

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

Committee:	Planning
Date:	15 February 2022
Site Location:	Land to the Rear of Minsterworth Village Hall Main Road Minsterworth
Application No:	20/00936/OUT
Ward:	Highnam with Haw Bridge
Parish:	Minsterworth
Proposal:	Outline application for the erection of up to 16 dwellings (all matters reserved except for access).
Report by:	Bob Ristic
Appendices:	Site location plan Site layout plan
Recommendation:	Permit

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site comprises an agricultural field located to the east of Minsterworth Village Hall and to the North and East of a recent housing development at Ellis Bank Lane to the Northern side of the A48. **(See site location plan)**
- 1.2 The site is relatively flat and is screened from the highway by existing development and hedgerow. The site measures approximately 1 hectare in area and is not subject to any landscape designations. A PROW Minsterworth Footpath 10 (EMW10) continues from Ellis Bank Lane, diagonally through the eastern part of the application site.
- 1.3 This application seeks outline planning permission for a development of up to 16 residential dwellings, including affordable housing and associated infrastructure, with all matters reserved for future consideration save for access.
- 1.4 The site would be accessed from the A48 via Ellis Bank Lane and the indicative layout plan shows how a development could be laid out as a continuation of this street. **(See layout plan)**

2.0 RELEVANT PLANNING HISTORY

2.1 There is no planning history for this site however the land to the south, adjoining the A48 was granted planning permission for a residential development (now Ellis Bank Lane) which is summarised below:

Application Number	Proposal	Decision	Decision Date
15/00197/FUL	Proposed erection of 14 no. affordable dwellings with associated hard and soft landscaping	Permit	20.09.2017

3.0 RELEVANT POLICY

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

3.1 National guidance

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

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

- Policy SP1 (The Need for New Development)
- Policy SP2 (The Distribution of New Development)
- Policy SD6 (Landscape)
- Policy SD8 (Historic Environment)
- Policy SD9 (Biodiversity and Geodiversity)
- Policy SD10 (Residential Development)
- Policy SD11 (Housing Mix and Standards)
- Policy SD12 (Affordable Housing)
- Policy SD14 (Health and Environmental Quality)
- Policy INF1 (Transport Network)
- Policy INF2 (Flood Risk and Management)
- Policy INF6 (Infrastructure Delivery)

- Policy INF7 (Developer Contributions)

3.3 Tewkesbury Borough Local Plan to 2011 – March 2006 (TBPL)

- Policy RCN1(Outdoor Playing Space)
- Policy RCN2 (Provision of Sports Facilities)

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

- Policy RES2 (Settlement Boundaries)
- Policy RES5 (New Housing Development)
- Policy RES12 (Affordable Housing)
- Policy RES13 (Housing Mix)
- Policy DES1 (Housing Space Standards)
- Policy ENV2 (Flood Risk and Water Management)
- Policy COM2 (Broadband Provision)

3.5 Neighbourhood Plan

None

3.6 Other relevant policies/legislation

- Human Rights Act 1998
- Article 8 (Right to Respect for Private and Family Life)
- The First Protocol - Article 1 (Protection of Property)

4.0 CONSULTATIONS

Full copies of all the consultation responses are available online at <https://publicaccess.tewkesbury.gov.uk/online-applications/>.

4.1 Minsterworth Parish Council – No objections

4.2 National Highways – No objections

4.3 Natural England – No objections

4.4 County Highway Authority – No objections subject to conditions

4.5 County Archaeologist – No objections subject to condition

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

- 4.7 County Developer Contributions Investment Team** – Financial contributions towards primary education required to make the development acceptable in planning terms.
- 4.8 County Public Right of Way Officer** – Legal line of footpath EMW10 passing through the site should be maintained.
- 4.9 County Minerals & Waste Planning Policy** – No objections subject to conditions.
- 4.10 Environmental Health Officer (Noise)** – A noise assessment would be required.
- 4.11 Strategic Housing Enabling Officer** – No objection subject to securing 6 affordable dwellings and a commuted sum.
- 4.12 Ecological Adviser** – No objections subject to an updated walk over survey being undertaken and conditions.
- 4.13 Conservation Officer** – No objection.

5.0 PUBLICITY AND REPRESENTATIONS

Full copies of all the representation responses are available online at <https://publicaccess.tewkesbury.gov.uk/online-applications/>.

- 5.1** The application has been publicised through the posting of a site notice for a period of 21 days.
- 5.2** Three letters of representation from the same person have been received. The observations raised are summarised below:
- No facilities locally
 - Proposal has no open space or play area
 - Impact from road noise
 - Properties on the frontage would be worst affected by noise
 - Other housing development permitted in the area
 - Would increase traffic in the area
 - Should include flats & bungalows

6.0 POLICY CONTEXT

- 6.1** Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.

- 6.2** The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), saved policies of the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP), and a number of 'made' Neighbourhood Development Plans.
- 6.3** The 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 this letter the Inspector provided his current view as to what modifications are required to make the Plan 'sound'.
- 6.4** 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).
- 6.5** 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).
- 6.6** The relevant policies are set out in the appropriate sections of this report.
- 6.7** 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.

7.0 ANALYSIS

Principle of development

- 7.1** Minsterworth is identified as a Service Village in the JCS and Policy SP2 sets out that development at rural service centres and service villages will be allocated through the Tewkesbury Borough Plan and Neighbourhood Plans, proportional to their size and function, and also reflecting their proximity and accessibility to Cheltenham and Gloucester and considering the environmental, economic and social impacts including existing levels of growth over the plan period.
- 7.2** However, the site falls outside of any defined settlement boundary and the application site has not been allocated for housing in the JCS and therefore the criterion of Policy SD10 of the JCS applies. This policy advises that housing on sites which are not allocated for housing in district and neighbourhood plans will be permitted if it meets certain limited exceptions.

- 7.3 Of relevance is Criterion 4 (ii). This criterion states that development will only be permitted where it is infilling within the existing built-up areas of the City of Gloucester, the Principal Urban Area of Cheltenham or Tewkesbury Borough's towns and villages except where otherwise restricted by policies within district plans. For the purposes of criterion 4(ii), the supporting text defines 'infill development' as "the development of an under-developed plot well related to existing built development."
- 7.4 The application site comprises an undeveloped field which is located adjacent to and behind existing residential development at Ellis Bank Lane. The site is not therefore considered to be an under-developed plot and does not lie between existing built development accordingly the proposal is not considered to represent infilling and the proposal would be contrary to Policy SD10.

Emerging Tewkesbury Borough Plan

- 7.5 Notwithstanding the conflict identified above, the application site does however lie within the revised/proposed settlement boundary (MAP26) to the Main Modifications Version of the Tewkesbury Borough Plan (MMTBP). The supporting note explains that the modification is proposed to enable more in-depth development in this part of Minsterworth, which would be concentrated near the Church, Village Hall and Old School as requested by the Inspector in his Post Haring Letter (EXAM50).
- 7.6 MMTBP Policy RES2 sets out that the principle of residential development within the defined settlement boundaries is acceptable subject to the application of all other policies within the plan. The proposal would accord with this policy which should be afforded significant weight given the advanced (Main Modifications) stage of the plan.

Five Year Housing Land Supply

- 7.7 As set out in the latest Tewkesbury Borough Five Year Housing Land Supply Statement published in December 2020, the Council can demonstrate a 4.35 year supply of deliverable housing sites. On the basis therefore that the Council cannot at this time demonstrate a five year supply of deliverable housing land, the Council's policies for the provision of housing should not be considered up-to-date in accordance with footnote 7 of the NPPF and in accordance with Paragraph 11 of the NPPF the presumption in favour of sustainable development (the 'tilted balance') applies. 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.
- 7.8 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 Judge found that the Gotherington Inspector had not erred in law in arriving at that conclusion not to take previous oversupply into account in determining that appeal.

- 7.9 Appeal decisions are not binding precedents however. That the Council includes advanced delivery (or 'oversupply') against annual housing requirements in its five-year supply calculations is, in officers view, in the context of the plan-led system, is 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.
- 7.10 It is noteworthy that, in his judgment, the Judge made it clear that it was not for him to make policy, *"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'*.
- 7.11 More recently 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 *'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.'*
- 7.12 In another appeal decision for a scheme at Alderton, the Inspector arrived at a similar conclusion, saying that *'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.'*
- 7.13 Officer's advice is therefore that a 4.35-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.

Conclusions on Principle of Development

- 7.14 The proposal conflicts with Policy SD10 of the JCS, however it is considered that this policy is out of date for the reasons set out in paragraph 7.7 above and the presumption is that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPFs policies as a whole.
- 7.15 Further to the presumption in favour of sustainable development, the site falls within the revised settlement boundary to Minsterworth as proposed in the MMTBP, which although not adopted is at an advanced stage of preparation and should be afforded significant weight.
- 7.16 In this respect it is considered that the development would accord with emerging Policy RES2 and could therefore be sustainably accommodated at the settlement which weighs in favour of the proposal, along with other benefits of the proposal including economic benefits arising both during and post construction and the social benefits associated with the delivery of market and affordable housing. These matters must be considered in the overall planning balance.

Landscape and visual impact

- 7.17** The NPPF sets out that planning decisions should contribute to and enhance the natural and local environment by, inter alia, protecting and enhancing valued landscapes, and by recognising the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystem service. 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. Proposals will have regard to local distinctiveness and historic character of different landscapes and proposals are required to demonstrate how the development will protect landscape character and avoid detrimental effects on types, patterns and features which make a significant contribution to the character, history and setting of a settlement area.
- 7.18** A Landscape Assessment has been submitted with the application which identifies the site as lying within the National Character Area 106 Severn and Avon Vales. The Gloucestershire Landscape Character Assessment, advises that the site is located in the Floodplain Farmland (SV3A Elmore Back and Minsterworth Ham) Landscape Character Area. Specifically with regards to the site, the report advises that it is heavily influenced by the adjoining residential development and pattern of residential development along the A48. Furthermore, the development would be perceived from the wider area as part of this established pattern of development. The report sets out that the proposal would nevertheless have a 'slight adverse' effect to the immediate area but would not affect the otherwise extensive National Character Area as a whole.
- 7.19** In terms of visual impact, the main receptors are identified as the users of the A48, adjacent properties and users of the PROW network. The report sets out that the visual impact of the residential development would be expected however the impacts could be minimised by restricting building heights to a maximum of 2 storeys with reduced roof pitches and use of materials to match existing development. Furthermore, retaining and enhancing existing hedgerows would be a visual benefit.
- 7.20** Considered the scale of development its proposed siting adjacent to existing development, the impact is likely to be limited to the immediate surroundings. Furthermore, the impact of the development could be mitigated, to an acceptable degree through careful design and layout and landscaping all of which would be considerations for the reserved matters stage if outline planning permission is granted.
- 7.21** Notwithstanding the sites proposed inclusion within the Minsterworth settlement boundary in the MMTBV and measures identified above, the proposal would however result in some landscape harm, and this is a matter that would weigh against proposal in the overall planning balance.

Access and highway safety

- 7.22** Section 9 of the NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Paragraph 111 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 7.23** 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.
- 7.24** The application has been accompanied by a Transport Statement which has been assessed by Gloucestershire County Council as Local Highway Authority (LHA). The Highways Officer (HO) has also carried out his own TRIC's analysis for verification purposes. The Officer advises that cumulative impact of the existing and proposed dwellings and advises that the level of vehicular movements generated would not have a severe impact upon the highway network and that the existing right hand turning lane has more than adequate capacity to accommodate peak hour movements. Accordingly, the proposal would have no adverse highway impacts.
- 7.25** In terms of the impact on the Strategic Transport Network (SRN), National Highways (NH) have been consulted on the application and offer no objection to the proposals.

Affordable housing

- 7.26** 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.
- 7.27** The Council's Housing Enabling Officer (HEO) has reviewed the application and advises that the proposal would generate a requirement for 6.4 affordable units to be policy compliant. This requirement transcribes to the provision of 6 affordable 'on site' units with a 60% social rent and 40% affordable home ownership mix. In addition the proposal would require the provision of a commuted sum of £52,000 for the 0.4 of a unit.
- 7.28** In terms of accessibility the Gloucestershire Local Housing Needs Assessment 2020 supports 50% of the affordable homes to be M4(2) former lifetime 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. Compliance with these details would need to be demonstrated at the reserved matters stage.
- 7.29** The applicant has indicated a willingness to enter into a legal agreement to secure the affordable housing provision however at this stage there is no such agreement in place. Nevertheless, this matter could be resolved by the completion of an appropriate planning obligation.

Housing mix

- 7.30** Policy SD11 of the JCS requires all new housing development to provide an appropriate mix of dwellings sizes, types and tenures in order to contribute to mixed and balanced communities and a balanced housing market. Development should address the needs of the local area and should be based on the most up to date Strategic Housing Market Assessment.

- 7.31** The Gloucestershire Local Housing Needs Assessment 2019 – Final Report and Summary (September 2020) (LHNA) provides the most up to date evidence based to inform the housing mix on residential applications. This report states that in Tewkesbury 3% of new market dwellings should be one bedroom properties, with 13% having two bedrooms, 54% containing three bedrooms and 29% having four bedrooms or more.
- 7.32** The indicative site layout plan shows a mix of 3 and 4 bed dwellings. As the application is in outline with all matters (other than access) reserved the specific mix of housing for this site has not been considered at this time. However a condition is recommended to secure an appropriate market housing mix which should be in broad accordance with the most up to date Strategic Housing Market Assessment at the time the first reserved matters application.

Drainage and flood risk

- 7.33** The NPPF states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. Policy INF2 of the JCS seeks to prevent development that would be at risk of flooding. 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 Policy ENV2 of the emerging MMTBP.
- 7.34** The application site is located within Flood Zone 1, an area identified by the Environment Agency as being at a low risk of flooding from rivers and seas. The application is also supported by a Site-specific Flood Risk Assessment and Drainage Strategy which sets out appropriate drainage and flood prevention measures which include the provision of an attenuation pond to the northern part of the site.
- 7.35** The application has been assessed by the Lead Local Flood Authority who have raised no objections to the proposal subject conditions to secure precise details of the surface water drainage works and for its implementation on site.

Biodiversity

- 7.36** 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 MMTBP states that development proposals that will conserve, and where possible restore and/or enhance, biodiversity will be permitted.
- 7.37** The application has been supported by an ecological appraisal and follow up reports which advises that existing hedgerows provide a nesting habitat for a variety of species of birds and area for foraging bats and the limited potential for newts from nearby ponds to forage. The report recommends a series of measures to protect and enhance biodiversity and habitats. In addition to this, a habitat regulation assessment has been submitted which advises that the proposal would have no significant impact on nearby protected sites.
- 7.38** The submitted details have been assessed by the Council's Ecological adviser who is broadly satisfied with the findings and has raised no objections to the proposal subject to conditions to ensure the protection and enhancements of wildlife and biodiversity.

Heritage assets

- 7.39** 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.
- 7.40** The Borough Conservation Officer has advised that there is a Grade II Listed milestone on the Northern verge of the A48 adjacent to the site. However it is advised that the milestone would not be physically affected by the development nor will the development affect the setting of the milestone and the proposal would accord with the requirements of section 66(1) of the Planning (Listed buildings and Conservation Areas) Act 1990.
- 7.41** A geophysical survey in respect of buried archaeology has been undertaken and this has been assessed by the County Archaeologist who has advised that while the survey didn't pick up any large structures, smaller remains may be present given the large number of finds in the surrounding area, it would be proportionate to require further investigations through trial trenching which could be secured by condition.

Section 106 obligations

- 7.42** 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 considered when determining an application.
- 7.43** These tests are as follows:
- a) necessary to make the development acceptable in planning terms.
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.
- 7.44** 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.

Education Provision

- 7.45** Gloucestershire County Council as Local Education Authority (LEA) have been consulted and requested contributions towards education provision in line with its cost multipliers and pupil yields. The assessment identified the development would have an impact on the West Severn Primary Planning Area. As such a contribution of **£106,400.00** towards primary school education provision has been requested to mitigate the impact of the development.

- 7.46 The applicant has indicated a willingness to enter into a legal agreement to secure the required provision however at this stage there is no such agreement in place. Nevertheless, this matter could be resolved by the completion of an appropriate planning obligation.

Other Matters

- 7.47 It is noted that a public right of way runs through the eastern part of the site. It is considered that there would be sufficient space to accommodate the footpath within the proposed development and this would be a matter for further consideration and the reserved matters stage as layout is not being considered at this time.
- 7.48 Concerns have been raised with regards to noise from the adjoining highway and impact on living conditions of future occupiers. Any subsequent reserved matters application would need to be accompanied by a noise assessment in accordance with BS8233:2014, together with any necessary noise mitigation measures to demonstrate that recommended internal and external noise levels could be achieved. This could be secured by condition.

8.0 CONCLUSION AND RECOMMENDATION

- 8.1 Section 38(6) of the Town and Country Planning Act 1990 provides that, if regard is to be had to the development plan, the determination must be made in accordance with the development plan unless other material circumstances indicate otherwise. Section 70(2) of the Act provides that the Local Planning Authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.
- 8.2 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.
- 8.3 There are no clear reasons for refusal arising from NPPF policies for the protection of areas or assets of particular importance in this case and therefore, it is clear that the decision-making process for the determination of this application is to assess whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.

Benefits

- 8.4 The development would contribute towards the supply of housing, both market and affordable housing to help meet the objectively assessed need for housing in the Borough particularly given the fact that the Council cannot currently demonstrate a deliverable supply of housing and therefore weighs significantly in favour of the application.
- 8.5 Moderate weight is given to the economic benefits that would arise from the proposal both during and post construction, including the economic benefits arising from additional residents supporting local businesses.

Harms

- 8.6 There would be some harm to the landscape by reason of encroachment into the agricultural land. However, given the site's proposed inclusion within the Minsterworth Settlement boundary and the potential to further minimise harm through sensitive design, layout and landscaping at reserved matters stage, it is not considered that the harm would be significant.

Neutral

- 8.7 It has been established through the submission documents that subject to securing satisfactory measures as part of any future reserved matters, the imposition of appropriate planning conditions and planning obligations, the development would not give rise to unacceptable impacts in relation to the natural environment, flood risk and drainage, design and layout or highway safety.

Overall conclusion

- 8.8 Whilst there would be some harm arising from the development, this harm is not considered to be significant. Significant weight should therefore be given to the provision of housing, both market and affordable, in a location where the principle of residential development would be acceptable and given the Council cannot currently demonstrate a five year supply of deliverable housing sites.
- 8.9 Taking account of all the material considerations and the weight to be attributed to each one, it is considered that identified harms would not significantly and demonstrably outweigh the benefits in the overall planning balance.
- 8.10 In the absence of policies in the NPPF which would provide a clear reason for refusal, it is not considered the harms of the development would significantly and demonstrably outweigh the benefits set out above. It is therefore recommended that the decision is **DELEGATED to the Technical Planning Manager to permit the application subject to any additional/amended planning conditions; and the completion of a section 106 legal agreement to secure the following:**

- Affordable Housing - 40%
- Affordable Housing commuted sum - £52,000
- Education Contribution - £106,400.00

CONDITIONS:

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

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

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

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

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

4. The details to be submitted as part of the Reserved Matters application in accordance with Condition 1 shall include existing and proposed levels, including finished floor levels and a datum point outside of the site. All development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area.

5. The details to be submitted as part of the Reserved Matters application(s) for appearance and layout pursuant to Condition 1 shall include precise details or samples of the external facing and roofing materials, and hard surfacing materials proposed to be used. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenity of the area.

6. The details to be submitted as part of the Reserved Matters application(s) pursuant to Condition 1 shall include a plan indicating the positions, design, materials and type of boundary treatments to be erected. The boundary treatments shall be completed in accordance with the approved details before the buildings are occupied.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenity of the area.

7. The details of landscaping to be submitted as part of the Reserved Matters application in accordance with Condition 1 shall include a landscape scheme for the whole site. The submitted design shall be accompanied by a written specification clearly describing the species, sizes, densities and planting numbers. The submitted drawings shall also include accurate details of all existing trees and hedgerows with their location, species, size, condition, any proposed tree surgery and which are to be removed and how those to be retained are to be protected during the course of development. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory and well planned development in the interest of visual amenity.

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

Reason: To ensure a satisfactory and well-planned development in the interest of visual amenity.

9. The details to be submitted as part of the Reserved Matters application(s) pursuant to Condition 1 shall include a noise assessment in accordance with BS8233:2014, together with any necessary noise mitigation measures to achieve recommended external noise levels.

Reason: To secure acceptable living conditions for future occupiers.

10. No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority'.

Reason: It is important to agree a programme of archaeological work in advance of the commencement of development, so as to make provision for the investigation and recording of any archaeological remains which may be present.

11. All works shall adhere to the mitigation detailed within the Preliminary Ecological Walk Over Survey (Betts, June 2021) and amended HRA (Betts, June 2021) this should also includes the storage of building materials on pallets to discourage Great Crested Newts from using them as shelter. If Great Crested Newts are found during any part of the development, works are to stop immediately and a suitably qualified ecologist/Natural England are to be consulted.

Reason: To protect the natural Environment.

12. Prior to any above ground development, details of any external lighting to the development shall be submitted to and approved in writing by the Local Planning Authority. The details shall clearly demonstrate that lighting will not cause excessive light pollution or disturb or prevent bat species using key corridors, forage habitat features or accessing roost sites (to be informed by results of bat activity surveys). The details shall include, but not limited to, the following:

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

All external lighting shall be installed in accordance with the specifications and locations set out in the approved details. These shall be maintained thereafter in accordance with these details. Under no circumstances shall any other external lighting be installed.

13. No above ground development shall take place until a plan detailing the location and specification of the ecological enhancements recommended in Ecological Walk Over Survey (Betts, June 2021) is to be submitted to and approved in writing by the local planning authority. The mitigation measures shall be installed in accordance with the and the approved details and schedule and shall be similarly maintained thereafter.

14. A Construction Ecological Management Plan (CEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to commencement of works to ensure that appropriate mitigation for the aforementioned protected/notable species and habitats is undertaken in line with the recommendations outlined in the ecology reports.

The CEMP shall include, but not limited to the following :

- a) Risk assessment of potentially damaging construction activities including provisions for the aforementioned protected species and valuable habitats;
- b) Identification of “biodiversity protection zones” including brook habitat;
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The locations and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour after sunset);
- e) The times during construction when ecological or environmental specialists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similar person;
- h) Use of protective fences, exclusion barriers and warning signs;
- l) CEMP to include review of the site lighting scheme to ensure that it has been designed to avoid disturbing local bat populations;
- i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works;

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

15. Prior to commencement of works, a Landscape and Ecology Management Plan (LEMP) for the scheme needs to be prepared and needs to ensure that in addition to public open space considerations, this provides habitat for the aforementioned protected species within the site. The LEMP should be guided by the results of the ecology surveys to ensure that appropriate habitats are created and suitable native planting schemes sympathetic to the local area are designed and implemented.

The LEMP must cover, as a minimum, the first ten years of management following the commencement of construction and enabling works. Enhancement measures should be included for the aforementioned protected species and include wildlife ponds, bird and bat boxes, hedgehog shelters, reptile/amphibian shelters/hibernacula. The locations of these features need to be shown on the landscape plan.

The LEMP shall be submitted to, and be approved in writing, by the local planning authority. The approved LEMP shall be adhered to and implemented throughout the 10-year period in accordance with the approved details.

16. Homeowner Information Packs must be given to all residents at the proposed development prior to the first occupation of each dwelling. These packs must contain information to make new residents aware of the sensitivities of nearby sites of nature conservation concern and how to act responsibly to avoid disturbing wildlife (including: residents should be advised to keep dogs on leads at the aforementioned sites and recommendation to keep cats in at night to reduce hunting pressure on wildlife). In addition, a map of alternative public open spaces including those in the development and their foot/cycleway links plus public transport links needs to be included along with guidelines on wildlife gardening and leaving the pre-cut 13x13cm hedgehog tunnels in fences to allow their movement across the estate. A sample Homeowner Information Pack must be submitted to the Local Planning Authority to review and approval be obtained prior to first occupation and delivery to new homeowners of the development.

17. The first application for reserved matters pursuant to Condition 1 above shall include details of the mix of houses proposed for each phase of the development. Those details shall be broadly in accordance with the most up to date version of the JCS SHMA at the time of the first reserved matters application unless an alternative local need can be demonstrated.

Reason: To ensure appropriate mix and range of dwellings within the housing market area.

18. No above ground works shall take place until surface water drainage works have been implemented in accordance with details that have first been submitted to and approved in writing by the local planning authority. The information submitted shall be in accordance with the principles set out in the approved drainage strategy. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in The SuDS Manual, CIRIA C753 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

ii. include a timetable for its implementation; and

iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason:

To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution for the lifetime of the development.

19. No above ground development shall take place until a site waste management plan has been submitted to and approved in writing by the local planning authority. The site waste management plan must identify the type and amount waste materials expected to be generated from the development during the construction phases and also set out what site-specific measures will be employed for dealing with such materials so as to: - minimise their creation, maximise the amount of re-use, maximise the amount of recycling on-site; and maximise the amount of off-site recycling of any residual waste that is unusable or recyclable on-site. In addition, the site waste management plan must clearly set out the envisaged level of materials with a recycled content and how such a level will be attained. The site waste management plan shall be fully implemented as approved unless the local planning authority gives prior written permission for any variation.

Reason: To ensure the effective implementation of waste minimisation.

20. No above-ground development shall take place until details of the provision for facilitating the management and recycling of waste generated during the development's occupation have been submitted to and approved in writing by the local planning authority. This must include details of the appropriate and adequate space and infrastructure to allow for the separate storage of recyclable waste materials. Provision must not prejudice the delivery of the local authority's waste management targets and all details shall be fully implemented as approved unless the local planning authority gives prior written permission for any variation.

Reason: To ensure the effective implementation of waste minimisation

21. The first application for reserved matters pursuant to Condition 1 above shall include details of the surface water drainage/disposal, vehicular turning head(s), street lighting, EV charging facilities, and cycle parking provision. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians.

INFORMATIVES:

1. In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing the to the Council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.
2. For the avoidance of doubt, the submitted highway layout plan has been treated as being for illustrative purposes only.
3. The Lead Local Flood Authority (LLFA) will give consideration to how the proposed sustainable drainage system can incorporate measures to help protect water quality however pollution control is the responsibility of the Environment Agency
4. Future management of Sustainable Drainage Systems is a matter that will be dealt with by the Local Planning Authority and has not, therefore, been considered by the LLFA.
5. Any revised documentation will only be considered by the LLFA when resubmitted through suds@gloucestershire.gov.uk e-mail address. Please quote the planning application number in the subject field.
6. The legal line of EMW/10 should be protected and unobstructed at all times and the site layout designed so that the footpath continues to be an asset for local walkers. The footpath should be retained as a 'green corridor through the development (not simply incorporated into a roadside pavement).