

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

Committee:	Planning
Date:	22 June 2021
Site Location:	Land North Of Perrybrook Shurdington Road Brockworth Gloucester Gloucestershire
Application No:	20/00608/FUL
Ward:	Brockworth East
Parish:	Brockworth
Proposal:	The erection of 47 dwellings and associated vehicular access, public open space, landscaping and other associated infrastructure.
Report by:	Victoria Stone
Appendices:	Site Location Plan Site Layout Plan Street Scene plan Elevations & Floor Plans – Bibury & Cowley House Types Elevations & Floor Plans – Chester & Bibury House Types Elevations & Floor Plans – Beckford & Cantlow House Types Elevations & Floor Plans – Beckford & Chedworth House Types Elevations & Floor Plans – Ashton & Barrow Apartments Elevations & Floor Plans – Cranham House Type Elevations & Floor Plans – Dereham House Type Elevations & Floor Plans – Derwent House Type Elevations & Floor Plans – Dursley House Type Elevations & Floor Plans – Proposed Garages Perrybrook Masterplan Context and Green Infrastructure Plan Strategic Allocation North Brockworth Indicative Site Layout Plan Perrybrook Conceptual Masterplan
Recommendation:	Delegated Permit

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1. This application relates to a parcel of land located along the A46 Shurdington Road in Brockworth (**see attached location plan**).
- 1.2. The site comprises an area of arable farmland covering approximately 2.3 hectares. The site generally falls in an easterly direction from a high point located in the west of the site. Levels range from 76.06m AOD at the high point in the west to 71.27m AOD in the northeast of the site. The site is bound by existing vegetation on all sides, although there are some gaps within the hedgerow that defines the boundary with the A46 road corridor which allows some views into and out of the site.

- 1.3. The site borders Green Lane and an existing residential property, Oak Tree Cottage, to the west, beyond this lies the existing Perrybrook development. The A417 runs along the eastern and northern boundary and the A46 along the southern boundary.
- 1.4. The site is not subject to any landscape designations though the Cotswolds Area of Outstanding Natural Beauty is situated on the opposite side of the A46.
- 1.5. The application site forms part of the Strategic Allocation A3 'North Brockworth' as allocated in the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) and is shown to be 'Green Infrastructure and other supporting infrastructure' in the Indicative Site Layout Proposal Map.
- 1.6. An existing outline consent for 1,500 homes and subsequent reserved matters approval for some parcels of land have already been granted permission, planning reference 12/01256/OUT (known as the Perrybrook development) and provides an overarching masterplan for the development of the vast majority of the allocation site. However, this consent did not cover the current application site.
- 1.7. This application is submitted in full and seeks permission for the construction of 47 dwellings, and associated vehicular access, public open space, landscaping and other associated works.
- 1.8. The proposed development would deliver a mix of open market and affordable tenures, overall 36% of the dwellings proposed would be 'affordable'. This equates to 17 of the 47 dwellings being affordable. The dwellings would include a mix of dwelling sizes from one bedroom to four bedroom house.
- 1.9. The proposed dwellings would be two storey in height and of traditional proportions but with a contemporary architectural design. A palette of materials is proposed to include red brick, render and timber. The density would be approximately 21 dwellings per hectare, which is lower than the adjacent Perrybrook development.
- 1.10. A single point vehicular access to the development would be created off the A46 Shurdington Road. Each dwelling would be served by at least two car parking spaces, with additional visitor parking across the site. A pedestrian access point is proposed along the western boundary to Green Lane and along the south-western boundary through the proposed Community Orchard, again this would open out onto Green Lane. In addition, the development would include the provision of a staggered toucan crossing facility over the A46 and two new bus shelters along A46.
- 1.11. The submitted plans incorporate areas of green space and additional landscaping across the site, with an attenuation pond and foul water pumping station to the east of the site. A Local Area for Play (LAP) is proposed as well as a Community Orchard.
- 1.12. Since the first application was first submitted, the proposal has been subject to revisions which include a reduction in the number of dwellings proposed to address concerns raised by officers on several design and technical matters. A new notification and consultation period has been carried out.

2.0 RELEVANT PLANNING HISTORY

There is no planning history pertaining to the site itself however there is extensive planning history associated with the wider strategic allocation at North Brockworth. The following history is of particular relevance:

Application Number	Proposal	Decision	Decision Date
12/01256/OUT	Outline application for a mixed-use development of up to 1,500 dwelling, including extra care housing, community facilities including A1, A2, A3, A4 and A5 local retail shops (totalling 2,500m ²), B1/B8 employment uses (totalling 22,000m ²), D1 health facilities and formal and informal public open space (including means of access).	PERMITTED	31.03.16
18/00410/APP	Approval of landscaping, layout, scale and external appearance of the formal sports area (excluding the Changing Room Facilities and associated car parking).	APPROVAL	07.09.18
18/00109/APP	Approval of Reserved Matters (appearance, layout, landscaping and scale) comprising Phase 3 of Outline planning permission 12/01256/OUT for the erection of 225 no. dwellings with public open space, play area, and associated infrastructure, and including the discharge of Outline Conditions (as amended) 2 (reserved matters time limit), 5 (design compliance), 8 (surface water drainage strategy - all phases), 9 (floor levels - flood risk), 10 (sewage disposal - phase 3), 12 (trees), 24 (noise assessment - phase 3) and 28 (waste minimisation).	APPROVAL	23.05.19
18/00864/APP	Approval of Reserved Matters (appearance, landscaping, layout and scale) comprising Phase 5 and Phase 2 (in part) of Outline planning permission 12/01256/OUT for the erection of 240 no. dwellings with public open space, play area, and associated infrastructure.	APPROVAL	16.08.19
19/00537/APP	Approval of Reserved Matters (Appearance, Landscape, Layout and Scale) for Phase 1 of outline planning permission 12/01256/OUT for the erection of 135 dwellings with associated public open space and infrastructure.	APPROVAL	03.01.20

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), National Planning Practice Guidance (NPPG) and National Design Guide (NDG).

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

- 3.3. Policies: SP1, SP2, SD3, SD4, SD6, SD7, SD9, SD10, SD11, SD12, SD14, INF1, INF2, INF3, INF4, INF6, INF7, SA1, A3.

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

- 3.4. Policies: RCN1, RCN2.

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

- 3.5. Policies: RES3, RES5, RES12, RES13, DES1, NAT1, NAT3, NAT5, ENV2, HEA1, RCN1, RCN2, RCN3, COM2, TRAC1, TRAC2, TRAC3, TRAC9.
- 3.6. Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life).
- 3.7. The First Protocol, Article 1 (Protection of Property).

4.0 CONSULTATIONS

- 4.1. **Brockworth Parish Council** – Object in the strongest possible terms against the application for the following reasons:

- Development site is outside the agreed Perrybrook masterplan and proposed to be allocated for strategic green infrastructure as part of the strategic site approval.
- The approved level, distribution and provision of strategic green infrastructure was deemed necessary to mitigate the harm caused by the development, provide wildlife corridors and improve the amenity of local residents.
- The green infrastructure requirement is still absolutely necessary and should be protected.
- Calculations used to quantify the green infrastructure through the Perrybrook is incorrect.
- Connectivity from the site to neighbouring development is poor resulting in the development acting as a bolt on and afterthought without properly integrated design, site layout and access.
- Overall site layout and design does not reflect any local character or needs.
- Affordable housing is concentrated in a small area and is not pepper-potted and evenly distributed throughout the site.
- Development does not include any improvements to the local walking and cycling infrastructure, encouraging car use which would result in increasing congestion issues in the area.
- Inadequate parking provision.
- Proposed access is extremely dangerous.

- Noise and air pollution from the adjacent A46 and A417 is likely to cause significant noise nuisance and harm through poor air quality to any residents living on the proposed development.
- Concerned about the amount of public open space.
- Proposed natural play space in the orchard area is totally inadequate for the intended purpose.
- Concerned regarding drainage, flood risk, surface water accumulation, outfall and attenuation that may impact onto the adjoining A417 or cause flooding locally.
- Development offers nothing to the community to mitigate the additional pressures caused by the increasing population and will exacerbate existing infrastructure issues in the area including pressures on local schools and doctors surgeries.
- Development provides no onsite employment opportunities or long term economic benefits to the area that would mitigate for the harm caused.
- Significant disruption and nuisance will be caused by construction activities to local residents.
- Brockworth has already seen a significant amount of housing approved without the necessary infrastructure and community facilities.
- Further housing in the area is not needed.

4.2. **Hucclecote Parish Council** – Object to the application for the following reasons:

- Development would put on the already over-stretched local infrastructure – in particular the current severe lack of GP provision across Brockworth and Hucclecote.
- Concerned with the additional traffic which would be generated from the development.

4.3. **Highways England** – Recommend conditions should be attached to any planning permission that may be granted.

4.4. **Natural England** – No objection subject to appropriate mitigation being secured.

4.5. **Severn Trent** – No objection.

4.6. **County Archaeologist** – Low risk that significant archaeological remains will be adversely affected by the development proposal.

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

4.8. **County Highway Authority** – No objection subject to conditions and securing financial obligation towards associated infrastructure.

4.9. **County Public Right of Way Officer** – Development does not appear to affect any public right of way.

- 4.10. **County Economic Growth and Strategic Planning** – A full contribution towards Early Years and Primary School Education is required and a contribution towards library provision. No contribution is required towards Secondary 11-18 Education.
- 4.11. Urban Design Officer – No objection.
- 4.12. **Tree Officer** – No objection.
- 4.13. Environmental Health Officer (Noise/Nuisance) – No objection.
- 4.14. **Environmental Health Officer (Air Quality)** – Recommend mitigation measures are incorporated into the development.
- 4.15. **Environmental Health Officer (Contaminated Land)** – Recommends a condition requiring a watching brief during the course of the development in case any unexpected contamination is identified during site works.
- 4.16. **Ecologist** – No objection – sufficient mitigation and enhancements have been recommended.
- 4.17. Landscape Consultant – No objection.
- 4.18. Housing Enabling Officer – No objection.
- 4.19. **Project Officer (TBC Asset Management)** – The principal of the proposed LAP is acceptable however the design and detail needs revising.

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1. The application has been publicised through the posting of a site notice for a period of 21 days and a neighbour notification was sent to the properties within close proximity of the site.
- 5.2. A total of 22 objections have been received. The comments are summarised as follows:
 - Development would create traffic congestion – the existing road networks would not be able to cope with additional traffic generated.
 - Vehicular access off the A46 would be dangerous and compromise highway safety.
 - Increased danger to pedestrians due to the increase in traffic.
 - No further houses are required – constant development of Brockworth unsustainable.
 - Insufficient local infrastructure and facilities to meet the demands of the development.
 - Land was identified as green space in the Perrybrook development.
 - Surveys are inaccurate.
 - New development should be on brownfield sites not greenfield.
 - Loss of agricultural land.
 - Site should be protected for wildlife.

- Trees should be protected.
- Open countryside would be lost forever to the detriment of the present generation and future generations.
- Air quality and noise pollution for future occupiers would be poor.
- Development would lead to more flooding.
- Development would have a visual impact and effect on the character of the neighbourhood.
- Development would be 'ugly' and overbearing.
- Affordable housing is not affordable to locals.

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 it is considered that the plan can be afforded at least moderate weight. However, the weight to be attributed to individual policies will be subject to the extent to which there are unresolved objections (the less significant the unresolved objections, the greater the weight that may be given) and their degree of consistency with the NPPF (the closer the policies to those in the NPPF the greater the weight that may be given).
- 6.4. Other material policy considerations include the National Planning Policy Framework (NPPF) and its associated Planning Practice Guidance (PPG) and the National Design Guidance (NDG).
- 6.5. The relevant policies are set out in the appropriate sections of this report.

7.0 ANALYSIS

Principle of development

- 7.1. In order to further sustainability objectives and in the interests of protecting the countryside, the housing policies of the JCS set out a development strategy for the Borough. Strategic Policies SP1 and SP2 of the JCS set out the scale and distribution of development to be delivered across the JCS area in the period to 2031. The identification and delivery of seven Strategic Allocations (SA) on the edges of existing urban areas is an important part of the delivery of the JCS as a whole.

- 7.2. Policy SA1 (Strategic Allocations Policy) formally designates the seven SA's and focuses on the need to deliver comprehensive development in each of these areas.
- 7.3. The application site forms part of the wider Strategic Allocation A3 at North Brockworth. JCS Policy SD10 states that "housing development will be permitted at sites allocated for housing through the development plan, including strategic allocations." Therefore housing development in this location is broadly acceptable in principle.
- 7.4. Policy A3 of the JCS sets out what the development of the SA at North Brockworth is expected to deliver and states that approximately 1,500 new homes are to be provided. The existing outline consent for the development of the wider site already proposes up to 1,500 homes. However, this figure is not an upper limit and the policy wording does state that it is *approximate*. Further, the wording of Policy SP2 of the JCS states, inter alia, that '*at least 13,287 dwellings will be provided within the Gloucester City administrative boundary, including the Winnycroft Strategic Allocation, and urban extensions at Innsworth, Twigworth, South Churchdown and North Brockworth within Tewkesbury Borough defined in Policy SA1.*' Again the wording is such that this figure should not be seen as an upper limit. Therefore if it can be demonstrated that additional development is sustainable over and above what has already been consented, then it can be considered acceptable.
- 7.5. Alongside housing and employment requirements, Policy A3 of the JCS also requires levels of community, education, commercial and transport infrastructure to support new development. It is recognised that much of this infrastructure provision will have been established and provided through the development already approved on the larger proportion of the allocation. However, the additional impact from this development on that infrastructure needs to be considered to ensure that this additional growth would be sustainable.
- 7.6. Of particular relevance is the Green Infrastructure (GI) provision on the allocation. Policy A3 requires the provision of GI of approximately 27 hectares. The JCS also provided an indicative site layout which identifies the application site as an area for 'Green Infrastructure and other supporting infrastructure'. However, these are *indicative* layouts and Policy SA1 (criterion 5) recognises that there may be differing approaches to achieving a comprehensive development on site.
- 7.7. As such, the key issue is whether sufficient GI is provided through the wider allocation in accordance with Policy SA1 and A3 of the JCS.
- 7.8. Green infrastructure is defined in the NPPF as a network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities. It includes parks, open spaces, playing fields, woodlands – and also street trees, allotments, private gardens, green roofs and walls, sustainable drainage systems and soils. It also includes rivers, streams, canal and other water bodies.
- 7.9. A Masterplan Context and Green Infrastructure Plan accompanies the application, a copy has been provided in the Appendices. It is important to note that the approved outline consent at Perrybrook did not cover the full strategic allocation. As well as the current application site, there are also other areas of GI within the strategic allocation that did not form part of the Perrybrook development.
- 7.10. Brockworth Parish Council have raised concerns about the quantum of GI however the information submitted by the applicant demonstrates that even with this site being developed for housing, there would still be 39.9 hectares of GI at this SA. This exceeds the requirement for GI (27ha) within Policy A3 significantly and thus the development of this site for housing would not conflict with the aims of the allocation in respect of the quantum of GI.

Five Year Housing Land Supply

- 7.11. As set out in the latest Tewkesbury Borough Five Year Housing Land Supply Statement published in December 2020, the Council can demonstrate a 4.35 year supply of deliverable housing sites. On the basis therefore that the Council cannot at this time demonstrate a five year supply of deliverable housing land, the Council's policies for the provision of housing should not be considered up-to-date in accordance with footnote 7 of the NPPF and in accordance with paragraph 11 of the NPPF the presumption in favour of sustainable development (the 'tilted balance') applies. The presumption is therefore that permission should be granted unless policies for protecting assets of particular importance provides a clear reason for refusing the development or any adverse impacts of permitting the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This will be assessed below.
- 7.12. 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. 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. Officer's advice is therefore that a 4.35 year supply can be demonstrated at this time.
- 7.13. Nevertheless, as set out above, as the Council cannot demonstrate a five year supply of deliverable housing sites, the presumption in favour of sustainable development is engaged in this case.

Design and Visual Amenity

- 7.14. Section 12 of the NPPF sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. It continues by stating that good design is a key aspect of sustainable development, creating better places in which to live and work and helps make development acceptable to communities. Planning decisions should, amongst other things, ensure that developments will function well and add to the overall quality of the area and should be sympathetic to the local character, including the surrounding built environment. Paragraph 130 of the NPPF makes it clear that planning permission should be refused for development of poor design that fails to take the opportunity for improving the character and quality of an area and the way it functions.
- 7.15. The National Design Guide (NDG) addresses the question of how we recognise well-designed places, by outlining and illustrating the government priorities for well-design places in the form of ten characteristics; one of which is the context. The NDG provides that well-designed development should respond positively to the features of the site itself and the surrounding context beyond the site boundary and that well-designed new development needs to be integrated into its wider surroundings, physically, socially and visually.
- 7.16. This advice is echoed in JCS policy SD4 which states 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.

- 7.17. Policy RES5 of the Pre-submission Tewkesbury Borough Plan (2019) states proposals for new housing development should, inter alia, be of a design and layout that respects the character, appearance and amenity of the surrounding area and is capable of being well integrated within it and be of an appropriate scale having regard to the size, function and accessibility of the settlement and its character and amenity, unless otherwise directed by policies within the Development Plan.
- 7.18. The submitted Design and Access Statement (DAS) sets out that the design proposals have been developed in accordance with criteria identified by the site analysis and design principles and that the layout has been informed by the nature of the site and its situation.
- 7.19. The proposed housing would have a simple shape and form and be two storeys in height. There would be a mix of detached, semi-detached and terraced properties, as well as a block of four apartments. The two storey elements would be interspersed with single storey garages and carports which would vary the roof line. The apartments are proposed to be located at the focal point close to the entrance of the site and having open areas on both sides which would help create a spacious feeling and long vistas into the development where the access road divides.
- 7.20. The dwellings would demonstrate a contemporary design with feature brick panels and detail, box bays and clad porches, cemented verge detail and boxed eaves. The scheme proposes a palette of materials to include a red and yellow buff brick and cladding; details of which could be secured via condition.
- 7.21. Access arrangements have been designed to create vehicular and pedestrian routes to enable safe navigation and movement through the site. The internal road would principally provide a loop, allowing vehicles to circulate and exit without having to turn within the highway. Sections of the roads within the site would be formed with a change in character and feature tabled level surfaces and changes in material that would visually reinforce the residential nature of the setting. A circular shared foot and cycle path around the perimeter of the site is proposed.
- 7.22. In light of the above the scale, form and appearance of the proposed development is considered to be acceptable.
- 7.23. However, achieving well-designed places isn't just about the layout and appearance of development, the National Design Guide (NDG) states that whilst buildings are an important components of places, a place is more complex and multi-faceted than a building and good design involves careful attention to other important components of places. The NDG outlines and illustrates the Government's priorities for well-designed places in the form of ten characteristics; one of which is movement. Successful development depends upon a movement network that makes connections to destinations, places and communities, both within the site and beyond its boundaries.
- 7.24. Further to the guidance in the NDG, criterion 1(vii) of Policy SD4 states that new development should be designed to integrate, where appropriate, with existing development, and prioritise movement by sustainable transport modes. It should, amongst other criteria, be well integrated with the movement network within and beyond the development itself; provide safe and legible connections to the existing walking, cycling and public transport networks and ensure accessibility to local services for pedestrians and cyclists and those using public transport.

- 7.25. In terms of promoting healthy communities, paragraph 91 of the NPPF states that planning decisions should promote social interaction, to include opportunities for meetings between people who might not otherwise come into contact with each other – for example through street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods. Paragraph 92 of the NPPF states that planning decisions should, amongst other things ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.
- 7.26. Despite the site's location within the SA, the site is inherently poorly connected to the Perrybrook development. The interface with the adjacent housing development to the west is separated by Green Lane. In terms of pedestrian access the plans demonstrate two points that would be provided to the edge of the land within the ownership of the applicant, one extending off the western boundary to Green Lane; the other from the far south-west corner through the proposed Community Orchard, again onto Green Lane. The applicant has indicated they would be willing to construct/provide a financial contribution towards a footpath link to the Perrybrook development however no evidence has been submitted to demonstrate the agreement of the owners of the adjoining land to create and retain new footpath links. This poor degree of connectivity in its current form with the adjoining Perrybrook development limits the scope by which the proposal could integrate with the wider Strategic Allocation to the west.
- 7.27. Further to the above, Policy SA1 of the JCS requires proposals in SA's to be accompanied by a comprehensive masterplan to demonstrate how new development *would 'integrate with and complement its surroundings in an appropriate manner'*, in accordance with JCS Policy SD4. In addition, Policy A3 of the JCS sets out that the SA at North Brockworth will be expected to deliver, amongst other things, *'high quality connections within and adjacent to the site'*. A Masterplan Context and Green Infrastructure Plan has been submitted which shows the current proposal in relation to the wider site allocation. This shows a pedestrian connection to the wider strategic allocation to the west of the site however as established above, whilst the applicant is willing to provide a pedestrian connection, it has not been possible to secure one with the neighbouring landowner. As such this demonstrates that the proposed development would very much be seen as a separate envelope of development.
- 7.28. In light of the above, the proposed layout and appearance of the proposed development would be appropriate to the site and its setting however due to the lack of ease of movement through its boundaries the proposal would do little to integrate itself with the existing Perrybrook development, which is a requirement of Policy SA1, A3 and SD4 of the JCS. This would be a failing of the scheme which must be weighed in the overall planning balance. However, it is also noted (see the Access and Highway Safety section below) that the Local Highway Authority raises no objection to the development on sustainable transport grounds.

Residential Amenity

- 7.29. In respect of the impact of the development upon residential amenity, paragraph 127 of the NPPF specifies that planning decisions should ensure development creates places with a high standard of amenity for existing and future users. This advice is reflected in JCS policies SD4 and SD14 which require development to enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space. Development should have no detrimental impact on the amenity of existing or new residents or occupants.
- 7.30. Based on the satisfactory separation distance between the proposed dwellings and the neighbouring property to the south west of the site, Oak Tree Cottage, the development would be able to be accommodated on the site without undue detriment to neighbouring amenity.

- 7.31. In respect to the amenity of future occupiers, the design of the layout and the internal layout configuration has been carefully considered to ensure the development would not cause any undue adverse impact upon the residential amenity of the future occupiers.
- 7.32. All dwellings would benefit from sufficient private garden space.
- 7.33. Policy SD11 of the JCS states that new housing should meet and where possible exceed appropriate minimum space standards. Emerging Policy DES1 (Housing Space Standards) of the pre-submission TBP requires all new residential development to meet the Government's nationally described space standards as a minimum, to ensure that high quality homes are delivered that provide a sufficient amount of internal space appropriate for occupancy of the dwelling. Whilst this is not currently an adopted policy all the proposed dwellings would meet or exceed the national space standards.
- 7.34. The site borders the A417 slip road to the north-east and the A46 Shurdington Road to the south. The NPPF states at Paragraph 180 that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Policy SD14 of the JCS seeks to protect health and environmental quality and provides that development should not create or exacerbate conditions that could impact on human health.
- 7.35. A Noise Assessment accompanies the application. During the course of the application an addendum to the Noise Assessment and a technical note was also submitted. The technical note provided a detailed plan of mitigation. These measures include the installation of acoustically sound garden fencing at garden boundaries with a direct line of sight to the A417 and a selection of glazing, acoustically attenuated ventilation and building fabric. Following review of the information, the Council's Environmental Health Officer has confirmed that the mitigation proposed would ensure suitable amenity standards for future residents. A condition securing the measures is recommended.
- 7.36. In terms of air quality, an Air Quality Assessment supports the application. The assessment indicates that annual mean air quality objectives are met at the most exposed receptor locations and therefore it can be concluded that the air quality over the site is acceptable for residential development. The Council's Environmental Health Officer has reviewed the assessment and has confirmed that there is unlikely to be any relevant concerns in terms of air quality for the future occupiers of the development.
- 7.37. On this basis, it is considered the proposed development would result in acceptable levels of amenity being maintained for the existing neighbouring residents and secured for future residents of the development.

Housing Mix

- 7.38. Policy SD11 of the JCS requires all new housing development to provide an appropriate mix of dwellings 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 and should be based on the most up to date Strategic Housing Market Assessment.

7.39. The Gloucestershire Local Housing Needs Assessment 2019 – Final Report and Summary (September 2020) (LHNA) provides the most up to date evidence based to inform the housing mix on residential applications. This report states that in Tewkesbury 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.

7.40. The development proposes the following market housing mix:

3 x 2 bed = 10% of total number of market housing

15 x 3 bed = 50% of total number of market housing

12 x 4 bed = 40% of total number of market housing

The proposed schedule of accommodation is considered to be broadly in line with the provisions of the LNHA. It is noted that the development would result in a larger number of four bedroom properties at the site than the LHNA evidence suggests is required and it would fail to provide any one bedroom properties for the open market. In respect to the under-provision of one bedroom properties it should be noted that 3% of the total number of market housing proposed would equate to the requirement for only 1 x one bedroom property at the site. Equally, in terms of the oversupply of the four bedroom properties at the site, this equates to an additional three units of this size. As such this imposition is not considered to be a significant deviation.

Landscape impact

7.41. 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. Policy SD6 of the JCS 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.

7.42. The application site is located outside but adjacent to the Cotswolds Area of Outstanding Natural Beauty (AONB). An AONB is an area of high scenic quality that has statutory protection in order to conserve and enhance the natural beauty of its landscape. The NPPF makes it clear that great weight should be given to conserving landscape and scenic beauty in AONBs, which have the highest status of protection in relation to landscape and scenic beauty.

7.43. Policy SD7 (The Cotswolds Area of Outstanding Natural Beauty) of the JCS specifies that all development proposals within the setting of the Cotswolds AONB will be required to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities. Proposals will be required to be consistent with the policies set out in the Cotswolds AONB Management Plan (2018-2023) which is prepared by the Cotswolds Conservation Board and is the statutory plan which sets out the Boards' policies for the management of the Cotswolds AONB and for the carrying out of its functions in relation to it. Further to this, Policy INF3 of the JCS sets out that development proposals should consider and contribute positively towards green infrastructure, including the wider landscape context and strategic corridors between major assets and populations.

- 7.44. The application is supported by a Landscape and Visual Impact Assessment (LVIA). The LVIA concluded the site would appear imperceptible, obscured by topography and vegetation structure within the wider landscape. While it is noted that some glimpsed views of the development would appear visible within the immediate setting of the site from the A46 road corridor, through the proposed access and above the boundary vegetation, residential built form already represents a key characteristic within the landscape at this point. It is therefore considered that the site would not appear incongruous within the context, seen as an extension to the existing sub-urban edge of Brockworth.
- 7.45. Natural England, following liaison with the Cotswold Conservation Board, have raised no objection to the development with regard to the impact of the development upon the Cotswolds AONB provided recommended mitigation measures (suitable landscaping and management of the eastern and northern boundaries) are incorporated into the design. The additional landscaping to soften views from the AONB has been incorporated into the design. In light of this it is considered the proposals would be acceptable on landscape and visual grounds.
- 7.46. In terms of proposed landscaping on site, the NPPF sets out that to achieve well-designed places, planning decisions should ensure that developments, inter alia, have appropriate and effective landscaping. Policy SD4 reiterates this advice by setting out that new development should ensure that the design of landscaped areas, open space and public realm are of high quality, provide a clear structure and constitute an integral and cohesive element within the design. The submitted Design and Access Statement (DAS) sets out that the landscape proposals have been developed in accordance with the findings of the numerous survey reports, including the LVIA, Tree Survey and Arboricultural Impact Assessment and the Ecological Summary Report.
- 7.47. A full hard and soft landscaping design has been provided. The site layout ensures the existing trees and boundary planting, save for those required for the access, would be retained. Additional tree planting is proposed throughout the development, on the site boundaries and within the street scape to define spaces and soften areas of hard surfacing where frontage parking is proposed. A community orchard is also proposed in the far south-west corner to reflect that on the adjacent land in the Perrybrook development. During the course of the application the landscape proposal has been revised following discussions with the Council's Landscape Advisor (LA) and the Council's Tree Officer (TO). The LA's latest comments recommend minor changes to the planting schedule which can be secured by condition.
- 7.48. During the course of the application details of the design of the proposed LAP have been submitted. The details have been reviewed by the LA and the Council's Project Officer for Asset Management and both have requested a couple of minor changes. A condition requiring revised details is recommended.
- 7.49. An Arboricultural Impact Assessment accompanies the application. The development would require the removal of one group, one hedgerow and one tree. It would also require the partial loss of two groups and one hedgerow. Replacement planting is proposed to help mitigate the removal of the trees. The TO has reviewed the scheme and following receipt of a revised tree planting scheme she raise no objection to the proposed development.
- 7.50. On the basis the outstanding landscape and LAP details can be resolved, it is considered the proposed landscaping and public open spaces within the development would provide a suitable scheme, one which would contribute positively towards the wider landscape context.

Access and Highway Safety

- 7.51. 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.
- 7.52. The application is supported by a Transport Assessment (TA) and a Stage 1 Road Safety Audit and Mobility Audit. The TA establishes the suitability of the proposed vehicular access to the site, including the visibility, which would be provided via a proposed T-junction onto the A46 Shurdington Road, incorporating a right-turn lane facility. The assessment also considers the suitability of the existing highway network to accommodate the additional traffic generated by the development, with modelling of the traffic impact at peak hours of the site. The TA sets out that the application site is in a location that affords the opportunity to travel to a range of destinations by a choice of non-car travel modes, in accordance with sustainable transport policies.
- 7.53. Gloucestershire County Council have been consulted as the Local Highway Authority and Highways England. Extensive discussions have taken place with the Highway Officer and the applicant's Transport Consultant during the course of the application and further measures to improve access to the public transport network have been secured, which include the provision of two new bus shelters and a new toucan crossing over the A46. These measures would also assist the wider community.
- 7.54. In light of these discussions the Highway Authority conclude that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion and therefore there are no justifiable grounds on which an objection could be maintained. County Highways have raised no objections to the development subject to the recommendation of a number of conditions and a legal agreement to secure the highway infrastructure works and a Travel Plan. Highways England have also assessed the proposed development and raise no objections in respect of the site access or the implications of the additional traffic on the strategic road network.

Drainage and Flood Risk

- 7.55. The NPPF states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. Policy INF2 of the JCS seeks to prevent development that would be at risk of flooding. 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 TBP policy ENV2.
- 7.56. The site is located within Flood Zone 1, an area identified by the Environment Agency at a low risk of flooding from rivers and the sea. However as the site is over 1 hectare, in accordance with the requirements of the NPPF, the application is supported by a Flood Risk Assessment (FRA). The FRA concluded that the site, including the access and egress routes, is not considered to be at significant risk of flooding.

- 7.57. In addition, a proposed Drainage Strategy to manage surface water can be found embedded in the FRA. Following an assessment of the SuDS hierarchy, surface water runoff from the development would be drained by a pipe network and released from an attenuation basin at the existing greenfield QBAR runoff rate via a new piped connection and outfall to the nearest watercourse. This watercourse is a Highways England ditch located approximately 10m to the northeast of the site, which currently receives runoff from the site and is culverted under the A417 and discharges via the Highways England drainage network. During exceedance events water would flow over the road network and discharge to the basin. An integrated overflow would be included in the control chamber to safely pass exceedance flows.
- 7.58. The connection into the Highways England drainage network would require the consent from Highways England. During the course of the application Highways England requested further information and modelling work to demonstrate that their adjacent drainage network has adequate capacity to cater for the development. In acknowledgement of this, the Local Lead Flood Authority (LLFA) raised a holding objection until such time approval is given by Highways England. An updated FRA and Drainage Strategy, which demonstrate the additional information sought from Highways England, was provided. Having reviewed the updated drainage strategy both Highways England and the LLFA have confirmed that the drainage proposals are acceptable in principle. A condition requiring the detailed drainage design and a maintenance schedule is recommended.
- 7.59. In terms of foul water disposal, it is proposed to construct a network of foul sewers to gather foul water from the residential dwellings and discharge to the Manhole on the opposite side of the A46. Due to the site's topography it is likely that a foul water pumping station would be required therefore an allowance for a pumping station has been made in the site layout, allowing a 15m offset from the wet wall to the nearest dwelling. These details appear satisfactory however a condition requiring specific details is recommended.

Ecology

- 7.60. 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.
- 7.61. An Updated Extended Phase 1 Habitat Survey and an Ecology Summary (ES) Report, which provides a non-technical summary of the ecological surveys undertaken in regard to the proposed development of the site accompanies the application. The ES report concludes that the mitigation measures proposed within the various survey reports seek to reduce the impacts of the proposed development. If implemented in combination with the compensation and enhancement measures then the overall effect of the development is considered to be minor-adverse. Given the habitat types are limited in the area, are well represented locally and are not of local, regional and national value, their loss is not considered to be significant. The Council's Ecologist has reviewed the reports submitted and raises no objections subject to a number of conditions requiring detailed ecological mitigation measures.

- 7.62. Policy NAT1 of the emerging TBP states that proposals that are likely to have a significant effect on an internationally designated habitats site (either alone or in combination with other plans or projects) will not be permitted unless a Habitats Regulations Assessment has concluded that the proposal will not adversely affect the integrity of the habitats site. Natural England consider as submitted, the application could have potential significant effects on the Cotswolds Beechwoods Special Area of Conservation (SAC) which is a European designated site. As such, they requested further information in order to determine the significance of these impacts and the scope for mitigation and for the Council to undertake a Habitats Regulation Assessment (HRA). An Appropriate Assessment was carried out on behalf of the applicant and reviewed by the Council's Ecologist, who concluded that with consideration of the proposed measures intended to avoid or reduce effects the proposed development is not expected to have a significant adverse effect on the integrity of the SAC, either alone or in combination with other plans or projects. A planning condition would be required to secure the proposed mitigation measures.

Agricultural Land Classification

- 7.63. The NPPF sets out that planning decisions should contribute to and enhance the natural and local environment by, inter alia, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land. This aims to protect the best and most versatile (BMV) agricultural land and soils in England from significant, inappropriate and unsustainable development proposals.
- 7.64. The Agricultural Land Classification assesses the quality of farmland to enable informed choices to be made about its future use within the planning system. There are five grades of agricultural land, with Grade 3 subdivided into 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a.
- 7.65. The land, subject to this application, is classified as Grade 3b agricultural land, which is of moderate quality agricultural land and therefore does not constitute 'best and most versatile land'.

Archaeology

- 7.66. The application is accompanied by an Archaeological Desk-based Assessment and a Geophysical Survey Report and Gloucestershire Archaeological Evaluation Report was submitted during the course of the application. These reports were reviewed by the County Archaeologist and concluded there is a low risk that significant archaeological remains will be adversely affected by this development proposal therefore no further archaeological investigation or recording needs to be undertaken in connection with the scheme.

Open Space, Outdoor Recreation and Sports Facilities

- 7.67. 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. Assuming that the 47 dwellings would have an average 2.32 persons per dwelling, the population increase would be 109 persons. As such, there would be a resulting requirement for the provision of 0.26 hectares.

- 7.68. The proposed site layout incorporates approximately 0.29 hectares of appropriate public outdoor space. This would be delivered in the form of areas of formal and informal open space and would include a Community Orchard and a Local Area for Play (LAP). This exceeds the requirements of saved Local Plan Policy RCN1 and as such it is reasonable to conclude that the required amount of public outdoor space could be adequately met within the site, in accordance with JCS Policy INF4 and saved Policy RCN1 of the Local Plan.
- 7.69. In terms of formal sports provision this cannot be met on-site. The Council's Community and Place Development Officer has requested a financial contribution of **£49,256** towards off-site sports provision at a local sports club and/or Henley Bank High School. At the time of writing the report ongoing discussions are taking place in respect to whether the requested contribution would meet the prescribed tests set out in paragraph 56 of the NPPF and Regulation 122(2) of the Community Infrastructure Levy Regulations. **Members will be provided with an update at Committee.**

Community Infrastructure Levy/Section 106 obligations

- 7.70. The Community Infrastructure Levy (CIL) Regulations allow local authorities to raise funds from developers undertaking new building projects in their area. Whilst the Council does have a CIL in place, infrastructure requirements specifically related to the impact of the development will continue to be secured via a Section 106 legal agreement. The CIL regulations stipulate that, where planning obligations are sought, they must comply with the tests set out in the CIL regulations. Where planning obligations do not meet the tests, it is 'unlawful' for those obligations to be taken into account when determining an application.
- 7.71. 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.
- 7.72. JCS Policy INF6 relates directly to infrastructure delivery and states that any infrastructure requirements generated as a result of individual site proposals and/or having regard to the cumulative impacts, should be served and supported by adequate and appropriate on/off-site infrastructure and services. 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.

Affordable Housing

- 7.73. The NPPF sets out that Local Planning Authorities should set policies for meeting affordable housing need on development sites. Policy SD12 of the JCS requires a minimum of 35% affordable housing on Strategic Allocations, where possible affordable housing should be provided on-site.
- 7.74. The proposed development would provide 17 affordable units, this equates to 36% of the total number of houses provided and therefore would be policy compliant. It is proposed that the tenure of affordable units be split evenly 50:50 between affordable rented and intermediate housing. The mix would include 1, 2 and 3 bedroom affordable units. The Council's Housing Enabling Officer has confirmed the level of affordable housing, mix and the distribution would be acceptable. This benefit should be afforded significant weight.

- 7.75. There is currently no signed agreement to secure the affordable housing provision. Nevertheless, this matter could be resolved by the signing of appropriate planning obligation, of which this is currently being drafted.

Other developer contributions

- 7.76. Following consultation with Gloucestershire County Council it has been advised that the proposed development would give rise to additional pupil yields and therefore would require the following contributions towards education provision in order to mitigate the impact:

Pre-school = **£212,783**

Primary = **£290,804**

- 7.77. In terms of libraries, Gloucestershire County Council have advised that the scheme would generate a need for library resources in the Brockworth Area and a contribution of **£9,212** is therefore required to make the application acceptable in planning terms.
- 7.78. A contribution of **£73** per dwelling, which equates to **£3,431** based on 47 dwellings, towards recycling and waste bin facilities is required.
- 7.79. With regards to highway infrastructure improvements, Gloucestershire County Council, consider the provision of two bus stops, a toucan crossing and a contribution of **£18,959** in total towards a Travel Plan, which includes the Bond and Monitoring Fee are considered to be necessary to make the development acceptable in planning terms. At the time of writing the report ongoing discussions are taking place with regard to the aforementioned contribution towards the Travel Plan. **An update on this matter will be provided at committee.**

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. The application site forms part of the wider Strategic Allocation in the JCS at North Brockworth. JCS Policy SD10 states that "housing development will be permitted at sites allocated for housing through the development plan, including strategic allocations." Therefore housing development in this location is broadly acceptable in principle.
- 8.3. On the basis the Council cannot at this time demonstrate a five year supply of deliverable housing land, the Council's policies for the supply of housing are out of date. In accordance with paragraph 11 of the NPPF, the presumption in favour of sustainable development indicates that permission should be granted unless policies for protecting areas of assets of particular importance in the NPPF provide a clear reason for refusing the development proposed, or any adverse impacts of permitting the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole. There are no clear reasons for refusal arising from NPPF policies for the protection of areas or assets of particular importance in this case and therefore, it is clear that the decision-making process for the determination of this application is to assess whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.

Benefits

- 8.4. The development would contribute towards the supply of housing, both market and affordable housing to help meet the objectively assessed need for housing in the Borough in an area where the principle of housing development is considered acceptable. This is of particular relevance given the fact that the Council cannot currently demonstrate a deliverable supply of housing and therefore weighs significantly in favour of the application.
- 8.5. Moderate weight is given to the economic benefits that would arise from the proposal both during and post construction, including the economic benefits arising from additional residents supporting local businesses.
- 8.6. Another benefit is that development would provide local infrastructure improvements through the provision of two additional bus stops and a toucan crossing across the A46 Shurdington and through other developer financial contributions set out above.

Harms

- 8.7. Harm arises from the poor degree of connectivity with the adjoining development which limits the scope by which the proposal could integrate with the existing built development. Accordingly, the proposed development would be contrary to certain policy requirements with regard to design as set out in the NPPF, NDG and Policy SD4, SA1 and A3 of the JCS. This would be a failing of the scheme.

Neutral

- 8.8. It has been established through the submission documents that, subject to the imposition of appropriate planning conditions and planning obligations, the development would not give rise to unacceptable impacts in relation to landscape, flood risk and drainage, ecology, highway safety, community infrastructure, heritage assets or any noise or odour pollution arising from the neighbouring road network or upon the living conditions of existing residents and future residents.

Conclusion

- 8.9. The harm identified is not underestimated. However, significant weight should be given to the provision of housing, both market and affordable, in a location where the principle of residential development would be acceptable and given the Council cannot currently demonstrate a five year supply of deliverable housing sites.
- 8.10. Taking account of all the material considerations and the weight to be attributed to each one, it is considered, the identified harm would not significantly and demonstrably outweigh the benefits in the overall planning balance.
- 8.11. It is therefore considered that the proposed development would constitute sustainable development in the context of the NPPF as a whole and it is therefore recommended that the grant of planning permission be **DELEGATED to the Development Manager subject to the addition to/amendment of planning conditions as appropriate, if necessary, and the completion of an agreement to secure the following heads of terms:**
 - **£503,587 towards education provision;**
 - **£9,212 towards library resources;**
 - **£18,959 towards a Travel Plan (TBC);**

- **Provision of two bus shelters and a toucan crossing;**
- **17 on-site affordable housing units;**
- **£49,256 towards sports facilities (TBC);**
- **Waste and recycling contributions (£73 per dwelling);**
- **Provision of on-site LAP**

9.0 UPDATE – PLANNING COMMITTEE 22 JUNE 2021

9.1. At its meeting on 16 February 2021 the Planning Committee resolved to defer the application for an independent view on the highway issues.

9.2. Since the Committee in February, The Transportation Consultancy was appointed by the Council to undertake a review of the traffic and transportation submission documents. This has subsequently been carried out and the Highways and Transportation Review (HTR) was published on 28 May 2021. A list of the documents considered as part of the review can be found in Section 1 of the HTR.

9.3. The HTR found, inter alia, the following:

- The development seeks to improve the site’s sustainability through the provision of a new Toucan Crossing on the A46, which allow future residents to gain access to existing bus stops and available services. It is also acknowledged that the bus stops will be improved and afforded shelters as part of the development proposals.
- The principle of the proposed site access junction is acceptable, but several amendments to the design will be required at the Detailed Design Stage.
- The assessment has confirmed that there are no existing highway safety issues.
- The assessment has utilised a microsimulation model to determine the impact of the development proposals and has considered a 2018 base year and a 2026 future assessment year. The model has been based on data captured in 2018 and 2019 and as a result, ensures that flows are representative of pre-COVID conditions and are therefore deemed to be ‘normal’.
- Whilst concern has been raised regarding the assessment approach, it is nonetheless considered that the impact of the development would be immaterial. The quantum of development, coupled with the current and projected traffic flows along the A46, result in a high degree of certainty that the development impact would not be severe and therefore is acceptable in accordance with national policy.

9.4. The HTR made two recommendations:

- A footway connection linking the site with Mill Lane junction.
- Standalone junction modelling of the proposed site access junction, required as part of the Section 278 process, should include a future assessment year that considers appropriate TEMPro growth rates.

- 9.5. The HTR concluded, on the basis that the two recommendations are agreed/actioned, that there are no justifiable grounds to maintain an objection to the application on highways grounds.
- 9.6. In terms of the two recommendations, following further discussions, The Transportation Consultancy have confirmed that whilst a proposed footway connection to the Mill Lane junction is recommended, given that the development proposes a toucan crossing to enable future occupiers of the development to cross the A46, should the footway not be provided this alone would not warrant refusing the application. In relation to the second recommendation the Highway Authority have confirmed that this cannot be done at the Section 278 stage and that it is still their professional view that the development is not of a sufficient scale to warrant such an approach and they remain satisfied that it would be within the tolerances of daily variations of flow.
- 9.7. In light of the above, whilst noting the two recommendations set out in the HTR it is considered that these are not required to make the development acceptable in terms of highway safety. As such, officers maintain the view that there would not be an unacceptable impact on highway safety or a severe impact on congestion and therefore there are no justifiable grounds on which an objection could be maintained.
- 9.8. Given that the HTR has not raised any matters which alter the initial officer assessment on the impact of the development in terms of highway safety, the assessment of the material considerations of the proposed development remains the same as set out in the 'Conclusions and Recommendation' section of the original committee report (see section 8 above). That is, when taking account of all the material considerations and the weight to be attributed to each one, it is considered that the identified harm (poor degree of connectivity with the adjoining development which limits the scope by which the proposal could integrate with the existing built development) would not significantly and demonstrably outweigh the benefits in the overall planning balance.

Other Matters

- 9.9. In respect to the developer contributions, at the time of writing the original committee report there were a couple of outstanding matters. As set out in the Additional Representation Sheet for the February Committee, following further consultation and recalculation a contribution of £49,217 towards the refurbishment and improving the fitness suite at the Henley Bank Sports Centre is considered necessary to make the development acceptable. Discussions are continuing regarding the need for Travel Plan contributions. As such the recommendation remains the same as reported in the Additional Representation Sheet:

The grant of planning permission be DELEGATED to the Development Manager subject to the addition to/amendment of planning conditions, as appropriate, and the completion of an agreement to secure on-site affordable housing and other developer contributions directly related to the development and considered necessary to make the development acceptable in planning terms.

- 9.10. The additional condition recommended in the Additional Representation Sheet for the February Committee has been added to the list below.

CONDITIONS:

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

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

2. Unless where required or allowed by other conditions attached to this permission/consent, the development hereby permitted shall be carried out in accordance with the information provided on the application form and plans/drawings/documents detailed in the Drawing Schedule, dated 2nd February 2021.

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

3. Prior to its/their installation as part of the development hereby approved, a specification of the materials and finish for the external walls, doors, windows and roofing proposed to be used in the construction of the new dwellings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason - To ensure the new materials are in keeping with the surroundings and represent quality design.

4. The construction work on the dwellings hereby permitted shall not commence until details of existing and proposed ground levels across the site relative to the adjoining land, together with the finished floor levels of the new dwellings relative to the Ordnance Datum Newlyn have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason - To ensure the proposed development does not have an adverse effect on the character and appearance of the area or upon residential amenity.

5. Notwithstanding the information submitted, prior to the occupation of any dwelling hereby permitted a scheme of soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include:-

(i) a plan(s) showing details of all existing trees and hedges on the application site. The plan should include, for each tree/hedge, the accurate position, canopy spread and species, together with an indication of any proposals for felling/pruning and any proposed changes in ground level, or other works to be carried out, within the canopy spread.

(ii) a plan(s) showing the layout of proposed tree, hedge and shrub planting and grass areas.

(iii) a schedule of proposed planting - indicating species, sizes at time of planting and numbers/densities of plants.

(iv) a written specification outlining cultivation and other operations associated with plant and grass establishment.

(v) a schedule of landscape maintenance for a minimum period of five years from first planting, which should include details of the arrangements for its implementation, long-term design objectives, management responsibilities and maintenance schedules for all landscape areas (excluding domestic gardens).

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

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

Reason – To ensure the proposed development does not have an adverse effect on the character and appearance of the area and upon the Cotswolds Area of Outstanding Natural Beauty.

6. Prior to the commencement of the development hereby approved (including all preparatory work), temporary fencing for the protection of all retained trees/hedges on site and trees outside the site whose Root Protection Areas fall within the site shall be erected in accordance with BS 5837:2012.

The protective fencing shall remain in place until the completion of the development or unless otherwise agreed in writing with the Local Planning Authority. Nothing should be stored or placed (including soil), nor shall any ground levels altered, within the fenced area. There shall be no burning of any material within 10 metres of the extent of the canopy of any retained tree/hedge.

Reason – To safeguard the existing trees/hedgerows during the construction phases and to ensure no storage of materials is in proximity of the trees.

7. 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 and an agreement pursuant to Section 278 of the Highways Act 1980 is entered into with Highways England for the detailed drainage works.

The SuDS strategy should be in accordance with the proposal set out in the approved submission (Flood Risk Assessment; 12 November 2020; BR-511-0006-04) and must include a detailed design and 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. It should also include appropriate erosion measures to mitigate the reduced discharge area and details of spill containment features within the development to protect the Highways England drainage asset from undesirable pollution circumstances.

The approved scheme for the surface water drainage shall be implemented in accordance with the approved details before the development is first occupied.

Reason: To ensure the development is provided with a satisfactory means of drainage, thereby preventing the risk of flooding and to ensure the safe and efficient operation of the Strategic Road Network. 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.

8. Prior to the first occupation of any dwelling hereby permitted, 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, shall be 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 to ensure the safe and efficient operation of the Strategic Road Network.

9. No development shall commence until a detailed drainage plan for the disposal of foul water flows for the site has been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied until the foul water drainage works have been implemented in accordance with the approved details.

To ensure the development is provided with a satisfactory means of foul water drainage and thereby ensuring the development would not result in an unacceptable risk of pollution or harm to the environment.

10. The following species must not be planted within 10 metres of the Highways England estate:

Blackthorn (*Prunus spinosa*)

Goat Willow (*Salix caprea*)

Crack Willow (*Salix fragilis*)

Dogwood (*Comus sanguinea*)

Italian alder (*Alnus cordata*)

Bird Cherry (*Prunus avium*)

Quaking Aspen (*Populus tremulans*)

The following species must not be planted within 25 metres of the Highways England estate:

English Oak (*Quercus robur*)

The following trees must not be planted in a position where at maturity they would be within falling distance of the carriageway, or any Highways England asset:

Silver Birch (*Betula pendula*)

Austrian Pine (*Pinus nigra*)

Italian Alder (*Alnus cordata*)

Bird Cherry (*Prunus avium*)

Quaking Aspen (*Populus tremulans*)

Reason – To protect the Highways England estate, protect public safety and ensure the safe and efficient operation of the Strategic Road Network.

11. Prior to the first occupation of any dwelling hereby permitted a Construction Ecological Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on the recommendations contained within the Updated Extended Phase 1 Habitat Survey and the Ecology Summary Report, prepared by Lockhart Garratt. The CEMP shall include an implementation timetable, a bat sensitive lighting plan to show types of lighting proposed and lux levels map.

The works shall thereafter be carried out in accordance with the approved CEMP and timetable.

Reason – To ensure the development contributes to the conservation and enhancement of biodiversity within the site and the wider area.

12. Prior to the first occupation of any dwelling hereby permitted a Landscape Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP needs to be designed in accordance with the enhancement measures set out in the Construction Ecological Management Plan (CEMP) with sufficient native species planting, creation of natural habitats and natural habitat retention and enhancement/creation to allow for positive Biodiversity Net Gain.

The LEMP should be applicable for a minimum period of 10 years and include monitoring regime to ensure plants and habitats establish well and animal shelters remain in good state.

The works shall thereafter be carried out in accordance with the approved LEMP.

Reason: To ensure the development contributes to the conservation and enhancement of biodiversity within the site and the wider area.

13. Prior to the first occupation of any dwelling, a Homeowner Information Pack (HIP) setting out the location and sensitivities of the Cotswolds Beechwoods Special Area of Conservation (SAC) shall be submitted to and approved in writing by the Local Planning Authority. The HIP shall include reference to the sensitivities of the site, messages to help the new occupiers and their families enjoy informal recreation at the SAC and how to avoid negatively affecting it, alternative locations for recreational activities and off road cycling and recommendations to dog owners for times of the year dogs should be kept on the lead when using the SAC. Two copies of the HIP shall be provided to all future residents prior to the occupation of each dwelling.

Reason – To ensure that residents are made aware of the nearby recreational opportunities as well as emphasising the sensitivities of the Cotswolds Beechwoods Special Area of Conservation.

14. Prior to the first occupation of any dwelling hereby permitted details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

- i) A drawing showing sensitive areas and/or dark corridor safeguarding areas.
- ii) Description, design or specification of external lighting to be installed.
- iii) A description of the luminosity of lights and their light colour including a lux contour map.
- iv) A drawing(s) showing the location and where appropriate the elevation of the light fixings.
- v) Methods to control lighting (e.g. timer operation, passive infrared sensor)

All external lighting shall be installed in accordance with the specifications and locations set out in the approved details. These shall be maintained thereafter in accordance with these details.

Reason - To ensure the proposed development does not have an adverse effect on the character and appearance of the area and does not harm biodiversity within the site and the wider area.

15. Noise mitigation measures shall be carried out in strict accordance with the details in the 'Technical Note: Noise Addendum – Mitigation', ref: 24234-04-TN-02, prepared by Mewies Engineering Consultants Ltd and submitted with this application.

The mitigation measures approved shall be completed prior to any dwellings in which they relate being first occupied.

Reason – To ensure the proposal preserves residential amenity and to prevent unacceptable noise pollution to the detriment of human health.

16. No development shall commence on site until details of the Toucan crossing and access into the site and 2 No. bus shelters have been submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be occupied until the approved works have been completed and are open to the public.

Reason – In the interests of highway safety and to ensure that all road works and crossing facilities associated with the proposed development are planned; approved in good time (including any statutory processes); undertaken to a standard approved by the Local Planning Authority and are completed before occupation.

17. Prior to commencement of the development hereby permitted details of a construction management plan or construction method statement shall be 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 include but not be restricted to:

- 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;
- Any temporary access to the site;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud and dust being carried onto the highway;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles; and
- 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.

18. No dwelling hereby permitted shall be occupied or use commenced until the means of access for vehicles, pedestrians and cyclists have been constructed and completed in accordance with the approved plans.

Reason – In the interest of highway safety.

19. No dwelling hereby permitted shall be occupied until the loading, unloading, circulation and manoeuvring facilities for servicing vehicles have been completed in accordance with the approved plans. Thereafter, these areas shall be retained for the lifetime of the development.

Reason – To ensure that there are adequate servicing facilities within the site in the interests of highway safety.

20. No dwelling hereby permitted shall be occupied until the car parking areas and turning spaces shown on the approved plans have been completed and thereafter the areas shall be kept free of obstruction and available for the parking of vehicles associated with the development.

Reason - To ensure that there are adequate parking facilities to serve the development constructed to an acceptable standard.

21. The development hereby permitted shall not be occupied until the cycle storage facilities have been made available for use in accordance with the submitted and approved plans and those facilities shall be maintained for the duration of the development.

Reason - To ensure the provision and availability of adequate cycle parking.

22. No dwelling hereby permitted shall be occupied or use commenced until a Travel Plan comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use has been prepared, submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented, monitored and reviewed in accordance with the agreed Travel Plan Targets to the satisfaction of the council.

Reason – In order to deliver sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of public transport, walking & cycling.

23. The development hereby permitted shall not be first occupied until the proposed dwellings have been fitted with an electric vehicle charging point. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 [and Manual for Gloucestershire Streets]. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging point(s) shall be of the same specification or a higher specification in terms of charging performance.

Reason – To promote sustainable travel and healthy communities.

24. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the garage/car parking spaces hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles associated with the residential occupation of the property and ancillary domestic storage without the grant of further specific planning permission from the Local Planning Authority.

Reason – To retain the garage/car space for parking purposes.

25. Prior to its construction details of the proposed foul water pumping station and any associated development such as access arrangements shall be submitted to and approved in writing by the Local Planning Authority. The building and any associated works shall be carried out in accordance with the approved details.

Reason – Insufficient information has been provided as part of the application documents and to ensure the building represents high quality design.

INFORMATIVES:

1. In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.
2. The drainage works associated with this consent involves works within the public highway, which is land over which the applicant has no control. Highways England will therefore require the developer to enter into a suitable legal agreement to cover the detailed design and construction of the works. Please contact ThirdpartyworksSWarea@highwaysengland.co.uk at an early stage to discuss the details of the highways agreement.
3. You should be aware that an early approach to Highways England is advisable to agree the detailed arrangements for financing the design and construction of the scheme.
4. Please be advised that Highways England may charge Commuted Sums for maintenance of schemes delivered by third parties. These will be calculated in line with HM Treasury Green Book rules and will be based on a 60 year infrastructure design life period.
5. The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out.

Contact the Highway Authority's Legal Agreements Development Management Team at highwaylegalagreements@gloucestershire.gov.uk allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Council's costs in undertaking the following actions:

- i. Drafting the Agreement
- ii. A Monitoring Fee
- iii. Approving the highway details
- iv. Inspecting the highway works

Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.

6. You are advised that a Traffic Regulation Order (TRO) is required. You must submit a plan to scale of an indicative scheme for a TRO, along with timescales for commencement and completion of the development. Please be aware that the statutory TRO process is not straightforward; involving advertisement and consultation of the proposal(s).

You should expect a minimum of six months to elapse between the Highway Authority's TRO Team confirming that it has all the information necessary to enable it to proceed and the TRO being advertised. You will not be permitted to implement the TRO measures until the TRO has been sealed, and we cannot always guarantee the outcome of the process.

We cannot begin the TRO process until the appropriate fee has been received. To arrange for a TRO to be processed contact the Highway Authority's Legal Agreements Development Management Team at highwaylegalagreements@gloucestershire.gov.

The cost of implementing any lining, signing or resurfacing required by the TRO is separate to the TRO fees, which solely cover the administration required to prepare, consult, amend and seal the TRO.

7. The development hereby approved includes the construction of new highway. To be considered for adoption and ongoing maintenance at the public expense it must be constructed to the Highway Authority's standards and terms for the phasing of the development. You are advised that you must enter into a highway agreement under Section 38 of the Highways Act 1980. The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980.

Contact the Highway Authority's Legal Agreements Development Management Team at highwaylegalagreements@gloucestershire.gov.uk. You will be required to pay fees to cover the Councils cost's in undertaking the following actions:

- I. Drafting the Agreement
- II. Set up costs
- III. Approving the highway details
- IV. Inspecting the highway works

You should enter into discussions with statutory undertakers as soon as possible to co-ordinate the laying of services under any new highways to be adopted by the Highway Authority.

The Highway Authority's technical approval inspection fees must be paid before any drawings will be considered and approved. Once technical approval has been granted a Highway Agreement under Section 38 of the Highways Act 1980 must be completed and the bond secured.

8. The development hereby approved and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authorities Network Management Team at Network&TrafficManagement@gloucestershire.gov.uk before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.