

# TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

<b>Committee:</b>	Planning
<b>Date:</b>	30 November 2021
<b>Site Location:</b>	Land To The North West Of Fiddington Fiddington Tewkesbury Gloucestershire
<b>Application No:</b>	21/00451/OUT
<b>Ward:</b>	Isbourne
<b>Parish:</b>	Ashchurch Rural
<b>Proposal:</b>	Outline application for residential development (up to 460 dwellings), a primary school, associated works, ancillary facilities and infrastructure, open space, recreation facilities and landscaping. Vehicular access from the A46 (T) and Fiddington Lane.
<b>Report by:</b>	Catherine Ashby
<b>Appendices:</b>	Site Location Plan Illustrative Masterplan Parameters Plan Access Plan
<b>Recommendation:</b>	<b>Minded to Refuse</b>

<b>1.0</b>	<b>SITE DESCRIPTION AND PROPOSAL</b>
<b>1.1</b>	<p><i>Purpose of the Report</i></p> <p>This application was made to the Council on 6<sup>th</sup> April 2021. Since that date consultees indicated that additional information would be required from the applicant. The applicant did not engage in any communication during the course of the application and have not provided all of the required information. The application determination date was 27<sup>th</sup> July 2021. On 13<sup>th</sup> August the applicant submitted to the Council a notification of intention to submit an appeal against non-determination but had verbally indicated to Officers their intention to do so prior to the expiry of the application. Officers requested an extension of time to determine the application, but the applicant has not responded. An appeal against non-determination of the application to the Secretary of State was subsequently lodged. The Council must therefore advise the Secretary of State of its views on the proposals.</p>
<b>1.2</b>	<p><i>Site Description</i></p> <p>The appeal site lies around 3km to the south-east of the centre of Tewkesbury, with the centre of Cheltenham approximately 10km to the south. The site lies close to the main A46 Tewkesbury to Evesham road to which the proposed site access road will join, and junction 9 of the M5, which lies around 1km from the site. It includes the land required to</p>

	provide noise and attenuation for and access to the development from the A46(T) through the consented retail scheme (ref: 17/01203/FUL) and residential scheme (ref: 17/00520/OUT) and highway land. It extends to some 52.23 ha.
<b>1.3</b>	The main Birmingham to Cheltenham railway line lies around 750m to the east of the site, with Ashchurch railway station, located around 1km from the site to the northeast.
<b>1.4</b>	The majority of the site lies to the north west of Fiddington, immediately to the south of the recently approved 'Land at Fiddington Ashchurch' site (application reference: 17/00520/OUT), where a residential development of up to 850 dwellings is to be constructed, along with a primary school, local centre, supporting infrastructure, utilities, ancillary facilities, open space, landscaping, play areas, recreational facilities.
<b>1.5</b>	To the north of this is the consented retail outlet centre and garden centre (17/01203/FUL). The proposed development shares the same access arrangements with the A46 (T) and Fiddington Lane as the aforementioned consented developments, which access arrangements have yet to be constructed.
<b>1.6</b>	To the immediate west of the proposed residential development lies the M5 motorway. The southern boundary of the site is formed by the limit of the rear garden of a property known as Bungalow Farm, with the eastern boundary lying adjacent to agricultural fields and the extent of the rear gardens of a small number of properties on the minor road which runs between Fiddington and Ashchurch.
<b>1.7</b>	The site comprises itself arable fields with associated boundary hedgerows, scattered scrub and seasonally wet ditches. The topography of the appeal site is generally level, with the wider landform gently sloping down to the River Severn, which runs around 3km to the west of the site. Field boundaries are comprised of hedgerows and trees and a block of woodland, known as Milne's covert, lies within the western part of the site. A small number of drainage ditches run along the field boundaries in the southwestern part of the site. A watercourse, known as Tirl Brook, also runs within the wider site boundary to the north, between the consented retail and housing sites.
<b>1.8</b>	There are a number of Public Rights of Way which occur either within or in close proximity to the Site. These include a footpath (Ashchurch Footpath 5) which passes through the north-eastern corner of the area of the site proposed for residential dwellings, before running along its eastern boundary. A bridleway (Ashchurch Bridleway 6) also runs along the northern boundary of the area proposed for residential dwellings and is crossed by the access road to this area, leading from the consented development to the north. The bridleway also forms part of the 'Gloucestershire Way' long distance walking route. The wider area of the red line boundary, which lies within the consented development to the north, is also crossed by two further footpaths (Ashchurch Footpaths 7 and 8).
<b>1.9</b>	The appeal site is not in, or adjacent to, an environmentally sensitive area, as defined by Regulation 2(1) of the EIA Regulations (i.e. sites designated as Sites of Special Scientific Interest (SSSI), National Parks, World Heritage Sites, Scheduled Monuments, Area of Outstanding Natural Beauty and sites covered by international conservation designations) and therefore is not considered to represent an environmentally sensitive location.
<b>1.10</b>	The nearest statutory designation is the Severn Ham Site of Special Scientific Interest (SSSI) which is located at a distance of around 2.4km to the west of the site. The majority of the site is located in Flood Zone 1 but part of the southwest corner of the site is crossed by an ordinary watercourse and would fall within Flood Zone 2.

<p><b>1.11</b></p>	<p><i>Appeal Proposal</i></p> <p>The application is made in outline with all matters reserved, with the exception of the access points from the A46(T) and Fiddington Lane, reserved for future consideration (see attached plans).</p>
<p><b>1.12</b></p>	<p>The proposed development seeks to provide up to 460 dwellings, two access routes (primary access off the A46 to the north and a secondary bus/pedestrian/cycle/emergency access onto Fiddington Lane to the east), a primary school, supporting infrastructure, utilities, ancillary facilities, recreational facilities and landscaping. The broad development proposals are as follows:</p> <ul style="list-style-type: none"> <li>- Up to 460 units including 40% affordable housing. The average density of the residential element would be 40 dwellings per hectare. The precise housing is not specified but it is anticipated that the proposals would include a range of house types that meet the varying needs of the area and to reflect its surroundings.</li> <li>- It is proposed building heights would vary between 2 and 3 storeys across the site according to the nature of the public realm to be created;</li> <li>- Whilst access is reserved it is proposed that the primary access will be off the A46 to the north via the proposed residential and retail developments. Secondary access would be provided onto Fiddington Lane to the east;</li> <li>- Different street typologies are proposed within the site, including enhanced streets, pedestrian priority streets, and private shared drives. Further detail would be provided at the reserved matters stage;</li> <li>- A new 1 form of entry primary school would be located centrally within the site;</li> <li>- Supporting infrastructure, utilities, and associated ancillary facilities would be provided;</li> <li>- The built elements will be set within new on-site green infrastructure. Existing field boundaries and trees would be retained with some hedgerow removal, forming green corridors. Soft landscaping is proposed within and around the boundary of the site. A 7m high landscape noise attenuation bund would be created along part of the western boundary between residential parcels and the adjacent M5 motorway. It is proposed to create a green corridor to enclose the public right of way (Gloucestershire Way) to the northern boundary of the site. A woodland known as 'Milnes Covert' would be retained;</li> <li>- A range of informal, formal and amenity public open space is proposed totalling approximately 15 ha. This includes sports pitches in the southwest part of the site and SUDs drainage. Landscape and public open spaces are proposed to the north, east, south and west of the development;</li> <li>- Allotments, and a sports changing facility would be provided and children's play facilities scattered through the development.</li> </ul>
<p><b>1.13</b></p>	<p>The application is supported by an Illustrative Masterplan (<b>this will be displayed at Committee</b>), which indicates how the quantum of development could be delivered, Parameters Plans and a Design and Access Statement, which sets out the design rationale for the development. The application is also supported by a Topographical Survey, Planning Statement (including Affordable Housing Statement and Planning</p>

	Obligations Heads of Terms), Report of Community Involvement, Transport Assessment, Residential Travel Plan, Utilities Statement, Waste Minimisation Statement, Energy Statement, Management Plans.
<b>1.14</b>	The application is also accompanied by an Environmental Statement required as the proposed development constitutes EIA (Environmental Impact Assessment) development in accordance with the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 2017. The Environmental Statement (ES) assesses a range of social, environmental and economic issues. The ES includes assessments in its appendices of: Biodiversity, Landscape & Visual Amenity, Cultural Heritage & Archaeology, Transport & Access, Air Quality, Noise & Vibration, Economics & Population, Flood Risk, Agricultural Land Quality, Energy, Climate Change & Waste.
<b>2.0</b>	<b>RELEVANT PLANNING HISTORY</b>

<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
17/01203/FUL	Variation of Condition 2 (design principles) of planning permission 13/01003/OUT (Outline planning application (with all matters reserved except access) for proposed garden centre, retail outlet centre and ancillary facilities together with associated infrastructure works including access, car parking and landscaping)	Permit	30.04.2018
17/00520/OUT	Residential development (up to 850 dwellings), a primary school, local centre (comprising up to 2,000 sq m gross internal floor area (A1, A2, A3, A4, A5 and D1 uses) with no single A1 comparison unit exceeding 500 sq m gross internal area), supporting infrastructure, utilities, ancillary facilities, open space, landscaping, play areas, recreational facilities (including changing facilities and parking). Demolition of existing buildings. New primary access points from the A46(T) and Fiddington Lane defined as: Western Access point from A46(T) up to 153 metres measured from the southern edge of the carriageway of the A46(T) into the site, Eastern Access point from Fiddington Lane (via A46(T)) up to 50 metres measured from the western edge of the carriageway of Fiddington Lane into the site.	Allowed at Appeal	22.01.2020
20/00003/SCO	Construction of 460 residential dwellings a primary school, open space and associated infrastructure	DONE	25.08.2020
21/01348/OUT	Outline application for residential development (up to 460 dwellings), a primary school, associated works, ancillary facilities and infrastructure, open space, recreation facilities and landscaping. Vehicular access from the A46 (T) and Fiddington Lane.		

<b>3.0</b>	<b>RELEVANT POLICY</b>
	The following planning guidance and policies are relevant to the consideration of this application:
<b>3.1</b>	<b>National guidance</b>
	National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG)
<b>3.2</b>	<b>Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) – Adopted 11 December 2017</b>
	<ul style="list-style-type: none"> <li>– Policy SP1 (The Need for New Development)</li> <li>– Policy SP2 (The Distribution of New Development)</li> <li>– Policy SD3 (Sustainable Design and Construction)</li> <li>– Policy SD4 (Design Requirements)</li> <li>– Policy SD6 (Landscape)</li> <li>– Policy SD7 (Cotswolds Area of Outstanding Natural Beauty)</li> <li>– Policy SD8 (Historic Environment)</li> <li>– Policy SD9 (Biodiversity and Geodiversity)</li> <li>– Policy SD10 (Residential Development)</li> <li>– Policy SD11 (Housing Mix and Standards)</li> <li>– Policy SD12 (Affordable Housing)</li> <li>– Policy SD14 (Health and Environmental Quality)</li> <li>– Policy INF1 (Transport Network)</li> <li>– Policy INF2 (Flood Risk and Management)</li> <li>– Policy INF3 (Green Infrastructure)</li> <li>– Policy INF4 (Social and Community Infrastructure)</li> <li>– Policy INF6 (Infrastructure Delivery)</li> <li>– Policy INF7 (Developer Contributions)</li> <li>– Policy REV1 (Gloucester and Tewkesbury Housing Supply Review)</li> </ul>
<b>3.3</b>	<b>Tewkesbury Borough Local Plan to 2011 – March 2006 (TBPL)</b>
	<ul style="list-style-type: none"> <li>– Policy RCN1(Outdoor Playing Space)</li> <li>– Policy RCN2 (Provision of Sports Facilities)</li> <li>– Policy RCN10 (Allotments)</li> <li>– TPT3 (Pedestrian Networks)</li> <li>– TPT5 (Cycle Network Enhancement)</li> <li>– TPT6 (Cycle Parking)</li> <li>– TPT9 (Public Transport Corridors)</li> </ul>
<b>3.4</b>	<b>Tewkesbury Borough Plan 2011-2031 Pre-submission Version (October 2019)</b>
	<ul style="list-style-type: none"> <li>– Policy RES1 (Housing Site Allocations)</li> <li>– Policy RES5 (New Housing Development)</li> <li>– Policy RES12 (Affordable Housing)</li> <li>– Policy RES13 (Housing Mix)</li> <li>– Policy DES1 (Housing Space Standards)</li> <li>– Policy NAT1 (Biodiversity, Geodiversity and Important Natural Features)</li> <li>– Policy NAT2 (The Water Environment)</li> </ul>

	<ul style="list-style-type: none"> <li>– Policy NAT3 (Green Infrastructure: Building with Nature)</li> <li>– Policy NAT5 (Cotswolds Beechwoods)</li> <li>– Policy ENV2 (Flood Risk and Water Management)</li> <li>– Policy HEA1 (Healthy &amp; Active Communities)</li> <li>– Policy RCN1 (Public Outdoor Space, Sports Pitch and Sports Facility Provision)</li> <li>– Policy RCN3 (Allotments &amp; Community Gardens)</li> <li>– Policy COM2 (Broadband Provision)</li> <li>– Policy TRAC1 (Pedestrian Accessibility)</li> <li>– Policy TRAC9 (Parking Provision)</li> </ul>
<b>3.5</b>	<b>Minerals Local Plan for Gloucestershire (2018 – 2032) (March 2020)</b>
	<ul style="list-style-type: none"> <li>– Policy MS01 (Non-mineral developments within Mineral Safeguarding Areas)</li> </ul>
<b>3.6</b>	<b>Neighbourhood Plan</b>
	Submission Draft Ashchurch Rural Parish Neighbourhood Plan (July 2021)
<b>3.7</b>	<b>Other relevant policies/legislation</b>
	<ul style="list-style-type: none"> <li>– Human Rights Act 1998</li> <li>– Article 8 (Right to Respect for Private and Family Life)</li> <li>– The First Protocol - Article 1 (Protection of Property)</li> </ul>
<b>4.0</b>	<b>CONSULTATIONS</b>
	Full copies of all the consultation responses are available online at <a href="https://publicaccess.tewkesbury.gov.uk/online-applications/">https://publicaccess.tewkesbury.gov.uk/online-applications/</a> .
<b>4.1</b>	<p><b>Ashchurch Rural Parish Council: Object</b></p> <ul style="list-style-type: none"> <li>• Request that the Parish Council is consulted prior to the decision of the name of the Development name. The Council requests that the name of Fiddington is not used as this will lose the identity of the existing Fiddington. Likewise, when street naming, the use of local village names in street names should also be avoided as this will cause confusion and should therefore be avoided.</li> <li>• The Parish Council has serious concerns regarding the additional pressure on the A46, this development will bring as identified by Tewkesbury Borough Council at the 850 houses appeal. Even with the road mitigation, the A46 is at capacity. It is envisaged that there will be an increase in the region of 1000 vehicles per hour at peak times: an increase of 35%. This will have a detrimental impact on an already struggling local infrastructure.</li> <li>• The Parish Council requests further investigation regarding the proposed access to the Garden Centre and retail park. To prevent gridlock, further consideration must be given to establish how will traffic be controlled exiting from the 'new' Fiddington Lane access onto the A46?</li> <li>• Fiddington Lane is an amenity used by many walkers, runners, cyclists and horse riders and the Parish Council requests that this quiet lane status should be maintained. Further investigation is needed to ensure traffic will not use the lane from the roundabout to assess Cheltenham and the A38, with the use of a traffic calming</li> </ul>

	<p>scheme, if deemed necessary.</p> <ul style="list-style-type: none"> <li>• Milne Covert is an unspoilt coppice and although it is to be retained, the development will have a detrimental impact on wildlife, especially deer.</li> <li>• This development will have a detrimental impact upon the Gloucestershire Way (PROW) Bridleway which crosses to the north of this development. Further consideration into the impact this will have must be completed.</li> <li>• The Parish Council requests further consideration for affordable housing, doctors', dentists and secondary school places if this application is permitted.</li> </ul>
	<p><b>Northway Parish Council:</b> Objects to this application on the grounds that the A46 is already at capacity. This site, along with the 850 new homes already approved, would gridlock the local road network. Furthermore, the site would be situated close to the Tirlbrook which regularly floods during times of substantial rainfall and, even if it did not cause flooding issues on this site, it would raise water levels in Tewkesbury and Northway.</p>
	<p><b>Stoke Orchard &amp; Tredington Parish Council:</b> Neither object nor support. Whilst the members of Stoke Orchard and Tredington Parish Council note that all traffic into and exiting the site will be in a northerly direction and a new infrastructure layout they are adamant that such access is maintained and that no access from the southwest and east is suggested or considered.</p> <p>This application may not be considered until the line of the new M5 junction 9 relief road has been agreed. Furthermore the Flood and Surface water Management Report completely ignores Pluvial Flooding to which this site is extremely vulnerable with historic occurrence of flooding under such conditions.</p> <p>The Council wishes to point out that ignoring such a serious problem does not make it go away. Without such evidence this application is unfit for consideration.</p>
	<p><b>Tewkesbury Town Council:</b> Object. The Town Council wishes to object to the proposed development for the following reasons:</p> <p><i>The proposed Garden Town</i></p> <ul style="list-style-type: none"> <li>• There are concerns that ad-hoc developments in this location obstruct the planned development that is required to ensure a high-quality built environment in the future for all.</li> <li>• The proposed development will occupy land that has been deemed appropriate for industry and other types of employment opportunity. Where is it supposed that the occupants of the houses will work, without having to travel considerable distances to their place of employment?</li> </ul> <p><i>Transport</i></p> <ul style="list-style-type: none"> <li>• The existing road network cannot cope with the increased traffic. Particular areas of concern are the junctions, some of which are already operating close to, or over capacity, and also the roads leading to the north and south of the junction at Aston Cross.</li> </ul>

- It is noted that the transport assessment may not take full account of the impact of some smaller local housing developments that have come to fruition or have been consented since 2016.

- The Town Council notes that the majority of the site is remote from the A46 and that access to it from that one junction will be via estate roads. That is as it should be, in order to avoid creating rat runs along the existing country roads and the Town Council would not want it to be otherwise but is concerned that access for emergency vehicles to the southernmost parts of the site could be slow and difficult.

- The Town Council wishes to know what measures will be used to prevent green lanes from being used as short cuts by vehicle drivers.

### *Flooding*

- The Town Council has great concerns over the potential impact of the development on flooding, both locally and further downstream. The Tirlbrook and the River Fidd are of particular concern in this respect.

- On what evidence does the Government base its opinion that the risk of flooding within the area is low? Local experience has shown that evidence based on rainfall will indicate vastly different results from evidence based on river levels.

- Local knowledge tells us that the soil within the site area is of impermeable clay. It can take up to three weeks for flood waters to drain away.

- It would appear that it is anticipated that, at times of high water levels and rainfall, a great deal of water is likely to end up on the Nature Reserve and floodplains to the south of Tewkesbury Town. The impact of this on local residents must be considered carefully.

- It should also be noted that, particularly at times of high tides, flood water is unable to make its way towards the River Severn because of the pressure of tidal flow in the opposite direction, which causes all the local rivers which eventually flow into it, to back up. Development of this site would lead to flooding issues upstream, as well as downstream.

### *Green infrastructure and ecological impact*

- The Town Council is keen to ensure that, where development takes place, this will not result in a net loss for wildlife.

- Milnes Covert is currently a habitat for deer and foxes. Although the proposed outline plan suggests that the covert will be retained, its suitability as a home for wildlife is likely to be affected by the proposed development of homes, a school and sports fields close by. How will the developer ensure that the covert remains an attractive habitat with ready access to food sources and safe movement to and from the site?

- It is important that all the habitats within the designated site area do not become isolated.

- There are concerns regarding the protection of safety and amenity for users of public footpaths and bridleways within the curtilage of the proposed development and especially at places where they are to be crossed by access roads. The Town Council



also wishes to know if there are any plans to enhance the bridleway bridges to reduce the severance that the motorway creates.

- The Town Council notes the conditions suggested by the ecological advisor but is concerned that they are insufficiently stringent. For example, the current ecological value of the site may not be great but, given that there will be less of it, should there not be a requirement to improve the value of that which is left? The Town Council's own conservation advisor has indicated that the named bat species and grass snakes merit greater consideration, particularly in respect of access to food and there should be more specific information available about the species of birds present on the site.
- The Town Council is concerned at the lack of unbroken wildlife corridors indicated within the design and wishes to know more about how wildlife will be enabled to cross the access roads in particular. Some of these corridors seem to be quite narrow.
- The Town Council wishes to know if the developer plans to incorporate pollinator corridors into its proposals.
- The Town Council notes that there are lots of green spaces on the masterplan and wishes to know how these will be enabled to add to the amenity of the site rather than being areas of land left over after development.
- The Tirlbrook is a habitat for otters, who would be adversely affected by the development.
- Is the Town Council to understand that the Biodiversity chapter of the Environmental Statement constitutes the required ecological report, or is there a separate document to be issued?

#### *Local amenities*

- The Town Council questions the proposed location of the sports field in the part of the site which will be most subject to floods, especially when there is more demand for such spaces during the months when flooding is more likely.
- The Town Council would like to know what facilities will be provided for teenagers.
- The Town Council notes the proposal to include scattered small local areas of play and wonders if it might be more appropriate to replace some of them with a larger play park that can incorporate more complex equipment to challenge children's fitness and imaginations.
- The Town Council is aware of a move towards 20-minute neighbourhoods, which would fit with the Borough Council's concept of the Garden Town. However, this development appears to contain no provision for local shops that can be reached within 20 minutes.

#### *The wider context of the site*

- The identification of Alderman Knight school in the Design and Access Statement as the local secondary school indicates poor quality background research into the context of the site. With such a large development, in addition to other large developments already in the pipeline, this suggests insufficient knowledge of existing facilities and their

	<p>ability to accommodate a larger population.</p> <ul style="list-style-type: none"> <li>• The Town Council notes that pedestrian and cycle access to the local secondary school is poor, particularly at times of flooding.</li> <li>• The surrounding area consists of a number of small hamlets and the Town Council is keen to insist that the character of these existing small communities must not be completely overwhelmed by the new development.</li> <li>• The Design and Access Statement points to Tewkesbury Town centre as an influence of local character. The Town Council wishes to point out that the character of Tewkesbury Town centre is unique to itself and inappropriate to potential development in Fiddington, where the context of the built environment is, and should be, completely different.</li> <li>• The Town Council notes that local people are concerned at the new development being considered to be part of Fiddington. It is important that Fiddington can keep its existing identity</li> </ul>
	<p><b>Ecological Adviser:</b> No objection subject to conditions</p>
	<p><b>Environmental Health (Air Quality):</b> No objection subject to conditions.</p>
	<p><b>Environmental Health (Contamination):</b> No objection subject to condition</p>
	<p><b>Environmental Health (Noise):</b> No objection subject to conditions</p>
	<p><b>Urban Design Officer:</b> No objection subject to conditions</p>
	<p><b>Conservation Officer:</b> No objections</p>
	<p><b>Housing Enabling Officer:</b> No objection subject to a planning obligation to secure affordable housing.</p>
	<p><b>TBC Community Team/ S106:</b> Planning conditions and obligations sought</p>
	<p><b>National Highways:</b> Holding response - recommend that planning permission not be granted for three months from 6<sup>th</sup> October 2021 to allow for the applicant to provide additional information related to traffic modelling, flood risk assessment and drainage strategy.</p>
	<p><b>Natural England:</b> No objection subject to conditions</p>
	<p><b>Environment Agency:</b> No objection subject to a condition.</p>
	<p><b>Severn Trent Water:</b> No objection subject to a condition.</p>
	<p><b>Lead Local Flood Authority:</b> No objection, subject to condition for the detailed drainage design. Noted that a management plan is submitted at this stage.</p>
	<p><b>County Highways Authority:</b> No response received</p>
	<p><b>County Archaeologist:</b> No objection subject to a condition</p>

	<b>County S106 Team:</b> No objection, subject to S106 planning obligations
	<b>County Minerals &amp; Waste:</b> No objection subject to conditions
	<b>Wychavon District Council:</b> No comments to make at this time
	<b>NHS England Estates:</b> Planning obligations sought
<b>5.0</b>	<b>PUBLICITY AND REPRESENTATIONS</b>
	Full copies of all the representation responses are available online at <a href="https://publicaccess.tewkesbury.gov.uk/online-applications/">https://publicaccess.tewkesbury.gov.uk/online-applications/</a> .
5.1	The application has been publicised through the posting of a site notice for a period of 21 days and the publication of a press notice.
5.2	<p>Eight letters of objection have been received and one letter of support, as summarised:</p> <p><b>Objections</b></p> <ul style="list-style-type: none"> <li>• Concerns regarding flood risk. Current development has raised ground levels and will no doubt impact on water runoff causing potential damage.</li> <li>• Flooding in the vicinity of Walton Cardiff has got noticeably worse which coincides with new building work in the area. Winter 2020 many homes lost internet connection over Christmas as a direct consequence. Walton Cardiff Manor is up for sale following last year's flooding.</li> <li>• Where would excess water at times of heavy rainfall be diverted beyond the planned attenuation ponds. Severe reservations should surface water from the development enter the culvert under Fiddington Lane south of the junction leading to Walton Cardiff as it is already undersized and unable to cope</li> <li>• Flood defences must be put in place to protect existing areas (Fiddington, Natton, Walton Cardiff) which have already been victims of terrible flooding.</li> <li>• Hard to believe planned flood precautions will be satisfactory, especially during heavy rainfall.</li> <li>• Additional pressure and traffic on the A46 which is already at capacity.</li> <li>• Access through the retail park will be totally unsuitable as at peak times it could become gridlocked, which is not acceptable for residents.</li> <li>• How will traffic be controlled exiting the 'new' Fiddington Lane access onto the A46.</li> <li>• No decision on A46 re-alignment – no further development should be considered until this is in place. Joined up thinking required.</li> <li>• There should be no direct access to Fiddington Lane, which is a rural lane used for recreational purposes. Access should be via new road serving 860 dwellings.</li> <li>• Fiddington Lane is an amenity used by many walkers, runners, cyclists and horse</li> </ul>

riders and its quiet land status should be maintained. No consideration to the number of horse riders that use Fiddington Lane.

- Speed calming measures needed along Fiddington Lane, which is used as a rat run, to avoid potential serious accidents.
- How will money put aside for traffic calming on Fiddington Lane be spent to prevent rat-running? More people moving into the area will mean the lane is used more as a rat run which will be unbearable for existing residents. It is already dangerous for pedestrians to use the lanes due to speeding traffic with near misses every week between vehicles and wildlife.
- Has a swept path analysis been conducted to ensure buses do not create a hazard for other road users on Fiddington Lane?
- The Gloucestershire Way Bridleway crosses the to the north of this development. Large scale development on both sides will impact the enjoyment of users. Consideration should be given of a suitable surface for horse riders and how different users can be separated, such as horses and cyclists.
- Impact on wildlife which will be forced out. A family of deer has already moved following the commencement of construction of the retail park. Wildlife should be allowed to remain in its natural habitat. Wildlife are also at risk from speeding vehicles along the rural lanes. Where is the land for displaced wildlife to be provided.
- Milne Covert is an unspoilt coppice and although it is to be retained the development will have a negative impact on wildlife.
- The development should not be called 'Fiddington' as the existing settlement of Fiddington will lose its identity.
- Ground conditions should be considered where the allotments and pitches are to be located as they regularly become waterlogged.
- There will be increased air pollution due to both the increase in the number of vehicles but the reduction in plants and trees available to absorb pollution.
- What consideration has been given to additional employment for this many houses (collectively with the 850 dwellings permitted). Will it become a dormitory commuter suburb?
- There should be consideration for affordable housing, doctors, dentists and secondary school places to reduce the strain on existing services.
- There should be more consideration to the reuse of existing derelict buildings for new housing in preference to new build housing.
- The recent efforts put into sensitively renovating older, historic properties would be wasted by the development of 460 new houses.
- New houses are not needed. The existing retail park and 850 dwellings is enough for the area. It is overdevelopment. This is a rural area.
- Even if the new houses use renewable technologies the development is still invading

	<p>natural habitats and displacing species.</p> <ul style="list-style-type: none"> <li>• We need to think about the environmental impact, the mental health impact and the quality of life that current residents (human and animal) deserve.</li> <li>• The construction and occupation of the dwellings will provide a very large increase in the carbon footprint and impact – there seems little effort to reduce or offset this. This seems at odds with the Council’s declaration of a climate emergency. The Council cannot allow major developments to occur without calculating, minimising and offsetting the carbon cost. The Council and developer have a responsibility to all residents, constituents and the environment when it comes to climate change.</li> </ul> <p><b>Support - Stagecoach</b></p> <ul style="list-style-type: none"> <li>• Given the above circumstances, and that the presumption in favour of sustainable development set out at paragraph 11 of NPPF is demonstrably engaged, we believe that this application to consolidate already-approved development on this site is worthy of our support. This is something we offer only very rarely. While it is evidently a departure from the adopted statutory development plan, it is in a location where the principle of development on a strategic scale is accepted, also conforming with both NPPF and the Local Plan Development Strategy in all material respects.</li> <li>• The inherent sustainability of the site and the compelling logic of consolidating development such that planned facilities and services on the consented land to the north benefit from substantially greater demand, is very well reflected in our formal offer to the applicant to extend the service we are already expecting to provide to serve land to the north into the application site, at no further cost to the developer. An additional 460 dwellings will serve to substantially assist the longer-term viability of that service in due course.</li> <li>• Failing to consent this application merely adds further pressure to bring forward a highly unsustainable, dispersed pattern of development where relevant public transport choices are neither available today, nor could they realistically ever be provided. The longer the situation persists, and the greater the delivery deficit that arises, the greater this risk becomes.</li> </ul>
<b>6.0</b>	<b>POLICY CONTEXT</b>
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 Tewkesbury Borough Plan (TBP) has reached an advanced stage. The Pre-Submission TBP was submitted for examination in May 2020. Examination in Public (EiP) took place over five weeks during February and March 2021. The examining Inspector’s post hearings Main Modifications letter was received on 16th June 2021. In

	<p>this letter the Inspector provided his current view as to what modifications are required to make the Plan 'sound'.</p>
6.4	<p>A schedule of Main Modifications to the Pre-submission TBP were approved at the meeting of the Council on 20th October 2021 and is now published for consultation as the Main Modifications Tewkesbury Borough Plan (MMTBP).</p>
6.5	<p>Those policies in the MMTBP which were not listed as requiring main modifications may now attract more weight in the consideration of applications, with those policies which are subject to main modifications attracting less weight depending on the extent of the changes required. The TBP remains an emerging plan and the weight that may be attributed to individual policies (including as with modifications as published for consultation) will still 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 the degree of consistency with the NPPF (the closer the policies to those in the NPPF the greater the weight that may be given).</p>
6.6	<p>The relevant policies are set out in the appropriate sections of this report.</p>
6.7	<p>Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2021 and its associated Planning Practice Guidance (PPG), the National Design Guide (NDG) and National Model Design Code.</p>
<b>7.0</b>	<p><b>ANALYSIS</b></p>
<b>7.1</b>	<p><b><i>Principle of development</i></b></p>
7.1.1	<p>The Joint Core Strategy (JCS) sets out the overarching strategy for growth throughout Cheltenham, Gloucester and Tewkesbury up until 2031. It has identified the objectively assessed need for Tewkesbury Borough and the spatial strategy to accommodate that level of development. The JCS identifies key locations for growth and sets out strategic policies to guide future development.</p>
7.1.2	<p>The JCS identifies a settlement hierarchy as the basis for the strategy for delivering growth targets. The JCS settlement hierarchy for Tewkesbury Borough includes Tewkesbury Town as the top tiered settlement followed by the two Rural Service Centres and then the twelve Service Villages. The Rural Service Centre and Service Village classification was informed by the JCS Settlement Audit (2017).</p>
7.1.3	<p>JCS Policy SP2 states that dwellings to meet the identified housing needs of Tewkesbury Borough will be provided through development at Tewkesbury town in line with its role as a market town. While the proposed allocation is located at Fiddington, within Ashchurch Rural Parish, it is recognised that this area forms part of the wider Tewkesbury town area that includes Wheatpieces, Newtown, Northway and Ashchurch. Therefore it can be considered that, in terms of location, the application site is broadly consistent with criterion 4 of Policy SP2.</p>
7.1.4	<p>Furthermore, the supporting text for Policy SP2 at paragraph 3.2.17 recognises that there is potential for development at a site at Fiddington to help meet employment and/or housing needs of the Borough. However, the need to overcome highway infrastructure needs in the area is highlighted. This is discussed in context of the need for an immediate review of housing supply for Tewkesbury and the need to undertake further work on the development potential around the Tewkesbury town and Ashchurch</p>

<p>7.1.5</p> <p>7.1.6</p> <p>7.1.7</p>	<p>area (see paragraph below on Tewkesbury Garden Town Concept Masterplan).</p> <p>However, although the application site is broadly consistent with criterion 4 of Policy SP2, the application site is essentially within a rural location outside of any built-up area of the wider Tewkesbury town area and is not allocated by the JCS or any other plan. As such, in accordance with criterion 6 of Policy SP2, proposals for residential development in the rural area (such as the present proposals) must be judged against policy SD10</p> <p>Further, criterion 8 of Policy SP2 states that the identification of any additional urban extensions to help meet the unmet needs of a Local Planning Authority must be undertaken through a review of the plan. The JCS is subject to an immediate review with an Issues &amp; Options consultation undertaken and a Regulation 18 draft plan consultation due next. This application proposes an urban extension to Tewkesbury town that, in order to be in accordance with the policy, would have to have been identified through a review of the plan. As such, the application is contrary to criterion 8 of Policy SP2.</p> <p>Since the application site is not on a site allocated for housing through the JCS it falls to be considered against the criteria of JCS Policy SD10. Policy SD10 sets out the Council's approach to housing development and states that residential development will be permitted at sites allocated for housing through the development plan. Proposals on unallocated sites will only be permitted under certain circumstances, none of which currently apply to the proposed development. The application is therefore in conflict with JCS Policy SD10 and the spatial strategy comprised in policy SP2 and SD10 read together, in conflict with the development plan read as a whole, a situation which indicates that development should not be permitted unless material considerations suggest a departure from the plan-led outcome.</p>
	<p><i>Five Year Housing Land Supply</i></p>
<p>7.1.8</p>	<p>As set out in the latest Tewkesbury Borough Five Year Housing Land Supply Statement published in November 2021, the Council can demonstrate a 4.39 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. Paragraph 11 of the NPPF states that where policies which are most important for determining the application are out of date, permission should be granted unless: d) i. the application of policies in the Framework that protect assets of particular importance provides a clear reason for refusing the development; or ii). any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This will be assessed below.</p>
<p>7.1.9</p>	<p>Members will be aware of the appeal decision at Ashmead Drive in which the Inspector concluded that the Council could demonstrate a 1.82 year supply and the subsequent High Court judgment. The inspector's decision was upheld, the Judge found finding that the Gotherington Inspector had not erred in law in arriving at that her conclusion not to take previous oversupply into account in determining that appeal. The key outcome of the challenge was the ruling that whether to take oversupply into account was a matter of planning judgment in each case. National policy neither required nor prohibited it.</p>

7.1.10 7.1.11	Appeal decisions are not binding precedents. That the Council includes advanced delivery (or 'oversupply') against annual housing requirements in its five-year supply calculations remains, in officers view, in the context of the plan-led system, the correct approach. This is because not taking into account those 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 would serve to artificially increase the plan-led housing requirement.
7.1.12	It is noteworthy that, in his judgment, the Judge made it clear that it was not for him to make policy, <i>"The question of whether or not to take into account past oversupply in the circumstances of the present case is... a question of planning judgment which is not addressed by the Framework or the PPG and for which therefore there is no policy". He went on- 'No doubt in at least most cases the question of oversupply will need to be considered in assessing housing needs and requirements'.</i>
7.1.13	Since the Gotherington appeal decision, but before the High Court decision, the Council has received two appeal decisions following public inquiries where the issue of 'oversupply was also debated. In an appeal at Coombe Hill, the Inspector noted that taking into account <i>'past performance exceeding the annual average of the plan's requirement... seems to me to be a just approach, because it reflects reality, not a theoretical formula applied without consideration of actual outturns.'</i>
7.1.14	In another appeal decision for a scheme at Alderton, the Inspector arrived at a similar conclusion, saying that <i>'Nonetheless, in my judgement, the Council's method of taking account of an over-supply against the annual requirement is not be [sic] an unreasonable one.... To continue to require 495 homes a year when the past over-supply would indicate a lesser requirement, would, it seems to me, be to 'artificially inflate' the housing requirement. I am not convinced, having accepted this position, that the appellant's argument that the supply is as low as 2.08 years is robust.'</i>
7.1.15	Officer's advice is therefore that a 4.39-year supply can be demonstrated at this time. Nevertheless, as set out above, as the Council cannot demonstrate a five-year supply of deliverable housing sites and the presumption in favour of sustainable development is therefore engaged in this case.
7.1.16	It is notable that the Tewkesbury Borough Plan is now at an advanced stage in the examination process. Hearings were held in February- March this year, and the Inspector set out the main modifications required to make the Plan sound in a letter in June. These main modifications have now been approved by Council and are currently out for consultation. The adoption of the Plan is anticipated Spring 2022. This means that the Inspector and the Council now have a Plan that can be found sound with agreed main modifications. This Plan includes a trajectory setting out the Council's 5 year housing land supply position for the rest of the Plan period (equating to 6.48 years with a 480 dwelling buffer) and shows that with the allocations in the Plan, that the Plan has a 5 year housing land supply up unto 2029-2030. The Inspector has approved the insertion of this trajectory which takes into account past oversupply (see trajectory below):



Year	Completions & Commitments	Windfall	Mitton Delivery	Borough Plan Delivery	Total and Projected Completions	Cumulative Completions	Plan - Annual Housing Requirement	Plan - Cumulative Housing Requirement	Monitor - number of dwellings above or below cumulative requirement
2011-12	319				319	319	495	495	-176
2012-13	463				463	782	495	990	-208
2013-14	517				517	1299	495	1485	-186
2014-15	567				567	1866	495	1980	-114
2015-16	630				630	2496	495	2475	21
2016-17	730				730	3226	495	2970	256
2017-18	933				933	4159	495	3465	694
2018-19	980				980	5139	495	3960	1179
2019-20	434				434	5573	495	4455	1118
2020-21	308				308	5881	495	4950	931
2021-22	357				357	6238	495	5445	793
2022-23	337			250	587	6825	495	5940	885
2023-24	234	46	25	250	555	7380	495	6435	945
2024-25	242	46	50	131	469	7849	495	6930	919
2025-26	150	46	100	45	341	8190	495	7425	765
2026-27	150	46	100	50	346	8536	495	7920	616
2027-28	140	46	100	40	326	8862	495	8415	447
2028-29	100	46	125	25	296	9158	495	8910	248
2029-30	100	46		25	171	9329	495	9405	-76
2030-31	100	46		0	146	9475	495	9900	-425

7.1.17 The approved Fiddington site, which provides for 850 homes, has taken longer to come through the planning process, and not at the speed it was projected by the land promoter who cited early delivery towards the housing shortfall. The same promoter is promoting the current site. It is therefore considered unlikely that the current application site will provide housing towards the 5 year housing land supply for a number of years, and in all likelihood not before the adoption of the Borough Plan means that the Council is able to demonstrate a robust five-year supply without the present site. Given the advanced stage of the Borough Plan, it now carries significant weight in the Plan making process, and therefore the 5 year housing land position as set out in the Borough Plan is a material consideration in the determination of this application. The weight to be attributed to the contribution of these proposals to the Borough's five-year supply of housing land is therefore reduced.

*Housing Shortfall*

7.1.18 The adopted JCS identifies a housing shortfall of 2,455 dwellings against the housing requirement for Tewkesbury Borough. Despite this, at the time of adoption, the Borough was able to identify a five years supply of housing land and sufficient sites to deliver housing in the short to medium term; Tewkesbury having sufficient supply against its cumulative annual housing requirements up to 2024/25. Due to this shortfall there is a commitment within the JCS to undertake a review of Tewkesbury's housing supply immediately after adoption. This is set out through Policy REV1: Gloucester and Tewkesbury Housing Supply Review.

7.1.19 The housing shortfall was largely as a result of a decision made by the Defence Infrastructure Organisation at a late stage of the JCS examination to delay the release of the MoD Ashchurch army camp, which formed a significant part of a proposed strategic allocation expected to delivery 2,125 dwellings within the plan period. However, there remains development potential within the Ashchurch area to meet the housing requirements of the Borough and the JCS authorities are committed to continue working through a review of the plan to identify and allocate sites to deliver housing and

	employment growth.
7.1.20	The Borough Council successfully bid for Capacity Funding from the Homes & Communities Agency (now Homes England) to support the delivery of growth in the area and unlock housing and employment sites both within and beyond the current plan period. This is to include strategic masterplanning of the area (which includes the application site) to provide a comprehensive approach to delivery which addresses the key infrastructure issues that are present. The strategic masterplanning is underway and will inform the review of the JCS.
7.1.21	The JCS Inspector, through the Final Report, recognised this and found Tewkesbury’s housing land supply position to be sound subject to an immediate review. The Inspector highlighted that Tewkesbury did not have sufficient time to respond to the significant changes to its housing land supply resulting from the loss of the MoD Ashchurch site. As such, the Inspector considered that an immediate review take place to explore the additional possibilities and that this should be informed by masterplanning of the Ashchurch area.
7.1.22	As part of the examination the Inspector considered the site at Fiddington, to the north of the current application site, which was being promoted as an omission site. The Inspector found that while the site might be a possibility for allocation, this would not be justified at present, recognising the unresolved deliverability issues around transport infrastructure.
7.1.23	Notwithstanding, a subsequent planning application for 850 dwellings (ref: 17/00520/OUT) was submitted and allowed at by the Secretary of State at Appeal on 22 <sup>nd</sup> January 2020. The decision states (paragraph 17):  <i>‘The Secretary of State agrees with the Inspector’s view that appeal site only failed to be in the JCS as a strategic site due to the now resolved highways issues and that the site is available and is deliverable at least in part during the next five year period (IR57). Given the lack of progress on the JCS review and the limited weight to be attached to the emerging Local Plan, and the lack of any objection from the Council, the Secretary of State agrees with the Inspector that it cannot be concluded that the development would undermine the plan making process (IR55), and that the appeal would not prejudice the plan led approach to the delivery of housing, but would in fact make a major contribution towards addressing the deficit (IR58).’</i>
7.1.24	There has been a material change of circumstances since this appeal decision insofar there has been limited progress on housing delivery in respect of the permitted residential development of 850 dwellings. Only three conditions pre-commencement conditions have been discharged, including Condition 8 for the production of the Site Wide Masterplan Document. Condition 7 (Phasing Plan) has recently been submitted and remains undetermined. Furthermore, no pre-application enquiries have been received from prospective developers of the site. Condition 2 of the permission states that the application for the approval of the reserved matters for phase 1, as identified by the Phasing Plan required under Condition 7, shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission, which would be January 2023. On this basis the earliest realistic date that dwellings could be delivered on site is 2023-24. This is reflected in the trajectory set out in the Council’s Five Year Housing Land Supply Statement (November 2021), which identifies 50 dwellings being delivered in 2024-24 and a total of 250 dwellings by 2025-26. It is considered that contrary to the Secretary of State’s view at the time of the decision this

	rate of delivery does not demonstrate that the site is making an early contribution towards addressing the housing deficit.
7.1.25	Turning to the present appeal, the appellant states the site is able to contribute to the Council's five year housing land supply (including the provision of affordable housing) in a timely manner and that this is a significant material consideration. They maintain that the site provides the opportunity to deliver new homes in the early period of the emerging plan, and is therefore suitable, available and deliverable and can deliver in totality within the next five years (2026/27). The appellant has submitted no evidence to support this trajectory. Given the projections set out above for the delivery of the permitted scheme of 850 dwellings in the current Five Year Housing Land Supply Statement (November 2021), and the fact that the current application site is reliant on the access from the permitted scheme, this would seem a very optimistic target for delivery.
7.1.26	Taking this into account Officers consider that, notwithstanding the presumption in favour of development, there is little evidence to suggest that the application site would make a timely or meaningful contribution towards reducing the 5-year housing land supply shortfall. While it is accepted that the delivery of 460 homes would contribute towards the overall housing need in the Borough, including the JCS deficit by the end of the plan period, it would not make the contribution to five year supply contended for by the appellant, and the weight this attracts in favour of permission is thereby reduced.
	<i>Tewkesbury Garden Town Concept Plan</i>
7.1.27	The application site lies within an area which in 2019 was awarded Garden Town Status as part of the Garden Communities programme. The Garden Town will deliver circa 10,000 homes and 120 hectares of employment land in order to meet the requirements of the Garden Communities programme. The status has attracted considerable government investment including, in June, 2021 £2.4m by the Ministry of Housing, Communities and Local Government's (MHCLG) Garden Communities Programme to contribute to the operational costs of delivering its Garden Town Programme. MHCLG has also awarded the Council funding through its New Development Corporation Competition to progress the exploration of an appropriate delivery vehicle to oversee the completion of the Garden Town.
7.1.28	In March 2021 a planning application was permitted to build a new road bridge over the railway in Ashchurch and Northway, which is a crucial part of the infrastructure needed for the Tewkesbury Garden Town. This is funded by MHCLG who awarded Tewkesbury Borough Council £8.1m to deliver a bridge that could unlock parcels of land to the east of the railway line which are highlighted in the Garden Town Concept Plan as development opportunities.
7.1.29	Early thinking in terms of the vision for the development of the Ashchurch area was first consulted on through the issues and options consultation of the JCS. To support the vision a Concept Masterplan has been drawn up. As part of a suite of emerging planning documents, this provides a guiding framework for Tewkesbury Garden Town and the key elements to be designed and delivered over the next 30 years. The Concept Plan document was noted by the Executive Committee on 6th October 2021, allowing the document to be used in a public forum for engagement and consultation purposes.

7.1.30	<p>The Concept Plan has been founded upon nine Development Principles, drawing on experience from the long-established global Garden City Movement and UK Garden Communities Model of Development, the adopted JCS and stakeholder engagement. The principles will act as the blueprint for decision making as the Tewkesbury Garden Town evolves to ensure that development is of a quality expected and required by Garden Communities guidance and national policy on design.</p>
7.1.31	<p>The Concept Plan identifies strategic locations for the mix of land uses and infrastructure that will be required to deliver the Garden Town. The application site is identified in the Plan as a strategic location for residential development.</p>
7.1.32	<p>The Council acknowledge that at the current time the Concept Plan does not have any status as a planning document and that the inclusion of the application site in it does not prejudice or prejudge the normal operation of the planning system. Nonetheless, the Garden Town status and government support for the programme it is a material consideration.</p>
7.1.33	<p><i>Conclusions on the principle of residential development</i></p> <p>The proposal for residential development at Fiddington is broadly consistent with the spatial development strategy for Tewkesbury Borough set out in the JCS (in that it would form an urban extension in the wider Tewkesbury town area). However, Policy SP2 states that the identification of any additional urban extensions to meet unmet needs must be undertaken through a review of the plan. Therefore, the proposal would be contrary to this policy. Furthermore, as the proposal does not meet any of criteria set out through Policy SD10 the proposal is also contrary to this policy.</p>
7.1.34	<p>The JCS identifies a shortfall against the housing requirements for Tewkesbury Borough over the plan period. The Council has a strategy for addressing this shortfall – which is in any event reducing - in a plan-led and strategic way which is being progressed through a full review of the JCS. It is acknowledged that this is a longer-term strategy and the JCS review is yet to reach draft plan stages. The site would contribute to meeting the JCS plan period housing shortfall, which attracts weight in its favour. Further, the Council cannot presently demonstrate a five year supply of deliverable housing land, but the appeal proposals do not appear capable of making a timely or substantial contribution towards meeting the five-year supply deficit on the basis of current progress of the permitted scheme for 850 dwellings (on which access these proposals rely). While any contribution to the five-year supply position attracts weight in favour, this weight is reduced on account of the likely delivery timescales. The housing supply benefits claimed by the appellant by engaging the tilted balance would not be realised in this case. The published Tewkesbury Garden Town Concept Plan identifies the application site as a potential strategic location for future housing development to meet the Borough’s housing requirements over the next 30 years. The Concept Plan carries no weight in decision making but nonetheless provides an indication of the likely direction of growth. This growth is expected to be delivered through a comprehensive development strategy to achieve growth over both the short and long term for both housing and employment needs, and the necessary infrastructure through a future plan-led mechanism. Nonetheless, it is recognised that the Garden Town Status should not prejudice or prejudge the normal operation of the planning system.</p>

7.1.35	<p>Whilst the Council cannot currently demonstrate a five-year supply of deliverable housing sites the presumption in favour of sustainable development is engaged in this case. However, Officers consider it unlikely that the current application site will advance speedily through the application process and provide housing towards the 5 year housing land supply for a number of years. It will therefore not contribute to the overall supply, given that by that time the Council will have an adopted Plan with a 5 year housing land supply. The housing supply benefits claimed by the appellant by engaging the tilted balance would not be realised in this case.</p>
7.1.36	<p>It is acknowledged that there would be benefits arising from the development. In particular, weight is given to the economic benefits that would arise from the proposal both during and post construction. There would also be benefits to the provision of the supply of housing and the contribution the site would make to meeting the JCS plan period housing shortfall, albeit it is considered this does not attract significant weight in view of the projected trajectory of supply.</p>
7.1.37	<p>The development is in conflict with the housing policies of the adopted development plan for the area. Whilst the Council cannot demonstrate a five-year supply of deliverable housing sites and the presumption in favour of sustainable development is engaged, the appellant has not demonstrated that the site would be deliverable within or make a significant contribution to the supply of houses within the five year period. Moreover, by that time the Council will have an adopted Plan with a 5 year housing land supply and the site will not therefore contribute to the overall supply. It is considered that this weighs heavily against the proposal in the planning balance.</p>
<b>7.2</b>	<p><b><i>Landscape, visual impact and design</i></b></p>
7.2.1	<p>The NPPF sets out that planning decisions should contribute to and enhance the natural and local environment. 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.</p>
7.2.2	<p>Section 12 of the NPPF sets out that the creation of high quality, beautiful and sustainable 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, creates 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 134 of the NPPF makes it clear that planning permission should be refused for development of poor design that fails to reflect local design policies and government guidance on design contained in the National Design Guide and National Model Design Code.</p>
7.2.3	<p>The National Design Guide (NDG) addresses the question of how we recognise well-designed places, by outlining and illustrating the government priorities for well-designed 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.</p>

7.2.4	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.
7.2.5	<p><i>Landscape &amp; Visual Impact</i></p> <p>The site does not fall under any statutory or non-statutory landscape designation. The Cotswold Area of Outstanding Natural Beauty (AONB) and Special Landscape Area are located 3 km to the east of the site. There is one public right of way that crosses the site and one Bridleway (the Gloucestershire Way) on the northern site boundary. Whilst this site contributes to the wider setting of the Cotswolds AONB, the site itself is of local value in terms of its level of importance.</p>
7.2.6	The site lies within the Settled Unwooded Vale character type within the Vale of Gloucester landscape character area as defined in the Gloucestershire Landscape Character Assessment (2006). It is a rural landscape at the edge of urban and commercial centres with considerable influence from communication routes. To the north and west there are very strong influences (visual and noise) from the M5 motorway and from commercial development along the A46(T) at Ashchurch, and the mainline railway to the east. The permitted commercial and housing developments immediately to the north of the site, to which this site will be conjoined, will also result in urban development to be in close proximity.
7.2.7	There is one public right of way designated on the site. Public right of way (AAS/5) is located in the eastern edge. The path extends along existing field boundaries running north to south linking the Gloucestershire Way with local bridleways (AAS58) and rural lanes. Immediately north of the site boundary the Gloucestershire Way county trail (AAS6, AWC9) passes east/west at Homedowns. This is also a bridleway, passing over the motorway via a ramped bridge and linking with Walton Cardiff to the west.
7.2.8	The site has rural qualities including existing trees, a clearly defined hedgerow pattern and an existing area of woodland, Milne's Covert. It is however heavily influenced by the existing development and infrastructure. The JCS Landscape Characterisation and Sensitivity Analysis (LCSA) confirmed the sensitivity of the site as Medium-Low.
7.2.9	The Applicant's ES states that the overall landscape effects of the proposed development after mitigation (ten years post completion) will result in the loss of openness and a corresponding extension of the current urban area into the countryside. The loss of openness cannot be mitigated but the introduction of new structure planting to mitigate the effect of new built form but will introduce native vegetation which will maintain a rural character at the margins of the development and create an interface with the undisturbed agricultural landscape. A new urban edge would be being created to the north of Fiddington, south of the Gloucestershire Way. Vegetative margins of hedgerows and trees will partially mitigate visual effects both to existing public rights of way and adjacent motorists on rural lanes and the motorway. As a result of the establishment of the new structure planting and enhancements to the hedgerows and Milne's Covert it is considered that the proposals will have a moderate beneficial overall residual significance of landscape effect after the establishment of mitigation planting at year 10.

7.2.10	Proposed landscaping along the application boundary with the Gloucestershire Way will reinforce the vegetative buffer that will part screen new built form and assist retention of the rural setting of the footpath. Whilst this cannot mitigate the loss of openness it can help retain the character of an enclosed rural track, similar to those in the vicinity. A landscaped bund along the northwest boundary will distance built form from the motorway and assist in screening views of the site, as well as reducing views of the motorway from the Gloucestershire Way. The ES concludes that with mitigation the impacts would be reduced to minor/moderate adverse for public rights of way crossing the site, minor adverse users of the Gloucestershire Way and residents of Bungalow Farm due to screening nature of proposed mitigation planting once the mitigation planting has become established.
7.2.11	The assessment concludes that the medium/low sensitivity of the landscape has capacity for change and to accommodate new development. Identified harm that would arise to rural landscape character and local visual amenity are part offset by the enhancements and new resources provided by the development. The landscape and visual effects that would arise from the proposed development are assessed as being locally contained with potential to be mitigated through the provision of new native green infrastructure. With mitigation the overall landscape and visual effects are assessed as being less than significant.
7.2.12	The application site is located within the setting of the Cotswolds Area of Outstanding Natural Beauty (AONB). JCS Policy SD7 (The Cotswolds Area of Outstanding Natural Beauty) and the Cotswolds AONB Management Plan (2018-2023) seek to ensure that development proposals within the setting of the Cotswolds AONB will conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities. 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. In terms of the wider impact of the development on the Cotswolds Area of Outstanding Natural Beauty (AONB) Natural England (NE) has been consulted and raises no objection to the proposed development.
7.2.13	Officers have assessed the landscape and visual impacts and acknowledge that a significant intrusion into the rural landscape will inevitably arise from the proposed development resulting in a loss of openness that cannot be mitigated. Nevertheless, as identified in the strategic landscape sensitivity study, in landscape terms, the site is capable of accommodating some development. The location of new urban development immediately north of the site reduces its sensitivity in landscape terms as it will be viewed in the context of an existing urban area. Whilst there would be a gradient in landscape character moving south away from the urban edge towards more open countryside it would not appear as a new, isolated, conspicuous settlement. Nonetheless, Officers consider that the development of the site would lead to a permanent, adverse and significant landscape impact on account of the intrusion of the development into the rural landscape, than cannot be fully mitigated, would occur.
7.2.14	Longer distant views of the site from the Cotswolds AONB would not be significantly impacted as the site would be viewed against the backdrop of the urban areas of Tewkesbury, Ashchurch, the M5 Motorway and mainline railway. The proposed development would not therefore compromise the purposes of designation or special qualities or character of the Cotswolds AONB.

7.2.15	<p><i>Design &amp; Layout</i></p> <p>The Urban Design Officer (UDO) has also been consulted and has assessed the proposed design approach as set out in the submitted Design and Access Statement and the Illustrative Masterplan. The Officer identifies that site is within Tewkesbury Garden Town, which through its Concept Plan has produced 9 principles which will guide future development in this area. These principles based on the recognised principles of good design set out at a national level and have been endorsed by the Gloucestershire Design Review Panel and approved by the Council's Executive. Whilst Officers recognise the Concept Plan has no status in planning decisions it will be important that the development demonstrates how it responds to the approved principles through the masterplanning of the development.</p>
7.2.16	<p>The UDO considers that the design information within the DAS is minimal, vague and unambitious. It is not of the high standard envisaged for the Garden Town, nor required by local and national policy, the National Design Guide and Model Design Code. It is acknowledged that the quantum of development as an 'up to' figure, however moving forward to reserved matters, significant further work on design quality will be a requirement at that stage. The UDO does not support the illustrative design information within the outline DAS/ Illustrative Masterplan and suggests that the document is not used to guide reserved matters. Instead, it is recommended that a condition be attached to any permission to require the preparation of a detailed Site Wide Masterplan and Design Code document to guide reserved matters applications on this site. The document should be prepared to fully accord with the national guidance in the National Design Guide and National Model Design Code.</p>
7.2.17	<p>The UDO also raises a number of specific issues that would need to be addressed through a SWMP and at the Reserved Matters stage:</p> <ul style="list-style-type: none"> <li>• The submitted DAS does not make direct reference to the Tewkesbury Garden Town Concept Plan principles or justify how they are being met with this proposal, and these would need to be addressed in a SWMP document.</li> <li>• There is no mention of energy efficiency of buildings, biodiversity net gain or sustainability. Resources and Lifespan are key characteristics of good design as outlined in the National Design Guide. This element is also essential to the Garden Town principles. A section on this within the SWMP document will be required.</li> <li>• The space allocated for the noise bund adjacent to the M5 does not appear to be sufficient to allow for the bund to be well designed, blend with the landscape and form a part of usable open space. The houses are very close to the noise bund, which will be steep and this could have a negative impact on the amenity of those dwellings.</li> <li>• The sports pitch is located very close to the M5 and pushed out of the way at the bottom of the site. There appears to be no noise attenuation for the pitch area, which will make for an unattractive and poor recreation environment that is not fit for purpose. The relocation of the pitch away from the M5 could resolve this through the rearrangement of the SUDs, allotments and pitch in this area of open space. Well-located, high quality and attractive public spaces are a key characteristic of good design as outlined in the National Design Guide.</li> </ul>



	<ul style="list-style-type: none"> <li>• Clarification is needed about the Ashchurch Bridleway on the northern boundary and the road crossing points in this location. This PROW forms part of the Gloucestershire Way and is a strategic connection within this area and to the wider Garden Town, enabling connections into Tewkesbury Town Centre. How the road crosses this route and how the PROW itself is treated will be important for wider connectivity of this area. Improvements to the PROW to encourage cycling and walking will be necessary and road crossings will need to be sensitively designed.</li> </ul>
7.2.18	<p>Officers consider that the development as currently proposed through the DAS and Illustrative Masterplan does not wholly meet the high standards of design set out in JCS Policies SD6 and SD4, nor that of the National Design Guide or Model Design Code, and is a harm that weighs against the proposal in the planning balance. In this respect the submitted DAS, Illustrative Masterplan and Parameters Plan are not considered acceptable. Nonetheless, Officers consider that this is capable of being resolved through a condition on any future planning permission requiring the production of a SWMP/Design Code document that addresses the concerns outlined above and which would need to demonstrate its accord with local/ national design policies. Any future Reserved Matters applications would thereafter need to be in accordance with the approved SWMP document.</p>
7.2.19	<p><i>Conclusion</i></p> <p>Officers consider that the landscape harm that would arise from the development would be a permanent, significant and adverse impact and represents a significant intrusion into the rural landscape. The future development is considered capable of meeting a high standard of design subject to appropriate conditions.</p>
<b>7.3</b>	<b><i>Accessibility and highway safety</i></b>
7.3.1	<p>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.</p>
7.3.2	<p>Policy INF1 of the JCS requires developers to provide safe and accessible connections to the transport network to enable travel choice for residents and commuters. All proposals should provide for safe and efficient access to the highway network for all transport modes; encourage maximum potential use of walking, cycling and passenger transport networks to ensure that credible travel choices are provided by sustainable modes. Planning permission will be granted only where the impact of development is not considered to be severe. Where severe impacts that are attributable to the development are considered likely, including as a consequence of cumulative impacts, they must be satisfactorily mitigated. Policy INF1 further requires developers to provide transport assessments to demonstrate the impact, including cumulative impacts, of the prospective development along with travel plans where appropriate. Policy TRAC9 of the emerging TBP state that proposals need to make provision for appropriate parking and access arrangements.</p>

7.3.3	<p><i>Existing constraints on the highway network</i></p> <p>As Members are aware, transport infrastructure is a particular issue for the Ashchurch area and there is a significant existing highway capacity constraint around Junction 9 of the M5 and the A46. Improvements to this route are essential for both short-term growth and longer-term growth. The need to improve this part of the strategic road network is becoming increasingly recognised and has been subject to studies by both Highways England (now National Highways) and Midlands Connect. Through the South Midlands Route Strategy, Highways England highlighted the traffic issues around M5 J9 and the A46 through Ashchurch, the growth planned along this corridor and also the regional importance of the A46 between M5 junction 9 and the M6 in providing an alternative to the 'Birmingham Box' of motorways. This is similarly reflected in the Midlands Connect Strategy which sets out as one of its early priorities as being a strategic study for a potential expressway route on the A46 between the M5 and M40.</p>
7.3.4	<p>The transport modelling work for the JCS further recognised the capacity constraints on this transport corridor and to accommodate the growth the mitigation package included an off-line solution to the A46. This infrastructure was shown to bring significant improvements to traffic flows in the area and provides the capacity for future growth at Ashchurch. Without an off-line solution there is considered a limited amount of improvements that can take place on the existing road which will only serve to ultimately constrain growth. This is not just a local issue, but a regional infrastructure priority with this part of the A46 providing a significant constraint on the highway network linking the M5 to the M6 – it therefore impacts upon growth along the whole of the route into Worcestershire and Warwickshire.</p>
7.3.5	<p>Further transport modelling work has been undertaken in parallel with the JCS Issues and Options Review to support work on the preparation of the Tewkesbury Garden Town Concept Plan. This involved looking at a short-term access strategy for development sites within the study area, by assessing the highways impact of a number of scenarios around the A46 corridor to facilitate site access. The study's findings indicate that although there is some benefit in enabling development access to specific land parcels in the short term through localised link and junction improvements, such measures will be of limited benefit, either in the near term or beyond in considering more ambitious development proposals. The prevailing issues of traffic demand, related vehicle delays and the limited road network connections available mean that more substantial and comprehensive road infrastructure improvement is required to support anticipated development. To minimise the related negative impacts of such infrastructure, severance, noise, visual impact etc, and to provide a more positive and active movement and living environment, then a related and comprehensive approach is required, predicated on sustainable transport.</p>
7.3.6	<p>A separate and high level assessment of the highway impacts of the masterplan has also been undertaken by estimating the scale of trip generation that the masterplan would generate at the local (masterplan area) level. At the highest level, the study confirms the common understanding that the existing road network offers little in the way of further capacity for additional development. Therefore, the masterplan report recommends that to accommodate very substantial growth in the Ashchurch area, major development delivery road infrastructure and comprehensive sustainable living interventions will need to be brought forward with the minimum of delay. Importantly, the scale of the development and estimated impact for all development phases would require significant increases in capacity on the A46 and at the M5 Junction 9, with later phases requiring provision of a dedicated new off-line east-west road link to the south of</p>

	<p>the development area to provide specific development area access. The delivery of new road infrastructure would involve substantial lead times, but sustainable modal shift initiatives can be planned and provided for at the outset, and further developed over time. The exact route of an off-line solution is yet to be established, although it is expected that consultation on preferred options will take place in 2022.</p>
7.3.7	<p>Whilst the Concept Plan acknowledges the potential infrastructure need that would arise from that proposal, particularly with regards to the realignment of the A46 and junction 9, the emerging proposals do not define the position of these features and there is no evidence to suggest that this particular proposal would prejudice the future realignment.</p>
7.3.8	<p>The highway network constraints were recognised by the JCS Inspector in her final report who stated that, given the importance of establishing the most appropriate traffic solution, deliverability and site capacity at Fiddington are uncertain. Notwithstanding, all matters concerning existing highway network constraints were satisfactorily resolved between the appellants and National Highways in respect of the Appeal site to the north for 850 dwellings. The Secretary of State was satisfied that subject to detailed design and safety audit the access arrangements could go ahead in tandem with the commercial scheme to the north, subject to conditions to secure strategic and local highway improvements.</p>
7.3.9	<p><i>The submitted Transport Assessment</i></p> <p>The application is supported by a Transport Assessment (TA) and a Residential Travel Plan (TP). The TA assesses the potential impacts of the proposed development on the highway network. It concludes that the completed development will give rise to an increase in travel demand which will be permanent (below 10%). However, in the interests of sustainability, and to ensure a policy compliant development, measures to encourage walking, cycling, public transport travel and to mitigate the additional travel demand as well as generally improving the surrounding transport infrastructure are proposed.</p>
7.3.10	<p>During construction of the proposed development over a temporary period the residual impacts of construction traffic could effectively be managed through controls imposed through planning conditions for a Construction Management Plan (including vehicle routing), health and safety requirements and good construction site practices.</p>
7.3.11	<p>The operational phase the development will give rise to a permanent increase in travel demand. The predicted increase in traffic on surrounding highway links would be well below 10%. In the interests of sustainability measures to encourage walking, cycling and public transport travel are proposed. The internal site layout will be designed to facilitate walking and cycling, including existing public rights of way, to allow good access for sustainable modes of transport. The existing Bridleway (Gloucestershire Way) would continue its current route with provision made to facilitate safe crossings for all users.</p>
7.3.12	<p>A bus service agreement has been made between the appellant and the local bus operator 'Stagecoach' for providing half hourly bus service to/from Tewkesbury town centre Monday-Friday and suitable new infrastructure to serve this service would be provided. This would require a further bus service agreement to be secured as a planning obligation.</p>

7.3.13	Additional mitigation would include the implementation of a Residential Travel Plan to encourage travel by sustainable modes. A proportionate contribution towards the enhancement of pedestrian and cycles routes in the wider area has also been offered if required.
7.3.14	The appellant concludes that with the implementation of the mitigation measures the additional demand will be safely and satisfactorily accommodated on the local transport network. The likely overall residual effects of the proposed development in transportation terms are considered to be Minor Beneficial (where the mitigation measures have a wider benefit) to Minor Adverse.
7.3.15	<p><i>Impact on the local highway network</i></p> <p>Gloucestershire County Council has been consulted as the Local Highway Authority and had initially raised concerns with the appellant. Since lodging the Appeal the appellant has continued to work with GCC to resolve these matters. The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained. GCC therefore confirm no objection subject to conditions and financial obligations being attached to any permission. The proposed mitigation/ conditions are summarised as follows:</p>
7.3.16	<p><i>Vehicle access:</i> The only junction within the Local Highway network that needs to be addressed is the junction of Shannon Way and the A438. The appellant has identified that junction improvements are to be made through contributions received from the consented North West Fiddington proposal and assumes that this scheme will be delivered, as such this development relies on that scheme being delivered. Presently there is a funding shortfall to deliver an improvement, therefore it is appropriate for a contribution to be made in a similar manner to that provided on land to North West Fiddington to ensure that there is a reasonably likely prospect of a scheme coming forward. To be secured through a planning obligation. <u>Contribution - £156,630.00</u></p>
7.3.17	<p><i>Pedestrian/ Bicycle Access:</i> The TA considers the walking and cycling distance / time to local services. It is recognised that these distances are now at the upper limits of acceptability, however they do fall with the accepted levels of access, particularly when considered alongside the public transport offer. It will be essential that high quality walking and cycling links are provided as part of any reserved matters proposal to tie into the adjoining North West Fiddington proposal.</p>
7.3.18	<p>The TA also identifies improvements to bridleway 6, this is considered to be a beneficial route that alongside improvements to other Public Rights of Way to the west of the M5 would give a car free connection towards Walton Cardiff and the rear of Tewkesbury School. It is considered that contributions should made towards PRoW improvements to help deliver this alternative route. The appellant has agreed to provide a contribution through a planning obligation to assist in the delivery of rights of way enhancement which will include the provision of walking and cycling infrastructure, conversion orders and ancillary civil engineering on several local rights of way to make a continuous connection to Tewkesbury avoiding the motorway junction and the A46. To be secured through a planning obligation. <u>Contribution – £193,600.00</u></p>

7.3.19	The proposal includes for a Primary school within the scheme, this will help to internalise education trips, and again it is expected that a high quality route is provided which will encourage walking, cycling and scooter access. Principles such as school streets should be built into the design to encourage active travel trips.
7.3.20	<i>Public Transport:</i> The bus service is intended to be extended into this planning application, and the proposed street pattern assists in providing a loop will assist buses in exiting the site. The local operator, Stagecoach, has confirmed through GCC that no additional contributions are required.
7.3.21	The application is supported with a Residential Travel Plan which has been considered and has been found to be acceptable. A few minor additions are suggested which could further add to this document. It will be necessary for a travel plan bond and monitoring contribution to be provided to ensure the expected benefits are realised. To be secured through a planning obligation. <u>Contribution - £91,693.33</u>
7.3.22	<i>Planning Conditions:</i> Planning conditions will also be required to secure the following: A Mobility Hub (a local destination for shared and sustainable travel modes), Electric Vehicle Charging Points, Bicycle Parking, implementation of the approved Residential Travel Plan, approval of an Education Travel Plan.
7.3.23	<i>Impact on the strategic transport network (SRN)</i>  National Highways (NH) have issued two consecutive holding responses recommending that planning permission not be granted for three months to allow the applicant to resolve outstanding matters in relation to traffic modelling, flood risk assessment and the drainage strategy. In reply to NHs first holding response (dated July 2021) the appellant provided a technical note. A second holding response was received (dated 6 October 2021) with the following reasons.
7.3.24	The applicant has undertaken the trip generation exercise using TRICS and has considered certain planning assumptions to account for the on-site vehicular trips to and from the primary school which NH consider acceptable. The applicant has adopted the same trip distribution as that agreed for the previously consented 'Land at Fiddington' development which is considered suitable.
7.3.25	The overall scope of traffic impact assessment (including the modelling methodology, SRN junctions to be assessed, assessment scenarios, etc.) was agreed during the pre-application stage with NH. For the assessment of traffic impacts from the development, the applicant proposed to extract traffic flows from the approved 2016 Ashchurch S-Paramics traffic model and then carry out individual junction capacity assessments. While NH accepted this methodology, they have recommended that the 2016 base year be updated to reflect the current traffic levels.
7.3.26	Based on NHs review of the submitted Transport Assessment (TA), NH noted that the appellant had uplifted the 2016 base year flow data to 2019 using traffic growth corresponding to a single WebTRIS data site (Site 8183). However, NH recommended in their previous response that the applicant should revisit the growth factor calculations from 2016 to 2019 using more WebTRIS data sites in the area, rather than a single site to ensure a robust assessment. The latest technical note provides an assessment of growth factor with multiple WebTRIS sites and also provides further analysis comparing the modelled flows against other DfT count sites available in the model area. NH are

	currently reviewing this information alongside other clarifications provided.
7.3.27	As requested, modelling files for all junctions assessed were also provided by the appellant alongside the latest technical note. NH are currently reviewing the model files and undertaking a full review.
7.3.28	In respect of the flood risk assessment and drainage strategy the appellant considered NHS concerns relating to the surface water run-off to culverts under the M5 motorway and have provided further clarification as part of the latest technical note. NH is currently reviewing this information.
7.3.29	NH to date have not lifted their holding response pending the resolution of the issues detailed above which, at the time of writing, NH confirm remain outstanding as they are still in the process of reviewing the additional information submitted by the appellant. On the basis of the comments that have been received from NH in their 'holding' letters there remain unresolved concerns surrounding the capacity of the SRN to accommodate the proposed development.
7.3.30	<p><i>Conclusion on highways matters</i></p> <p>The County Highway Authority is satisfied that the impact of the development on the local highway network can be addressed subject to appropriate mitigation through planning obligations and conditions and no objections are therefore raised in that respect.</p>
7.3.31	<p>In terms of the impact of the development on the SRN, it is clear from NH response to date that the information included within the Environmental Statement and Transport Assessment is not sufficient to demonstrate that the proposed development would have an acceptable impact. This weighs heavily against the proposal in the overall planning balance.</p> <p><b><i>Please note that the Council has commissioned an independent review of all the transport related matters and an update will be provided to Members at Committee.</i></b></p>
7.4	<b><i>Drainage and flood risk</i></b>
7.4.1	The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe for its lifetime without increasing flood risk elsewhere. Further, 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 and 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. Policy BIS3 of the MMTBP requires all built development on the site to be located in Flood Zone 1 and for development to take into account appropriate locally specific allowances for climate change.

7.4.2	<p>The adopted Flood and Water Management Supplementary Planning Document (FWMSPD) has the following key objectives: to ensure that new development does not increase the risk of flooding either on a site or cumulatively elsewhere and to seek betterment, where possible; to require the inclusion of Sustainable Drainage Systems (SuDS) within new developments, which mimic natural drainage as closely as possible (e.g. permeable paving, planted roofs, filter drains, swales and ponds) and provision for their long-term maintenance, in order to mitigate the risk of flooding; to ensure that development incorporates appropriate water management techniques that maintain existing hydrological conditions and avoid adverse effects upon the natural water cycle and to encourage on-site storage capacity for surface water attenuation for storm events up to the 1% probability event (1 in 100 years) including allowance for climate change.</p>
7.4.3	<p>A Site-specific Flood Risk Assessment and Drainage Strategy (FRA) has been produced and used to inform the ES Chapter on Hydrology, Flood Risk &amp; Drainage. The baseline conditions indicate that proposed development is in an area of low sensitivity in terms of water and groundwater quality, it is not in a Source Protection Zone or Drinking Water Safeguard Zone. Surface water run-off from the site flows west to the Tirl Brook. There is a significant risk of the fluvial flooding and surface water flooding, a low risk of flooding from groundwater, and negligible risk from sewers and artificial sources. There is existing Severn Trent Water sewerage infrastructure to the north in Ashchurch Industrial Estate. New sewerage infrastructure will be provided in the consented retail and residential developments to the north between the development and the A46.</p>
7.4.4	<p>The ES identifies that the application site is predominantly located in Flood Zone 1 with the exception of a small area in Flood Zone 2 in the southwest corner, in the vicinity of Milnes Covert, associated with an ordinary watercourse. To ensure that the built development is safe from fluvial flood risk it would be located in Flood Zone 1. The proposed flood risk and surface water run-off mitigation measures are summarised below:</p> <ul style="list-style-type: none"> <li>• Development would be in areas at lowest risk of flooding in accordance with the NPPF risk-based approach;</li> <li>• SuDS would be used to manage surface water run-off, ensuring that the development will not be at risk from surface water flooding and that flooding is not increased elsewhere;</li> <li>• The foul sewage would be discharged to the Severn Trent Water foul sewerage infrastructure. Severn Trent Water will carry out any improvements required to ensure that there is no increase in the risk of flooding from sewers and CSOs, and that the effluent discharged from the Tewkesbury Sewage Treatment Works complies with the requirements of the EA and Environmental Permits;</li> <li>• SuDS would be used to provide water quality improvements and prevent pollution entering groundwater and watercourses;</li> <li>• A SuDS Management and Maintenance Plan would ensure that the proposed development would continue to provide a benefit for its lifetime;</li> <li>• In terms of cumulative impact, it is confirmed all developments would provide appropriate mitigation to ensure that they do not have any adverse effect on Hydrology, Flood Risk, and Drainage. This would ensure that there is no adverse</li> </ul>

	cumulative or in-combination effects on Hydrology, Flood Risk, and Drainage resulting from the proposed development and other consented development in the vicinity.
7.4.5	The ES concludes that the proposed mitigation measures discussed above would allow management of the potential impacts on hydrology, flood risk and water quality resulting in no significant environmental impact. Overall, the proposed development would provide a moderate beneficial effect for flood risk and surface water drainage and result in a negligible effect for foul drainage and water quality.
7.4.6	The Environment Agency (EA) has been consulted and advises that the majority of the site lies within Flood Zone 1 with a small area of Flood Zone 2 associated with an 'ordinary watercourse' running across the southwest corner of the site. An area of the site is shown to be susceptible to surface/ground water flooding which are likely to be associated with flooding from the aforementioned watercourse that crosses the site.
7.4.7	The Illustrative Masterplan reference shows that all built development that is defined as 'more vulnerable' is located within Flood Zone 1 as shown on the Flood Risk from Surface Water map, except for the two attenuation ponds which are located in Flood Zone 2.
7.4.8	In principle the EA have no objection to the proposed layout and recommend a condition relating to finished floor levels. A condition is therefore recommended requiring floor levels to be set at least 600mm above the 1% AEP flood level (including an allowance for climate change).
7.4.9	The Local Lead Flood Authority raise no objection to the proposed development subject to the submission of a detailed drainage design which can be controlled by condition.
7.4.10	Severn Trent Water raise no objection to the proposal in respect of foul drainage subject to the inclusion of a condition to deal with the disposal of foul and surface water flows.
7.4.11	On the basis of the advice of the EA, LLFA and Severn Trent Water it is considered that the application as submitted demonstrates that the proposed development would have an acceptable impact on drainage flood risk. This is considered a neutral impact in the overall planning balance.
<b>7.5</b>	<b><i>Air Quality, Noise and Vibration, Contaminated Land</i></b>
7.5.1	Policy SD14 of the JCS seeks to protect health and improve environmental quality. The NPPF states that to prevent unacceptable risks from pollution, planning decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. In respect of air quality it advises that planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas (AQMAs), and the cumulative impacts on air quality from individual sites in local areas.



7.5.2	The ES contains chapters on air quality and noise and vibration which consider the impacts that could arise as result of the development during both the construction and operational phases, and the cumulative impacts of other developments in the local area.
7.5.3	<i>Air Quality:</i> The ES assesses the air quality effects associated with the construction and operation of the Proposed Development. Air quality conditions that future occupants of the development would experience have been assessed, as well as impacts on existing receptors resulting from road traffic emissions from additional traffic generated by the development. Baseline air quality conditions in the study area were determined based on local authority monitoring data and other publicly available data. Air quality monitoring conducted by Tewkesbury Borough Council indicates that concentrations of nitrogen dioxide within the study area have been below the objective in recent years, including within the Tewkesbury Air Quality Management Area. Background concentrations of nitrogen dioxide, PM10 and PM2.5 obtained from Defra background are all well below the respective objectives. Defra mapping also shows that there is no risk of the annual mean EU limit value for nitrogen dioxide in the study area.
7.5.4	The ES states that measures to mitigate dust emissions will be required during the construction phase of the development in order to minimise the effects upon nearby sensitive receptors, including a Dust Management Plan. With these measures in place and effectively implemented the residual effects are judged to be 'not significant'. The assessment also demonstrated that the overall air quality effect of additional road traffic emissions generated by the development would be 'not significant'. Specific mitigation measures are not therefore required. The development would however include a number of design features and enhancements to encourage future residents to make sustainable and lower emission travel choices, and these will provide further benefits for local air quality. The ES concludes that overall, the effects of the Proposed Development on local air quality have been found to be 'not significant'.
7.5.5	<i>Noise and Vibration:</i> The ES includes a noise assessment which has been carried out for the proposed development. Noise levels within the Proposed Development are principally influenced by traffic travelling along the M5, which runs to the west of the site. The construction of the development has the potential to give rise to short term adverse effects upon existing noise sensitive receptors surrounding the site. Road traffic on the roads within and surrounding the site would change as a result of the occupation and operation of the completed scheme and other committed developments in the surrounding area. The assessment indicates that the additional road traffic would result in no significant adverse effects. Appropriate mitigation and control measures would be adopted during construction to ensure any potential effects were minimised. No additional noise mitigation measures have been identified in addition to those which would be incorporated into the design of the development and considered at detail design stage. The ES concludes, that with appropriate mitigation and control measures adopted during the construction of the development (which would include a 5m earth bund along the boundary of the M5 to the north west), potential noise and vibration effects would be reduced to an acceptable level, thus ensuring the site is suitable for a residential development.
7.5.6	The Environmental Health Adviser (EHA) has been consulted and reviewed the application in relation to air quality, noise and vibration and contaminated land. The assessments are considered appropriate and the EHA agrees with the methodology and conclusions.

7.5.7	The EHA notes that air quality conditions for future residents of the proposed development are predicted to be well below the objectives for nitrogen dioxide, PM10 and PM2.5. It is recommended that the applicant incorporate mitigation measures as part of the development to minimise impact from the development on local areas of poor air quality and assist in alleviating pollution creep arising in the general area. It is recommended that conditions are attached to any permission in respect of secure cycle parking, electric vehicle charging points and low emission boilers.
7.5.8	The EHA notes in relation to road traffic noise that the submitted application documents conclude that with appropriate site layout and noise mitigation measures (including a 5m earth bund along the boundary of the M5 to the north west) both internal and external noise levels should meet the recommendations of BS8233:2014 for the proposed residential dwellings. However, external amenity spaces associated with any dwellings along the northwestern boundary of the site may exceed the BS8233:2104 upper limit of 55dB, 16hr. In terms of noise impacting the proposed school, compliance with BB93 'Acoustic design of schools: performance standards' should ensure acceptable internal noise levels.
7.5.9	The EHA recommends that consideration be given to mitigating noise impacting external school play / playing field areas as the submitted noise maps indicate noise levels approaching 60dB, 16hr. It is recommended a condition be attached requiring at reserved matters stage when the site layout is finalised the applicant submit a revised noise assessment, in line with BS8233:2014, detailing the proposed noise mitigation measures to be employed across the development site for approval. It is further recommended that post completion noise monitoring is undertaken and, prior to this being undertaken, the applicant should submit a noise monitoring methodology for approval.
7.5.10	In relation to construction phase nuisance the EHA recommends that condition be attached to any permission for a Construction Environmental Management Plan (CEMP). The plan should address the monitoring, minimisation and mitigation measures in relation to noise, vibration and dust emissions during the construction phase.
7.5.11	No objection is raised by the EHA regarding contamination. It is recommended that any permission be subject to a condition regarding a watching brief being maintained during the course of development in case any unexpected contamination is identified during site works.
7.5.12	In conclusion there is no objection to the application in respect of noise, vibration, air quality and contamination subject to the imposition of appropriate planning conditions. This is considered a neutral impact in the overall planning balance.
<b>7.6</b>	<b><i>Biodiversity</i></b>
7.6.1	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. Emerging Policy NAT1 of the TBP states that development proposals that will conserve, and where possible restore and/or enhance, biodiversity will be permitted.

7.6.2

The ES includes a chapter on Biodiversity which considers the potential effects of the proposed development on ecological features of importance identified through a baseline report as follows:

- There are no statutory designations of nature conservation value within or immediately adjacent to the site;
- The nearest statutory designated site is Severn Ham, Tewkesbury Site of Special Scientific Interest (SSSI) that lies approximately 2.5km west of the site.
- The nearest European designation is Dixton Wood Special Area of Conservation (SAC) that lies just approximately 5.5km of the southeast of the site.
- The nearest non-statutory designated site of nature conservation importance is Walton Cardiff Newt Ponds Local Wildlife Site (LWS), which is located approximately 0.06km -west of the site on the opposite side of the M5 motorway
- The vast majority of the site is considered to be of low ecological interest, comprising mainly arable fields with rough grassland margins. The habitats of greater ecological value in the context of the Application Site are the boundary hedgerows and trees, woodland, and the seasonally wet ditches.
- Observations were made during the surveys of any faunal use of the site, with attention paid to the potential presence of protected species. In addition, specific surveys were completed for bats, Badgers, reptiles and Great Crested Newts. A single Badger latrine was recorded, low bat activity was present throughout the site and generally associated with boundary features. Common and widespread bird species were recorded. A low population of grass snake was recorded. No evidence of Great Crested News was recorded within 250m of the site or on the site itself. The hedgerows, trees, woodland, field margins and wet ditches offers suitable opportunities for a range of common mammals and invertebrate species.

7.6.3

The ES proposes a range of on-site mitigation and enhancement measures, as summarised below:

- *Non statutory sites:* Implementation of best practice methods and effective engineering solutions will be employed to ensure that contaminated run-off is prevented from entering the Tirlle Brook;
- *Habitats:* New native planting will be implemented (wildflower grassland/ new hedgerow and tree planting), the retained woodland, hedgerows and trees will be safeguarded during the construction phase, and best practice methods and effective engineering solutions will be employed to ensure that contaminated run-off is prevented from entering the wet ditch (and other local watercourses) during the construction and operational phases.
- *Fauna:* The creation of new species-rich grassland and planting of new native shrubs and hedgerows will provide enhanced opportunities for Badgers, bats, birds, reptiles and invertebrates; control of lighting to maintain 'dark' corridors along existing and new hedgerows to maintain suitable navigational and foraging opportunities for bats; follow the legal requirements in removal of hedgerows, trees and scrub; provision of new native hedgerow, tree planting and species rich grassland will mitigate for the loss of small areas of bird nesting habitat and foraging habitat; erection of bat boxes to provide new roosting opportunities; SUDs features will diversify habitats present and increase foraging opportunities; next boxes for birds to provide further nesting

	<p>opportunities; and creation of log piles for reptiles and invertebrates.</p>
7.6.4	<p>Overall, with the mitigation and enhancement measures proposed the ES concludes that the development would cause no adverse effect on the integrity of any statutory designated sites, and that there will be no residual effects that would exacerbate any impacts, nor any in-combination effects. Where it is considered that there is a reduction in potential habitat for protected species, the development proposals will ensure that these are compensated for by replacement habitat of equal size and greater quality. Following mitigation and enhancement measures, the overall effects are considered to be beneficial at the site to Site-European / international level of minor-moderate significance and will ensure no net loss in biodiversity terms.</p>
7.6.5	<p>Natural England (NE) was consulted and identifies that the proposed development falls within the Severn catchment and is therefore hydrologically linked, via the Tirlle Brook, to the Severn Estuary Special Area of Conservation (SAC) and Ramsar Site which is a European (or Habitats) site and has the potential to affect its interest features. In this case the European eel represents one of the Severn Estuary Ramsar Site and SSSI species and is recorded in the Tirlle Brook, approximately 500m downstream of the application site. Habitats sites are afforded protection under the Conservation of Habitats and Species Regulations 2017, as amended (the 'Habitats Regulations').</p>
7.6.6	<p>In considering the European site interest, NE advised that the Council, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have. In the context of this appeal the Planning Inspector assumes the role as the competent authority and responsibility for undertaking the appropriate assessment.</p>
7.6.7	<p>NE advised that the appropriate assessment, as presented in the submitted ES, concluded that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for any adverse effects, NE concluded that it was not possible to ascertain that the proposal will not result in adverse effects on the integrity of the site in question. NE considered that further assessment and consideration of mitigation options was required relating to water quality and water supply in the context of Habitats Regulations Assessment (HRA). They advised that clarification be obtained on: Ecological impact pathways in terms of both water supply and water quality, where such pathways are likely to exist, what mitigation of adverse effects is proposed; and where appropriate, proposals to incorporate the enhancement of local water courses/related habitat features consistent with the SAC/Ramsar Site conservation objectives.</p>
7.6.8	<p>Since this appeal has been lodged the appellant has liaised with NE to address the outstanding issues. NE have accordingly submitted a representation to the appeal Inspector dated 24/11/2021. NE explain that their attention has been drawn to the appellant's submitted 'Flood Risk Assessment and Drainage Strategy' (March 2021). This has satisfied their concerns in respect of the proposed mitigation measures relating to water quality and water supply in the context of Habitats Regulations Assessment (HRA). NE advise that provided that the approach to SUDs as set out the FRA is secured as part of any planning permission the development will avoid any material adverse effects. The Severn Estuary SAC and Ramsar Site partially coincides with the Severn Estuary and Upper Severn Estuary SSSI. Provided the mitigation measures for the Habitats Site are secured as part of planning approval NE do not anticipate adverse</p>

<p>7.6.9</p> <p>7.6.10</p> <p>7.6.11</p> <p>7.6.12</p>	<p>effects on these SSSIs' notified features.</p> <p>NE advise that appropriate planning conditions be attached to any permission addressing the construction and operational phases of the development in respect of:</p> <ul style="list-style-type: none"> <li>• Strategic Ecological Constraints and Opportunities Plan (ECOP)</li> <li>• Green Infrastructure and Biodiversity delivery scheme (phase by phase, as appropriate)</li> <li>• Landscape and Ecological Management Plan (LEMP)</li> <li>• Lighting scheme (strategic dark corridors)</li> <li>• Construction Method Statement</li> </ul> <p>The Council's Ecological Adviser has reviewed the Ecology and Nature Conservation Section of the ES. They advised that several matters need to be addressed prior to the determination of the application in relation to the submission of a Shadow Habitat Regulations Assessment to expand upon points made in the ES, particularly how pollution will be controlled to avoid run-off into the Tirlle Brook and demonstrate how any recreational effects will be mitigated, and the production of a Biodiversity Net Gain report using the DEFRA metric to demonstrate that landscaping proposals will enable positive biodiversity net gain to be achieved.</p> <p>Further to the receipt of NEs further response made in the context of the appeal the Ecological Adviser is content that these matters have been addressed and no further information is required. They advise that planning conditions be attached to any permission, prior to commencement, in respect of: a Landscape and Ecological Management Plan (designed to ensure that positive biodiversity net gain predicted for the development is achieved) , a Construction Ecological Management Plan (CEMP) and a Biodiversity Net Gain report using the DEFRA metric.</p> <p>In conclusion there is no objection to the application in respect of its impact on biodiversity subject to the imposition of appropriate planning conditions. This is considered a benefit in the overall planning balance.</p>
<p><b>7.7</b></p>	<p><b><i>Heritage assets</i></b></p>
<p>7.7.1</p> <p>7.7.2</p>	<p>Section 66 of the Listed Buildings and Conservation Area Act places a statutory duty on LPAs to have special regard to the desirability of preserving the setting of listed buildings. Policy SD8 of the JCS sets out that development should make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment. Designated and undesignated heritage assets and their settings will be conserved and enhanced as appropriate to their significance, and for their important contribution to local character, distinctiveness and sense of place. Consideration will also be given to the contribution made by heritage assets to supporting sustainable communities and the local economy.</p> <p>The NPPF sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. It advises that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.</p>

7.7.3	<p>The ES includes an assessment of the likely significant effects of the proposed development on heritage resources in the context of the application site and surrounding area. The built heritage statement is based upon an examination of relevant data sources supplemented by site inspections. These studies identified archaeological receptors that could be affected by the proposed development: evidence for Medieval ridge and furrow cultivation, and late Prehistoric/Romano-British occupation. This activity was evident in the geophysical survey data and trial trenches but is of negligible/low archaeological significance and has therefore been assessed to be of Low sensitivity. No archaeological resources situated beyond the application site were identified as having the potential to be affected by the proposed development.</p>
7.7.4	<p>No designated or non-designated built heritage resources were identified within the application site. However, two built heritage resources were identified beyond the application site with the potential to be affected by the proposed development due to the application site forming a part of their respective settings. These receptors comprise the Grade II* listed Church of St Nicholas, Ashchurch and the Grade I Abbey Church of St Mary, Tewkesbury. Both receptors have been assessed to be of high sensitivity. When complete and in operation, the proposed development will introduce additional built form into the wider and extended setting of these receptors. However, it has been found that this will result in no impact on the historic or architectural interest of either receptor. The assessment concluded that no significant environmental effects will arise with regard to cultural heritage as a result of the proposed development.</p>
7.7.5	<p>The Conservation Officer has been consulted and confirms that there are no designated or non-designated heritage assets identified within the site. There are two listed buildings (St Mary's Abbey Church (Grade I Listed) and St Nicholas's Church Ashchurch (Grade II* Listed)) that have been identified with potential long range impacts upon setting. However, it is considered that due to distance and intervening features the development would not have an appreciably visual impact upon the heritage assets identified. Any harm generated would be low level and would be adequately outweighed by public benefit arising from housing.</p>
7.7.6	<p>The County Archaeologist (CA) advises that the submitted information is adequate for the identification and assessment of significance of archaeological heritage assets which will be affected by the proposed development. The archaeological work has confirmed the presence of archaeological remains. Evidence of later prehistoric (middle-late Iron Age) activity was recorded, which may have extended into the early Roman period. Enclosures, first recorded during geophysical survey, were present. It is clear from the results of the evaluation that the archaeological remains present within the application site are not of the first order of preservation. The prehistoric and Roman archaeology has been subjected to later ploughing, with the result that all surfaces formerly associated with the remains have been destroyed. For that reason, the archaeology on this site is not of the highest quality and significance, so meriting preservation in situ. Nevertheless, the archaeological deposits on this site will make an important contribution to our understanding of the archaeology of the wider region. No objection in principle is raised to the proposed development. It is however recommended that a programme of work is undertaken to record any archaeological remains which may be adversely affected by ground works required for the construction of this scheme, which can be secured by condition.</p>

7.7.7	In conclusion, it is considered that the proposed development would have an acceptable impact on designated and undesignated heritage assets, albeit harms would arise. This is considered a harm in the overall planning balance.
<b>7.8</b>	<b><i>Affordable Housing &amp; Housing Mix</i></b>
7.8.1	The NPPF sets out that Local Planning Authorities should set policies for meeting affordable housing need on development sites. Policy SD12 criterion 1(ii) of the JCS requires a minimum of 40% affordable housing on developments outside of the JCS Strategic Allocations; where possible affordable housing should be provided on-site and calculated requirements should be rounded to the nearest whole unit.
7.8.2	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. 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.  <i>Affordable Housing</i>
7.8.3	The application proposes a policy compliant level of affordable housing, which would be 40%, although this is not explicitly stated anywhere in the application. The ambition to provide policy compliant affordable housing is included in a draft Heads of Terms, but no further information is provided on the appellant's proposed approach to housing delivery in terms of quantum, tenure, housing mix and delivery mechanisms.
7.8.4	In respect of the Affordable Housing, the Housing Enabling Officer has reviewed the application and accepts in principle that the application will be policy compliant. He confirms that the mix would be expected to be 60% social rent and 40% affordable home ownership. In terms of accessibility the Gloucestershire Local Housing Needs Assessment 2020 supports 50% of the affordable homes to be M4(2) former life time homes standard and 5% M4(3)B disabled access/wheelchair access. (JCS Policy SD11 and JCS Policy SD4). Preferred housing unit standards should be Nationally Described Space Standard sizes and all units should also be double bed space.
7.8.5	The mix of housing should reflect a range of house types across the tenure types and include bungalows, maisonettes as well as a number of 5 bed units. Any subsequent Reserved Matters applications should include a schedule of proposed affordable housing specifying house types, sizes and tenures. There should also be a plan of the affordable housing locations showing satisfactory clustering arrangements. Usually no more than 12 affordable units should be located adjacent to each other. This addresses a sustainability concern for the development as a whole.
7.8.6	Given the relatively large size of the scheme and its greenfield location, concern is raised about the development of the community. This is particularly important for affordable housing occupiers who typically have less mobility options and look immediately locally for services and opportunities for leisure. These are basic health and well-being concerns. Accordingly, I would expect the applicant to identify the timing of delivery of community services and that these should be relatively early in the

<p>7.8.7</p> <p>7.8.8</p>	<p>development of the housing scheme to facilitate the sustainable growth of the community.</p> <p><i>Market Housing Mix</i></p> <p>The Outline application does not set out the proposed mix of dwellings for market housing. It is Officer's expectation that future applications for Reserved Matters should reflect the housing mix requirements contained in the local housing evidence base. To secure the appropriate housing mix and ensure compliance with Policy SD11 a planning condition would be required.</p> <p>Officers consider that the lack of information that has been provided by the appellant with regard to the delivery of affordable housing, including quantum, tenure, housing mix and delivery mechanisms, does not enable the Council to assess if the development would adequately provide for housing that would be available to households who cannot afford to rent or buy houses available on the existing housing market. Whilst this matter may be capable of resolution through the negotiation of a S106 agreement with the Council this information is not available to the Council at the present time. This weighs heavily against the scheme in the overall planning balance.</p>
<p><b>7.9</b></p>	<p><b><i>Minerals &amp; Waste</i></b></p>
<p>7.9.1</p> <p>7.9.2</p> <p>7.9.3</p>	<p>One of the key sustainable development objectives of the NPPF is the prudent use of natural resources, including minimising waste and pollution. The NPPF also advises on the sustainable use of minerals and resources and states that policies as far as practicable should take account of the contribution that substitute or secondary and recycled materials and minerals would make to the supply of materials, before considering extraction of primary materials. It further confirms that locations of specific minerals resources of local and national significance should be safeguarded and development avoided in such areas. Policy SD3 of the JCS, Policy WCS2 of the Gloucestershire Waste Core Strategy (GWCS) and Policy MS01 of the Minerals Local Plan for Gloucestershire (MLPG) accord with these objectives.</p> <p>The application is supported by a Waste Minimisation Statement which has been reviewed by officers of Gloucestershire County Council Strategic Infrastructure (Minerals and Waste) Team in their capacity as Mineral and Waste Planning Authority (MWPA). In respect of waste, the contents of the submitted Waste Minimisation Statement (WMS) have been considered. The MWPA advise that this demonstrates that the applicant has considered the issue of waste minimisation and has proposed measures that will assist in reducing the occurrence of waste. In the event that waste is generated, appropriate management practices in line with the waste hierarchy also look to be included. Due to the outline nature of the proposal elements for dealing with waste cannot be dealt with at this time. Consequently, planning conditions are recommended to ensure the matter is afforded appropriate consideration at the reserved matters stage. In respect of a detailed site waste management plan, and full details of the provision made for facilitating the efficient end effective management and recycling of waste.</p> <p>In respect of minerals the MWPA confirm that the application is partially covered by a designated Mineral Consultation Area (MCA) and includes part of a Mineral Safeguarded Area (MSA). The area of concern is close the northern boundary of the application site near to Ashchurch Road (A46) and the M5 Motorway, which means that consideration should be given to the requirements of the adopted Minerals Local Plan for Gloucestershire Policy MS01. The MWPA advise that the proposal should ideally be</p>



<p>7.9.4</p> <p>7.9.5</p>	<p>accompanied by a site specific Mineral Resource Assessment (MRA) in accordance with Policy MS01. The assessment must be sufficient to assist the case officer in determining whether underlying resources would be at risk of needless sterilisation.</p> <p>The safeguarded area identified by the MWPA is the part of the site which forms the access into the development. This is the same access for the permitted commercial scheme and residential scheme for 850 dwellings. A Minerals Assessment was previously submitted and reviewed by GCC for the residential scheme (ref: 17/00520/OUT). Based on the submitted Minerals Assessment the MWPA confirmed that sufficient information had been provided and provision for any future prior extraction or resource safeguarding would not be sought. As this matter has been previously examined and found to be satisfactory, and development has been permitted on this basis, Officers have not sought a Minerals Assessment in connection with this application.</p> <p>In conclusion there is no objection to the application in respect of minerals and waste subject to the imposition of appropriate planning conditions. This is considered a neutral impact in the overall planning balance.</p>
<p><b>7.10</b></p>	<p><b><i>Loss of Agricultural Land &amp; Soils</i></b></p>
<p>7.10.1</p> <p>7.10.2</p> <p>7.10.3</p> <p>7.10.4</p>	<p>The NPPF advises that local planning authorities should take into account the economic and other benefits of the best and most versatile land (BMV). Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use poorer quality land in Grades 3b, 4 and 5 in preference to higher quality land. The NPPF puts the protection and enhancement of soils as a priority in the conservation and enhancement of the natural environment.</p> <p>The ES chapter on agriculture assesses the overall impact of the development on present and future land use within and surrounding the site. It considers the potential effects of the Proposed Development on agricultural land, soil and farm holdings. The application site extends to around 50.5ha of which 40.6ha is arable agricultural land. The Agricultural Land Classification survey identified one soil type comprising seasonally waterlogged clay. Agricultural land quality at the application site is affected by wetness which limits the land to Subgrade 3b. There is therefore no land of BMV quality present. There is a single agricultural holding affected owned by the appellant and farmed as part of the Boddington Estate. The Estate farms in excess of 630ha in the locality.</p> <p>The ES confirms that the proposed development will involve the progressive loss of 40.6ha of agricultural land of subgrade 3b quality and 5.4ha of subgrade 3a, of which there is a permanent requirement for 25.3ha of subgrade 3b and 2.8ha of subgrade 3a. It states that this loss is not significant. The soils have a high proportion of clay and are therefore vulnerable to damage by compaction and smearing when being handled and stored. Prior to mitigation measures, the effect on soil resources will be significant. The principal direct effect on the single farm holding affected will be the loss of 28.1ha of arable cropping land. However, as this represents less than 4% of the area farmed the overall effect is assessed as negligible and is not significant.</p> <p>The ES concludes that the proposed development will not result in any significant effects on agricultural land or farm holdings. With the adoption of measures to mitigate the potential damage to the soil resource it should not have a significant effect on soil.</p> <p>Natural England have commented that this application falls outside the scope of the</p>

7.10.5	Development Management Procedure Order (as amended) consultation arrangements, as the proposed development would not appear to lead to the loss of over 20 ha 'best and most versatile' agricultural land and they have therefore not made any detailed comments in relation to agricultural land quality and soils. More general guidance is available in Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and NE recommend that this is followed.
7.10.6	There would be a permanent loss lower quality agricultural land none of which falls within the classification of BMV. The impact on soils can be mitigated with the application of good practice soil management. The economic impact of developing the land is likely to have a slight adverse impact in terms of its economic potential. The loss of agricultural land would be permanent and weighs against the proposal in the planning balance though the impact would not be significant.
<b>7.11</b>	<b>Education, Library and Community Provision</b>
7.11.1	Local Plan Policy GNL11 and Policy INF4 of the JCS highlight that permission will not be provided for development unless the infrastructure and public services necessary to enable the development to take place are either available or can be provided. Policies INF6 and INF7 of the JCS support this requirement. The NPPF states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities.
7.11.2	An Infrastructure Delivery Plan (IDP) (2014) was produced as a background paper to inform the JCS. The IDP was updated in November 2017. The update was a desk-top exercise that identified the key infrastructure requirements for the area generated by the development. It did not have the benefit of wider consultation due to time constraints around the Examination. Thus whilst the IDP Update bears relevance to the current application, it should be read in conjunction with the consultation responses received in response to the application which are set out below.
7.11.3	<p>The ES chapter on socio economics outlines the likely key socio-economic effects of the proposed development. The ES concludes that overall, the development will have a positive impact across the Borough, including contributing to the housing and employment needs of the district. Whilst the proposed development will increase pressure on local facilities and services a package of measures will mitigate adverse impacts in respect of the following on-site facilities:</p> <ul style="list-style-type: none"> <li>• The provision of a comprehensive open space and play space strategy, including a number of sports pitches, LEAP, LAPs and large areas of open space (addressed in the following section of this report).</li> <li>• The provision of a 1FE primary school and associated infrastructure</li> <li>• The provision of a changing pavilion associated with the sports pitches</li> <li>• The provision of allotments</li> </ul>
7.11.4	The ES anticipates that other demand on community facilities will be met by existing facilities and infrastructure in the local area. It indicates that the Fiddington area is adequately served when considering the primary and secondary school capacities, with several places available for the new students across both institutions and also a healthy capacity of GPs in a close vicinity.
7.11.5	The Gloucestershire County Council Developer Contributions Investment Officer has responded to the application in respect of Education and Library contributions.

7.11.6	<p><i>Primary Places Impact:</i> The proposed number of dwellings would be expected to generate an additional demand for 177.10 primary places which can be accommodated at local schools; therefore the County Council is not currently seeking a primary contribution towards places arising from this development. The school places that are available in the primary schools in the primary planning area are considered to be unsuitable for access by the future residents of this development because they are on the opposite side of the motorway junction along an unsuitable route.</p>
7.11.7	<p>The inclusion of a new 1FE primary school on a 1.2ha site as part of the development proposed for this site is welcomed. The new school will enable children arising from the proposed new housing to more easily and safely access a primary school in the vicinity of where they live. The new school will be necessary because of the cumulative number of houses planned in the Tewkesbury area over the next 3+ years, as well as the poor location/accessibility of this site in relation to the available school places in the schools that make up the primary planning area.</p>
7.11.8	<p>The central location of the proposed new primary school is welcomed, as it will be at the centre of the new community and very accessible to the families occupying the proposed houses. GCC acknowledges the applicants comment that the detail of the new school will be worked up in consultation with the LEA and form the content of a subsequent Reserved Matters Application.</p>
7.11.9	<p><i>Secondary (11-16) Places Impact:</i> The proposed number of dwellings would be expected to generate an additional demand for 78.20 secondary (11-16) places which can be accommodated at the closest secondary school; therefore the County Council is not seeking a secondary (11-16) contribution towards places arising from this development. Access to the school is not a barrier as the site is within the school transport catchment.</p>
7.11.10	<p><i>Post 16 Places Impact:</i> The proposed number of dwellings would be expected to generate an additional demand for 27.60 secondary (16-18) places, which can be accommodated in the secondary planning area; therefore the County Council is not seeking a contribution towards the provision of 16-18 secondary places arising from this development at this time.</p>
7.11.11	<p><i>Library contribution:</i> The nearest library to the application site, and the library most likely to be used by residents of the new development, is Tewkesbury Library. A contribution of <b>£90,160.00</b> is required (based on the proposed 460 dwellings), which would be used at Tewkesbury Library to improve customer access to services through upgrades and refurbishment to the existing building, improvements to stock, IT and digital technology and increased services.</p>
7.11.12	<p><i>Recycling and waste bin facilities</i></p> <p>Policy INF6 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (JCS) states that where infrastructure requirements are generated as a result of individual site proposals and/or having regard to cumulative impact, new development will be served and supported by adequate and appropriate on-and/or off-site infrastructure and services. Policy INF7 support this requirement. The Gloucestershire Waste Partnership Joint Municipal Waste Management Strategy 2007 – 2020 aims to minimise waste generation and view waste materials as a resource. The Strategy sets provides a framework for the development of municipal waste management services to 2020. It sets key aims and objectives to ensure waste is managed effectively. A</p>

	contribution of £73 per dwelling is sought towards the costs of the provision of recycling and waste bins for each dwelling, totalling <b>£33,580</b> .
7.11.13	<p><i>Wider Community Provision</i></p> <p>Ashchurch Rural Parish Council have indicated that the following infrastructure/ facilities are required on the basis that an additional 460 dwellings within the Parish. The existing community facilities within the Parish are very limited, at capacity and offer limited scope for expansion.</p> <ul style="list-style-type: none"> <li>• <i>A contribution for traffic calming on Fiddington Lane.</i> This is in addition to the contribution made in relation to the permitted scheme for 850 dwellings (ref: 17/00520/OUT). It is recognised that GCC Highways will need to agree that traffic calming is necessary and this additional sum can be used to apply traffic calming to more than one section of Fiddington Lane and thus limit the potential for rat running. The level of contributions have not been agreed/discussed.</li> <li>• <i>The upgrade of the Gloucestershire Way bridle path</i> to enable use by cyclists as well as pedestrians/walkers and equestrian users. The specification to be agreed with GCC including contributions to be made to improve the surface of the ‘cow bridge’ over the M5 that forms part of this route. These contributions to include cutting back vegetation and raising the fencing height to improve the safety of cyclists and equestrian users and towards the upgrade of the bridle way on the west side of the M5 including towards a cycle/foot path bridge over the Tirlbrook to access Tewkesbury School. It is envisaged that pupils from the development will require off road access to the school but have not agreed/discussed the level of contributions. The raising of the fence on the cow bridge is not only a safety issue it is also to prevent/limit the opportunity for items to fall off the bridge onto traffic below.</li> <li>• <i>The changing rooms building shown on the masterplan to be made suitable for use as a Youth Club type hall</i> for older teens. The use to be defined in terms of size to include toilets and a kitchenette area and to be subject to a S106 agreement and that the building is transferred to ARPC mid-way through the development. The size of the building has not been agreed/discussed.</li> <li>• <i>That allotments be provided in a suitable location</i> within the scheme and that these are transferred to ARPC. We have not agreed the number of allotments.</li> <li>• <i>The wooded are shown on the illustrative masterplan known as Milne Covert be transferred to ARPC</i> complete with a suitable fully funded management plan of a minimum 10 years duration. Prior to transfer the wooded area to be tidied up with a natural path through the wood for residents &amp; pupils and that natural barriers are erected to restrict access away from the footpath. Transfer to be upon completion of 100 homes or before.</li> </ul>
7.11.14	ARPC advise that they have agreed in principal to the above and will be completing a Statement of Common Ground with the developer to encompass all of the above points and request that the Planning Officers finalise the detail in line with regulatory standards/requirements.
7.11.15	A number of the above on-site facilities (community building, allotments, Bridleway upgrade, allotment provision) will potentially be included as part of the proposed development, although the detail would need to be the subject of negotiation with the appellant to secure an appropriate level of provision that meets the CIL tests in a future

	S106 agreement. Several requirements would need to be the subject of further discussion with the County Highways Authority (the extent of the upgrade of the Bridleway, the traffic calming contribution).													
7.11.16	It is notable that the development would be CIL liable of which the Parish would be a beneficiary of a proportion of the contribution. Discussions with the developer are therefore necessary to establish what infrastructure would be delivered on site and via S106 contribution and what would be delivered by the CIL contribution. These discussions will take place prior to the Public Inquiry with the aim of resolving as many points of difference as possible.													
7.11.17	The National Health Service Care Commissioning Group has indicated that they would seek a commuted sum to offset some of the costs incurred in the construction the Devereaux Centre in Tewkesbury, which is a multipurpose medical facility that houses the Mythe Medical Practice and Church Street Medical Practice, and a pharmacy and minor operations suite. As the facility was constructed to accommodate some of the future growth in the Tewkesbury area. Based on 1,012 patients resulting from the 460 homes. This generated 84 per square metre. At the time of construction the cost was around 2,441 per square metre. A contribution of <b>£205,027</b> is sought. Officers consider that the request would not however meet the CIL tests and could not be pursued.													
7.11.18	Whilst the above matters may be capable of resolution through negotiation, at this stage there is no agreement to provide the required and community and education facilities contrary to the requirements of Policy GNL11 of the Local Plan, policies INF4, INF6 and INF7 of the JCS and the NPPF. This weighs against the proposal.													
<b>7.12</b>	<b>Open Space, Outdoor Recreation and Sports Facilities</b>													
7.12.1	The NPPF sets out that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. JCS Policy INF4 provides where new residential development will create or add to, a need for community facilities, it will be fully met as on-site provision and/or as a contribution to facilities or services off-site. JCS Policies INF6 and INF7 support this requirement. Saved Local Plan Policy RCN1 requires the provision of easily accessible outdoor playing space at a standard of 2.43ha per 1000 population on sites of 10 dwellings or more.													
7.12.2	<p>The ES assesses the impact of the development on the provision of open space, outdoor recreation and sports facilities. The calculations used are based on saved Policy RCN1 of the TBLP in relation to the standards for outdoor playing space in new development, based on a household size of 2.21 persons, derived from the 2011 Census. Based on an estimated population of the proposed development of 1,017 persons the ES translates this into the following provision requirement:</p> <ul style="list-style-type: none"> <li>A range of green and open space typologies that accord with the standards of Policy RCN1 as follows:</li> </ul> <table border="1"> <thead> <tr> <th>Open Space Typology</th> <th>Recommended Requirement set out in the Open Space Standards Paper (ha/ 1000 people)</th> <th>Requirement to support 460 dwelling development (in ha)</th> </tr> </thead> <tbody> <tr> <td><b>Youth and Adult Use</b></td> <td>1.6- 1.8</td> <td>1.63-1.83</td> </tr> <tr> <td><b>Children's (formal) playspace</b></td> <td>0.2-0.3</td> <td>0.2- 0.3</td> </tr> <tr> <td><b>Children's (informal) playspace</b></td> <td>0.4-0.4</td> <td>0.41-0.51</td> </tr> </tbody> </table>		Open Space Typology	Recommended Requirement set out in the Open Space Standards Paper (ha/ 1000 people)	Requirement to support 460 dwelling development (in ha)	<b>Youth and Adult Use</b>	1.6- 1.8	1.63-1.83	<b>Children's (formal) playspace</b>	0.2-0.3	0.2- 0.3	<b>Children's (informal) playspace</b>	0.4-0.4	0.41-0.51
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	<ul style="list-style-type: none"> <li>• Sports pitches</li> <li>• Allotments</li> <li>• A Local Equipped Area of Play (LEAPS) (400m2) and Local Areas for Play (LAPs) (100m2) across the site.</li> <li>• Informal open space will be provided, largely focussed on site margins and southwest corner of the site. It will retain woodland and hedgerow habitat and provide ponds and landscaping.</li> </ul>
7.12.3	<p>The Community and Economic Development Officer has responded to the application and highlights requirements that would be generated by the development based on the Infrastructure Delivery Plan. The figures are based on 460 dwellings generating a population of 1,067. The IDP generates the following figures for <b>off-site</b> provision:</p> <ul style="list-style-type: none"> <li>• Swimming pool £68,621</li> <li>• Sports Hall £89,363 – to be directed towards Tewkesbury Sports Centre Sports Hall</li> <li>• Playing pitches £101,178</li> <li>• Outdoor sport £1,205,832</li> <li>• Play £107,015</li> <li>• Informal play £8,086</li> <li>• Open space – natural £207,544</li> </ul>
7.12.4	<p>Apart from the sports hall, the Council would largely expect facilities to be provided on site to meet the needs of the new population. The IDP outlines the following would need to be required <b>on-site</b>:</p> <ul style="list-style-type: none"> <li>• 1.2 ha pitches to be provided per 1,000 population (in line with Sport England design guidance)</li> <li>• 0.4 ha outdoor sports provision pr 1,000 population (bowls, tennis, athletics) or off-site contribution towards tennis facilities at Tewkesbury Sports Centre</li> <li>• 1 ha natural greenspace per 1,000 population</li> <li>• 0.25 ha play space per 1,000 population</li> </ul>
7.12.5	<p>In respect of the proposed facilities the Community and Economic Development Officer further advises:</p> <ul style="list-style-type: none"> <li>• LAPs can often perform limited enjoyment, so we would suggest that the LEAP is improved and enlarged, to incorporate the equivalent of the 6 LAPs, or pieces of LAP equipment is located along the circular path. Specification to be agreed with the Council.</li> <li>• Allotments located adjacent to the balancing pond will impact on the usability of the allotments, so an alternative location would be required. Allotment specification to be agreed with the Council.</li> <li>• The pedestrian/cycle route travels through the balancing pond which is not suitable.</li> <li>• The playing pitch requires car parking adjacent to the changing room. Changing room specification to be agreed with the council and in line with Sport England design guidance.</li> <li>• The Parish Council has requested the need for youth provision. It is recommended that the community centre and youth centre sums are used to provide youth provision alongside the changing rooms (which would also be used for local football</li> </ul>

	club use for which there is an existing need). Specification to be agreed with the Council.
7.12.6	Discussions with the developer are necessary to resolve matters of the layout and provision of facilities on the site (as highlighted in the above list), and also to establish what infrastructure would be delivered on site and via S106 contribution and what would be delivered by the CIL contribution. These discussions will take place prior to the Public Inquiry with the aim of resolving as many points of difference as possible.
7.12.7	Whilst this matter may be capable of resolution the applicants' proposal is currently deficient and in any event at this stage there is no signed s106 obligation. On that basis the proposed development does not adequately provide for open space, outdoor recreation and sports facilities and the proposed development conflicts with Local Plan policies RCN1, GNL11, JCS policies INF4, INF6 and INF7 and the NPPF.
<b>7.13</b>	<b><i>Section 106 obligations</i></b>
7.13.1	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 do not meet the tests, it is 'unlawful' for those obligations to be taken into account when determining an application.
7.13.2	These tests are as follows:
	<ul style="list-style-type: none"> <li>a) necessary to make the development acceptable in planning terms.</li> <li>b) directly related to the development; and</li> <li>c) fairly and reasonable related in scale and kind to the development.</li> </ul>
7.13.3	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
7.13.4	<p>The following planning obligations are required, a number of which would be subject to further discussion with the developer with the objective of finalising S106 agreements prior to the Public Inquiry:</p> <ul style="list-style-type: none"> <li>– £90,160.00 towards additional resources at Tewkesbury Library</li> <li>– £33,580 towards recycling and waste bin facilities</li> </ul>

	<ul style="list-style-type: none"> <li>– £156,630.00 towards the A438 / Shannon Way Junction Improvement</li> <li>– £193,600.00 Public Right of Way Enhancement of Ashchurch Bridleway 6 (AAS6), Walton Cardiff Footpaths 6 (AWC6) and 8 (AWC8), and the formation of new connections in between them to facilitate walking, cycling trips.</li> <li>– £91,693.33 Travel Plan contribution</li> <li>– 40% Affordable Housing and policy compliant tenure mix</li> <li>– 1FE Primary School to include a 0.4ha ‘School Expansion Site’</li> <li>– Informal public open space</li> <li>– Outdoor sports provision (commuted sum)</li> <li>– On site formal sports pitches and associated car parking</li> <li>– On site changing facility, expanded to accommodate community/ youth provision (including the local Junior football club)</li> <li>– On site formal and informal children’s play facilities</li> <li>– On site provision of community allotments</li> <li>– Milne Covert woodland be transferred as a community asset to Ashchurch Rural Parish Council complete with a suitable fully funded management plan of a minimum 10 years duration</li> </ul>
<b>8.0</b>	<b>CONCLUSION AND RECOMMENDATION</b>
8.1	<p>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.</p> <p>The application site has not been allocated for housing in the JCS and none of the exceptions listed in the policy currently apply to the proposal. Therefore, the development of this site would be in conflict with the strategic housing policies of the JCS. That said, the application site is identified in the Tewkesbury Garden Town Concept Plan as a site for strategic housing. Given this, it is considered that the site is a suitable location for residential development in principle.</p> <p>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</p>



	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.
	<b><i>Benefits</i></b>
8.2	Considerable weight is given to the economic benefits that would arise from the proposal both during and post construction. The development would contribute towards the supply of housing to help meet the objectively assessed need for housing in the Borough over the plan period, albeit the quantum of delivery over the five year period would be limited, but nonetheless the delivery of housing overall attracts significant weight. The delivery of affordable housing, if secured by s.106 agreement, attracts significant weight in favour of the scheme. The biodiversity net gain intended attracts some weight in favour of the scheme.
	<b><i>Harms</i></b>
8.3	The application has not demonstrated that there would be an acceptable impact on the strategic road network which weighs heavily against the scheme. The applicant has not demonstrated how it would adequately provide for housing that would be available to households who cannot afford to rent or buy houses available on the existing housing, or other community infrastructure, which weighs heavily against the scheme. The harm to the landscape, and to a lesser extent the loss of agricultural land also weigh against the development. There would also be limited harms to heritage assets that weigh against the scheme.
	<b><i>Neutral</i></b>
8.4	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 flood risk and drainage, accessibility and local highway safety, noise or vibration, contaminated land and minerals and waste.
	<b><i>Overall conclusion</i></b>
8.5	Significant weight should be given to the provision of housing, both market and affordable, in a location where the broad principle of residential development is considered likely to be acceptable and given the Council cannot currently demonstrate a five-year supply of deliverable housing sites.
8.6	Taking account of all the material considerations and the weight to be attributed to each, it is considered the identified harm in relation to the impact of the development on the SRN alone would significantly and demonstrably outweigh the benefits in the overall planning balance. There is additional harm to the plan-led system, to the landscape, and to a lesser extent the loss of agricultural land. Taken together the harms significantly and demonstrably outweigh the benefits, meaning the proposal is not considered to constitute sustainable development in the context of the NPPF. Furthermore, as set out in this report, there are various Section 106 obligations which have not been agreed in principle and there is no signed S106 Agreement. As such these matters would, if unresolved, constitute reasons for refusal in themselves

	In view of the foregoing report and in the context of the current Appeal Members are requested to consider a recommendation of <b>Minded to Refuse</b> which, along with this report, will be submitted to the Planning Inspectorate to inform the Appeal
	<b>Reasons:</b>
1.	The proposed development conflicts with policies SP1, SP2 and SD10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031 (December 2017) in that the proposed development does not meet the strategy for the distribution of new development in Tewkesbury Borough and the application site is not an appropriate location for new residential development and would result in a significant intrusion into the rural landscape which would harm the intrinsic character and appearance of the locality in conflict with policy SD6 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017) and the National Planning Policy Framework
2	The application has not demonstrated that there would be an acceptable impact on the strategic road network in conflict with Policy INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031 (December 2017) and the National Planning Policy Framework.
3	The proposed development does demonstrate how it would adequately provide for housing that would be available to households who cannot afford to rent or buy houses available on the existing housing market contrary to Policy SD12 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031 (December 2017) and the National Planning Policy Framework.
4	The proposed development does not adequately provide for community and education facilities contrary to Policy GNL11 of the Tewkesbury Borough Local Plan to 2011 (March 2006), Policies INF4, INF6 and INF7 of the JCS and the NPPF of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031 (December 2017) and the National Planning Policy Framework.
5	The proposed development does not adequately provide for open space, outdoor recreation and sports facilities and the proposed conflicts with Policies RCN 1 and GNL11 Tewkesbury Borough Local Plan to 2011 (March 2006), Policies INF4, INF6 and INF7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031 (December 2017) and the National Planning Policy Framework.