- 7.63. At this stage, the exact amount of contribution required has not been finalised but the applicant is agreeable to this in principle. However, there is currently no signed S106 obligation to address this matter.

Community Infrastructure Levy/Section 106 obligations

- 8.0 For CIL purposes the application site falls within a 'Generic Site' and would be subject to the levy for residential development at £207.46 per square metre. However, the CIL Regulations provide for certain types of development to be exempt from CIL, which includes those parts of a development which are to be used as affordable housing.
- 9.0 Infrastructure requirements specifically related to the impact of the development will continue to be secured via a Section 106 legal agreement. Requests have been made by consultees to secure the following contributions:
- Affordable housing and off-site financial contribution equivalent to 0.4 of a unit
 - Recycling and waste bins - £73 per dwelling
 - On-site Public Open Space
 - Provision of an on-site LEAP or off-site financial equivalent -TBC
 - Pre-school Education - £162,983
 - Primary Education - £222,743
 - Secondary Education (11-16) - £140,328
 - Secondary Education (16-18) - £57,990.24
 - Libraries - £7,056
 - Contribution towards enhanced public transport services - £62,000
- 9.1. Further to the matter of education, the County Council initially advised that no contributions were required based on an age restricted development. However, this was reviewed on the basis that the affordable housing would not be age restricted and the open market units could accommodate occupants under the age of 55, including dependent children.

CONCLUSION AND RECOMMENDATION

- 9.2. 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.

- 9.3. The application site lies outside of the defined settlement boundary for Twyning and is not allocated for housing development. The site does not represent previously developed land within the built-up areas of a service village; is not a rural exception scheme; and does not represent 'infilling'. It has not been brought forward for development through a Community Right to Build Order and there are no policies in the existing Tewkesbury Borough Local Plan to 2011 which allow for the type of development proposed here. The proposal therefore conflicts with policy SD10 of the JCS and policy GD1 of the TNDP. However, the Council cannot currently demonstrate a five-year supply of deliverable housing sites and therefore the Council's policies for the supply of housing are out of date. In accordance with paragraph 11 of the Framework, there are no policies in the Framework that protect assets of particular importance which provide a clear reason for refusing the development in this instance and the 'tilted balance' applies.

Benefits

- 9.4. Whilst the exact nature of the proposals is unclear, the delivery of housing would provide a considerable social benefit. The delivery of specialist housing for older members of the population could also assist in meeting an unmet need for that type of housing. Furthermore, there would be economic benefits both during and post construction through the creation of new jobs and the support to existing local services and the local economy. Overall, given the scale of development, these benefits would attract substantial weight in favour of granting permission in light of the Council's housing land supply position.

Harms

- 9.5. Harm arises from the conflict with development plan policies relating to housing, particularly JCS Policy SD10 and Policy GD1 of the TNDP, although it is accepted that the Council's housing policies are currently out of date.
- 9.6. In design terms, the site would appear as a somewhat isolated and incongruous enclave of development, which would be urban in character, encroaching into the open countryside. The proposal therefore fails to respond to the urban structure of the village, or the character of the surrounding area. Similarly, in landscape terms, it is considered that the proposals would deliver a conspicuous and stark scheme, which would have a detrimental impact on the local landscape character and views from local footpaths and from Shuthonger Lane. The proposal would also erode the gap between Church End and Twyning, which would be harmful to the separate identity and character of these settlements as well as their landscape settings.
- 9.7. Turning to ecology, insufficient information has been provided to determine whether the proposed development would have an acceptable impact on protected species; namely GCN.
- 9.8. At this stage there is also no signed S106 Agreement to secure the requisite affordable housing and Public Open Space along with the financial contributions required towards education, libraries, recycling facilities and recreational facilities.

Neutral

- 9.9. Subject to the imposition of suitable conditions relating to drainage, there would be an acceptable impact in flood risk/drainage terms. Furthermore, the site is considered to have low potential for archaeological remains and the scheme would have an acceptable impact on protected trees.

- 9.10. The site would be served by a safe and suitable access and the residual cumulative impact on the highway network would not be severe subject to a contribution towards public transport provision.

Conclusion

- 9.11. Whilst the 'tilted balance' is applied, it is considered that the adverse impacts listed above significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. As such, the proposal is not considered to represent sustainable development and there are no material considerations which indicate that the proposal should be determined other than in accordance with the development plan. It is therefore recommended that the application is **Refused**.

Reasons:

1. The proposed development conflicts with Policies SP2 and SP10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017) and Policy GD1 of the Twyning Neighbourhood Development Plan (January 2018) in that the proposed development does not meet the strategy for the distribution of new development in Tewkesbury Borough and the application site is not an appropriate location for new residential development.
2. The proposed development, by reason of the rural character of the site, the quantum of development proposed and the layout design as indicated on the indicative site layout, would represent an incongruous and urbanising intrusion into open countryside which would cause discernible harm to the character and appearance of the rural landscape. The development would also erode the open character of the countryside between Twyning Village and Church End, which serves to protect the character and setting of these settlements. As such, the proposed development is contrary to Policy SD6 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 -2031 (December 2017), Policies GD4 and ENV2 of the Twyning Neighbourhood Development Plan (January 2018), Policy LAN3 of the emerging Tewkesbury Borough Local Plan 2011-2031 - Pre-Submission Version (October 2019), and advice set out in the National Planning Policy Framework.
3. Whilst all matters relating to design and layout are reserved for future consideration, the proposal, by virtue of its form, layout, density and isolated location, which is divorced from the main settlement of Twyning, would result in a development that would fail to respond to the urban structure of the village, or the character of the surrounding area. The proposal would therefore not enhance local distinctiveness, would fail to make a positive contribution to the quality of the character and functionality of the wider settlement and would fail to establish a strong sense of place. For these reasons the development would not constitute good design and the proposal conflicts with Policies SD4 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 -2031 (December 2017), Policy GD3 of the Twyning Neighbourhood Development Plan (January 2018) and the provisions of the National Planning Policy Framework.
4. In the absence of an appropriate planning obligation, the application does not provide for suitable public transport provision. The proposal would therefore increase the reliance on the use of the private motor vehicle to access employment provision and day-to-day services and facilities, contrary to the aims of promoting sustainable transport. The proposed development therefore conflicts with Policy INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031 (December 2017), Policy TP1 of the Twyning Neighbourhood Development Plan (January 2018) and section 4 the National Planning Policy Framework (Promoting sustainable transport).

5. In the absence of an appropriate planning obligation, the application does not provide housing that would be available to households who cannot afford to rent or buy houses available on the existing housing market. As such, the proposed development conflicts with SD12 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 -2031 (December 2017) and Policy H3 of the Twyning Neighbourhood Development Plan (January 2018).
6. In the absence of an appropriate planning obligation, the application does not make provision for the delivery of education, library provision, public open space, play facilities, and recycling/waste bins and therefore the proposed development is contrary to Policy RCN1 of the Tewkesbury Borough Local Plan to 2011 (March 2006), Policies INF4, INF6 and INF7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 -2031 (December 2017), Policies LF1 and ENV3 of the Twyning Neighbourhood Development Plan and the National Planning Policy Framework.
7. Insufficient information has been provided to demonstrate that the proposed development would not have an adverse impact on Great Crested Newts, which are a protected species. The proposed development is therefore contrary to Policy SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017) and advice set out in the National Planning Policy Framework.

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 offering pre-application advice, detailed published guidance to assist the applicant and published 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. However, as a consequence of the clear conflict with Development Plan Policy no direct negotiation during the consideration of the application has taken place.