

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

Committee:	Planning
Date:	19 April 2022
Site Location:	Part Parcel 0025 Hillend Twyning
Application No:	21/00291/OUT
Ward:	Tewkesbury North And Twyning
Parish:	Twyning
Proposal:	Outline application for up to 55 dwellings and detailed access from Hill End Road, with all other matters reserved.
Report by:	James Lloyd
Appendices:	Site Location Plan Framework Plan
Recommendation:	Minded to Permit
Reason for referral to Committee:	Major application and Parish Council objection.

1.0 SITE DESCRIPTION AND PROPOSAL

Purpose of the Report

- 1.1 This application was made to the Council on 2nd March 2021 and validated on the 24th of March 2021. The application determination date was the 23rd of June 2021. However, prior to that date consultees indicated that additional information would be required from the applicant, which had been submitted beyond the determination date. An extension of time was therefore agreed with the applicant until the 21st of July 2021. Notwithstanding this, on the 17th of August 2021 the applicant submitted to the Council a notification of intention to submit an **appeal against non-determination**. An appeal against non-determination of the application to the Planning Inspectorate was subsequently lodged. The Council must therefore advise the Planning Inspectorate of its views on the proposals.

Site Description

- 1.2** The site is a 3.15 hectare parcel of land and is roughly rectangular in shape. The site is situated to the east of Hill End Road and north of the urban edge of the village of Twynning. The planning status of the site is considered to be residential, however, a large number of trees were planted circa 10 years ago. These trees have matured at different stages but give the appearance of a woodland. There are numerous public footpaths that run through the site, connecting the residential area from the south with the wider countryside to the north. On the basis of the public representations received the site appears to be well used by the local community for recreational purposes such as dog walking.
- 1.3** The site slopes away to the east, which leads down to a pond surrounded by mature trees in the north eastern corner. To the north of the site is open countryside, with a presence of wayside properties of Hill End. To the southern boundary is the village edge, which comprises of the rear gardens of residential properties. The site is enclosed with mature, established hedgerows, with a mixture of interspersed tree planting and low level vegetation.
- 1.4** The site falls outside of the locally designated Landscape Protection Zone and outside of the Twynning settlement Boundary, as defined in the merging Borough Plan and Neighbourhood Development Plan. The site is located within Flood Zone 1 as defined by the Environment Agency's Flood Maps for Planning. A Grade II Listed building (Freeman's Court) is located across Hill End Road from the site.
- 1.5** A Tree Preservation Order (TPO) was made on the site on the 20th of October 2021. This is a Woodland TPO that covers the whole of the site. Members confirmed the order at Planning Committee in February 2022, the order is therefore now 'made'.

Appeal Proposal

- 1.6** The application is made in outline with all matters reserved, with the exception of the access from Hill End Road, reserved for future consideration (see attached plans).
- 1.7** The proposal is for up to 55 dwellings. The application is supported by an indicative planning layout plan which shows, amongst other things, areas of open space to the south and east of the site to act as a buffer between existing and proposed dwellings; a SuDS feature in further green space in the south eastern corner, the retention of existing and addition of new of public footpaths and a 'landscape margin' on the northern boundary.
- 1.8** It is proposed building heights would vary between 2 and 2.5 storeys around key nodes and gateways within the site. A 'Landscape corridor' and public open space would be at the centre of the development, providing links from the existing settlement to the open countryside to the north of the site.
- 1.9** The proposed dwellings would be a mix of open market and affordable tenures, with dwellings comprising of a mixture of 1, 2, 3 and 4 bedrooms. The application proposes an on-site contribution of 40% affordable housing.

2.0 RELEVANT PLANNING HISTORY

2.1 TPO 410 - To confirm the Woodland TPO without modification – TPO Confirmed 18.01.2022

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 SD3 (Sustainable Design and Construction)
- 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)

- Policy REV1 (Gloucester and Tewkesbury Housing Supply Review)

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

- Policy RCN1(Outdoor Playing Space)
- Policy TPT3 (Pedestrian Networks)
- Policy TPT6 (Cycle Parking)

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

- Policy RES1 (Housing Site Allocations)
- 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 NAT2 (The Water Environment)
- Policy NAT3 (Green Infrastructure: Building with Nature)
- Policy ENV2 (Flood Risk and Water Management)
- Policy HEA1 (Healthy & Active Communities)
- Policy RCN1 (Public Outdoor Space, Sports Pitch and Sports Facility Provision)
- Policy COM2 (Broadband Provision)
- Policy COM4 (Neighbourhood Development Plans)
- Policy TRAC1 (Pedestrian Accessibility)
- Policy TRAC2 (Cycle & Network Infrastructure)
- Policy TRAC9 (Parking Provision)

3.5 Neighbourhood Plan

Twynning Neighbourhood Development Plan – 2011-2031

- Policy GD1 (Development outside the development boundary)
- Policy GD3 (Development principles)
- Policy GD4 (Landscape and bio-diversity)
- Policy GD5 (Provision for vehicles)
- Policy GD6 (Effects on nearby occupants)
- Policy GD7 (Water resources, quality and flood risk)
- Policy GD8 (Lighting)
- Policy GD9 (Street paraphernalia)
- Policy H2 (Housing standards, design and mix)
- Policy H3 (Affordable housing)
- Policy LF1 (Infrastructure)
- Policy E3 (Broadband)
- Policy TP1 (Traffic)
- Policy TP2 (Access)
- Policy ENV3 (Sport, recreation and amenity value)

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 Twyning Parish Council: objecting to this application for the following reasons:

- The proposed development is outside the TNDP development plan boundary and would represent an incongruous and urbanising encroachment into open countryside;
- Destruction of this community woodland would cause significant and demonstrable harm to the character and appearance of the rural landscape and the irreversibly remove the health benefits and amenity value for families and residents in Twyning;
- The applicant cannot demonstrate that the foul sewage arising from the development proposed could be disposed of in an environmentally acceptable way without exacerbating existing problems with foul sewage infrastructure in the area;
- The applicant cannot demonstrate that surface water can be satisfactorily handled and the likelihood, even if the proposed system can be made to work, would inevitably lead to flooding elsewhere.
- The destruction of the woodland and by association the removal of habitat is contrary to the Wildlife and Countryside Act 1981 and the Wild Animals Protection Act 1996.
- Local opposition to this application has been extremely high with more than 200 objections including our local MP (Letter of Representation No. 78).
- We have been impressed by the support received from Borough Councillors with previous applications in unanimously supporting the TNDP and agreeing to refuse permission for similar speculative applications;
- This application uses selective analysis, inaccurate and out of date information and even misleading statements to justify the potential sustainability of the proposals. For example: there has not been a regular bus service in Twyning for a number of years: the field is described as gently sloping - it actually drops 14.21m across the site and regularly floods; specialist surveys and reports are predominantly desk-top, historic and where on-site surveys were undertaken, were mostly at inappropriate times.
- Destroying the local amenity and biodiversity of Twyning's Community Wood is at odds with Government carbon reduction and health and well-being initiatives.

The application clearly does not propose a sustainable development in any shape or form. The introduction of biodiversity net gain into development decisions when the Environment Bill is enacted later in 2021 will deter similar speculative applications even being validated by Planning Officers.

There are so many 'harms' created by this application and so many fundamental and substantive gaps in its justification.

Twyning Parish Council therefore urge you to strongly recommend refusal of this application.

- 4.2 Housing Enabling Officer:** Should the application be approved, the site will require to contribute to affordable housing requirements as per JCS policies SD4, 11 and 12. 40% on-site provision is required, with a 60% - 40% tenure split of Social Rent and Affordable Home Ownership.
- 4.3 Tree Officer:** Objection to the removal of trees that form woodland and hedgerows on site. The proposal would result in a significant loss of hedgerows and trees. A Tree Preservation Order (TPO 410 - Part Parcel 0025, Hillend, Twyning) has also been made on the site.
- 4.4 Environmental Health (Air Quality):** No objection, conditions recommended.
- 4.5 Environmental Health (Noise & Nuisance):** No objection to the application in terms of transport noise adversely impacting future residents. No objection to the application in terms of any noise / odour nuisance from the apparent agricultural activity to the east of the site.
- 4.6 Urban Design Officer:** No objection subject to conditions.
- 4.7 Gloucestershire County Council Strategic Infrastructure:** Planning obligations sought.
- 4.8 Conservation Officer:** No objection.
- 4.9 TBC Community Team/ S106:** Planning conditions and obligations sought.
- 4.10 National Highways:** No objection.
- 4.11 Public Rights of Way Officer:** Public rights of way should be retained and not obstructed or built over.
- 4.12 Natural England:** No comments to make; It is for the local planning authority to determine whether or not the proposal is consistent with national and local environmental policies.
- 4.13 County Archaeologist:** There is potential for significant archaeological deposits to be present within the application site. However, given the sensitive nature of the trees on site it would be inappropriate to require further pre-determination archaeological investigation. Therefore, should permission be granted a pre-commencement condition is recommended.
- 4.14 County Minerals & Waste:** No objection subject to conditions.
- 4.15 Woodland Officer:** The Forestry Commission is not in a position to advise on individual applications.
- 4.16 Severn Trent:** No objection.
- 4.17 County Highways Authority:** No objections subject to conditions and financial obligations.
- 4.18 Ecological Adviser:** No objections subject to conditions.

4.19 CPRE: Object. The site lies outside the settlement development boundary so that the proposal conflicts with Policies SP2 and SD10 of the Joint Core Strategy to 2031. The proposed development would result encroach into open countryside, damaging the character and appearance of the rural landscape and the setting of the village. Development of the site would result in the destruction of an established community woodland and wildlife haven, obliterating an important community asset which benefits the health and wellbeing of village residents and visitors.

4.20 Lead Local Flood Authority: No objections 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's for a period of 21 days and the publication of a press notice.

5.2 Approximately 296 letters of objection have been received raising the following issues which have been summarised below:

- The traffic count submitted was made during lock-down and is inaccurate given the traffic movements were reduced, this does not give a clear picture of the impact it would have on the village.
- There are currently no running buses to the village.
- The development would have a destructive an irreversible impact upon wildlife and habitats for various species on the site.
- The applicant has not carried out sufficient public consultation and engaged with local residents, citing COVID as a reason not to undertake such consultation is not acceptable. There were many other methods available to them such as webinars.
- Twyning is a village with limited services and would become overpopulated and under resourced if the development were to go ahead.
- Areas of woodland and natural habitat's should be protected, not destroyed.
- The parcel of land in question was planted with tree saplings in March 2012 and have since developed and matured into a sizeable woodland area.
- The felling of the trees would contradict the Government's efforts to reduce our carbon footprint, hitting planned zero carbon emissions by 2050.
- Tewkesbury Borough Council hopefully should be embracing the need for more woodland planting.
- There is no cycling infrastructure so each new home equals 2 additional cars further pollution to the local area and risk to any young people trying to explore the countryside.

- There is no green energy solution being considered in a time when our planet is under increasing pressure, Twynning has no mains gas so these homes will then increase the carbon footprint in a time where we all should be looking for carbon negative solutions.
- There are several brown field sites in the local area that can be developed rather than attacking our greenbelt.
- Approving the scheme would be contrary to the Twynning Neighbourhood Development Plan.
- Hill End Road is little more than a single track road in places and is already used as a "rat run" by vehicles heading to and from Strensham, Pershore and Evesham. In winter, Hill End Road is subject to significant patches of black ice due to water flow across the lane from higher lying fields but does not get gritted.
- The village lanes are much too narrow for the additional traffic which would be generated by the proposed development, making it even more dangerous for the pedestrians, cyclists and horse riders etc who use the lanes.
- Twynning School does not have sufficient capacity to accommodate more children from new developments which would force some children to go to schools outside of the village.
- Twynning has already surpassed the target for new houses until 2031.
- Twynning has succumbed to two Housing Developments and seems to be under constant threat of even more.
- The land is used is used by all generations throughout the day; from the young of the village via the scouting & guiding organisations to young families out for a gentle walk and not least our older generation as it provides relatively easy access to the countryside for those less fit with a small bench to rest and take in the views over Bredon in the distance.
- If the past year of the pandemic has taught us anything, it has to be to value our open spaces for the well-being of everyone not just for the financial benefit of the house builders.
- Twynning is encircled by Builders wanting to 'develop' green fields and turn them into housing estates.
- The road has always been problematic with lorries continually using road.
- The development is outside the village boundary.
- Disregard for properties on south boundary.
- Informal footpaths running close to properties cause nuisance.
- Poor layout with play area and pond close to existing properties.

- My description of the field is, 30% open grassland and 70% covered by over 1000 trees, all of which are over 10 years old and a lot of them between 15 and 30 feet tall.
- Twyning offers few employment opportunities, the school is already planning to use temporary accommodation, and there is no public transport serving the village.
- There is still no path from Church End to Twyning and the access to the A38 is far too narrow.
- Housing unlikely to be "affordable" to local families - it is more likely to result in people coming in and helping to destroy that which they purportedly seek to enjoy, through irreparable suburbanization.
- The unique character & aspect of the village needs to be retained - surely there are "brown field" sites or urban that could be (re) developed or - developers could work harder & more creatively.
- The supposed economic benefits are blandly overstated - short-term some 50FTE new jobs (presumably contractors - who are unlikely to be short of alternative locations for employment - coming in from outside) generating a "multiplier" effect to the local economy (it seems unlikely that a few purchases - if any - from the local shop will stimulate new trades or businesses in the village, should they actually be required).
- The proposals include a "play" area (LEAP) close to the boundaries of established properties along Hillview Lane: thus, not only is a potentially noisy & disruptive area proposed but it is placed next to existing gardens, to the detriment of their established, peaceful enjoyment.
- I was always led to believe that this land was slipping and that is why this land has never been built on, what has changed?
- There is also the added noise pollution and light pollution.
- Not only does this area support a range of local wildlife, it supports the mental and physical wellbeing of a range of people that frequently enjoy this space.
- Flooding of Downfield Lane during the winter months demonstrates that the drainage system cannot cope with rainwater currently. This would be made worse were more land to be covered with concrete and therefore be rendered unable to draw water into the earth.
- This is NOT a gentle slope and at the bottom of the hill is a large pond which as well as housing a number of animals, including newts, proves the fact that this area is very wet, as the underlying water runs into it.
- Twyning is defined as a Village and is in danger of becoming a suburb of Tewkesbury. Our country is based on villages towns and cities.
- There are numerous springs on this road making the proposed entrance dangerous, especially during the winter when it becomes icy, exactly in the point

that the entrance is suggested.

- The proposal suggests a footpath on Hill End Road with the addition of a retaining wall. The ownership of that land is debatable.
- 55 new houses could mean 110 extra cars to a village where the road infrastructure is inadequate.
- The parcel of land proposed for this development is a distinctive part of the character of the village.
- The surrounding hedgerows and natural areas are bound to be affected by increased human activity from the additional houses.
- Aerial views used in application. The image from Google appears to be from 3 years ago and does not represent the current size and density of the trees on the proposed site.
- Tewkesbury is one of the worst areas in the country that the general public can access woodland and going ahead with this application will only make things worse.
- The development is contrary to Policy SD10 of the JCS.
- The development is contrary to Policies GD1, GD3, H1 and LF1 of the NDP.
- Over the last 3 years there have been two significant developments and several smaller builds in the village. Twyning community needs a period for of stability and allow time for new residents to integrate into the community.
- I am concerned that we are trying to educate our children to plant trees and look after the natural world and this area is being destroyed.
- A large development close to Hillend residents will be very disruptive during the build period. There will be considerable lorry movement through the residential area.
- It is also likely there will have to be piling as per Bockeridge paddocks due to the nature of the ground. This will be noisy to those residents together with ground vibration. This has not been mentioned in the proposal.
- The residents of Hillview Lane would be subject to noise, dust and pollution during the construction.
- This field is in a prominent position with views out to the Bredon Hills. It will be an incongruous intrusion in the open landscape contrary to policy.
- The Strategic Housing Land Availability Assessment identified this site as unachievable, and it was not promoted in the SHLAA. Furthermore, the Landscape and Visual Sensitivity Study assessed this site a 'HIGH' in both regards.
- The proposed development would represent an incongruous and urbanising

encroachment into open community woodland which would cause significant and demonstrable harm to the character and appearance of the rural landscape.

- Due to no natural drainage and the nearest ditch in downfield lane so far away, the farm at the bottom of the field will be overcome with water.
- The plan is for predominately 2 storey houses. The majority of the site would adjoin existing bungalows in Hill View Lane which is the last row in an estate of predominately bungalows. Building 2 storey houses would not be in-keeping with the existing properties.
- The provision of street lighting would again be adding to the problem of light pollution let alone destroying the rural feel of our village.
- There is no mains gas in Twyning.
- Removal of 100 metres of native hedgerow.
- Twyning is a village that has been bombarded by developers, pushing us beyond our capacity for roads, school, drainage, electrical supply, broadband and surface water removal.
- The proposed development does not meet the aims, sentiment or policies outlined in the Twyning NDP.

5.3 A letter of objection has also been received from Laurence Robertson M.P. His comments are summarised as follows:

- The proposal is contrary to the development plan.
- Twyning was not identified by the Council as being suitable to meet the need above those developments already permitted.
- There is not an immediate need in Twyning for housing.
- It does not seem fair to expect Twyning to accommodate more dwellings given the multiple new developments in the area.
- The lanes are already struggling with the vehicles using them.
- The site is isolated with no regular bus service, which means that property owners are reliant on cars.
- There are no bus stops within the village.
- The road infrastructure is not adequate to accommodate road users.
- It is damaging to uproot the trees and destroy the habitat in order to build homes.
- It would add to the already struggling drainage system in the village.
- Rainwater run off from the development would exacerbate existing issues.

- The school is already oversubscribed.

5.4 Additionally, one letter of support has been submitted, the details of which are summarised below;

- The previous owner agreed to use this parcel of land for public use 10 years ago with a condition it could be used for housing after the 10 year period. The site has been used for dumping waste and the council should approve the plans for housing.

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 Policy SD10 of the JCS states that within the JCS area new housing will be planned in order to deliver the scale and distribution of housing development set out in Policies SP1 and SP2. Housing development will be permitted at sites allocated for housing through the development plan, including Strategic Allocations and allocations in district and neighbourhood plans. On sites that are not allocated, housing development and conversions to dwellings will be permitted on previously-developed land in the existing built-up areas of Gloucester City, the Principal Urban Area of Cheltenham and Tewkesbury town, rural service centres and service villages except where otherwise restricted by policies within District plans. Policy SD10 follows that housing development on other sites will only be permitted where:

- i. It is for affordable housing on a rural exception site in accordance with Policy SD12, or;
- ii. It is infilling within the existing built up areas of the City of Gloucester, the Principal Urban Area of Cheltenham or Tewkesbury Borough's towns and villages except where otherwise restricted by policies within District plans, or;
- iii. It is brought forward through Community Right to Build Orders, or;
- iv. There are other specific exceptions / circumstances defined in district or neighbourhood plans.

7.2 Policy GD1 of the Twyning Neighbourhood Development Plan (TNDP) states that proposals for new housing outside the development boundary, and not on sites designated for residential development, in the open countryside will be supported if they meet one or more of the following criteria and comply with all other policies in the development plan:

- a) Replacement dwellings;
- b) Rural exception housing to meet an identified Parish need in accordance with Tewkesbury Borough Council policy;
- c) Agricultural and forestry dwellings;
- d) Where proposals would involve the re-use or conversion of an existing building and accords with the relevant development principles set out at Policy GD3; or
- e) The future Local Plan for Tewkesbury identifies an additional need for further housing in Twyning as a service village beyond the sites designated for residential development in this plan and the defined development boundary.

- 7.3 The application site is Greenfield land that lies outside of the defined settlement boundary for Twyning as defined in the Twyning Neighbourhood Development Plan and is not allocated for housing development. The site does not represent previously developed land within the built-up areas of a service village; is not a rural exception scheme; and does not represent 'infilling'. It has not been brought forward for development through a Community Right to Build Order and there are no policies in the existing Tewkesbury Borough Local Plan to 2011 which allow for the type of development proposed here. The proposal therefore conflicts with policy SD10 of the JCS and policy GD1 of the TNDP.

Emerging Tewkesbury Borough Plan

- 7.4 Policy RES2 'Settlement Boundaries' states that within defined boundaries of Tewkesbury Town Area, the Rural Service Centres, the Service Villages and Urban Fringe Settlement the principle of residential development is acceptable subject to the application of all other policies in the plan. A Settlement Boundary to Twyning has been identified.
- 7.5 The appeal site lies beyond the Twyning settlement boundary.
- 7.6 Policy RES3 'New Housing Outside Settlement Boundaries' accepts the principle of new housing where it consists of, amongst things, "*....very small scale development at rural settlements subject to Policy RES4*" (criterion 3), "*..a rural exception site for affordable housing*" subject to Policy RES6 (criterion 5) and "*a site that has been allocated through the Development Plan*"(criterion 7).
- 7.7 The Proposal does not accord with any of the criterion of this policy.
- 7.8 Policy RES4 'New Housing at other Rural Settlements' accepts the principle of very small-scale residential development within and adjacent to the built-up areas of other rural settlements" (i.e. those not featured within the settlement hierarchy).
- 7.9 Paragraph 3.31 of the Reasoned Justification explains this policy does not apply to Twyning as it is a Service Village.
- 7.10 The proposal therefore conflicts with policy RES2 of the Emerging Tewkesbury Borough Plan.

Five Year Housing Land Supply

- 7.11 As set out in the latest Tewkesbury Borough Five Year Housing Land Supply Statement published in January 2022 (April 2021 base), 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 8 of the NPPF and in accordance with Paragraph 11(d) 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: 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.

- 7.12** Members will be aware that the Council's approach to calculating housing land supply has been challenged in recent appeals and the courts. Significantly, however, the Inspector who recently decided the appeal relating to land the north west of Fiddington (2nd March 2022) confirmed the Council's five year housing land supply as outlined above. Importantly, in doing so he confirmed that past 'oversupply' arising from a surplus of historic housing completions is a matter which should be factored into the Council's supply calculation, despite the appellant's contention to the contrary.
- 7.13** Members will also know that the Inspector's Report on the emerging Tewkesbury Borough Plan is imminently expected and once adopted, this will include a number of sites which can reasonably be expected to deliver housing within the next five years. Whilst the land supply position will also need to be formally updated, officers fully expect to be able to report a housing land supply in excess of five years at that point, in compliance with NPPF paragraph 74.
- 7.14** Accordingly, whilst the Council cannot currently demonstrate a five year supply and the tilted balance is engaged in this case, the planning balance should be approached in the context of a realistic expectation of the Council shortly being able to demonstrate a five-year housing land supply.

Status of the Twyning Neighbourhood Development Plan

- 7.15** Paragraph 14 of the Framework states that in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:
- i. the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
 - ii the neighbourhood plan contains policies and allocations to meet its identified housing requirement;
 - iii the local planning authority has at least a three-year supply of deliverable housing sites (against its five-year housing supply requirement, including the appropriate buffer as set out in paragraph 73); and
 - iv the local planning authority's housing delivery was at least 45% of that required over the previous three years.
- 7.16** The TNDP was adopted as part of the development plan on the 17th April 2018 and is therefore older than two years. Consequently, it no longer benefits from the protection that would have been afforded by paragraph 14 of the Framework. However, the TNDP remains an integral component of the adopted development plan and decision makers should continue to have full regard to it in determining planning applications.

Conclusions on Principle of Development

7.17 It is noted that objections have been raised on the grounds that Twyning has met, if not exceeded, the numbers referred to in the NDP which arose from the Housing Background Paper supporting the JCS/Borough Plan. Nevertheless these numbers were indicative only and whilst the conflict with the development plan weighs against the proposal, it's policies in relation to the provision of housing are out of date for the reasons set out in paragraph 7.1.11 above. Therefore, 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.

Landscape, visual impact, and design

7.18 The NPPF sets out that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. JCS Policy SD6 states that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. Proposals will have regard to local distinctiveness and historic character of different landscapes and proposals are required to demonstrate how the development will protect landscape character and avoid detrimental effects on types, patterns and features which make a significant contribution to the character, history and setting of a settlement area.

Policy GD4 of the TNDP requires development to respect the local landscape quality and ensure that important public views are maintained wherever possible. Development shall be of a height, massing and appearance that does not adversely affect important public views.

7.19 The application is accompanied by a 'Landscape and Visual Appraisal' (LVA) which was undertaken in January 2021. This sets out that the site, plus the land to the north were included in the Tewkesbury Borough Council Landscape and Visual Sensitivity Study (LVSS) by Toby Jones Associates. Both parcels of land, referred to as TWY-01 are identified as having a high landscape character sensitivity and a high visual sensitivity. The application site is a smaller portion of the larger area of land assessed by the LVSS.

7.20 The site is within the Twyning Hills character type, due to the topography of the land. The LVA identifies the following visual receptors:

- Recreational users of the 4 public rights of way within the boundary of the site;
- Transient users of Hill View Lane;
- Transient users of Hill End Road;
- Residents of Hillview Lane and Hill End Road;
- Recreational and residential users of green space on Hillview Lane;
- Recreational and residential users of footpaths outside of the application site (including within the Cotswolds AONB);

7.21 The LVA summarises those views within the primary visual envelope of the site are limited to within 120m and are localised in nature. Where views are limited due to the localised topography, the presence of built form to the north, south and east and west and the presence of well vegetated boundaries both within the site and surrounding field parcels. The LVA goes on to conclude that the site does not share the characteristics of the wider Low Hills and Commons landscape character type and does not extend into the wider agricultural countryside. It judges that the internal landscape features (trees), are at odds with the host landscape character area. This indicates that the development site is of no more than local value. The report further concludes that whilst users of on-site designated and undesignated footpaths would see a change throughout the development site. A high level of access and permeability would be retained across the site with a selection of routes connecting to the wider countryside.

It acknowledges that views from receptors to the north of the development on elevated ground would experience visual change. However, considers that this would be seen within the context of the neighbouring development and would be mitigated by enhancement of the northern boundary and addition of on-site planting.

7.22 The LVA finally concludes that development would be characteristic of and seen in context with existing residential development. The development would be of a similar scale, massing and design to other development, which would provide a good contextual fit. The development would not be visually dominant within the wider landscape and the nature of the views, composition, features and elements within the wider context would remain unaltered.

7.23 It is agreed that views of the site are restricted due to topography and the existing urban edge of the village. There are already well established field boundaries on the northern and western boundaries. Long distance views could be seen; however, these would be filtered by existing structural landscaping and would be seen against the back drop of the existing village. There would be a more localised change along Hill End Road. The access point and requirement for footways and visibility splays would alter the existing rural character.

7.24 The Council has commissioned a Landscape Consultant (LC) to assess the submitted LVSS and the overall landscape impacts of the proposal. This assessment covered the landscape impact and visual effects on receptors on the site and surrounding area. The LC report values the quality of the site at varying levels; Medium for Site and Medium/High for open landscape to north towards Hill End. Low for Hillview Lane residential area. Medium for Hill End Road. It recognises that the site is not allocated as a national landscape designation, nor is it an adopted local designation as a Special Landscape Area, Landscape Protection Zone or Strategic Gap. The site is also not classified as an Exemplar landscape or setting to a designated feature. The report also highlights that the Twynning Neighbourhood Plan does not single it out for landscape value and the site is not within any "important public views in the parish". It is also not identified as an "area being of particular nature conservation interest" nor is it an "area identified as important for sport, recreation and amenity space". It is, however, clear from the public consultation responses that it is highly used and valued by members of the public.

- 7.25** The report identifies that the landscape value, susceptibility and sensitivity are all rated at medium for the site. The Landscape section concludes that the proposal would result in the loss of a developing woodland which is seen a positive contribution, the extension of built form into the countryside and the localised loss of rural character along Hill End Road.
- 7.26** In terms of visual impact, there would be adverse impacts from path users of the Public Right of Ways, the urbanisation of Hill End Road, the reduction in recreation value for users across the footpath and the change in character of long views to Bredon Hill down the back of Hillview Lane.
- 7.27** The LC summarises that the proposal as currently indicated would not protect the intrinsic character and sensitivity of the landscape to the north of the Site which would conflict with JCS Policy SD6. There is no conflict with any national or localised landscape designations. There are no specific TNDP landscape policies, and the site has not been identified as a specific nature conservation area or a sports and amenity area in the plan. Therefore, there appears to be no specific TNDP landscape policy that the proposals comply or conflict with. It is also not considered that the site is a 'valued landscape' as a site has to be more than just local popularity to make it a valued landscape. It needs demonstrable landscape characteristics that set it above the ordinary (as per the NPPF para 174).
- 7.28** In light of the above, there would inevitably be intrinsic landscape harm arising from the proposals, given the encroachment into the countryside, the loss of trees and the impact upon Hill End Road. Nevertheless, the site is not located within a national or local designation, and it is located adjacent to the existing settlement. The existing structural landscaping around the site, specifically to the north could be retained and enhanced and there is potential to further minimise harm through sensitive design at reserved matters stage. Therefore, whilst harm would arise from the proposal it is not considered that this harm would be significant.

Trees and Arboricultural Impact

- 7.29** Policy GD4 of the TNDP sets out that where appropriate, proposals for new development shall be accompanied by a landscape strategy which will identify existing landscape features and set out measures to be taken to safeguard, and where appropriate enhance, existing trees, hedgerows and other landscape features. Development shall seek to retain and manage existing woodland areas, in-field trees, boundary trees and hedgerows. Removal of such features will be resisted.
- 7.30** The site features a large number of trees of mixed species including comprising of oak, birch, ash, willow, cherry, hawthorn and hazel. Following the erection of fencing around the site a TPO was made to protect and safeguard the woodland area as it was considered that the trees were under imminent threat of being felled due to the outline planning application. The Council's Tree Officer deemed that a woodland TPO was suitable and judged that the site provided a high public amenity, landscape, and wildlife value both presently and for future potential. Following this the woodland TPO was put forward to Members at February Planning Committee in order to 'confirm' the TPO. Upon being put to the vote, Members resolved that the PO be confirmed without modification.

- 7.31** The application has been supported by a Preliminary Arboricultural Impact Assessment that seeks to identify the value of the trees and potential impact that any development would have upon them. The supporting indicative 'Tree Retention Plan' proposes the removal of a number of trees from the site, whilst a 'landscape margin' would be created to the north of the site. The assessment also indicates that a number of trees are Ash and regardless of the outcome of the application would require removal due to ash dieback.
- 7.32** Upon making the TPO the Council's Tree Officer contends the value of the group of trees that supporting Preliminary Arboricultural Impact Assessment makes, and judges that the site provides high public amenity value due to the public rights of way that cross through the woodland, the public amenity value is further enhanced as the woodland can be seen from numerous points around the village.
- 7.33** The application is presented in outline form and therefore definitive details as to how many trees would be removed from site have not yet been provided. An indicative plan has been submitted to demonstrate the potential layout and the potential retention of any trees. The agent has also advised that a Mitigation Plan will be provided prior to planning committee which seeks to outline how the existing trees could either be retained or replaced on site. **Members will be updated with this plan either prior to or at the Planning Committee meeting.**
- 7.34** As previously discussed, the site is subject to several Public Rights of Way (PRoW's) crossing through and around it. These are clearly well used and defined pathways that provide a high level of public benefit. However, it should also be noted that the site is only accessed via these PRoW's given that the land remains in private ownership. Whilst it is clearly evident that the site provides a high level of visual and recreational amenity, this is limited to the routes of the public footpaths. Notwithstanding the removal of trees to accommodate the proposed development, there is also opportunity for the scheme to provide a high level of mitigation, which is managed and accessible to all. Any forthcoming development would look to provide areas of public open space that are not just limited to ProW corridors and can provide public recreation and visual amenity.
- 7.35** The Woodland TPO sought to protect and safeguard trees that were believed to be under imminent threat of being felled due to development. The TPO has achieved this and would now allow for any tree removal (where required) to be undertaken in a managed fashion with the approval of the Council.
- 7.36** It is acknowledged that the application is in outline form, however, it is considered that given the quantum of development and the additional available space on site an appropriate layout and tree mitigation strategy could be achieved. It is regrettable that trees should be lost through development, however, the benefits that can be provided by way of the managed loss of some trees, the provision of new, improved public recreational space and additional well managed tree planting to mitigate tree loss elsewhere on the site can overcome this.
- 7.37** Given the above, it is considered that weight can be given to the importance of the trees on site in terms of the public benefit and harm would occur as a result of the loss. However, this harm is lessened due to the ability for on-site mitigation and retention of some of the trees, as well as the option to provide accessible public open space.

Design & Layout

- 7.38** Section 12 of the NPPF sets out that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. It continues by stating that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Planning decisions should, amongst other things, ensure that developments will function well and add to the overall quality of the area and should be sympathetic to the local character, including the surrounding built environment. Paragraph 134 of the NPPF makes it clear that planning permission should be refused for development of poor design that fails to reflect local design policies and government guidance on design contained in the National Design Guide and National Model Design Code.
- 7.39** The National Design Guide (NDG) addresses the question of how we recognise well-designed places, by outlining and illustrating the government priorities for well-design places in the form of ten characteristics; one of which is the context. The NDG provides that well-designed development should respond positively to the features of the site itself and the surrounding context beyond the site boundary and that well-designed new development needs to be integrated into its wider surroundings, physically, socially and visually.
- 7.40** This advice is echoed in JCS policy SD4 which states new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. It should be of a scale, type, density and materials appropriate to the site and its setting.
- 7.41** Policy RES5 of the emerging TBP states proposals for new housing development should, inter alia, be of a design and layout that respects the character, appearance and amenity of the surrounding area and is capable of being well integrated within it and be of an appropriate scale having regard to the size, function and accessibility of the settlement and its character and amenity, unless otherwise directed by policies within the Development Plan.
- 7.42** Policy GD3 of the TNDP states that new development should reflect the historical growth that has shaped the distinctive character of Twyning Parish respecting the pattern of development, its grain, density, and materials within the immediate area.
- 7.43** All matters relating to the design and layout are reserved for future consideration. However, the application includes an Illustrative Framework Plan (FP) which indicates how the site could be developed. In addition, the submitted Design and Access Statement (DAS) sets out the development objectives. The purpose of the FP is to provide guidance for the detailed stage of future reserved matters applications. The DAS aims to detail how the proposal evolved, including an assessment of the site and its context, identification of the constraints and opportunities which lead to the key urban design principles for the development and an explanation of how the site is proposed to be developed in design terms.

7.44 The DAS provides an overview of the Framework Plan. These include:

- Public open space at centre of development to provide a link from existing settlement to the wider countryside to the north.
- Landscaped buffer to south to provide offset to existing homes and enhanced footpath network.
- A retained woodland area to the east of the site.
- The retention of public footpaths through the site.
- The attenuation area is located to the south east of the land.
- An area allocated for play (LEAP/LAP) are shown on the FP.
- A Landscape corridor creates vista to wider countryside.
- New vehicular access into the site from Hill End Road.
- Pedestrian/ cycle route provide connectivity throughout the development and into the wider landscape.
- Outwardly facing development to respond to Hill End Road and create active and overlooked spaces.
- Scale of development in proportion with the wider settlement.
- Potential to formalise footpath along Hill End Road.
- Opportunity to enhance and formalise established footpath link to the south (Hillview Lane)

7.45 The Council's Urban Design Officer (UDO) has assessed the proposed design approach as set out in the submitted Design and Access Statement (DAS) and the Illustrative Framework Plan (FP). The UDO initially considered that the submitted information within the DAS was minimal and requested further information to demonstrate compliance with the National Design Guide.

7.46 As a result of this an addendum to the DAS has been submitted which identifies proposed building heights, density, developable areas, and street hierarchies. The UDO has assessed the additional information and notes the site is well related to the existing settlement of Twyning, although it is extending beyond the main built area of the village and into open countryside. The UDO considers that the proposed quantum can be achieved on the site, however, the submitted information remains light on design and character and how the site might respond to local character and identity.

7.47 It is judged that the proposal could be seen as an extension to the village in terms of morphology, sitting adjacent to the existing settlement edge. The development would continue the theme of housing development that took place in the latter half of the 20th century around Hill End Road, Hill View Lane, Goodier's Lane, Nut Orchard Lane and Paxhill Lane. The proposed extended buffer to the northern and eastern boundaries would help to provide a transition between the proposed built form and the landscape.

7.48 Officers consider that the indicative layout as shown on the submitted DAS and FP would require more work to meet the high standards of design set out in the relevant national and local planning policy. Notwithstanding this, officers consider that this is capable of being resolved through a condition, which is echoed by the UDO. Any future reserved matters application would thereafter need to be in accordance with the approved Design Principles document.

Accessibility and highway safety

7.49 The NPPF sets out that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making. Further, development should only be prevented or refused on highways grounds where there would be an unacceptable impact on highway safety or the residual cumulative impacts of development are severe. Policies TRAC9 of the emerging TBP state that proposals need to make provision for appropriate parking and access arrangements. Policy TP1 of the TNDP echoes this and states that development will only be permitted where it will not cause a severe adverse traffic impact and increase in the volume of traffic within Twynning Parish that cannot be acceptably mitigated, particularly where the road network is narrow and pedestrian facilities inadequate.

7.50 The application is supported by a Transport Statement which includes a stage 1 Road Safety Audit. Additional information was requested by the Local Highway Authority (LHA) which included more details regarding footpath provisions and retaining walls. This has been submitted and subsequently reviewed by the LHA.

7.51 A number of concerns have been raised by the local community in respect of traffic and transport, including the suitability of the local road network to take additional traffic, accessibility and road safety, particularly the lack of a footway between the site and the rest of the village.

7.52 The application advises that the site access would be provided via a new priority junction with Hill End Road on the western boundary of the site. Hill end Road currently has a carriageway width of c.4.3m and would be widened to 5.5m, which would mirror that of the existing carriageway to the south of the application site. The proposed access junction comprises a 5.5m wide carriageway with a 6m kerb radii and 2m wide footways either side. The footways would continue either side of the access road into the site.

7.53 In terms of pedestrian access, this would be achieved via the site access junction with a 2m wide footway along the eastern side of Hill End Road and would continue along an existing grassed verge before connecting with the existing footway to the south. The site would also be connected to existing footpaths that lead south into the village.

7.54 Given the proximity of the site to Junction 1 of the M50, Highways England were consulted and they offered no objection.

7.55 The LHA advise that following the provisions of the requested details, the proposed access is considered acceptable in highways safety terms subject to appropriate conditions. It is noted by the LHA that the new footway on the eastern edge of the site would be a key piece of infrastructure and delivery of this should be secured by way of a condition should members be minded to support the application.

- 7.56** In terms of the impact of the development upon the highway network, the LHA have reviewed the site selection criteria used in the assessment and are satisfied with its findings. The LHA concludes that the level of new trips would not result in any safety or capacity concerns on the highway network.
- 7.57** With regard to accessibility, it is noted that Twyning is identified as a service village and has suitable levels of services and facilities to support limited growth. These facilities include a primary school, church, village store and public houses which are in walking distance of the site. As such the LHA consider that the number of trips could be self-contained within Twyning and reduce the reliance on private vehicle trips.
- 7.58** Whilst the application is made in outline, it is acknowledged that full details, including vehicle and cycle parking, swept path analyses for all types of vehicles, traffic calming measures and pedestrian/cycle routes would need to be fully assessed at reserved matters stage. Similarly, the numbers of vehicle/cycle parking spaces would be fully considered at reserved matters stage.
- 7.59** Overall, whilst it is clear that some journeys would rely on the private car, given the service village status of Twyning, and the recommendation by the LHA that a Travel Plan be secured as part of any approval, the proposal is considered acceptable in this regard. There is no objection from the highways authorities subject to conditions and therefore the application is considered to accord with the above development plan policies.

Residential amenity

- 7.60** In respect of the impact of the development upon residential amenity, paragraph 130 of the NPPF specifies that planning decisions should ensure development creates places with a high standard of amenity for existing and future users. This advice is reflected in JCS policies SD4 and SD14 which require development to enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space. Development should have no detrimental impact on the amenity of existing or new residents or occupants.
- 7.61** The application is in outline and seeks permission for up to 55 dwellings. The specific relationship between the proposed development and the surrounding built form on the site boundaries would need careful consideration as part of any future reserved matters application. As the proposals seeks consent for up to 55 dwellings this is a maximum value and could be reduced should it be necessary to achieve a satisfactory scheme in respect of the overall design and amenity.
- 7.62** Policy SD11 of the JCS states that new housing should meet and where possible exceed appropriate minimum space standards. Policy DES1 (Housing Space Standards) of the emerging MMTBP requires all new residential development to meet the Government's nationally described space standards as a minimum, to ensure that high quality homes are delivered that provide a sufficient amount of internal space appropriate for occupancy of the dwelling. Whilst this is not currently an adopted policy, these space standards could be secured as part of any future reserved matters application.

Affordable Housing & Housing Mix

- 7.63** 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 H3 of the TNDP requires affordable housing to be in accordance with the Council's adopted development plan policies.
- 7.64** Policy SD11 of the JCS requires all new housing development to provide an appropriate mix of dwellings sizes, types and tenures in order to contribute to mixed and balanced communities and a balanced housing market. Development should address the needs of the local area and should be based on the most up to date Strategic Housing Market Assessment. The Gloucestershire Local Housing Needs Assessment 2019 – Final Report and Summary (September 2020) (LHNA) provides the most up to date evidence based to inform the housing mix on residential applications.

Affordable Housing

- 7.65** The application is accompanied by an affordable housing statement which proposes that 40% of the proposed housing would be affordable, this would equate to 22 dwellings. Of that a tenure split of 50:50 affordable rented to intermediate split is proposed and includes a mix of house types.
- 7.66** In respect of the Affordable Housing, the Housing Enabling Officer (HEO) has reviewed the application and accepts in principle that the application will be policy compliant in terms of the amount offered (40%). However, it is advised that a mix would be expected to be 60% social rent and 40% affordable home ownership.
- 7.67** In terms of accessibility the Gloucestershire Local Housing Needs Assessment 2020 supports 50% of the affordable homes to be M4(2) former life time homes standard and 5% M4(3)B disabled access/wheelchair access. (JCS Policy SD11 and JCS Policy SD4). Preferred housing unit standards should be Nationally Described Space Standard sizes and all units should also be double bed space.
- 7.68** Following continued negotiations, the applicant has now agreed, on a without prejudice basis, to provide the Affordable Housing tenure and mix as requested by the Council's Housing Strategy and Enabling Officer. For clarity, this is:

40% on-site provision, of which;

60% of the units would be Social Rented

40% of the units would be Affordable Housing for sale (shared ownership)

Officers consider that based on the overall quantum and tenure split the proposed scheme is policy compliant. Should permission be granted, this obligation, along with details of the clustering, would need to be secured via a legal agreement.

Market Housing Mix

- 7.69** The Planning Statement sets out that the proposed housing would include a variety and range of dwelling types that includes 1 bed – 4 bed properties. Given the proposal is in outline, a condition is recommended to secure the market housing mix so that the schedule of accommodation would 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

- 7.70** JCS Policy INF2 advises that development proposals must avoid areas at risk of flooding and must not increase the level of risk to the safety of occupiers of a site and that the risk of flooding should be minimised by providing resilience and taking into account climate change. It also requires new development to incorporate Sustainable Urban Drainage Systems (SuDS) where appropriate to manage surface water drainage. This is reflected in emerging BP policy ENV2. Similarly, Policy GD7 of the TNDP states that for developments in areas with known surface water flooding issues, appropriate mitigation and construction methods will be required. New development in areas with known ground and surface water flooding issues will seek to provide betterment in flood storage and to remove obstructions to flood flow routes where appropriate.
- 7.71** The dwellings would be located entirely in Flood Zone 1, an area identified by the Environment Agency at a low risk of flooding from rivers and seas. However, as the site is over 1 hectare, in accordance with the requirements of the NPPF, the application is supported by a Site-specific Flood Risk Assessment and Drainage Strategy (FRA).
- 7.72** The FRA details the surface water management strategy which shows a variety of SuDS techniques to attenuate surface water, such as an attenuation pond, swales and permeable paving. The Lead Local Flood Authority (LLFA) note discharge rates from the site are to be managed by attenuation to greenfield runoff rates are calculated in a way that is acceptable to the LLFA. It is highlighted that a discharge connection into the River Avon via a ditch network that is connected to an existing pond is only assumed and no proof to its existence or capability of carrying the required volumes has been submitted. The LLFA consider it is likely that there is a connection but a detailed design strategy would be required. The LLFA advise that this information could be provided by way of a condition, should members be minded to permit the proposal.
- 7.73** In terms of foul drainage, the proposal is to connect into the existing mains sewage system. However, issues have been raised during the consultation process regarding the existing sewerage system serving the village. Officers are aware that there have been issues with foul sewerage in the village, however Severn Trent Water (STW) has been consulted as the relevant statutory undertaker for foul sewerage in the area. STW has concerns regarding the proposed pumping station approach and would rather it be based on a gravity connection into the sewer in the highway. The applicants have agreed to this approach and resubmitted details to STW for assessment. STW have responded and now raise no objection to the proposal to discharge to the public foul sewer, and all surface water is proposed to discharge to sustainable drainage and existing watercourse.

Biodiversity

7.74 The NPPF sets out, inter alia, that when determining planning applications, Local Planning Authorities should aim to conserve and enhance biodiversity by encouraging opportunities to incorporate biodiversity in and around developments, especially where this can secure measurable gains for biodiversity. Policy SD9 of the JCS seeks to protect and, wherever possible enhance biodiversity, including wildlife and habitats. Emerging Policy NAT1 of the TBP states that development proposals that will conserve, and where possible restore and/or enhance, biodiversity will be permitted. In a similar vein, Policy GD4 of the TNDP states that development will normally be expected to protect and enhance existing ecological corridors and landscape features for their biodiversity value. New development should avoid causing harm to the network of local ecological features such as watercourses, ponds, hedgerows and tree lines. If resulting harm cannot be avoided, adequately mitigated or, as a last resort, compensated for, then permission will not be granted.

7.75 The application is supported by an Ecological Appraisal (EA). The EA advises that the majority of the habitats of most ecological importance (hedgerows and mature woodland) will be retained within the development proposals with losses limited to provision of site access and associated visibility splay to the west. Losses would be required in much of the woodland plantation and marshy grassland/poor semi-improved grassland areas.

The baseline report identified:

- There are no statutory designations of nature conservation value within or immediately adjacent to the site. The nearest statutory designated site is Upper Meadow and Summer Leasow Site of Special Scientific Interest (SSSI), which is located approximately 730m east of the site.
- Brendon Hill Special Area of Conservation (SAC) is located within 4km of the site.
- In terms of habitats, the site comprises of amenity grassland, dese scrub, hedgerows, marshy grassland, mature woodland, plantation, pond, semi-mature woodland, log pile, and poor-semi improved grasslands. The Ecological importance of these habitats range from negligible to local ecological importance.
- General observations were made during the surveys of any faunal use of the site. In addition, specific surveys have been undertaken.

7.76 The Council's Ecological Advisor has reviewed the submitted information. The Ecological Advisor originally recommended updated survey/information in relation to bats and the potential for roosting features and Great Crested Newts, Dormouse surveys and Reptile surveys prior to determination. A Briefing Note and Ecological Addendum in response to the requests was submitted by the applicant. Having reviewed the Notes, the Council's Ecological Advisor confirmed that no additional survey work is required prior to the determination of the application.

- 7.77** The Council's Ecological Advisor advises that a Construction and Ecological Management Plan (CEMP) would also be required to cover mitigation for all key protected species including dormice, reptiles, GCN, bats, hedgehogs (i.e. include hedgehog gaps under fencing), which should be informed by the submitted ecological reports. The CEMP should include a bat sensitive lighting scheme (showing lux levels) to be informed by bat activity surveys.
- 7.78** As mentioned above, the site lies approximately 730m east of the site, this is within the impact risk zone for the Bredon Hill Special Area of Conservation (SAC). Policy NAT1 of the emerging MMTBP states that proposals that are likely to have a significant effect on an internationally designated habitats site (either alone or in combination with other plans or projects) will not be permitted unless a Habitats Regulations Assessment (HRA) has concluded that the proposal will not adversely affect the integrity of the habitats site. The Ecological Addendum outlines reasons why the impact on Bredon Hill SAC and Upper Meadow and Summer Leasow SSSI are not considered significant, although it does not consider whether there would be cumulative effects from other development in the area. The Ecological Advisor has requested that these effects are considered by way of a shadow HRA which is submitted prior to determination.
- 7.79** In addition to the above, Policy NAT1 of the MMTBP states, inter alia, that proposals will, where applicable, be required to deliver a biodiversity net gain (BNG) across local and landscape scales, including designing wildlife into development proposals, the connection of sites and large-scale habitat restoration, enhancement and habitat re-creation. Locally defined ecological networks identified in Local Nature Recovery Strategies will be the primary focus for landscape scale net gain delivery.
- 7.80** The requirements of the emerging Policy NAT1 of the Main Modifications Tewkesbury Borough Plan (MMTBP) expects all development to deliver a minimum biodiversity net gain of 10%. Given the MMTBP remains an emerging plan and as there is an unresolved objection to this emerging policy, officers consider in this instance the requirement should be to contribute positively to and provide net gains for biodiversity in accordance with requirements of Policy SD9 of the JCS and guidance in the NPPF. As such, should planning permission be granted, officers recommend a condition requiring a biodiversity net gain assessment using the Defra Biodiversity Metric is prepared and submitted to the Local Planning Authority and then implemented in accordance with the approved details. This approach is agreed by the Council's Ecological Advisor.
- 7.81** Given the above, a planning obligation at this stage to secure any off-site habitat enhancements to ensure the development provides a net gain for biodiversity is not required.
- 7.82** In conclusion, subject to the to the imposition of appropriate planning conditions/ obligations officers have no objection to the application in respect of its impact upon ecology.

Public Rights of Way

- 7.83** Four Public Rights of Way (PROW) run through the site (ATW19, ATW20, ATW21 and ATW22). All footpaths connect to Twyning to the south with two PROW running through the centre of the site (ATW19 & ATW21), one along the eastern boundary (ATW20) and the other running along the southern boundary of the site (ATW22). The indicative site layout shows how these could be accommodated; however, the proposal would involve the diversion of ATW21 and the loss of ATW19.

- 7.84** The PROW Officer has commented and advises that these footpaths should not be built over or obstructed, she would also not like to see all of the footpaths lost to development.
- 7.85** At this stage the layout is indicative and there is opportunity for the footpaths to be retained within the site with potential re-diversion. It is considered that the proposal could incorporate PROW within its design that would not result in a loss of the connectivity from the urban fringe to the south up to the open countryside to the north.

Heritage Assets

- 7.86** Section 66 of the Listed Buildings and Conservation Area Act places a statutory duty on LPAs to have special regard to the desirability of preserving the setting of listed buildings. Policy SD8 of the JCS sets out that development should make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment. Designated and undesignated heritage assets and their settings will be conserved and enhanced as appropriate to their significance, and for their important contribution to local character, distinctiveness and sense of place. Consideration will also be given to the contribution made by heritage assets to supporting sustainable communities and the local economy.
- 7.87** The Conservation Officer has been consulted and confirms that there are no designated or non-designated heritage assets identified within the site. However, The South West corner of the proposed development site is diagonally across the lane from Freemans Court and outbuildings which is a Grade II Listed building. The Conservation Officer notes that the application is in outline form and therefore any details regarding layout, house design and mitigation through landscaping are reserved for later applications. As such it is only possible to assess what could be achieved to mitigate any future harm if the developers agree to such measures.
- 7.88** The Conservation Officer has assessed the potential impact of the proposal and concludes that the proposed development could potentially be implemented whilst not having a harmful impact upon the setting of Grade II Listed Freemans Court. No other listed buildings have been identified with significant intervisibility with the proposed development. As such the proposal in outline is not in conflict with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, section 16 of the NPPF and Policy SD8 of the JCS.

Air Quality

- 7.89** The NPPF sets out that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement (Para.186). Further, Policy SD4 of the JCS states that new development should enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space and the avoidance or mitigation of potential disturbance, including visual intrusion, noise, smell and pollution.
- 7.90** The Council's Environmental Health Officer (EHO) has reviewed the assessment and offers no adverse comments with regard to air quality.

Minerals and Waste

- 7.91** One of the key sustainable development objectives of the NPPF is the prudent use of natural resources, including minimising waste and pollution. The NPPF also advises on the sustainable use of minerals and resources and states that policies as far as practicable should take account of the contribution that substitute or secondary and recycled materials and minerals would make to the supply of materials, before considering extraction of primary materials. It further confirms that locations of specific minerals resources of local and national significance should be safeguarded, and development avoided in such areas. Policy SD3 of the JCS, Policy WCS2 of the Gloucestershire Waste Core Strategy (GWCS) and Policy MS01 of the Minerals Local Plan for Gloucestershire (MLPG) accord with these objectives.
- 7.92** The application is supported by a Waste Minimisation Statement which has been reviewed by officers of Gloucestershire County Council Strategic Infrastructure (Minerals and Waste) Team in their capacity as Mineral and Waste Planning Authority (MWPA). The MWPA acknowledged the details submitted and notes it does not raise any fundamental issues that demand an immediate response prior to a decision being made. Consequently, planning conditions are recommended to ensure the matter is afforded appropriate consideration at the reserved matters stage.

Open space and play facilities

- 7.93** The NPPF sets out that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. JCS Policy INF4 provides where new residential development will create or add to, a need for community facilities, it will be fully met as on-site provision and/or as a contribution to facilities or services off-site. JCS Policies INF6 and INF7 support this requirement. Saved Local Plan Policy RCN1 requires the provision of easily accessible outdoor playing space at a standard of 2.43ha per 1000 population on sites of 10 dwellings or more.
- 7.94** On the above basis, assuming that the 55 dwellings would have an average 2.32 persons per dwelling, the population increase would be 128 persons. As such, there would be a resulting requirement for the provision of 0.30 hectares, half of which should be playing pitches.

The indicative layout within the addendum to the DAS shows space for approximately 1.62 hectares of public open space, however, this does not define how that space would be used. The indicative layout therefore shows sufficient space for the provision of the necessary on-site open space which would be required to include a Locally Equipped Area for Play' can be secured by an appropriate planning obligation. Subject therefore to an obligation to secure appropriate levels of on site, usable open space, the proposals are acceptable in this regard.

Education, Library and Community Provision

- 7.95** JCS Policy requires delivery of appropriate on/off-site infrastructure and services generated by development. The Local Planning Authority will seek to secure appropriate infrastructure which is necessary, directly related, and fairly and reasonably related to the scale and kind of the development proposal. Policy INF4 of the JCS requires appropriate social and community infrastructure to be delivered where development creates a need for it. JCS Policy INF7 states the arrangements for direct implementation or financial contributions towards the provision of infrastructure and services should be negotiated with developers before the grant of planning permission. Financial contributions will be sought through S106 and CIL mechanisms as appropriate.
- 7.96** 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 number of dwellings would be expected to generate an additional demand for 19.64 primary places which cannot be accommodated at the closest primary school and all other schools are over the statutory distance.
- 7.97** In terms of Primary provision, the LEA is therefore seeking full transport costs of **£239,400.00** to alternative primary schools in the primary planning area (Ashchurch Primary School (5.7 miles), Carrant Brook Junior School (5.4 miles), Deerhurst & Apperley C of E School (8.1 miles), Mitton Manor Primary School (3.7 miles), Northway Infant School (5.3 miles), Queen Margaret Primary School (4.3 miles), Tewkesbury CofE Primary School 3.4 miles), The John Moore Primary School (5 miles) and Tirlbrook Primary School (4.4 miles).
- 7.98** In terms of Secondary and Post places, the LEA advise that they are not requesting a Secondary (11 – 16) or Secondary (16 – 18) contribution.
- 7.99** In terms of libraries, Gloucestershire County Council have advised that the scheme would generate a need to improve existing library provisions to mitigate the impact of increasing numbers of library users arising from the development at Tewkesbury Library. As such a contribution of **£10,780.00** is therefore required to make the application acceptable in planning terms.
- 7.100** At the time of writing the report, the Council's Community and Place Development Officer was still considering whether a contribution towards off-site community facilities would be necessary to make the development acceptable in planning terms. **Members will be provided with an update at Planning Committee.**

Section 106 obligations

- 7.101** 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.

7.102 These tests are as follows:

a) necessary to make the development acceptable in planning terms.

b) directly related to the development; and

fairly and reasonable related in scale and kind to the development.

7.103 JCS Policy INF6 relates directly to infrastructure delivery and states that any infrastructure requirements generated as a result of individual site proposals and/or having regard to the cumulative impacts, should be served and supported by adequate and appropriate on/off-site infrastructure and services. The Local Planning Authority will seek to secure appropriate infrastructure which is necessary, directly related, and fairly and reasonably related to the scale and kind of the development proposal. Policy INF4 of the JCS requires appropriate social and community infrastructure to be delivered where development creates a need for it. JCS Policy INF7 states the arrangements for direct implementation or financial contributions towards the provision of infrastructure and services should be negotiated with developers before the grant of planning permission. Financial contributions will be sought through S106 and CIL mechanisms as appropriate

7.104 Requests have been made by consultees to secure the following contributions:

- 40% Affordable Housing and policy compliant tenure mix
- £10,780.00 towards library provision at Tewkesbury Library
- £239,400.00 transport costs to alternative primary schools in the primary planning area.
- £22,412.50 Travel Plan Contribution
- £5,000 Travel Plan Monitoring Fee

7.105 The applicants have submitted a draft S106 Heads of Terms in support of the application. The details of which are predominantly in line with the expected obligations and would need to be secured through legal agreements. However, the proposed Green Infrastructure, Sports and Play Provision has not yet been assessed by the Council's Community and Place Development Officer. In addition, a planning obligation may be required to secure off-site habitat enhancements to ensure the development would provide at least 10% biodiversity net gain. **An update on the planning obligations required will be provided to Members at Planning Committee.**

8.0 CONCLUSION AND RECOMMENDATION

8.1 Section 38(6) of the Town and Country Planning Act 1990 provides that, if regard is to be had to the development plan, the determination must be made in accordance with the development plan unless other material circumstances indicate otherwise. Section 70(2) of the Act provides that the Local Planning Authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.

- 8.2 The application site lies outside of the defined settlement boundary for Twyning and is not allocated for housing development. The site does not represent previously developed land within the built-up areas of a service village; is not a rural exception scheme; and does not represent 'infilling'. It has not been brought forward for development through a Community Right to Build Order and there are no policies in the existing Tewkesbury Borough Local Plan to 2011 which allow for the type of development proposed here. The proposal therefore conflicts with policy SD10 of the JCS and policy GD1 of the TNDP.
- 8.3 On the basis the Council cannot at this time demonstrate a five year supply of deliverable housing land, the Council's policies for the supply of housing are out of date. In accordance with paragraph 11 of the NPPF, the presumption in favour of sustainable development indicates that permission should be granted unless policies for protecting areas of assets of particular importance in the NPPF provide a clear reason for refusing the development proposed, or any adverse impacts of permitting the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole. There are no clear reasons for refusal arising from NPPF policies for the protection of areas or assets of particular importance in this case and therefore, it is clear that the decision-making process for the determination of this application is to assess whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.

Benefits

- 8.4 The benefits of the proposal are clear in that the proposal would deliver up to 55 dwellings which would contribute towards ongoing supply, particularly in the context of the five year supply shortfall. Of the proposed dwellings, 40% would be affordable and, subject to an agreed planning obligation, would meet the identified needs of the area. These benefits attract significant weight in the overall planning balance. The proposal would similarly result in economic benefits, both during and post-development, including increased spend in the local economy. These economic benefits attract moderate weight in the overall planning balance.

Harms

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

Neutral

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

Overall conclusion

- 8.7 Significant weight should be given to the provision of housing, both market and affordable, especially given the Council cannot demonstrate a five-year supply of deliverable housing sites and the tilted balance is engaged in this case.
- 8.8 The conflict with the development plan, including the NDP, is a serious matter, however, the policies for the provision of housing are out of date in the context of paragraph 11 of the NPPF and must necessarily attract less weight.
- 8.9 There is recognised harm to arising from the encroachment into the landscape and the loss of TPO trees on site. Notwithstanding this, and in view of the potential for mitigation, the harm apportioned to this is not considered to be significant.
- 8.10 There is a realistic expectation of the Council shortly being able to demonstrate a five-year housing land supply on the adoption of the emerging TBP, which is imminent, and is a factor to be considered in the planning balance. However, notwithstanding the eTBP position, taking account of all the material considerations and the weight to be attributed to each it is concluded that there would be no significant and demonstrable harms arising from the proposed development which would outweigh the benefits when read against the NPPF as a whole.
- 8.11 In view of the foregoing report and in the context of the current Appeal Members are requested to consider a recommendation of **Minded to Permit, subject to the appellant submitting to the Planning Inspectorate in the course of the appeal the appropriate S106 Legal agreements to secure the necessary planning obligations identified**. Accordingly, this report will be submitted to the Planning Inspectorate to inform the Appeal.

CONDITIONS:

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

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

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

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

3. The development hereby permitted shall be begun either before:
 - (i) the expiration of five years from the date of this permission, or
 - (ii) before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

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

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

5. The first reserved matters application submitted pursuant to condition 1 shall include the submission of a Housing Mix Statement to the Local Planning Authority for its written approval setting out how an appropriate mix of dwelling sizes, types and tenures will be provided in order to contribute to a mixed and balanced housing market to address the needs of the local area, including the needs of older people, as set out in the local housing evidence base, including the most up-to-date Strategic Housing Market Assessment for the area at the time of the submission of the relevant reserved matters. The development shall be implemented in accordance with the approved Housing Mix Statement.

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

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

Reason: In the interests of amenity.

7. The details 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 (Arboricultural assessment). 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.

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

Reason: In the interests of visual amenity.

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

Reason: In the interests of visual amenity.

10. No below or above ground development shall commence until detailed 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 of waste materials expected to be generated from the development during site preparation and construction phases and set out what site 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 amount of waste sent to landfill. In addition, the site waste management plan must also clearly set out the proportion of recycled content from all sources 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.

11. 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 and not prejudice the delivery of local waste management targets. 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 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.

12. The development hereby approved shall not be occupied until the means of access for vehicles, pedestrians and cyclists have been constructed and completed as shown on drawing reference TY-LE-GEN-XX-DR-CE-001.

Reason: In the interest of highway safety.

13. The development hereby approved shall not be occupied until the offsite works comprising footway improvements to Hill End Road as shown on drawing TY-LE-GEN-XX-DR-CE-001 have been constructed and completed.

Reason: In the interest of highway safety.

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

Reason: To promote sustainable travel and healthy communities.

15. The Development hereby approved shall not be occupied until sheltered, secure and accessible bicycle parking has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority and thereafter the approved cycle parking shall be kept available for the parking of bicycles only.

Reason: To promote sustainable travel and healthy communities

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

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

17. No development shall commence on site until a detailed Sustainable Drainage System (SuDS) Strategy document has been submitted to and approved in writing by the Local Planning Authority. The 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.

18. 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.

19. No development shall commence until drainage plans for the disposal of foul water have been submitted to and approved in writing by the local planning authority. None of the dwellings hereby approved shall be first occupied until the foul water drainage scheme has been implemented in accordance with the approved details.

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

20. 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 phased 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 that may be destroyed by ground works required for the scheme. The archaeological programme will advance understanding of any heritage asset which will be lost, in accordance with paragraph 199 of the National Planning Policy Framework.

21. 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.

22. No above ground development shall take place until a Biodiversity Net Gain Assessment using the Defra Biodiversity Metric (or any updated or replacement metric used as the industry standard) including a schedule for implementation has been submitted to and approved in writing by the Local Planning Authority. The assessment shall include details to demonstrate the development would secure measurable net gains for biodiversity. The development shall be implemented in accordance with the approved Biodiversity Net Gain Assessment.

Reason: To ensure the development would deliver a biodiversity net gain across the local and landscape scales.

23. The landscaping plans should be produced with input from a suitably qualified Ecologist to ensure net gain can be achieved. This information should be presented in the form of a Landscape and Ecological Management Plan (LEMP), which should include the Biodiversity Net Gain report. The LEMP should be informed by all the ecology surveys to ensure that the most ecologically valuable/sensitive areas can be retained and that relevant enhancements are made and that appropriate native species planting is adopted. The LEMP should include use of hedgehog tunnels under fences to enable this species to use the site following development.

Reason: To ensure the development would deliver a biodiversity net gain across the local and landscape scales

24. No above ground development shall take place until an Ecological Mitigation and Enhancement Strategy report has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall include ecological enhancement features (e.g. bat boxes, bird boxes, reptile hibernacula and hedgehog homes), soft landscaping plan, details of any lighting (and spill into any adjacent habitats), lighting strategy. The report should also include a Risk Avoidance Method Statement (RAMS) for nesting birds, bats, amphibians, reptiles, badgers, and dormice. This plan should be completed in conjunction with advice from the project ecologist.

Reason: To protect biodiversity and protected species

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

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

INFORMATIVES:

1. In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.
2. 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.

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

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

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

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

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

4. There is a public right of way running through the site, the applicant will be required to contact the PROW team to arrange for an official diversion, if the applicant cannot guarantee the safety of the path users during the construction phase then they must apply to the PROW department on 08000-514514 or highways@gloucestershire.gov.uk to arrange a temporary closure of the right of way for the duration of any works.

We advise you to seek your own independent legal advice on the use of the public right of way for vehicular traffic.

The site is traversed by a public right of way and this permission does not authorise additional use by motor vehicles, or obstruction, or diversion.

5. The proposed development will require a Travel Plan as part of the transport mitigation package (together with a Monitoring Fee and Default Payment) and the Applicant/Developer is required to enter into a legally binding Planning Obligation Agreement with the County

Council to secure the Travel Plan.

6. The development includes a retaining wall adjacent to the highway and the Applicant/Developer is required to have regard to Section 167 of the Highways Act 1980, which in some circumstances requires plans, sections and the specification of the retaining wall to be submitted to the County Council for its separate approval before works on the development can commence.
7. 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:
 - 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 principle 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.