

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

Committee:	Planning
Date:	15 March 2022
Site Location:	Part Parcel 9851 Maisemore
Application No:	19/00676/OUT
Ward:	Highnam With Haw Bridge
Parish:	Maisemore
Proposal:	Outline application for the erection of up to 33 residential units (50% affordable provision) with associated infrastructure and landscaping (all matters reserved for future consideration).
Report by:	Paul Instone
Appendices:	Site Location Plan P18_2802_02 Rev A Masterplan P18_2802_01 Rev H Indicative Landscape Plan Rev C
Recommendation:	Delegated Permit

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1** The application site extends to approximately 1.68ha and comprises the eastern part of a large field located to the west of the built up areas of Maisemore village. The site is immediately to the west of the proposed extended settlement boundary for Maisemore in the Emerging TBP which is proposed to be extended to include the housing development which is currently under construction at Bell House Farm for 15 no. dwellings (TBC ref: 14/00965/FUL). The Bell House Farm site, includes the Grade II Listed former farmhouse and its associated outbuildings.
- 1.2** The site rises from south to north, from 26m to 33m AOD. The site is entirely grassland and it is noted within the submitted information to be currently in agricultural use. Open fields adjoin the site to the northwest and there is a poultry farm located approximately 700 metres to the north beyond these fields. The A417 bounds the site to the south and a row of established poplar trees lines the boundary of the site with the A417. To the south of the application site beyond the A417 are residential dwellings which lie within the settlement boundary of Maisemore. The site is bounded to the north east by existing vegetation, ponds and a watercourse. Beyond the ponds and watercourse is PRow (Maisemore 24) and there is also an existing highway to the north of the site (Old Road) which provides a bridge over the watercourse and access onto the PRow. There is currently no public access from the application site to the PRow or Old Road.
- 1.3** The application site is not subject to any landscape designations. The Landscape Protection Zone (LPZ) as defined in the adopted Local Plan lies to the north-east of the site beyond Old Road, but the site is not intervisible with the defined LPZ.

- 1.4** The application site is in Flood Zone 1
- 1.5** In July 2018, an outline planning application (ref: 17/00514/OUT) was refused on the site for 60 dwellings. The refused scheme comprised a larger parcel of land which extended further west. **The illustrative Masterplan for the refused application is shown in the Committee Presentation.**
- 1.6** The current application seeks outline permission for a development of up to 33 dwellings with 50% affordable housing provision along with associated infrastructure and landscaping. All matters are reserved for future consideration
- 1.7** Whilst all matters are reserved, the applicant has provided an Illustrative Masterplan, which indicates the likely characteristics of the development. A design and access statement has also been submitted which sets out the design and layout principles. This documents have been revised during the determination of the application as a result of ongoing negotiations with officers.
- 1.8** The Illustrative Masterplan is appended to this committee report. Whilst access is a reserved matter, the Illustrative Masterplan shows that access is proposed via the existing access off the A417 serving the Bell House Farm development. The Illustrative Masterplan show the dwellings located centrally within the site with the existing poplar trees retained and an area of landscaping created to the west of the dwellings. There is also an opportunity to create a new footpath linking the application site to Old Road and the PRow network to the north.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
17/00514/OUT	Outline application for residential development of 60 units with all matters reserved for future consideration.	REF	03.07.2018
14/00965/FUL (Adjacent Site)	Demolition of existing curtilage listed outbuildings and proposed residential development comprising of 15 dwellings and associated landscaping, parking and garaging (Revised scheme further to Ref: - 14/00089/FUL)	PER	19.10.2015
14/00966/LBC (Adjacent Site)	Demolition of existing curtilage listed outbuildings and proposed residential development comprising of 15 dwellings and associated landscaping, parking and garaging (Revised scheme further to Ref: 14/00090/LBC)	CONSEN	22.04.2015
20/01074/FUL (Adjacent Site)	Variation of condition 2 (drawing schedule) attached to planning permission 14/00965/FUL (residential development comprising of 15 dwellings) to allow for minor alterations to plots 6, 7, 12, 13 & 14 and revised drainage arrangements	PER	21.04.2021

20/00509/FUL (Adjacent Site)	Proposed erection of a pair of semi-detached dwellings and associated car parking	PER	29.06.2021
---------------------------------	---	-----	------------

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 SD4 (Design Requirements)
- 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 INF3 (Green Infrastructure)
- Policy INF4 (Social and Community Infrastructure)
- 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 RES3 (New Housing Outside Settlement Boundaries)
- Policy RES5 (New Housing Development)
- Policy RES12 (Affordable Housing)
- Policy RES13 (Housing Mix)
- Policy DES1 (Housing Space Standards)
- Policy HER2 (Listed Buildings)
- Policy NAT1 (Biodiversity, Geodiversity and Important Natural Features)
- Policy ENV2 (Flood Risk and Water Management)
- Policy RCN1 (Public Outdoor Space, Sports Pitch and Sports Facility Provision)
- Policy RCN2 (New Sports and Recreational Facilities)
- Policy COM2 (Broadband Provision)
- Policy TRAC1 (Pedestrian Accessibility)
- Policy TRAC2 (Cycle Network and Infrastructure)
- Policy TRAC9 (Parking 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)
- Planning (Listed Buildings and Conservation Areas) Act 1990

4.0 CONSULTATIONS

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

4.1 Maisemore Parish Council – Object to originally submitted and revised plans. The objections area summarised below:

- The application is inappropriate development for Maisemore which is a small village with less than 230 homes in the main part. 47 dwellings have been permitted/constructed in recent years. The JCS aggregated requirement for Maisemore is 28 new homes over 20 years. A further 33 houses would mean Maisemore taking nearly 3 times as many houses as could reasonably be expected and well over the amount that can be sustained
- The application is outside the defined settlement boundary of Maisemore
- The A417 is a very busy road and difficult to cross at times. The road network is unable to take more traffic as this proposal will exacerbate the problems
- The NCN45 cycleway and footway from Maisemore to Gloucester floods and residents without cars can become marooned in Maisemore
- The existing access to Bell House Farm which this development would utilise is too narrow which precludes large vehicles entering and exiting at the same time. The access is not suitable for another 33 dwellings and should be widened to 5.5 metres.
- The sewerage infrastructure in Maisemore is inadequate and cannot cope with peak flows. A further 33 dwellings will exacerbate issues.
- Whilst Maisemore is classified as a Service Village due to the very limited services, poor public transport, lack of employment opportunities and no health care facilities, it is not a sustainable location for new development until transport links and services are generally improved.
- Residents of the new development would be reliant on cars.
- There is no school in Maisemore and schools within the catchment are already full.
- There is inadequate electricity infrastructure to accommodate 33 new dwellings and EV charging points
- Maisemore is not an appropriate location for affordable housing due to the lack of services and limited public transport connectivity.
- The poultry units to the north of the application site would impact on the amenity of future residents.
- Street lighting should be resisted as Maisemore is a dark skies area.
- The proposal has insufficient information on biodiversity net gain and consideration of carbon neutrality

- The application is in outline with all matters reserved. The layout if considered suitable will be considered at a later date. The application should be considering whether the principle of the development is acceptable. The principle isn't acceptable.
- In terms of design, the application should be considering whether the site can accommodate 33 dwellings. The Parish don't consider it can accommodate 33 dwellings
- The footpath connection to the north west is conjecture. The approval of the adjacent landowner has not been sought.
- The application submission states the poplar trees are to be pollarded to 10 metres. It only the trees within the application site are pollarded and not the rest of the row this will look odd.

County Highways Authority – No objection subject to conditions

Lead Local Flood Authority – No objection subject to conditions

Housing Enabling Officer – No objection subject to completion of a S106 following negotiations with the applicant on the proposed affordable housing mix and tenure

Landscape Advisor – No objections subject to conditions

Tree Officer – No objection subject conditions

Ecology Advisors – No objection subject to conditions

Urban Design Officer – No objection to revised proposal

Natural England – No objection

Environmental Health – No objection subject to conditions

County Archaeologist – No objection

County Minerals and Waste – No objection subject to conditions

County Developer Contributions Investment Team – Financial contributions towards primary education and libraries required to make the development acceptable in planning terms

Severn Trent – No objection subject to conditions

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 for the initial and amended proposals

5.2 Six letters of representation have been received. These are summarised below:

- The site is outside settlement boundary and the principle of housing in this location isn't acceptable
- The A417 cannot cope with existing volumes of traffic and the proposal will exacerbate existing congestion
- Another access onto the A417 would be dangerous
- The A417 floods and isolates the village making it an unsuitable location for further housing
- Surface water from the site would seep into the watercourse and Maisemore lake and then the River Severn increasing risk of flooding
- The proposal would harm the visual approach to the village
- Maisemore has inadequate bus services
- There are inadequate services in Maisemore such as shops and health care facilities and future residents would need to travel to Tewkesbury, Gloucester etc
- The land should be retained in agricultural use to consider the future sustainability of food supplies
- The development is in proximity to the intensive poultry units which will give rise to amenity and health issues for future residents
- The community has already been subject to much development
- Residents and the Parish Council are being ignored
- Maisemore has already breached its JCS housing requirement over the full plan period to 2031
- The drainage and sewerage system does not have capacity for more development
- There is no gas mains in the village
- The proposal is out of keeping with ambience of a rural village
- The development should contribute to community infrastructure
- There aren't enough school places for future residents
- The development would result in the loss of open countryside

5.3 1 letter of support has been received which is summarised below.

- Additional housing is needed in Maisemore for young families from in the village to make a home so they don't have to move away
- More houses are needed for people who want to move to the village
- Shops and improved bus services are needed in the village. More families in the village will help support improved services
- The need for more houses outweighs the negative impacts of the proposal

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** Maisemore is identified as a Service Village in the JCS and Policy SP2 sets out that Service Villages will accommodate lower levels of housing which 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** The application site itself is located beyond the existing built-up area of the village and is located in open countryside on land immediately to the west of the settlement boundary of Maisemore as defined in the Emerging TBP. The site is not allocated for housing in the Emerging TBP.
- 7.3** As the site is not allocated in the Emerging TBP or a Neighbourhood Plan Policy SP2(6) of the JCS states that in the remainder of the rural area, Policy SD10 of the JCS will apply for proposals new residential development.
- 7.4** With relevance to the application Policy SD10 follows that housing development on other sites will only be permitted where it is previously developed land in the existing built up areas of Service Villages, or it is:
- i. It is for affordable housing on a rural exception site in accordance with Policy SD12, or;
 - ii. It is infilling within the existing built up areas of the City of Gloucester, the Principal Urban Area of Cheltenham or Tewkesbury Borough's towns and villages except where otherwise restricted by policies within District plans, or;
 - iii. It is brought forward through Community Right to Build Orders, or;
 - iv. There are other specific exceptions / circumstances defined in district or neighbourhood plans.
- 7.5** The application site is open countryside that lies outside of the defined settlement boundary for Maisemore and is not allocated for housing development. The site does not represent previously developed land within the built up areas of a service village; is not a rural exception scheme; and does not represent 'infilling'. It has not been brought forward for development through a Community Right to Build Order and there are no policies in the existing TBLP which allow for the type of development proposed here. The proposal therefore conflicts with Policies SP2 and SD10 of the JCS
- 7.6** However, whilst the site is located adjacent to the settlement boundary of a defined Service Village; the application site is not located in an isolated rural location and future residents would have access to services in Maisemore as well as Gloucester and beyond, albeit it is the case that future residents may be reliant on cars. The NPPF seeks to promote sustainable development in rural areas and housing should be located where it will enhance or maintain the vitality of rural communities (paragraph 79). The location of site immediately adjacent to a defined Service Village which would have access to services weighs in favour of the proposal.

Five Year Housing Land Supply

- 7.7** As set out in the latest Tewkesbury Borough Five Year Housing Land Supply Statement published in January 2021, the Council can demonstrate a 3.83 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 3.83 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** 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.
- 7.15** The application conflicts with policies SP2 and SD10 of the JCS and therefore the starting point is that the proposal should be refused in accordance with the development plan unless other material planning considerations indicate otherwise.
- 7.16** However, as set out above, the Council cannot at this time demonstrate a five year supply of deliverable housing land and therefore the most important policies for determining the application are deemed out of date in accordance with footnote 8 of the NPPF. On that basis the appeal must be determined in accordance with paragraph 11(d)(ii) of the NPPF (the tilted balance), i.e. planning permission should be granted unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of NPPF as a whole.
- 7.17** The statutory status of the development plan is not affected by the 'tilted balance' and nor does it mean that Policies SP2 and SD10 of the JCS, or any other development plan policy, is to be disregarded and the development plan remains the starting point for decision making. However, the benefits of the proposal must be considered in the context of the tilted balance, including the social benefits of the delivery of market and affordable housing immediately adjacent to a defined Service Village, along with other benefits of the proposal including economic benefits arising both during and post construction. These matters must be considered in the overall planning balance.

Landscape impact and Design

- 7.18** 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. In regard to design, 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. Good design is a key aspect of sustainable development. This is now reflected in the National Design Guide, which provides planning practice guidance for beautiful, enduring and successful places
- 7.19** 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.

- 7.20** JCS Policy SD4 provides that new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. It should be of a scale, type, density and materials appropriate to the site and its setting. Criterion 6 of Policy SD10 of the JCS states that residential development should seek to achieve maximum density compatible with good design, the protection of heritage assets, local amenity, the character and quality of the local environment, and the safety and convenience of the local and strategic road network.
- 7.21** The application site is not located within an area which is designated in the development plan for its landscape qualities. However, the application site comprises part of open fields located to the west of Maisemore and is particularly prominent on the northern approach to the village along the A417 and the existing row of Poplars provide a notable feature and is a strong characteristic of the village.
- 7.22** The Landscape and Visual Sensitivity Study - November 2014 - Final Report, was undertaken by the council as part of the Borough Plan site allocation work for the Rural Service Centres and Service Villages. As part of the work, the proposal site was assessed as part of a much wider parcel of land (Mai-03) for its suitability for potential Borough Plan allocation. The landscape character sensitivity of the much wider land parcel was assessed as high, although officers consider that this 'broad brush' analysis of a wider parcel of land which encompasses the whole of field and extends to Church Road to the north cannot be applied equally to the specific characteristics of the application site.
- 7.23** Notably the application site comprises approximately a third of the wider field parcel and the extent of the built form on the application site would broadly align with the boundary of the defined settlement boundary of Maisemore to the south of the A417. The application site is approximately half the size of the previous scheme (17/00415/OUT) which was refused on the site and intrudes less into the open countryside. **The Illustrative Masterplan for planning permission refusal 17/00514/OUT is provided in the committee presentation**
- 7.24** The application is submitted in outline with all matters reserved including layout, appearance and scale reserved for future consideration. However, the application is supported by an illustrative masterplan which has been revised subject to liaison with officers. This would be used to inform the submission of any subsequent reserved matters applications and the applicant has agreed to the principle of a planning condition which states that future reserved matters shall be in general accordance with this Illustrative Masterplan and the Design and Access Statement. **The Illustrative Masterplan is appended to the committee report.**
- 7.25** The Illustrative Masterplan and Design and Access Statement show the proposal would be accessed from a single access off the A417. The dwellings would be located centrally within the site and dwellings would be a maximum of 2 storeys. At the gateway of development would be an area of informal open space and the dwellings are set back within the site allowing for the existing Poplars (which would be pollarded) taking account of shading and route protection zones to be retained. To the west of the dwellings an area of low density tree planting and shrubs is proposed underplanted with species rich grassland and wildflowers.

- 7.26** The application is supported by a LVIA which identifies that the principal landscape and visual effects of the proposal would arise from the A417. The scale of the landscape effect is assessed to be 'small' and the scale of visual effect is assessed to be 'large/medium'. Negligible/small visual impacts are also identified from other visual receptors on elevated land to the north, west and east.
- 7.27** Officers have carefully considered the proposal and concur with the findings of the LVIA that the landscape impact of the proposal would be primarily contained to localised views. Officers also consider that adverse landscape impacts would be reduced by virtue of the relationship of the built form to the settlement pattern to the south of the A417, the provision of a landscape belt to the west of the housing and through the retention of the green buffer and tree planting to the south of the proposal.
- 7.28** Overall it is considered that the proposal would result in loss of open countryside on this prominent site on the approach to Maisemore which would result in landscape harm. However, the design approach as shown on the Illustrative Masterplan and Design and Access Statement, as well as the relationship of the built form with the settlement boundary of Maisemore mitigates, to some extent, this detrimental impact.
- 7.29** However, the localised landscape harm which officers consider is moderate and adverse, is a matter which weighs against the proposal in the planning balance.

Scale of development and social impacts

- 7.30** The NPPF recognises that sustainable development includes a social objective and how healthy communities can be supported. Paragraph 9 of the NPPF states that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. Paragraph 78 of the NPPF states that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing development that reflects local needs. Paragraph 79 of the NPPF states that to promote sustainable development in rural areas, housing development should be located where it will enhance or maintain local communities.
- 7.31** Paragraph 3.2.14 of the JCS identifies that there are a number of freestanding villages within Tewkesbury Borough which are considered suitable for some limited residential development. However, the level of residential development should be limited and the appropriate quantum of development within these Service Villages is a matter for the plan making process. Accordingly, Policy SP2(5) of the JCS states that in Service Villages lower levels of development will be allocated through the Emerging TBP and Neighbourhood Plans, proportional to their size and function, and also reflecting their proximity and accessibility to Cheltenham and Gloucester and taking into account the environmental, economic and social impacts.
- 7.32** A number of objections have been received to this application raising concerns that the proposal would be disproportionate for the size of Maisemore (when taking account of cumulative development) and that Maisemore has already breached its JCS housing requirement over the full plan period to 2031. As such concerns have been raised that Maisemore cannot sustain more dwellings and there would be associated social impacts and that the community does not benefit from adequate infrastructure to accommodate new housing development.

- 7.33** The Pre-submission Tewkesbury Borough Plan 2011-2031 Housing Background Paper October 2019 (HBP) advises that there are 174 dwellings within the settlement boundary of Maisemore (albeit there are also dwellings within the vicinity of Maisemore located outside the settlement boundary). The HBP identifies a minimum 'disaggregated housing requirement' taking account of the factors in Policy SP2(5) for 41 dwellings in Maisemore in the plan period 2011-2031 representing a circa 24% increase in the size of the settlement.
- 7.34** The HBF advises that 52 dwellings have been permitted/constructed in recent years exceeding the minimum disaggregated requirement and representing 30% increase in the size of the settlement. If the current application is approved this would equate to an additional 85 dwellings so far during the plan, being a 49% increase in the size of the settlement (as defined by the settlement boundary).
- 7.35** Officers consider it is appropriate that the cumulative impact of housing development within the plan period should be considered in the decision making process, however, it is the case in Maisemore that development has been delivered by a series of relatively smaller developments (including land to the rear of Rectory Farm 15/00131/OUT – 28 dwellings and Land at Bell House Farm 14/00965/FUL – 15 dwellings) which does have the effect of 'staggering' the social impacts of new development.
- 7.36** The disaggregated housing requirements in the HBF represent the 'minimum' housing requirements in order to distribute the overall JCS requirement for 880 dwellings in Service Village over the plan period. Officers have taken account of the views of objectors, but on balance having regard to the scale of the application proposals, the likely delivery timescale of the current application (which is outline) and the staggered nature of previous residential development, it is not considered that the current application would result in a harmful impact on the social well-being and social cohesion within Maisemore. It is also considered that the impact on existing infrastructure would be mitigated to a degree by appropriate S106 contributions.

Access and highway safety

- 7.37** 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. Furthermore, development should only be prevented or refused on highways grounds where there would be an unacceptable impact on highway safety or the residual cumulative impacts of development are severe. JCS Policy INF1 requires that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters.
- 7.38** The application site is located adjacent to the settlement boundary and is in proximity to those services that exist within Maisemore such as the local pub and village hall. However, whilst Maisemore is allocated as a Service Village it is recognised that many services such as schools, medical services and shops are not located within the village. Although it is accepted that new residents would to a large extent be reliant on the car, Maisemore is not an isolated rural community, and in common with all the Service Villages there would be reliance on cars. However appeal decisions have made it clear that neither national nor local planning policy regards this as sufficient reason in itself to prevent any further residential development in such communities. Rather, it is one of the many considerations that need to be taken into account when assessing specific proposals. In this case, there are bus services to Gloucester and bus stops are approximately 200 metres from the site, and as such, it is considered that the location of the site would allow for travel by non-car modes. It is therefore considered that the proposed development would have reasonably good access

to local services and facilities proportional to its rural location. The proposal is therefore considered to be consistent with the accessibility related provisions of the relevant transport policies.

- 7.39** Access and the internal road layout of the site is a reserved matter but plans which indicate that access will be shared with the adjacent residential development to the south onto the A417 have been submitted. The County Highways Authority have been consulted on the application and advise that it is clear that a link to the highways network can be provided although full consideration (including visibility splays and swept path analysis) will be given at reserved matters stage.
- 7.40** In regard to traffic generation and highways impact the applicant has used the TRICS database to determine the likely number of trips which the development would generate. This is the industry recognised tool, and the proposed trips generations are considered acceptable in this instance. The assessment indicates that the development would generate 30 trips in the AM peak and 23 trips in the PM peak. This level of traffic would equate to approximately 1 vehicle every 2 minutes in the AM peak. The County Highways Authority have advised that this amount of traffic generation would not result in a significant impact on the operation on the highway network, nor impact highway safety.
- 7.41** The Highways Authority conclude that subject to appropriate conditions the application would not have an unacceptable impact on highway safety or a severe impact on congestion. It is also considered the proposal is the consistent with the accessibility related provisions of the relevant transport policies. The proposal is therefore considered acceptable in regard to highway safety and accessibility.

Residential amenity

- 7.42** Paragraph 130 of the NPPF states that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible which promote health and well-being, with a high standard of amenity for existing and future users. JCS policies SD4 and SD14 require development to enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space. Development should have no detrimental impact on the amenity of existing or new residents or occupants.
- 7.43** Policy RES5 of the Emerging TBP states that proposals for new housing development should, inter alia, provide an acceptable level of amenity for future occupiers of the proposed dwellings and cause no unacceptable harm to the amenity of existing dwellings
- 7.44** The site is within close proximity to the A417 however the layout of the development is reserved for future consideration. The Illustrative Masterplan submitted to accompany the proposal, shows the nearest units to the A417 being some 24 metres away. The majority of units are shown to be set back off the road and the layout is such that gardens nearest the A417 are set behind a service road and existing belt of trees.
- 7.45** The Environmental Health Officer has been consulted on the application and raises no objection in terms of road traffic noise adversely impacting on future residents. However, it is recommended that a condition is imposed to protect external amenity areas with appropriate acoustic fencing.

- 7.46** A number of objection have been received to this application due to the proximity of poultry units to the north of the application site which may give rise to odour and noise pollution for future residents. The poultry units themselves are located approximately 700 metres to north of the application site and the installation boundary (i.e. the access road) is circa 500 metres to the north. Within the permitting process, where there are sensitive receptors within 400m of the installation boundary, the Environment Agency require Odour and Noise Management Plans to reduce emissions from the site. Given the distance of the dwellings from the poultry units, it is not considered that the residential impacts on future residents would be unacceptable. Moreover, it is relevant material consideration that future residents would be aware of the existence of the poultry farm when purchasing/moving into dwellings.
- 7.47** In terms of the proposed layout and impact on residential amenity, this is a reserved matter, but it is considered that up to 33 dwellings could be accommodated on the site in a manner to provide adequate internal and external space in an arrangement where there would be no unacceptable overlooking or over-dominating impact, either to future residents within the site or occupiers of the adjacent development (ref: 14/00965/FUL)
- 7.48** In light of the above and subject to the imposition of a condition to secure noise mitigation measures, the application is considered to have an acceptable impact on residential amenity.

Affordable Housing

- 7.49** 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. Policy SD11 criterion 1(i) requires that housing development will be required to provide an appropriate mix of dwelling sizes, types and tenure addressing the need of the local area.
- 7.50** The application proposes 16 affordable units which amounts to 48% of units which exceeds the policy requirements of Policy SD12. The size and tenure of affordable housing provision has been agreed with the Council's Housing Enabling Officer and is set below:
- 4no. social rented one bedroom house/maisonette
 - 3no. social rented two bedroom house
 - 2no. social rented three bedroom house
 - 2no. social rented four bedroom house
 - 3no. shared ownership two bedroom house
 - 2no. shared ownership three bedroom house
- 7.51** The Council's Housing Enabling Officer has advised that this proposal for 16 affordable units exceeds the minimum policy requirement for on-site affordable housing and is welcomed. The tenure mix is also acceptable and social rent in particular is the highest priority need in the Borough.

- 7.52** 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.
- 7.53** 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. In light of the Council's housing land supply position, the provision of affordable housing should be seen as a significant benefit in the planning balance.

Housing mix

- 7.54** 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
- 7.55** 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.
- 7.56** As the application is in outline with all matters 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 is submitted.

Drainage and flood risk

- 7.57** JCS Policy INF2 advises that development proposals must avoid areas at risk of flooding and must not increase the level of risk to the safety of occupiers of a site and that the risk of flooding should be minimised by providing resilience and taking into account climate change. It also requires new development to incorporate Sustainable Urban Drainage Systems (SuDS) where appropriate to manage surface water drainage. This is reflected in Policy ENV2 of the Emerging TBP and the NPPF.
- 7.58** The application site where the dwellings are proposed 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. There is watercourse which runs to the north of the site.
- 7.59** The application is supported by a Flood Risk Assessment and Drainage Strategy which advises that infiltration is unlikely to be viable on the site due to slowly permeable soils. As such the Drainage Strategy is to drain to the unnamed watercourse to the north via an attenuation flow structure. The final drainage proposals will be agreed at detailed design stage once the layout is fixed.

- 7.60** The LLFA have been consulted on the application and advise that sufficient information has been provided to show that there is a sustainable discharge strategy and that the site can be developed without increase the risk of flooding elsewhere. The LLFA therefore raise no objection subject to the imposition of conditions for detailed drainage design, which must include infiltration tests, and future maintenance of the SuDS features.
- 7.61** A number of objections have also been received to this application stating that Maisemore does not have sufficient sewerage capacity to accommodate new development. However Severn Trent have been consulted on the application and raise no objection subject to the imposition of planning conditions for drainage plans for the disposal of foul and surface water flows.
- 7.62** As such, as the LLFA and Severn Trent raise no objection to the application subject to the imposition of conditions and the application is considered acceptable in regard to drainage and flood risk.

Biodiversity

- 7.63** 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 Emerging TBP states that development proposals that will conserve, and where possible restore and/or enhance, biodiversity will be permitted.
- 7.64** Regarding wider ecological impacts, the application is support by an Appropriate Assessment. The Council ecological advisors have reviewed the Appropriate Assessment and raise no objection regarding the impact of the proposals on protected ecological sites subject to a planning condition requiring a Home Information Pack to be produced prior to occupation to highlight local green spaces and also to provide guidelines on how the public should behave to avoid damaging local wildlife and habitats. Natural England also raise no objection to the application.
- 7.65** In regard to on-site ecological impacts the application is supported by a Preliminary Ecological Appraisal and Great Crested Newts Survey. The majority of the site itself comprises arable land and is of limited ecological value although the fringes of the site provide some ecological value. The Great Crested Newts Survey confirmed that the ponds surveyed all returned negative results confirming that it is highly unlikely that Great Crested Newts were present. No trees with potential for roosting bats were identified during the survey albeit it is recommended that they are checked for the presence of suitable features for roosting bats prior to felling/pollarding works.
- 7.66** The Council's ecological advisors have been consulted on the application and raise no objections subject to the recommendations of Ecological Appraisal being adhered to, including a precautionary site clearance method. It is also recommended that a Landscape and Ecological Management Plan is submitted prior to the commencement of works to expand on the recommendations of the Ecological Appraisal. This should demonstrate how biodiversity net gain will be achieved
- 7.67** Therefore subject to the imposition of conditions the application is considered acceptable in regard to ecology.

Arboriculture

- 7.68** Paragraph 131 of the NPPF states that trees make an important contribution to the character and quality of urban environments, and can also mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree lined and that opportunities are taken to incorporate tree elsewhere in developments.
- 7.69** Policy INF3 of the JCS states that existing green infrastructure will be protected in a manner that reflects its contribution to ecosystem services including biodiversity, landscape/townscape quality and the connectivity of the green infrastructure network. Development proposals that will have an impact on hedges and trees need to include a justification for why this impact cannot be avoided and should incorporate measures acceptable to the Local Planning Authority to mitigate the loss.
- 7.70** The Illustrative Masterplan has been amended during the determination of the application to provide a layout which moves the dwellings away from the existing Poplar trees which bound the south of the site. The application proposes to pollard these trees to 10 metres to reduce their height and shading of the development. Furthermore the Illustrative Masterplan shows how additional tree planting can be incorporated within the site and along the north west boundary.
- 7.71** Whilst the details of the proposed additional tree planting will be secured at reserved matters stage, the Council's Tree Officer has been consulted on the application and raises no object subject to conditions to secure tree protection measures and to for details to be provided of proposed tree and hedgerow planting. As such, subject to the imposition of appropriate conditions, the application is considered acceptable in regard to arboricultural matters.

Archaeology and Heritage assets

- 7.72** Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on the Council to have special regard to the desirability of preserving listed buildings, their setting or any features of special architectural or historic interest which they possess.
- 7.73** Paragraph 194 of the NPPF states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 7.74** In regards to heritage assets there are two listed buildings adjacent to the east of the site (Bell House Farmhouse and Milestone Cottage plus associated curtilage listed structures all Grade II Listed). It is of note that planning permission (14/00965/FUL) has been implemented on land between the between the application site and the listed buildings which limits intervisibility.

- 7.75** The Conservation Officer has been consulted on the application and whilst noting that layout, scale and appearance are reserved matters, no objection is raised as there would be little or no intervisibility with the listed buildings. As such it is not considered that this proposal would have an adverse impact upon designated heritage assets.
- 7.76** In regards to archaeology, at the request of the County Archaeologist an archaeological investigation of the land was carried out and five trenches were excavated which indicated an absence of significant archaeology within the red line.
- 7.77** Further to these investigations, the County Archaeologist has advised that there is a low risk that archaeological remains would be adversely affected by the development proposal. Therefore the County Archaeologist raises no objection and does seek the imposition of planning conditions.
- 7.78** In light of this, the application is considered acceptable in regard to heritage assets and archaeology.

Section 106 obligations

- 7.79** 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.
- 7.80** 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 reasonable related in scale and kind to the development.
- 7.81** 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

Education and Library and Community Provision

- 7.82** Gloucestershire County Council as Local Education Authority (LEA) and library provider have been consulted and requested contributions towards education provision in line with its cost multipliers and pupil yields.

- 7.83** In regard to schools, GCC advise that the proposal would have an impact on the closest primary school, Hartbury CoFE Primary School and/or the Hartbury Primary Planning Area. Furthermore, all primary schools are over the statutory distance therefore an analysis of transport/travel to alternative primary schools in the primary planning area is required. No impact on secondary and post 16 education is identified. Gloucestershire County Council therefore seek a primary school education contribution towards the balance of places at the closest primary school which would amount to **£126,062.22**.
- 7.84** In regard to library provision, the nearest library to the application site, and the library most likely to be used by residents of the new development, is Gloucester Library. The new development will generate a need for additional resources at this library, and this is costed on the basis of £196.00 per dwelling. A financial contribution of **£6,468** is therefore required to make this application acceptable in planning terms. The financial contribution will be put towards improving customer access to services through refurbishment and upgrades to the existing building, improvements to stock, IT and digital technology, and increased services at Gloucester library.
- 7.85** A contribution of £73 per dwellings, which equates to **£2,409** based on 33 dwellings, towards recycling and waste bin facilities is also required.
- 7.86** In terms of of-site community contributions, the Borough Council are seeking a contribution towards Maisemore Village Hall to help mitigate the increase numbers of residents who will use the facilities, which are the nearest community facilities to the proposed development. Based on the IDP Calculator the requirement generated from the development equates to 10 sq m at a build cost of £1,500 per sq m, thereby being **£15,000**.
- 7.87** In addition the Borough Council are seeking a contribution of £889 per dwelling for improvements to the play equipment adjacent to the village hall which based on 33 dwellings equates to **£29,337**
- 7.88** The applicant has indicated a willingness to enter into legal agreements 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.

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. Overall, given the scale of development, these benefits would attract significant weight in favour of granting permission in light of the Council's housing land supply position.
- 8.5 In economic and social terms, it is clear that a number of benefits would flow from this development if permitted, including during the construction process. There would also be economic and social benefits arising from spend from future residents which would help sustain the local facilities at Maisemore, as well as in the wider area. The social and economic benefits through employment during the construction phase and spend from future residents which would help services in Maisemore and the wider area is considered a moderate benefit.

Harms

- 8.6 Harm arises from the conflict with development plan policies and the spatial strategy relating to housing, particularly Policies SP2 and SD10 of the JCS, although it is accepted that the Council's housing policies are currently out of date.
- 8.7 There would be some harm to the landscape by reason of encroachment into the agricultural land beyond the settlement boundary. Officers consider this landscape harm to be localised, moderate and adverse. There is potential to further minimise harm through sensitive design, layout and landscaping at reserved matters stage, and it is not considered that the harm would be significant.

Neutral

- 8.8 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 flood risk and drainage, design and layout, highway safety, ecology, trees, social cohesion and heritage assets.

Overall conclusion

- 8.9 There would be some harm arising from the development, namely harm arising from conflict with development plan policies and the spatial strategy relating to housing and landscape harm. However, given the characteristics of the site, these harms are not considered to be significant.

- 8.10** Significant weight should be given to the provision of housing, both market and affordable, in a location which is considered broadly sustainable. Given the scale of development, these benefits would attract significant weight in favour of granting permission in light of the Council's housing land supply position. Economic and social benefits would also arise from the development as set out in paragraph 8.5 above and these are afforded moderate weight.
- 8.11** 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.
- 8.12** 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 - 16 affordable units in accordance with tenure mix agreed with Housing Enabling Officer
 - £126,062.22 education contribution
 - £6,468 library contribution
 - £2,409 towards recycling and waste bin facilities
 - £15,000 towards improvements at Maisemore Village Hall
 - £29,337 towards improved play equipment adjacent to Village Hall

CONDITIONS:

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

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

2. 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. No more than 33 dwellings shall be constructed on the site pursuant to this planning permission.

Reason: In order to defined the permission

5. Applications for the approval of reserved matters shall be generally in accordance with the principles and parameters in the approved Design and Access Statement dated September 2021, Illustrative Masterplan PI8_2802_01 Rev H received 24th February 2022 and Indicative Landscape Plan Rev C received 28th February 2022.

Reason: To ensure the development is carried out in accordance with the agreed principles and parameters and to ensure that the new development will be visually attractive in the interests of good design and amenity.

6. The details to be submitted as part of the Reserved Matters application(s) 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 residential amenity the visual amenities of the area.

7. 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.

8. 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.

9. 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 scheme 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. The drawings shall provide details of any proposed tree surgery and details of which trees/hedgerows are to be removed and how those to be retained are to be protected during the course of development. The details shall include the tree pit design and location, type and materials to be used for hard landscaping including specifications. 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.

10. 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. If any trees or hedgerows fail more than once they shall continue to be replaced on an annual basis until the end of the five year period.

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

11. 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.

12. The first application for reserved matters pursuant to Condition 1 above shall include details of the mix of open market houses proposed for 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 an appropriate mix and range of dwellings within the housing market area

13. Vehicle and cycle parking shall be provided prior to first occupation of each dwelling in accordance with details to be contained within the approval of any reserved matters permission. Such details shall include a scheme for enabling charging of electric plug-in and other ultra-low emission vehicles. Parking and charging points shall be maintained for this purpose thereafter.

Reason: To promote sustainable travel and healthy communities

14. Before first occupation, each dwelling hereby approved shall have been fitted with an Electric Vehicle Charging Point (EVCP) that complies with a technical charging performance specification, as agreed in writing by the local planning authority. Each EVCP shall be installed and available for use in accordance with the agreed specification unless replaced or upgraded to an equal or higher specification.

Reason: To promote sustainable travel and healthy communities.

15. The Development hereby approved shall not be occupied until the applicant has submitted to and had approval in writing from the Local Planning Authority a residential welcome pack promoting sustainable forms of access to the development. The pack shall be provided to each resident at the point of the first occupation of the dwelling.

Reason: To reduce vehicle movements and promote sustainable access.

16. No development shall commence on site until a detailed Sustainable Drainage System (SuDS) Strategy document has been provided for approval by the Local Planning Authority, this should be in accordance with the proposal set out in the applicant's submission (Flood Risk Assessment v2, July 2019). The SuDS Strategy must include a detailed design. The SuDS Strategy must also demonstrate the technical feasibility/viability of the drainage system through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the life time of the development. The approved scheme for the surface water drainage shall be carried out in accordance with the approved details before the development is first put in to use/occupied.

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

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

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

18. The development hereby permitted shall not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

19. No below or above ground development shall commence until a detailed site waste management plan or equivalent has been submitted to and approved in writing by the local planning authority. The detailed site waste management plan must identify the type and amount waste materials forecast to be generated from the development during site preparation & demolition and construction phases and what specific measures will be employed for dealing with this material so as to: - minimise its creation, maximise the amount of re-use and recycling on-site; maximise the amount of off-site recycling of any wastes that are unusable on-site; and reduce the overall amount of waste sent to landfill. In addition, the detailed site waste management plan must clearly set out the likely proportion of recycled content that will be used in construction materials. The detailed 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 and resource efficiency in accordance with adopted Gloucester, Cheltenham, Tewkesbury Joint Core Strategy Policy SD3 Sustainable Design and Construction; adopted Gloucestershire Waste Core Strategy: Core Policy WCS2 Waste Reduction; adopted Minerals Local Plan for Gloucestershire Policy SR01 and paragraph 8 of the National Planning Policy for Waste.

20. No above-ground development shall commence until full details of the provision made for facilitating the management and recycling of waste generated during 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. The management of waste during occupation must be aligned with the principles of the waste hierarchy. 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 in accordance with adopted Gloucester, Cheltenham, Tewkesbury Joint Core Strategy Policy SD3 Sustainable Design and Construction; adopted Gloucestershire Waste Core Strategy: Core Policy WCS2 Waste Reduction; and paragraph 8 of the National Planning Policy for Waste.

21. Home Owner Information Pack (HIP) 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 (e.g. keeping dogs on leads at nearby Reserves such as Alney Island Nature Reserve, recommendations to keep cats in at night to lessen hunting pressure as well as relevant legislation under which wildlife is protected). 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. A sample Home Owner Information Pack must be submitted to the Local Planning Authority, and approval be obtained in writing from Local Planning Authority, prior to first occupation and delivery to new homeowners of the development.

Reason: To protect biodiversity

22. All works are to strictly adhere to the mitigation detailed within Preliminary Ecological Appraisal (ITP, 2019) and the Great Crested Newt Survey (ITP, 2020), including the precautionary site clearance method regarding reptiles under the supervision of a suitably qualified ecologist and site clearance outside of bird nesting season (March to August) and where this is not possible a suitably qualified ecologist is to carry out a site inspection and provide advice.

Reason: To protect biodiversity and protected species

23. Any trees requiring felling/pollarding are to be inspected prior to works commencing to confirm absence of roosting bats or roosting bat features. If any features are identified appropriate survey effort is to be undertaken with the results submitted to, and agreed in writing by, the Local Planning Authority prior to works commencing.

Reason: To protect biodiversity and protected species

24. Prior to commencement of works an inspection to confirm absence / presence of badgers is to be undertaken. If evidence of badgers is found relevant mitigation or appropriate survey effort is to be undertaken and submitted to, and agreed in writing by, the Local Planning Authority prior to commencement of works.

Reason: To protect biodiversity and protected species

25. 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 include contouring plans and demonstrate that lighting will not cause excessive light pollution onto adjacent habitats. 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.

Reason: To protect biodiversity and protected species

26. Prior to commencement of works, a Landscape and Ecological Management Plan (LEMP) is to be submitted to and approved in writing by the Local Planning Authority. The LEMP shall expand on the recommendations within the Preliminary Ecological Appraisal (ITP, 2019) and it should also detail locations of ecological enhancements to be installed and their specifications, the timeline of implementation, management responsibilities and ongoing monitoring. The LEMP must demonstrate achievement of biodiversity net gain. The development shall be implemented fully in accordance with the approved LEMP.

Reason: To protect biodiversity and protected species

27. No development including demolition, site clearance, materials delivery or erection of site buildings, shall start on the site until measures to protect trees/hedgerows on and adjacent to the site have been installed in accordance with details that have been submitted to and approved in writing by the local planning authority.

These measures shall include:

1. Temporary fencing for the protection of all retained trees/hedgerows on and adjacent to the site whose Root Protection Areas (RPA) fall within the site to be erected in accordance with BS 5837(2012) or subsequent revisions (Trees in Relation to Design, Demolition and Construction). Any alternative fencing type or position not strictly in accordance with BS 5837 (2012) shall be agreed in writing by the local planning authority prior to the start of development. The RPA is defined in BS5837(2012).

2. Construction Exclusion Zone (CEZ): The area around trees and hedgerows enclosed on site by protective fencing shall be deemed the CEZ. Excavations of any kind, alterations in soil levels, storage of any materials, soil, equipment, fuel, machinery or plant, site compounds, cabins or other temporary buildings, vehicle parking and delivery areas, fires and any other activities liable to be harmful to trees and hedgerows are prohibited within the CEZ, unless agreed in writing with the local planning authority.

The approved tree protection measures shall remain in place until the completion of development or unless otherwise agreed in writing with the local planning authority.

Reason: To ensure adequate protection measures for existing trees/hedgerows to be retained, in the interests of visual amenity and the character and appearance of the area.

28. Where excavations or surface treatments are proposed within the root protection areas (RPA) of retained trees and hedgerows, full details shall be submitted to and approved in writing by the local planning authority before any development starts. The RPA is defined in BS5837:2012. Details shall include the proposed locations of excavations and/or surface treatments, proposed methods and specifications of excavations and/or surface treatments and any post excavation remedial works. All excavations or surface treatments shall be carried out in accordance with the approved details.

Reason: To prevent damage to or loss of trees

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 development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out.

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

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

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

4. All new streets must be tree lines as required in the National Planning Policy Framework. All proposed street trees must be suitable for transport corridors as defined by Trees and Design Action Group (TDAG). Details should be provided of what management systems are to be included, this includes root protections, watering and ongoing management. Street trees are likely to be subject to a commuted sum.

5. It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to "respecting the community" this says:

Constructors should give utmost consideration to their impact on neighbours and the public

- Informing, respecting and showing courtesy to those affected by the work;
- Minimising the impact of deliveries, parking and work on the public highway;
- Contributing to and supporting the local community and economy; and
- Working to create a positive and enduring impression, and promoting the Code.

The CEMP should clearly identify how the principal contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues.

Contractors should ensure that courtesy boards are provided, and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties. This does not offer any relief to obligations under existing Legislation.

6. 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.