

# TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

<b>Committee:</b>	Planning
<b>Date:</b>	16 February 2021
<b>Site Location:</b>	Land To The North Fleet Lane Twyning Tewkesbury Gloucestershire
<b>Application No:</b>	19/01084/OUT
<b>Ward:</b>	Tewkesbury North And Twyning
<b>Parish:</b>	Twyning
<b>Proposal:</b>	Outline application for residential development for up to 52 units and associated works with all matters reserved for future consideration except for access.
<b>Report by:</b>	Lisa Dixon
<b>Appendices:</b>	Site location plan. Illustrative layout plan.
<b>Recommendation:</b>	Delegated Permit.

## 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1. The application site is a 2.59 hectare parcel of land on Downfield Lane to the east of the Village Green. The site is bound by hedgerows and fencing and comprises semi-improved grassland used for the grazing of horses. The site contains some trees and a small pond. To the north is agricultural land with small collections of buildings along the length of Downfield Lane. To the east are open agricultural fields. To the west are the rear gardens of established dwellings on Goodiers Lane whilst to the south is further residential properties, including the recently constructed Newlands Home development of 22 houses, permitted in 2015 (13/01205/FUL). The site is located in the Landscape Protection Zone identified in the adopted and emerging local plans.
- 1.2. The proposal is for up to 52 dwellings. The application is made in outline form with all matters reserved except for access. The application supported by an indicative planning layout plan which shows a single point of vehicular access onto Downfield Lane at the southern end of the site, opposite the dwelling known as Tater-du. The indicative plan also shows, amongst other things, an area of open space to the south west corner of the site to act as a buffer between existing and proposed dwellings; a SuDS feature in further green space, with an 'active footpath' in the south-east corner of the site; and an orchard and allotments in the north-west corner.

## 2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
T.6181	Outline application for residential development. New vehicular access.	REFUSE	18.04.1973

## 3.0 RELEVANT POLICY

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

### National guidance

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

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

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

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

- 3.4. Policies: Policies: RCN1, TPT3, TPT6.

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

- 3.5. Policies: ES2, RES3, RES4, RES5, RES12, RES13, DES1, HER4, LAN4, NAT1, NAT3, ENV2, RCN1, COM2, COM4, TRAC1, TRAC2, TRAC3, TRAC9.

Twyning Neighbourhood Development Plan 2011- 2031.

- 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** – objecting to this application in that the proposed site is not an appropriate location due to the adverse impact of traffic movements versus safe access to the primary school. We do not believe this hazardous situation could be mitigated in any way and that is perhaps why no infrastructure offer is included within the application.

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 (17 April 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.

Policy RES1 of the pre-submission version of the Tewkesbury Local Plan has not identified any further sites for development in Twyning Parish. RES4 would indicate that 52 houses is not an appropriate or proportional development strategy.

There are NO regular bus services in Twyning - just one on a Monday.

We consider that 52 houses in this location without adequate means of discharging water from the site, would create a flood risk to adjacent land and roadways.

The proposal is an outline application which, if allowed, may give rise to buildings which are out of character or harmful to the amenity of Twyning.

The Parish Council consider that there are 3 issues which remain unresolved on this site. The site is outside the development boundary. There is an issue with the large water main and 15 metre easement. There is no workable solution on access and road safety. The Parish Council have not been included in any consultations with the highways authority.

In addition:

- a) We agree with the comments in the Road Safety Audit submitted by the Applicants that the area has no footpath or lighting which will be detrimental to future road safety particularly after dark and inclement weather.
- b) To ensure public safety a footpath would be required all the way between the site and the Village School.
- c) The Village Green option referred to in the Road Safety Audit is not possible because the Village Green, and the verges, are registered as a Village Green and are also subject to grazing rights.
- d) While Fleet Lane currently has a good safety record there is a great increase in traffic caused by the new Newland Homes development and the large Park Home complex. There is already a large increase in trade vehicles servicing these areas.
- e) The Applicants response to the Road Safety Audit does mention the footpath situation.
- f) It is not acceptable to expect, or permit, Residents to have to walk in the middle of the road to reach the Village Shop or the School.

**Strategic Housing and Enabling Officer** – Proposed 40% affordable housing meets policy requirement. Proposes a slightly altered mix to that put forward by the applicant.

**Tree Officer** – No objection subject to conditions.

**Environmental Health Adviser** – No objection to the application in terms of road traffic noise adversely impacting future residents. In order to minimise any nuisance during the construction phase from noise, vibration and dust emissions the applicant should refer to the WRS Demolition & Construction Guidance (attached) and ensure its recommendations are complied with. No objections in respect of air quality subject to conditions.

**County Archaeologist** - there is a low risk that the proposed development will have any adverse impacts on archaeological remains; no further archaeological investigation or recording required.

Gloucestershire Highways Development Management – No objection subject to conditions.

**Gloucestershire County Council Strategic Infrastructure** – The following contributions are requested to make the development acceptable in planning terms:

Pre-school - £235,419.60.

Primary - £321,740.12.

Secondary (11-18) - £334,324.64.

Libraries - £10,192.

**Lead Local Flood Authority** – No objection subject to conditions.

Highways England – No objection.

**Natural England** – No objection subject to a condition to secure mitigation to safeguard the interest features of the Upham Meadow and Summer Leasow Site of Special Scientific Interest.

**CPRE** – Object. The site is not included in the NDP or Tewkesbury Borough Plan. Whilst Twyning is a service village this should not lead to indiscriminate building. The site is too large to be considered under policy RES4 of the emerging borough plan. RES4 also says there should not be a cumulative adverse impact: Twyning has already had a substantial amount of new housing and should not be expected to take more until there has been satisfactory cohesion between the existing village and new developments.

## **5.0 PUBLICITY AND REPRESENTATIONS**

- 5.1. The application has been publicised through the posting of a site notice for a period of 21 days.
- 5.2. 53 letters of objection have been received raising the following issues:
  - The site is not allocated for new housing and the village does not need more new housing; the indicative requirement for dwellings (75) up to 2031 set out in the NDP has already been met.
  - Twyning has already suffered a substantial amount of new housing in the last 3 years.
  - The roads are not suitable for accommodating the extra traffic.
  - Additional traffic would increase noise pollution.
  - The area floods.
  - The area has no footpath or lighting therefore there would be road safety concerns particularly in the dark and inclement weather.
  - A footpath is needed to ensure safe access to the school.
  - The village amenities already cannot cope with the amount of people requiring them, especially the village school where children who currently live within the village are not guaranteed a place.
  - There are no regular bus services to and from Twyning.

- Between the proposed site and the village centre residents need to pass by the village school and village shop. This is a serious bottle neck during school term time and subject to indiscriminate parking.
- The site is outside the Development Boundary, as agreed by the residents of Twyning Parish through the Twyning NDP and is also contrary to the JCS.
- The site is not included in the draft Borough Plan.
- Drainage at the bottom end of the village is currently very bad. Natural topography in the area drains to the bottom corner of the site. The proposed balancing pond would easily flood with nowhere for excess to go. Road run off is poor, with drains not coping causing flooding at the corner of Fleet Lane and Downfield Lane. Additionally, the drains pop open and overflow at Goodiers Lane in times of heavy rainfall. This situation has worsened severely recently and can be expected to worsen again with an additional 52 houses.
- The site is visible from a number of vantages including Bredon Village and Bredon Hill; the village aesthetic would be damaged.
- The site is ridge and furrow land.
- A mains sewer and 14m easement run through the site which makes the development unviable.
- The application fails to provide good quality permeable routes to local services and pedestrian and disabled movement is not prioritised. This scheme will certainly not contribute towards creating and enhancing pedestrian routes.
- The proposal would have an unacceptable impact on the property known as Surtees on Goodiers Lane due to loss of privacy and outlook/view.
- There is limited employment within the area forcing residents to commute to work.
- Approval of the application would not align with the Council declaring a climate change emergency.
- There is often congestion around the village access off the M50 slip road; further development will only add to this.
- The existing Newlands Homes site still has some plots left unsold.
- Downfield Lane is a great example of a natural habitat, with rural hedgerows and grazing fields for animals and wildlife. This should not be destroyed under any circumstances.
- There are far better sites to be considered where traffic would not be required to travel through the village.
- The village and community requires a period of less extensive development to ensure our new families settle in and the community retains its friendly nature.
- The proposal threatens the nearby SSSI.
- There will be a decrease in air quality and increase in light pollution.

## **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.
- 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. On the basis of the stage of preparation it has reached, 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. Policy SD10 of the JCS states that within the JCS area new housing will be planned in order to deliver the scale and distribution of housing development set out in Policies SP1 and SP2. Housing development will be permitted at sites allocated for housing through the development plan, including Strategic Allocations and allocations in district and neighbourhood plans. On sites that are not allocated, housing development and conversions to dwellings will be permitted on previously-developed land in the existing built-up areas of Gloucester City, the Principal Urban Area of Cheltenham and Tewkesbury town, rural service centres and service villages except where otherwise restricted by policies within District plans. Policy SD10 follows that housing development on other sites will only be permitted where:
  - i. It is for affordable housing on a rural exception site in accordance with Policy SD12, or;
  - ii. It is infilling within the existing built up areas of the City of Gloucester, the Principal Urban Area of Cheltenham or Tewkesbury Borough's towns and villages except where otherwise restricted by policies within District plans, or;
  - iii. It is brought forward through Community Right to Build Orders, or;
  - iv. There are other specific exceptions / circumstances defined in district or neighbourhood plans.
- 7.2. 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 Twynning as a service village beyond the sites designated for residential development in this plan and the defined development boundary.

- 7.3. The application site is Greenfield land that lies outside of the defined settlement boundary for Twynning as defined in the Twynning 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.

#### **The Council's 5 Year Housing Land Supply and the implications of the NPPF**

- 7.4. 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 4.35 years supply of housing can be demonstrated (as set out in the latest Five Year Housing Land Supply Statement published in December 2020). In this scenario, paragraph 11 of the NPPF states that where policies which are most important for determining the application are out of date (including policies for the provision of housing where a five year supply cannot be demonstrated), 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.
- 7.5. Members will be aware of the recent appeal decision at Ashmead Drive in which the Inspector concluded that the Council can demonstrate a 1.82 year supply of deliverable housing sites. This is principally because the Council includes advanced delivery (or 'oversupply') against annual housing requirements in its five-year supply calculations. Appeal decisions are not binding precedents however. Officers consider that, on the context of the plan-led system, it is wrong not to take into account houses that have already been delivered during the plan period, essentially ahead of schedule, and which meet the needs being planned for in the area. Officers' advice is therefore that a 4.35 year supply can be demonstrated at this time.

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 four of the stated criteria apply. One of those criteria is that any NDP was 'made within the last two years. However the TNDP is more than two years old as it was adopted as part of the development plan on the 17th April 2018.

## **Status of the Twyning Neighbourhood Development Plan**

- 7.6. 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:
- i. the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
  - ii the neighbourhood plan contains policies and allocations to meet its identified housing requirement;
  - iii 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
  - iv the local planning authority's housing delivery was at least 45% of that required over the previous three years.
- 7.7. 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.

## **Conclusions on Principle of Development**

- 7.8. It is noted that objections have been raised on the grounds that Twyning has met, if not exceeded, the numbers referred to in the NDP which arose from the Housing Background Paper supporting the JCS/Borough Plan. Nevertheless these numbers were indicative only and whilst the conflict with the development plan weighs against the proposal, it's policies in relation to the provision of housing are out of date for the reasons set out in paragraph 7.4 above and the presumption is that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPFs policies as a whole.

## **Access and highway safety**

- 7.9. The NPPF sets out that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making. Further, development should only be prevented or refused on highways grounds where there would be an unacceptable impact on highway safety or the residual cumulative impacts of development are severe. Policies TRAC9 of the emerging TBP state that proposals need to make provision for appropriate parking and access arrangements. 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 Twyning Parish that cannot be acceptably mitigated, particularly where the road network is narrow and pedestrian facilities inadequate.
- 7.10. A number of concerns have been raised by the local community in respect of traffic and transport, including the suitability of the local road network to take additional traffic, accessibility and road safety, particularly the lack of a footway between the site and the rest of the village.

- 7.11. The applicants engaged in detailed pre-application discussions with the Local Highway Authority. The application is supported by a technical note on transport and a Stage 1 Road Safety Audit which has been amended and commented on during the application process.
- 7.12. The application advises that the vehicular access to the application site would be accessed by a simple priority junction, which is to be served from Fleet Lane. The access is proposed to be located approximately 25m west from the south east corner of the site on the southern boundary, in the vicinity of the existing field gate. The existing field gate at the north east corner of the site, on to Downfield Lane, would be blocked off as part of this scheme.
- 7.13. Given the proximity of the site to Junction 1 of the M50, Highways England were consulted and they offered no objection.
- 7.14. In respect of the local highway network, Gloucestershire County Council as Local Highway Authority (LHA) were involved in detailed pre-application discussions with the applicant and a copy of the pre-application response from the LHA was provided as part of the application.
- 7.15. The LHA confirm that application contains details of the junction with Fleet Lane, trip rates and indicative site layout. In respect of the junction with Fleet lane, the LHA confirm that the visibility splays and design are considered suitable and no objection is raised subject to conditions. The LHA are also satisfied that the trip generation rates provided by the applicant are suitable for the scale and location of the proposed development.
- 7.16. Whilst the application is made in outline, the LHA have assessed the illustrative layout provided with the application and consider that the internal roads and parking appear to be broadly acceptable however full details, including vehicle and cycle parking, swept path analyses for all types of vehicles, traffic calming measures and pedestrian/cycle routes would need to be fully assessed at reserved matters stage. Similarly, in general terms, numbers of vehicle/cycle parking spaces meets minimum standards but again, would be fully considered at reserved matters stage.
- 7.17. With regard to accessibility, it is noted 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. The LHA has recommended a condition which would require each dwelling to include an additional habitable room to facilitate working from home. Whilst the reason for this is understood (particularly at this current time) it is not considered that such a condition would be reasonable, necessary or enforceable and as such would not meet the statutory tests for conditions.
- 7.18. Discussions have taken place throughout the process as to whether a footway connection linking the site to the rest of the village should be required. The Parish Council is of the view that, to make the development safe, a footway should be provided all the way from the site to the village school.
- 7.19. The LHA does not consider that a footway is necessary. The TN submitted with the application provides a survey of existing traffic flows recorded at the junction at the corner of the Green closest to the application site were very low (37 in the AM peak hour and 38 in the PM peak hour). The number of pedestrian movements that would arise from the proposed development are estimated to be around 11 or 12 pedestrian movements during the AM peak hour (one every 5 minutes on average) and around 5 or 6 (one every 10 minutes on average) during the PM peak hour. In combination with relatively low speeds it is considered that this would result in low potential for conflict over and above the existing situation. The TNB concluded that given the general lack of footways throughout the village, providing one over a short length of lane on the village outskirts would be of limited benefit in any case.

- 7.20. Nevertheless, the Road Safety Audit accompanying the application has been updated to take into account a scenario where a footpath is required and provided recommendations that the footpath would need to be 1.8m wide. This would require the road to be narrowed which would mean it would be only suitable for single lane traffic, and a system of traffic control would need to be introduced to manage traffic flows through the reduced section of carriageway width created by the proposed new footway.
- 7.21. Notwithstanding the above, as set out above the LHA is clear that, based on traffic flows, anticipated pedestrian flows and the available road space, a footway along Fleet Lane is not required. A condition to secure this has therefore not been included in the recommendation.
- 7.22. Overall, whilst it is clear that some journeys would rely on the private car, given the service village status of Twyning, and the recommendation by the LHA that a Travel Plan be secured as part of any approval, the proposal is considered acceptable in this regard. There is no objection from the highways authorities subject to conditions and therefore the application is considered to accord with the above development plan policies.

### **Landscape impact**

- 7.23. The NPPF sets out that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. 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.
- 7.24. The site is located in the Landscape Protection Zone (LPZ). Saved Policy LND3 of the Tewkesbury Borough Local Plan to 2011 provides, inter alia, that development will not be permitted which has a detrimental visual or ecological effect on the character of the river banks or associated landscape setting of the Severn Vale. This is reflected in Policy LAN2 of the emerging Borough Plan which further requires a balance to be struck between any harm to the LPZ and the need for and benefits arising from development proposals.
- 7.25. The application is accompanied by a 'Landscape and Visual Matters' document (LVMD) which sets out that The site, plus two fields immediately north of the site, were included in the Tewkesbury Borough Council Landscape and Visual Sensitivity Study by Toby Jones Associates. The site, referred to as TWY-03 is judged as having medium visual sensitivity and medium landscape sensitivity. In context with other sites assessed around the village this is the lowest category and the site is one of 4 (out of 13) sites in this lower sensitivity category. 1 of the 4 sites is a recreation ground, the other 3 are all within the Landscape Protection Zone.

- 7.26. The site falls between two character types; Twyning Hills and Twyning Meadows. Given its topography, the site is predominantly in the Twyning Hills area along with most of the existing village. The LVMD identifies the following key visual receptors:
- Residents of some houses along Fleet and Goodiers Lane.
  - Cyclists using National Cycle Route 45 along Fleet and Downfield Lane.
  - Walkers using the Shakespeare's Avon Way along Downfield Lane.
  - Users of eastern sides of the Village Green.
- 7.27. The LVMD summarises that the extent of views is generally restricted to a small geographical area east of the site due to low lying landform and layering effect of hedges and riverside vegetation. The M5 motorway provides a visual barrier particularly where it is raised crossing the river. Key views are very local to the site and there is limited intervisibility between the site and river due to layers of intervening vegetation.
- 7.28. The LVMD concludes that the study site provides good opportunities to accommodate small scale residential development with minimal detrimental effects. There are good opportunities to incorporate local architectural styles and materials and landscape enhancements through native hedge, tree, orchard, meadow planting and pond enhancements. In context with other sites, the LVMD states that around the village, the study site makes a logical growth to the village without significant landscape or visual impacts.
- 7.29. It is agreed that views of the site are limited due to topography, the well-established field boundaries and external features including the M5. There could be long distance views of the site, for example from the new development at Mitton and from Bredon Village and Bredon Hill, however these views would be filtered by existing structural landscaping and would be seen against the backdrop of the existing village.
- 7.30. The Council's Landscape Adviser (LA) has reviewed the application and whilst he questioned the approach to landscape assessment, broadly agrees with the conclusion in the LMVD. In his view the site is capable of accommodating residential development without causing significant adverse landscape and visual impacts, and in particular, without harming the visual amenity of the River Severn. Nevertheless, the LA did however raise some concerns regarding the quantum of development proposed and in particular whether there would be sufficient flexibility within the scheme to avoid harm to important views from the village green and to the rural character of Downfield Lane.
- 7.31. In response to the LAs concerns the applicant submitted further landscape analysis work including an Addendum to the LVMD and 'verified visualisations' which address, in particular, the concerns raised regarding views from the Village Green. A revised illustrative layout plan has also been provide which indicates the potential for one and a half storey dwellings facing Downfield Lane, an improved buffer along Downfield Lane behind the existing field boundary hedge and an improved design with parking and driveways relocated.

- 7.32. The applicants landscape consultant states that whilst the development is visible in views at close proximity from north eastern edges of the village green, the more typical views of development from the central and south western areas of the green. The overall visual context is balanced with the strong character of existing residential settlement set around the village green with glimpses of Bredon Hill above and between houses. It is agreed that, following the additional information submitted, the overall visual amenity experienced from the village green would not be significantly harmed by the proposals. Whilst there are some remaining concerns with the proposed illustrative layout (see below), it is considered that the application as amended demonstrates that 52 dwellings could be delivered on this site without significant and demonstrable harm to the landscape.
- 7.33. The Council's Tree Officer has been consulted and notes that all hedgerows, except a small section required to be removed to provide the access, are proposed to be retained. The proposed orchard is seen as a positive aspect to the development provided that it is stocked with local fruit trees – this can be controlled by condition. Similarly, the proposed development offers a good opportunity to plant native trees both within the site, and within the boundary hedgerows which would enhance biodiversity as well as adding to the structural landscaping. Again, these can be secured by condition, as can protective measures for the existing trees/hedgerows proposed to be retained.
- 7.34. In light of the above, there would be some landscape harm arising from the proposals, given the encroachment into the countryside. Nevertheless, the site's location adjacent to the existing settlement, the existing structural landscaping in the area and the potential to further minimise harm through sensitive design at reserved matters stage, it is not considered that this harm would be significant.

### **Design and layout**

- 7.35. 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 Twynning Parish respecting the pattern of development, its grain, density and materials within the immediate area.
- 7.36. Whilst all matters except access are reserved the application is accompanied by an illustrative layout which indicates how the proposed quantum of development could be achieved on the site. The layout shows an orchard/allotment area to the north-west of the site where it abuts properties on Goodiers Lane. There is also a landscape buffer along the site boundaries with Downfield Lane and Fleet Lane, and in the south-west corner of the site where the site abuts existing residential properties. Whilst there is no buffer shown in the mid-section of the western boundary, this is at a point where the adjoining properties have very long back gardens.

- 7.37. The proposal can be seen as a logical extension to the village in terms of morphology, sitting adjacent to the existing settlement edge and opposite the recent Newland Homes development on Fleet Lane. The development would continue the theme of housing development that took place in the latter half of the 20<sup>th</sup> century around Hill End Road, Hill View Lane, Goodier's Lane, Nut Orchard Lane and Paxhill Lane. The extended buffer to the southern and eastern boundaries help to provide a transition between the proposed built form and the landscape. There are some concerns with the proposed layout, particularly at its northern end, and how this reflects the existing pattern of development. Nevertheless, these matters of detail can be addressed at reserved matters stage and officers are satisfied that the proposed layout indicates that 52 dwellings can be achieved on the site in an environmentally acceptable way.

### **Drainage and flood risk**

- 7.38. 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.
- 7.39. The application is supported by a Flood Risk Assessment and Drainage Strategy (FRADS) site which confirms that the site is located in Flood Zone 1 and at low risk of river flooding. The FRADS advises that ground investigation carried out in relation to the recent development on the opposite side of Fleet Lane suggests that suitable percolation is available in the area to allow for the development to be served by soakaways, infiltration trenches, and an infiltration basin.
- 7.40. The FRADS concludes that subject to the proposed mitigation measures, the development could proceed without being subject to significant flood risk. The development would be at low risk from pluvial, fluvial and groundwater sources of flooding and the impact on the wider area would be addressed by limiting run-off to the same rate as the existing greenfield run off. The foul sewerage is proposed to discharge to an existing network within the site and the surface water will connect into an existing culvert in Fleet Lane.
- 7.41. Issues have been raised during the consultation process regarding the existing sewerage system serving the village.
- 7.42. The Lead Local Flood Authority (LLFA) note the low risk from all sources of flooding and that whilst in the southern east corner of the site there is a greater risk of flooding from groundwater, no buildings are being proposed in that area. The LLFA were originally concerned about the lack of detail, particularly the lack of certainty over the alternative potential strategy of discharging into a watercourse to the south of Fleet Lane as this falls outside the red line boundary of the site however it has since been clarified that this watercourse falls wholly within the highway boundary and the site therefore has a suitable discharge strategy, should infiltration not be viable.

- 7.43. The LLFA is satisfied that surface water will be directed into and stored in an infiltration basin or attenuation basin and the applicant has demonstrated there is sufficient space on site to store the required volume for a 1 in 100 year plus 40% for climate change. They advise that the applicant has demonstrated that there is a viable discharge strategy for the site and that the development will not increase the risk of flooding elsewhere. The proposals also include appropriate measures to manage water quality and have correctly accounted for climate change.
- 7.44. Officers are aware that there have been issues with foul sewage in the village; this is an issue which has arisen during previous applications. Severn Trent Water (STW) have been consulted as the relevant statutory undertaker for foul sewerage in the area.

#### **Affordable housing and Housing mix**

- 7.45. 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.
- 7.46. The application is accompanied by an affordable housing statement which proposes that 40% of the proposed housing would be affordable, four of which would be 1-bed, nine which would be 2-bed and eight would be 3-bed.
- 7.47. The Strategic Housing and Enabling Officer (SHEO) has been consulted and has welcomed the provision of 40% affordable housing, suggested a 70/30 split in favour of rented accommodation. The SHEO proposes a slightly different mix however as there is an identified need for a 4-bed unit in the area; this would replace one of the 3-bed units proposed by the applicant.
- 7.48. The applicant is also proposing to offer 2 dwellings, which equates to 5% of the total number of units, as self-build/custom-build serviced plots. This is welcomed and is a minor benefit in favour of development, contributing towards the Council's duty to provide custom/self-build plots.
- 7.49. JCS Policy SD11 requires an appropriate mix of dwelling sizes, types and tenures in order to contribute to mixed and balanced communities and a balanced housing market. In accordance with 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.
- 7.50. The application proposes the following mix of open-market housing
- 4 x 2 bed bungalow
  - 3 x 3 bed bungalow
  - 12 x 3 bed house
  - 12 x 4 bed house

- 7.51. The proposal does not meet the mix as set out in the Gloucestershire Local Housing Needs Assessment 2019 – Final Report and Summary (September 2020) which provides the most up to date evidence based to inform the housing mix on residential applications. In Tewkesbury Borough, 3% of new market dwellings should be one-bedroom properties, with 13% having two bedrooms, 54% containing three bedrooms and 29% having four bedrooms or more. Nevertheless, there is not a significant divergence and some benefits in the provision of bungalows; in any event this is a matter which can be secured by condition.
- 7.52. Overall the proposals in respect of affordable housing and market housing mix are broadly acceptable subject to final details being agreed by way of planning obligations/condition respectively.

### **Biodiversity**

- 7.53. The NPPF sets out, inter alia, that when determining planning applications, Local Planning Authorities should aim to conserve and enhance biodiversity by encouraging opportunities to incorporate biodiversity in and around developments, especially where this can secure measurable gains for biodiversity. Policy SD9 of the JCS seeks to protect and, wherever possible enhance biodiversity, including wildlife and habitats. Policy NAT1 of the emerging NAT1 states that development proposals that will conserve, and where possible restore and/or enhance, biodiversity will be permitted.
- 7.54. The application is accompanied by an Ecological Appraisal (EA), the key findings of which were that the site consists of a field of poor semi-improved grassland enclosed by species-poor hedges and fences. The boundary hedgerows are used by low numbers of foraging bats but no significant commuting routes were identified although it was noted that the current proposals would use the existing access and retain the remaining boundary hedges. There is low potential for small Dormice. The presence of reptiles is unlikely but cannot be entirely ruled out. Great Crested Newts were found to be likely to be absent. The EA recommended various measures to be incorporated into the scheme which can be secured by an appropriately worded planning condition.
- 7.55. Notwithstanding the above, Natural England have commented on the proposals and raised concern regarding the potential for the interest features for which the Upham Meadow and Summer Leasow Site of Special Scientific Interest, which lies within 1km of the application site, has been notified to be affected by the proposed development. The SSSI is open access but with restrictions between March and July to allow the ground nesting wild birds to breed. The site is of significant importance for breeding curlew. Consequently Natural England recommend a condition to be imposed which would secure a suitable Homeowner Information Pack including information about alternative local recreation resources to offer new homeowners a choice of places to go; and 'Countryside Code' type information explaining for example the need to keep dogs on leads when walking on or near sensitive sites like the SSSI.
- 7.56. Therefore subject to conditions to secure on site mitigation and a homeowner pack to protect the special interest of the SSSI, the proposal is considered to be acceptable in respect of ecological impacts.

## **Open space and play facilities**

- 7.57. (The NPPF 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 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.
- 7.58. Assuming that the 52 dwellings would have an average 2.32 persons per dwelling, the population increase would be 121 persons. As such, based on policy RCN1, there would be a resulting requirement for the provision of approximately 0.3 hectares, half of which should be playing pitches. The indicative layout shows sufficient space for the provision of the necessary on-site open space which would be required to include a Locally Equipped Area for Play' can be secured by an appropriate planning obligation. Given the number of dwellings proposed, the provision of a playing pitch could not be justified. Subject therefore to an obligation to secure appropriate levels of on site, usable open space, the proposals are acceptable in this regard.

## **Education/Library provision**

- 7.59. JCS Policy requires delivery of appropriate on/off-site infrastructure and services generated by development. The Local Planning Authority will seek to secure appropriate infrastructure which is necessary, directly related, and fairly and reasonably related to the scale and kind of the development proposal. Policy INF4 of the JCS requires appropriate social and community infrastructure to be delivered where development creates a need for it. JCS Policy INF7 states the arrangements for direct implementation or financial contributions towards the provision of infrastructure and services should be negotiated with developers before the grant of planning permission. Financial contributions will be sought through S106 and CIL mechanisms as appropriate.
- 7.60. Gloucestershire County Council as Local Education Authority (LEA) has been consulted and requested contributions towards education provision in line with its cost multipliers and pupil yields. In respect of Early Years (pre-school) provision the LEA advises that this is very much concentrated in Tewkesbury and Northway; there is very limited provision in Twyning itself. In view of this the LEA advises that a full contribution is appropriate, in order to extend the Early Years offer in the area to address shortfalls and meet parental requirements and GCC's statutory duty.
- 7.61. In respect of Primary provision it is advised that Twyning Primary School is forecast to be over capacity across all 4 years of the new 2020 forecasts. The most recent census shows only one year group (Y6 who will move to secondary Sept 2020) with capacity. The LEA advise that this small school is already feeling the effects of existing development, without taking into account the yield from other anticipated development. Therefore a full primary contribution is justified.
- 7.62. The LEA advise that there is some forecast spare capacity in Secondary provision in the area, however the cumulative yield from previously proposed developments much closer to Tewkesbury School more than uses up this surplus. On that basis a full secondary contribution.

- 7.63. Consequently, the LEA has requested the following contributions which are required to make the development acceptable in planning terms.

**Pre-school** - £235,419.60

**Primary** - £321,740.12

**Secondary (11-18)** - £334,324.64

- 7.64. In respect of libraries, GCC advise that a contribution of £10,192 (£196 per dwelling) is required to meet demand generated by the development for library facilities.

- 7.65. The above contributions are considered to be justified in the context of the CIL regulations and subject to s106 obligations to deliver these contributions, the proposed development would be acceptable in this regard.

#### **Other Matters**

- 7.66. There are no protected heritage assets in close proximity to the site, the setting of which would be affected by the proposed development. The County Archaeologist has been consulted and the site is considered to have low archaeological potential and no further work is required in this respect.

#### **Community Infrastructure Levy/Section 106 obligations**

- 7.67. The Community Infrastructure Levy (CIL) Regulations allow local authorities to raise funds from developers undertaking new building projects in their area. The regulations stipulate that, where planning obligations are capable of being charged the levy, they must comply with the tests set out in the CIL regulations. These tests are as follows:
- a) necessary to make the development acceptable in planning terms
  - b) directly related to the development; and
  - c) fairly and reasonably related in scale and kind to the development.
- 7.68. As a result of these Regulations, local authorities and applicants need to ensure that planning obligations are genuinely 'necessary' and 'directly related to the development.' As such, the Regulations restrict local authorities' ability to use Section 106 Agreements to fund generic infrastructure projects, unless the above tests are met. Where planning obligations do not meet the above tests and restrictions, it is 'unlawful' for those obligations to be taken into account when determining an application.
- 7.69. In October 2018 the Council adopted CIL and implemented the levy on the 1st January 2019. Nevertheless, 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 as set out in the relevant sections above. Officers consider that these obligations are justified in the context of CIL regulation 122 and should be taken into account in making the decision.
- 7.70. The s106 requests set out in this report are considered to meet the relevant tests and would therefore be lawful.

## **8.0 CONCLUSION AND RECOMMENDATION**

- 8.1. Section 38(6) of the Town and Country Planning Act 1990 provides that, if regard is to be had to the development plan, the determination must be made in accordance with the development plan unless other material circumstances indicate otherwise. Section 70(2) of the Act provides that the Local Planning Authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.
- 8.2. In respect of housing policy, the proposed development conflicts with the development plan in so far as it is not in an area allocated for housing development and does not meet any of the exceptions set out in JCS Policy SD10. There is also conflict with the Twyning NDP as the site is outside the development boundary and again, does not meet any of the criteria for new housing in such areas.
- 8.3. Nevertheless, as set out above the Council cannot demonstrate a five year supply of deliverable housing sites. In such circumstances, in accordance with paragraph 11 (and footnote 7) of the NPPF, the above policies relating to the provision of housing are considered to be out of date and the presumption is that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPFs policies as a whole.

### **Benefits**

- 8.4. The benefits of the proposal are clear in that the proposal would deliver up to 52 dwellings which would contribute towards ongoing supply, particularly in the context of the five year supply shortfall. Of the proposed dwellings, 40% (21 units) would be affordable and, subject to an agreed planning obligation, would meet the identified needs of the area. These benefits attract significant weight in the overall planning balance. The proposal would similarly result in economic benefits, both during and post-development, including increased spend in the local economy. These economic benefits attract moderate weight in the overall planning balance.

### **Harms**

- 8.5. In addition to the harm by reason of conflict with the development plan (which must assume lesser weight in the context of the five-year supply position), there would be some harm to the landscape by reason of encroachment into the countryside. Nevertheless, as set out above, given the site's location adjacent to the existing settlement, the existing structural landscaping in the area and the potential to further minimise harm through sensitive design at reserved matters stage, it is not considered that this harm would be significant.

### **Neutral**

- 8.6. Having regard to the policies of the development plan and the responses of technical consultees, subject to the imposition of suitable planning conditions and agreed planning obligations, there are no objections in respect of design, traffic and transport, drainage, biodiversity, infrastructure and heritage.

### **Conclusion**

- 8.7. As set out above, the Council cannot demonstrate a five-year supply of deliverable housing sites, The conflict with the development plan, including the NDP is a serious matter however the policies for the provision of housing are out of date in the context of paragraph 11 of the NPPF and must necessarily attract less weight.

- 8.8. Whilst there would be some harm arising from encroachment into the landscape, this harm would not be significant.
- 8.9. It is therefore concluded that there would be no significant and demonstrable harms arising from the proposed development which would outweigh the benefits when read against the NPPF as a whole. It is therefore recommended that the **grant of planning permission, subject to the conditions below, is delegated to the Development Manager subject to the addition/amendment of planning conditions as appropriate, and the completion of an agreement to secure the following heads of terms**

**Affordable housing – 40%**

**On-site open space/play equipment**

**Travel Plan**

**Pre-school - £235,419.60**

**Primary - £321,740.12**

**Secondary (11-18) - £334,324.64**

**Libraries - £196/dwelling**

#### **CONDITIONS:**

1. The development for which permission is hereby granted shall not be begun before detailed plans thereof showing the layout, scale and external appearance of the building(s) and landscaping (hereinafter referred to as "the reserved matters") have been submitted to and approved by the Local Planning Authority.

Reason: The application is in outline only and the reserved matters referred to in the foregoing condition will require further consideration.

2. Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be begun either before:

- (i) the expiration of five years from the date of this permission, or
- (ii) before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

4. All applications for the reserved matter of external appearance shall include details of all materials to be used in the construction of the external surfaces of the proposed buildings and hard surfaces. The development shall then be carried out in strict accordance with the approved details.

Reason: To ensure that the proposed development is in keeping with the existing dwelling.

5. The first reserved matters application submitted pursuant to condition 1 shall include the submission of a Housing Mix Statement to the Local Planning Authority for its written approval setting out how an appropriate mix of dwelling sizes, types and tenures will be provided in order to contribute to a mixed and balanced housing market to 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 for the area at the time of the submission of the relevant reserved matters. The development shall be implemented in accordance with the approved Housing Mix Statement.

Reason: To ensure that an appropriate housing mix is delivered to contribute to the creation of mixed and balanced communities.

6. The reserved matters submitted pursuant to condition 1 above shall include details of existing and proposed ground levels and finished floor levels of the buildings relative to Ordnance Datum Newlyn. The development shall be carried out in accordance with the approved details.

Reason: In the interests of amenity.

7. The details submitted for the approval of reserved matters shall include a plan indicating the positions, design, materials and type of boundary treatments to be erected. The boundary treatments shall be completed in accordance with the approved details before the buildings are occupied.

Reason: To ensure a satisfactory appearance to the development.

8. The details of landscaping required to be submitted to and approved by the Local Planning Authority in accordance with condition 1 above shall include indications of all existing trees and hedgerows on the land and details of any to be retained together with measures for their protection during the course of development.

Reason: In the interests of visual amenity.

9. All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity.

10. The proposed development shall be carried out in accordance with the Waste Management Plan: Construction Control and Minimisation document by Newland Homes submitted to the Local Planning Authority on 6 January 2020.

Reason: To ensure the effective implementation of waste minimisation.

11. No development shall take place, including any demolition works, until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall provide for:

- 24 hour emergency contact number;
- Hours of operation;

- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Routes for construction traffic;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud being carried onto the highway;
- Measures to protect vulnerable road users (cyclists and pedestrians)
- Any necessary temporary traffic management measures;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development.

12. Prior to occupation of the development hereby permitted until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority, setting out;
- i. objectives and targets for promoting sustainable travel,
  - ii. appointment and funding of a travel plan coordinator,
  - iii. details of an annual monitoring and review process,
  - iv. means of funding of the travel plan, and;
  - v. an implementation timetable including the responsible body for each action.

The approved Travel Plan shall be implemented in accordance with the details and timetable therein.

Reason: The development will generate a significant amount of movement and to ensure that the appropriate opportunities to promote sustainable transport modes are taken up in accordance with paragraphs 108 and 111 of the National Planning Policy Framework.

13. No dwelling on the development shall be occupied until the carriageway(s) (including surface water drainage/disposal, vehicular turning head(s) and street lighting) providing access from the nearest public Highway to that dwelling have been completed to at least binder course level and the footway(s) to surface course level.

Reason: - To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians in accordance with paragraphs 108 and 110 of the National Planning Policy Framework.

14. Prior to construction of the proposed development hereby permitted the proposed access junction with the existing public road and associated visibility splays, shall be completed to at least binder course level.

Reason: - To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians in accordance with paragraphs 108 and 110 of the National Planning Policy Framework.

15. Prior to occupation of the proposed development hereby permitted details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.

Reason: To ensure that safe, suitable and secure access is achieved and maintained for all people that minimises the scope for conflict between traffic and cyclists and pedestrians in accordance with paragraph 108 and 110 the National Planning Policy Framework and to establish and maintain a strong sense of place to create attractive and comfortable places to live, work and visit as required by paragraph 127 of the Framework.

16. Prior to the access hereby permitted being brought into use the existing hedge to the left and right of the access shall be cut back to provide the required visibility splays shown on approved plan no 2019-F-009-008.

Reason: To ensure that safe and suitable access to the site can be achieved for all users in accordance with paragraph 108 of the National Planning Policy Framework.

17. The proposed development shall be carried out in accordance with the Worcestershire Regulatory Services Demolition & Construction Guidance.

Reason: To minimise any nuisance during the construction phase from noise, vibration and dust emissions

18. Applications for reserved matters for all proposed buildings shall include details of secure cycle parking facilities.

Reason: To help to reduce congestion and emissions and improve air quality and public health.

19. No development shall commence on site until a detailed Sustainable Drainage System (SuDS) Strategy document has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall be in accordance with the proposal set out in the applicant's submission (Flood Risk Assessment and Drainage Strategy, 25 October 2019, Ref.: 792-ER-01). The SuDS Strategy must include a detailed design. The SuDS Strategy must also demonstrate the technical feasibility/viability of the drainage system through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the life time of the development. The approved scheme for the surface water drainage shall be carried out in accordance with the approved details before the development is first put in to use/occupied.

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

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

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

21. No dwelling hereby approved shall be occupied until the need for foul sewerage improvements have been investigated and the resulting foul sewerage improvements have been fully implemented and completed and confirmed as such by Severn Trent Water Limited in writing to the Local Planning Authority.

Reason: To ensure suitable foul drainage is provided to serve the proposed development.

22. Prior to the first occupation of any dwelling, a Homeowner Information Pack (HIP) setting out the location and sensitivities of the Upham Meadow and Summer Leasow Site of Special Scientific Interest shall be submitted to and approved in writing by the Local Planning Authority. The HIP shall include information on local recreation including both destinations for visits in the area, the sensitivities of local and designated sites and steps homeowners can take to conserve the SSSI and its wildlife for future generations while enjoying it themselves. Two copies of the HIP shall be provided to all future residents prior to the occupation of each dwelling.

Reason: To protect the interest features for which Upham Meadow and Summer Leasow Site of Special Scientific Interest has been notified.

## **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. Section 278. The upgrade works to the access on Fleet Lane and new access to the development, as shown in diagram 2019-F-009-008, require alteration to the existing highway network and must be undertaken by the Highway Authority or its appointed agents. An Agreement under Section 278 of the Highways Act 1980 will be required. The Local Highway Area office will need to be contacted prior to commencement of work on the access. The applicant is also advised that it is an offence under section 161 of the Highway Act 1980 to deposit anything on a highway the consequence of which a user of the highway is injured or endangered. It is strongly recommended that during any form of earthworks and/or excavations that are carried out as part of the development, suitable vehicle wheel washing equipment should be provided and used within the site, to prevent contamination and damage to the adjacent roads.

3. The Developer is requested to erect a sign at the boundary of the new estate street with the nearest public highway providing the Developer's contact details and informing the public that the County Council is not responsible for the maintenance of the street.
4. The Lead Local Flood Authority (LLFA) will give consideration to how the proposed sustainable drainage system can incorporate measures to help protect water quality, however pollution control is the responsibility of the Environment Agency.
5. Future management of Sustainable Drainage Systems is a matter that will be dealt with by the Local Planning Authority and has not, therefore, been considered by the LLFA.