

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

Committee:	Planning
Date:	21 June 2022
Site Location:	Land Off Brook Lane Twigworth/Down Hatherley
Application No:	22/00523/OUT
Ward:	Severn Vale South
Parish:	Down Hatherley
Proposal:	Residential development of up to 160 dwellings, associated works, including demolition, infrastructure, open space and landscaping with vehicular access from the A38. All matters are reserved.
Report by:	Victoria Stone
Appendices:	Site Location Plan Illustrative Masterplan Parameters Plan
Recommendation:	Delegated Permit
Reason for referral to committee:	Outline application for the erection of 10 or more residential units.

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 This application relates to a parcel of land located off Brook Lane, in Down Hatherley (**see attached Site Location Plan**).

1.2 The application site extends to 7.82 hectares. The site on which the residential development is proposed comprises 4.89 hectares of agricultural land and falls within the parish of Down Hatherley. The remaining area of 2.87 hectares comprises land consented, but currently part built residential development at 'Land at Twigworth' (reference 15/01149/OUT) and is required for access, service and surface water drainage. The additional land is located within Down Hatherley Parish, Twigworth Parish and Innsworth Parish.

1.3 To the immediate north of the land proposed for the residential units lies Norton Garden Centre and adjacent area of semi-mature woodland. A number of properties on Brook Lane are located immediately to the west. To the east lie the properties on Ash Lane, an intervening parcel of agricultural land separates the site from some of the properties along Ash Lane. To the south of the site, beyond a parcel of agricultural land, comprises the 'Land at Twigworth' development, which is in the process of being built for residential development.

- 1.4** The northern, eastern and southern boundaries of the site are defined by a row of mature trees and hedgerows. The western boundary is defined by Brook Lane and the rear gardens of the properties fronting the lane.
- 1.5** The topography of the site is generally level, with the wider landform gently sloping down to the Hatherley Brook.
- 1.6** The site is not subject to any landscape, heritage or ecological designations. A number of Public Rights of Way run within or in close proximity to the site. These include a bridleway (Down Hatherley Bridleway 19) which runs along Brook Lane, and a footpath (Twigworth Footpath 6) which runs from the bridleway into the nearby caravan park and on to the A38.
- 1.7** The application site forms part of the Strategic Allocation A1 Innsworth and Twigworth in the Joint Core Strategy and is shown to be 'Housing and related Infrastructure' in the JCS Indicative Site Layout Proposal Map.
- 1.8** This application is made in outline with all matters reserved for subsequent approval.
- 1.9** The proposed development seeks to provide up to 160 dwellings and associated works which include demolition, infrastructure, public open space and landscaping. The broad development proposals are as follows:
 - Up to 160 units including 35% affordable housing.
 - The development would achieve a density of 38 dwellings per hectare.
 - A range of dwellings across the site with varying sizes and tenures would be provided. This would provide a hierarchy of dwellings from large, detached properties through to smaller terraced forms allowing for variety in the streetscape.
 - It is proposed the majority of the dwellings would be two storeys in height.
 - The delivery of new green infrastructure and accessible public open space. The main area of informal green space would be provided along the southern boundary of the site. The second area of open space would be provided at the north-western edge of the site, which would also incorporate a Locally Equipped Area of Play (LEAP).
 - A well-connected movement network, accessible by all users is proposed. Vehicular, pedestrian and cycle access will be from the development to the west, with additional pedestrian and cycle access to Brook Lane.

Whilst access is a matter reserved for future consideration, under article 5(3) of the Development Management Procedure Order 2015, an application for outline planning permission must also indicate the area or areas where access points to the development will be situated, even if access has been reserved. It is proposed that the access to the site from the public highway will be provided from the new roundabout off the A38, which was approved as part of the Twigworth site currently being constructed by Vistry Group.

- 1.10** The application documents include an Illustrative Masterplan (IM) and Parameters Plan (PP) which indicate how the quantum of development could be delivered and a Design and Access Statement (DAS) which sets out the rationale for the development.

1.11 The application is also accompanied by an Environmental Statement (ES) as the proposed development constitutes EIA (Environmental Impact Assessment) development in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended). The Environment Statement (ES) assesses a range of social, environmental and economic issues. The ES includes assessments of Social Economics; Ecology; Landscape and Visual; Transport and Access; Air Quality; Noise and Vibration; Hydrology, Flood Risk and Drainage; Ground Conditions; Cultural Heritage and Archaeology; Soils and Agriculture and Climate Change.

1.12 This application seeks permission for the same development proposal and would occupy the same site area as another application, planning reference 21/00976/OUT, in which the applicant has submitted an appeal against non-determination of the application to the Secretary of State (the 'original' application). At the Planning Committee in April, Members resolved that had the Council been the determining authority it would have refused the application for the following putative reasons:

1.The proposed development would not adequately provide for education facilities contrary to Policies INF4, INF6 and INF7 of the JCS and the NPPF of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031 (December 2017) and the National Planning Policy Framework.

2.The proposed development would not secure a mixed and balanced community or would it satisfactorily meet the needs of the local area. Accordingly, this would be contrary to Policies SD11 and SD12 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031 (December 2017), emerging Policy RES12 and RES13 of the Main Modifications Tewkesbury Borough Plan (2022) and the National Planning Policy Framework.

3.In the absence of a completed planning obligation, there are no arrangements for the direct implementation or financial contribution towards education and library, affordable housing, recycling and waste bin facilities, a Travel Plan, highway infrastructure improvements and the provision of a LEAP on-site, all of which are required as a consequence of the proposed development. This is contrary to Policies SD12, IN4, INF6 and INF7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 and emerging Policies RES12 and RCN1 of the Main Modifications Tewkesbury Borough Plan 2011-2031.

2.0 RELEVANT PLANNING HISTORY

As mentioned above there is currently an ongoing appeal against non-determination of the planning application, planning reference 21/00976/OUT. The Planning Inquiry is scheduled to start at 10.00am on Wednesday 27 July 2022. Other than this there is no planning history related to the site itself however there is extensive planning history associated with the wider strategic allocation at Twigworth:

Application Number	Proposal	Decision	Decision Date
15/01149/OUT	A mixed use development comprising demolition of existing buildings; up to 725 dwellings and a local centre of 0.33ha (A1, A2,A3,A4,A5,D1,D2 uses); primary school, open space, landscaping, parking and supporting infrastructure and utilities; and the creation of a new vehicular access from the A38 Tewkesbury Road.	APPEAL ALLOWED PLANNING PERMITTED	21.12.2017
15/00749/OUT	A mixed use development comprising demolition of existing buildings, up to 1,300 dwellings and 8.31 hectares of land for employment generating uses comprising a neighbourhood centre of 4.23ha (A1, A2, A3, A4, A5, D1, D2, B1), office park of 1.31ha (B1) and business park of 2.77ha (B1 and B8 uses), primary school, open space, landscaping, parking and supporting infrastructure and utilities, and the creation of new vehicular accesses from the A40 Gloucester Northern Bypass, Innsworth Lane and Frogfurlong Lane.	APPEAL ALLOWED PLANNING PERMITTED	21.12.2017
17/00852/OUT	Outline planning application for the erection of up to 74 dwellings with public open space, landscaping and sustainable drainage	PERMITTED	20.12.2018

	system (SUDS) and vehicular access point from Tewkesbury Road. All matters reserved except for the means of access.		
18/00361/FUL	Construction of 5 detached single storey dwellings with associated garages and new vehicular access points.	PERMITTED	29.05.2019
18/01199/APP	Reserved matters application for the principal vehicular access to serve the development pursuant to planning permission reference 15/01149/OUT (A mixed use development comprising demolition of existing buildings; up to 725 dwellings and a local centre of 0.33ha (A1,A2,A3,A4,A5,D1,D2 uses); primary school, open space, landscaping, parking and supporting infrastructure and utilities; and the creation of a new vehicular access from the A38 Tewkesbury Road).	APPROVAL	03.05.2019
19/00771/OUT	Erection of up to 32 new homes (including affordable housing), access, drainage and other associated works on land to the south of Down Hatherley Lane, Twigworth. All matters are reserved for future consideration except access.	PERMITTED	21.01.22
19/00935/APP	Approval of Reserved Matters (Access, Appearance, Landscaping, Layout and Scale) comprising Phase 1a of Outline Permission Ref:	APPROVAL	23.12.2019

	15/01149/OUT for the erection of 79no.dwellings and associated engineering operations, drainage infrastructure and landscaping.		
19/00953/APP	Application for the approval of reserved matters (appearance, landscaping, layout, and scale) pursuant to outline planning permission reference 17/00852/OUT for the erection of up to 74 dwellings with public open space, landscaping and sustainable drainage system (SuDS).	APPROVAL	20.10.2020
19/00925/FUL	Construction of 6 detached single storey dwellings with associated garages and new vehicular access off Ash Lane.	PERMITTED	10.10.2021
20/00520/APP	Application for reserved matters for access into local centre, pursuant to outline planning permission 15/01149/OUT.	APPROVAL	06.08.2020
20/00524/APP	Approval of Reserved Matters (Access, Appearance, Landscaping, Layout and Scale) comprising Phase 1b of Outline Permission Ref: 15/01149/OUT for the erection of 154no. dwellings and associated public open space, engineering operations, drainage infrastructure and landscaping.	APPROVAL	23.09.2020
21/00079/APP	Approval of Reserved Matters (Access, Appearance, Landscaping, Layout & Scale) comprising	APPROVAL	21.04.21

	Phase 2 of Outline Planning Permission ref: 15/01149/OUT for the erection of 147no.dwellings and associated works.		
21/00976/OUT	Residential Development (up to 160 dwellings), associated works, including demolition, infrastructure, open space and landscaping. Vehicular access from the A38.	AT APPEAL	
22/00364/APP	Reserved matters approval (access, appearance, layout, scale and landscaping) for 340 dwellings, public open space and infrastructure comprising phase 3 of outline planning permission 15/01149/OUT on Land at Twigworth.	PENDING CONSIDERATION	

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

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 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 SA1 (Strategic Allocations Policy)
- Policy A1 (Innsworth & Twigworth)

3.3 Main Modification Tewkesbury Borough Plan 2011-2031 (MMTBP)

- Policy RES5 (New Housing Development)
- Policy RES12 (Affordable Housing)
- Policy RES13 (Housing Mix)
- Policy DES1 (Housing Space Standards)
- Policy NAT1 (Biodiversity, Geodiversity and Important Natural Features)
- Policy NAT2 (The Water Environment)
- Policy NAT3 (Green Infrastructure: Building with Nature)
- Policy NAT5 (Cotswolds Beechwoods)
- Policy ENV2 (Flood Risk and Water Management)
- Policy HEA1 (Healthy & Active Communities)

- Policy RCN1 (Public Outdoor Space, Sports Pitch and Sports Facility Provision)
- Policy RCN2 (New Sports and Recreational Facilities)
- Policy RCN3 (Allotments & Community Gardens)
- Policy COM2 (Broadband Provision)
- Policy TRAC1 (Pedestrian Accessibility)
- Policy TRAC9 (Parking Provision)

3.4 Neighbourhood Plan

Down Hatherley, Norton and Twigworth Neighbourhood Development Plan – 2011-2031

3.5 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 Down Hatherley Parish Council – Consider the proposals to be unsounds on many levels and strongly oppose the application. The reasons provided include:

Historic Position – Steadfastly opposed the Strategic Allocation, predominantly in terms of unnecessary loss of the Green Belt, traffic issues and dangerous increased risk of flooding to neighbouring settlements. Parish Council remain of the opinion that the site is unsafe for the development proposed.

Factual Inaccuracies – The application site is identified in nearly every document as ‘Land Off Brook Lane, Twigworth’. The application site is entirely within the Down Hatherley Parish Boundary. As such the application is riddled with glaring geographic errors.

Flooding Issues – Serious flooding events and failures of the sewage infrastructure occurred in Ash Lane in December 2020. The site itself was under standing water for most of the winter period. Neighbouring development sites were overwhelmed with surface water flooding last winter.

Representatives of the Parish Council, along with representatives of very concerned residents of Twigworth and Down Hatherley have highlighted their concerns to the Borough Council, LLFA, the Environment Agency and Severn Trent, showing clear evidence that a) the existing developments were drained inadequately with increased risk off-site and that b) the surface water flood risk map is seriously inadequate. This up-to-date local evidence is being ignored. On this basis, the Parish Council maintains that the

flood risk advice from various Agencies' is flawed, cannot be relied on and should be challenged.

Vehicular Access – Parish Council have serious concerns over the proposed vehicular access to the site. Access road will cross Brook Lane, which is an unadopted lane and owned and maintained by local residents. Question what right of access do the developers have across the lane. The Parish Council have raised concerns regarding how access be restricted to the proposed route and that access via Brook Lane would be unacceptable. In addition, Brook Lane forms part of a bridleway and they understand that you cannot place an access road across one.

Sewage Infrastructure Failures/Inadequacies – sewerage infrastructure in this area is also a major issue. The Parish Council has consistently maintained that the previous additional developments in Down Hatherley and Twigworth should not have been approved without the necessary improvements to the drainage/sewerage infrastructure. Approving another 160 dwellings feeding directly, or via the Twigworth system, into the Ash Lane pumping station would add an even greater burden to an already broke system. Unless and until there is investment to complete a major upgrading of the drainage/sewerage system it is crucial that no further development proposals should be considered.

4.2 Twigworth Parish Council – Object to the application on the following grounds:

Proposed development creates additional flood risk to the area contrary to the requirement of Policy INF2 of the JCS.

Twigworth Parish Council and Twigworth residents continue to provide evidence of surface water flooding which is ignored and contravenes the requirement of Policy INF2 of the JCS to ensure flood information is up to date when taking planning decisions about flood risk.

Development would create additional traffic which will already dramatically increase as a result of other development approved and proposed in the area. The proposed development would be in contradiction to Policy INF1 of the JCS.

Whilst a Transport Assessment (TA) has been provided, the Parish Council challenge that this does not take into account or even reference that National Highways often divert M5 traffic down the A38 in the event of incidents, lane closures or total closures. The TA also recommends potential improvements to Brook Lane for pedestrians, cycles and horse riders, however they understand that this is a privately owned road, which is a bridleway. The Parish Council also strongly argue that the Weekday Multi-Modal Trip Generation of Proposed Development provided in the TA is wholly unrealistic and given this they question the figures provided in the Development Traffic Impact at Key Junctions.

In addition, the Parish Council challenge the comments from the Lead Local Flooding Authority as follows:

Application site is routinely waterlogged.

Last winter existing properties neighbouring the site suffered flooding not experienced before. The Parish Council consider major changes to the landscape south and east of these properties are the only explanation for the changes to drainage. Evidence of this has been presented to the Borough Council, Environment Agency and the Lead Local Flood Authority. Why these sites were then not included in the LLFA flood review process

increases local worries that their concerns continue to be ignored. The evidence presented has been completely ignored.

The flood protection drainage for the existing sites and their immediate surrounds is well short of sufficient. To add another large site with plans to drain sitting pluvial water into untested and/or unstrained watercourses will cumulatively raise again flood risk for a community already facing increased threats.

The Parish Council have submitted a comment from a Hydrologist who set out that key problem areas and stated that 'This site has all of the undesirable aspects that you could imagine.'

This 're-application' has caused disquiet with some local residents.

In addition, the Parish Council submitted photographic and video evidence of flooding within the area.

- 4.3 Longford Parish Council** – Awaiting comments.
- 4.4 National Highways** – Awaiting comments.
- 4.5 Natural England** – Awaiting comments.
- 4.6 Severn Trent** – No objection subject to the inclusion of two recommended conditions.
- 4.7 County Highway Authority** – Awaiting comments.
- 4.8 County Archaeologist** – No objection in principle, with the proviso that an appropriate programme of work to excavate and record any significant archaeological remains should be undertaken prior to development in order to mitigate the ground impacts of the scheme.
- 4.9 County Lead Local Flood Authority** – Awaiting comments.
- 4.10 County Development Contributions Investment Team** - Financial contributions towards education and library provision required to make the development acceptable in planning terms.
- 4.11 County Public Right of Way Officer** – Awaiting comments.
- 4.12 County Minerals & Waste Planning Policy** – Awaiting comments.
- 4.13 Community and Place Development Officer** – Awaiting comments.
- 4.14 Environmental Health Officer (Air Quality)** – Awaiting comments.
- 4.15 Environmental Health Officer (Noise)** – Awaiting comments.
- 4.16 Housing Strategy and Enabling Officer** – No objections.
- 4.17 Landscape Advisor** – Awaiting comments.
- 4.18 Ecological Advisor** – Require further information prior to determination.

4.19 Conservation Officer – Awaiting comments.

4.20 Project Officer (Asset Management Team) – Awaiting comments

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 and a press notice for a period of 30 days in accordance with the requirements for EIA development. The notification period does not expire until after this report has been published and therefore any comments received afterwards will be summarised in the Additional Representations Sheet. The notification period for the press notice does not expire until the 21 June 2022 therefore any comments received on the day of Planning Committee will be considered and the decision will not be issued until after this date.

5.2 Twenty-three representations objecting to the application have been received at the time of drafting this report. The comments are summarised below:

- Flooding to local properties has occurred recently – further development will exacerbate this.
- Site experiences surface water flooding, the breaching of the gullies and ditches will not help the problem.
- Regarding the risk of flooding - Representatives of the Parish Council, along with representatives of very concerned residents of Twigworth and Down Hatherley have highlighted their concerns to the Borough Council, LLFA, the Environment Agency and Severn Trent, showing clear evidence that the existing developments were drained inadequately with increased risk off-site and that the surface water flood risk map is seriously inadequate. This up-to-date local evidence is being ignored. On this basis, advice from consultees is flawed, cannot be relied on and should be challenged.
- Drainage strategy proposed is inadequate – should not flow into the existing sewage system or drain onto Brook Lane.
- Two petitions were submitted to Tewkesbury Borough Council in June 2021 highlighting the risk of flooding in the area.
- Level of hardstanding has to be reconsidered to prevent future flooding.
- Sewage and mains water system are already under pressure with no planned works to improve the infrastructure.
- Emotional trauma, anxiety and mental health problems caused by fear of flooding to local residents – gross lack of duty and care for existing residents.
- Vehicular access to the site is a significant concern.
- Brook Lane is a bridleway, privately owned by the residents of Brook Lane – the

developer does not have a right to use this as a means of access.

- Adding more housing will rapidly decrease the quality of Brook Lane and cost the owners of the lane to make improvements.
- No consultation has taken place with residents about access crossing Brook Lane.
- Not permissible to place an access road across a bridleway.
- Crossing of the bridleway will be a danger to riders, their horses, and pedestrians - could lead to litigation if someone is hurt either during construction or by traffic resulting from the development.
- Access to existing properties cannot be obstructed and is only currently safe for horse riders, cyclists, dog walkers and pedestrians.
- Road through the Twigworth Green estate has not been approved as a through road.
- Access of the junction from A38, Brook Lane and Ash Lane is not suitable for additional traffic. Concerns raised over how access be restricted to the proposed route.
- Highway safety would be compromised by significant traffic generation.
- Additional traffic generated will significantly increase noise and pollution to the detriment of existing residents within the locality.
- Unclear where the emergency access would be – there is only one vehicular access point into the development. Depending on where the access is this could affect the privacy and quality of life of nearby residents and walkers.
- Two proposed pedestrian access points will entice cycle and pedestrian traffic into the area, subsequently increasing noise and foot traffic.
- Inappropriate mix of affordable housing provision.
- Lack of school provision.
- Impact upon residential amenity of neighbouring properties – overlooking/loss of light.
- Development would harm the visual amenity from existing single storey dwellings along the site boundaries.
- Wider picture is not considered and houses appear to be slotted in on any available land with little thought on the effect on those who have lived in the area for a long time.
- Whole picture not being considered – piecemeal development.
- Decisions should be assessed considering the cumulative effect of all developments, not in isolation – especially where severe pluvial flooding is rife.

- Proposal appears vague and unsupported with insufficient and outdated information.
- Insufficient infrastructure to meet the needs of the growing population – no local dentists, doctors or schooling available.
- Proposed layout provides inadequate allocation of open space, poorly arranged and badly integrated.
- Too many houses being built around this area - development would double the size of Down Hatherley.
- There is a shortage of bungalows nationally – if more bungalows were built, this could free up houses for families. Development should provide a retirement village for independent living.
- Development excessive on this site, too dense, over-development for a semi-rural area – query whether the parking and manoeuvring arrangements will be adequate on such a densely populated site.
- Housing types proposed (2 & 2.5 storeys) are not consistent with property character of local area.
- 35% affordable housing seems a large allocation when there is extensive new build housing estate development throughout the area.
- Dwellings would not use sustainable measures.
- Development would result in the loss of green space in the village.
- Harmful to the local wildlife.
- The existing hedgerows are protected.
- Existing boundary hedgerows should be retained and enhanced.
- Land should be retained for biodiversity and help to offset the carbon footprint of the houses being built in the adjacent fields.
- Using out of date map of the current layout of Orchard Park Residential Park.

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 At the time of writing this report 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 2011-2031 (TBP) was adopted at a special meeting of full Council on 8 June 2022. It is therefore now part of the Development Plan.
- 6.4** The relevant policies are set out in the appropriate sections of this report.
- 6.5** 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** In order to further sustainability objectives and in the interests of protecting the countryside, the housing policies of the JCS set out a development strategy for the Borough. Strategic Policies SP1 and SP2 of the JCS set out the scale and distribution of development to be delivered across the JCS area in the period to 2031. The identification and delivery of seven Strategic Allocations (SA) on the edges of existing urban areas is an important part of the delivery of the JCS as a whole.
- 7.2** Policy SA1 (Strategic Allocations Policy) formally designates the seven SA's and focuses on the need to deliver comprehensive development in each of these areas.
- 7.3** The application site forms part of the wider Strategic Allocation A1 at Innsworth and Twigworth. The site itself is identified as an area for Housing and Related Infrastructure on the Indicative Site Layout Proposals Map A1.
- 7.4** The principle of the development is therefore considered acceptable providing the provisions of policies SA1 and A1 as well as wider planning objectives and policies are met, and subject to there being no material considerations indicating that the application should be determined other than in accordance with the development plan
- 7.5** The Down Hatherley, Norton and Twigworth Neighbourhood Development Plan 2011-2031 (NDP) sets out that no new housing growth is planned in Down Hatherley Parish. However, the NDP includes details of the housing to be provided in the Strategic Allocation. Given the application site forms part of the Strategic Allocation, it is considered the development of the site would not be contrary to the NDP.

Five Year Housing Land Supply

- 7.6** 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.

- 7.7** 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.
- 7.8** With the adoption of the TBP there are a number of site allocations in the TBP which can be reasonably expected to deliver housing within the next five years and whilst the land supply position will 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.
- 7.9** Notwithstanding this, until the position has been formally updated, the Council cannot currently demonstrate a five year supply and the titled balance is engaged in this case.

Accessibility and Highway Safety

- 7.10** Section 9 of the NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Paragraph 111 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.11** Policy INF1 of the JCS requires developers to provide safe and accessible connections to the transport network to enable travel choice for residents and commuters. All proposals should provide for safe and efficient access to the highway network for all transport modes; encourage maximum potential use of walking, cycling and passenger transport networks to ensure that credible travel choices are provided by sustainable modes. Planning permission will be granted only where the impact of development is not considered to be severe.
- 7.12** The application is supported by a Transport Assessment (TA) and a Residential Travel Plan which also forms an appendix to Chapter 8 'Transport and Access' of the Environment Statement (ES).
- 7.13** The ES considers the transport related environmental effects of the proposed development, and identifies, where necessary, mitigation measures. The ES concluded that with the implementation of the mitigation and enhancement measures outlined in the ES, including the Interim Residential Travel Plan aimed at encouraging travel by sustainable modes, the additional traffic demand would be safely and satisfactorily accommodated on the local transport network. The overall residual effect of the proposed development in transport terms is likely to be generally 'Minor' to 'Moderate Beneficial'.
- 7.14** In terms of the mitigation and enhancement measures referred to above, mitigation measures will be implemented during construction in the form of controls imposed by either planning conditions, health and safety legislation requirements and good construction site practices. The site access from the 'Land at Twigworth' development and from Brook Lane for pedestrians/cyclists will be designed in accordance with current standards and guidance to ensure that it is safe and suitable. The internal site layout will be designed in a manner which would facilitate walking and cycling, providing links to existing routes to allow good access for sustainable modes of transport. The proposed

mitigation/enhancement includes upgrading Brook Lane, 'Down Hatherley Bridleway 19', the footway on the A38 to the north of Brook Lane, and the bus stops at the Down Hatherley Lane junction, including the provision of a new uncontrolled crossing to access the northbound bus stop and an Interim Residential Travel Plan has been prepared to encourage travel by sustainable modes.

- 7.15** It will be necessary to secure the mitigation/enhancement measures and a travel plan bond and monitoring contribution via a planning obligation. The applicant has indicated a willingness to enter into a legal agreement to secure the above however at this stage there is no such agreement in place. Nevertheless, this matter could be resolved by the signing of an appropriate planning obligation.
- 7.16** In terms of the impact on the Strategic Transport Network, National Highways (NH) have been consulted on the application and offer no objection to the proposals.
- 7.17** Gloucestershire County Council have been consulted as Local Highway Authority (LHA). Whilst no comments have been received to date, it must be highlighted that they concluded that there would not be unacceptable impact on highway safety or a severe impact on congestion and as such there are no justifiable grounds on which an objection could be maintained on the 'original' application.
- 7.18** In addition, at the request of Members as part of the original application, which is now at appeal, the Council appointed The Transportation Consultancy (TTC) to undertake an independent up-to-date traffic assessment. From the review, TTC concluded that it had been clearly demonstrated that the proposed development would not cause a 'severe' impact and that there are no justifiable grounds to maintain an objection to the application.
- 7.19** In terms of vehicular access to the site this matter is reserved for future consideration. However, in accordance with article 5(3) of the Development Management Procedure Order 2015, the area where access points to the development will be situated has been indicated on the Illustrative Masterplan and Parameters Plan. The plans indicate that this will be taken from the recently constructed roundabout on the A38 Tewkesbury Road and via purpose-built roads within the adjacent 'land at Twigworth' and across Brook Lane. Given access is reserved for future consideration, the impact of the proposed development upon Brook Lane and the bridleway is not a matter for consideration as part of this application but will be a consideration as part of any future reserved matters application.

Landscape and Visual Impact

- 7.20** The NPPF sets out that planning decisions should contribute to and enhance the natural and local environment by, inter alia, protecting and enhancing valued landscapes, and by recognising the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystem service. Policy SD6 of the JCS states that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. Proposals will have regard to local distinctiveness and historic character of different landscapes and proposals are required to demonstrate how the development will protect landscape character and avoid detrimental effects on types, patterns and features which make a significant contribution to the character, history and setting of a settlement area. Policy LAN2 of the TBP sets out that all development must, through sensitive design, siting, and landscaping, be appropriate to, and integrated into, their existing landscape setting.

- 7.21** The application site is not under any formal landscape designations, either statutory/national or non-statutory/local. The site is located within National Landscape Character Severn and Avon Vale (NCA106). At the local level, the site lies within the Settled Unwooded Vale Landscape Character Type and the Vale of Gloucester Landscape Character Area. In terms of landscape sensitivity, the site lies within the 'Longford to Innsworth' Landscape Sensitivity Area as defined by the JCS Landscape Character Characterisation Assessment and Sensitivity Analysis.
- 7.22** Chapter 7 of the Environment Statement (ES) considers the likely significant landscape and visual effects of the proposed development on both the application site and the wider surrounding area. A Landscape and Visual Impact Assessment (LVIA) and Arboricultural Survey (AS) was carried out to inform this chapter. For the purposes of the landscape and visual impact this assessment focuses on the area proposed for the built residential development (herein known as "application site" in this section of the report) as the remainder of the land required for the infrastructure has already been consented under other planning applications or is for below ground works only.
- 7.23** The ES concludes that when considered in the context of the application site and the benefits identified to landscape and visual receptors through the establishment of additional green infrastructure to the site, the overall significance of effect is assessed to be not significant for both landscape and visual receptors.
- 7.24** The ES sets out that potential landscape and visual effects were considered during the design development process allowing mitigation measures to be incorporated and inherent mitigation to be taken into consideration. The ES sets out the mitigation inherent in the parameter plan includes the retention of existing hedgerows and hedgerow trees other than where new access to the application site is proposed and allow access between land parcels. Retention of open space along the southern margin has been incorporated to conserve the character of the wider rural landscape beyond. New green infrastructure is also proposed to mitigate potential landscape and visual effects of the development by breaking the massing of built form through tree and hedge planting within the development. New green infrastructure will also be used to mitigate potential visual effects on walkers using public rights of way, road users using Brook Lane and local residents. Notwithstanding the intentions set out in the ES, officers have concerns over the level of green infrastructure shown on the submitted Illustrative Masterplan and Parameters Plan. However, as the layout and landscaping are reserved for future consideration, the detailed green infrastructure and landscape strategy will be determined as part of the reserved matters application(s).
- 7.25** In conclusion, by virtue of introducing new development into open, agricultural fields, the proposed development would result in significant effects to the landscape character of the application site itself and upon visual residual effects for walkers using footpaths within proximity to the site and to residents of some properties along Brook Lane. When considered the site context in the wider Strategic Allocation and the benefits identified to landscape and visual receptors through the establishment of additional green infrastructure to the site, the overall significance of effect is reduced. Nonetheless, harm would be caused and this counts against the proposal, though Officers consider, given the application site forms part of the Strategic Allocation and has been allocated for 'Housing and related Infrastructure' in the JCS Indicative Site Layout Proposal Map, the harm arising from the proposed development on landscape and visual grounds would not justify refusal of planning permission.

Design and layout

- 7.26** 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.
- 7.27** 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.
- 7.28** 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.
- 7.29** Policy RES5 of the 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.
- 7.30** All matters relating to the design and layout are reserved for future consideration. However, the application includes an Illustrative Masterplan (IM), 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 IM 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.

7.31 The DAS provides an overview of the Illustrative Masterplan (IM). These include:

- 0.71 hectares of accessible public open space is shown within the proposals. Open space is shown to be provided at multiple points throughout the site. The main areas of informal green space would be provided in the north-west corner and along the southern boundary of the site.
- Two areas of play (LEAP/LAP) are shown on the IM.
- The majority of existing hedgerows and hedgerow trees would be retained on site, which soften the edges of the proposed residential development.
- A network of tree-lined streets wherever possible that soften the built form and integrate with surrounding green verges.
- The attenuation area is located to the south of the land.
- A well-connected movement network, accessible by all users is proposed which would integrate with the surrounding network of routes.
- Vehicular, pedestrian and cycle access will be from the adjoining consented residential site to the west, with additional pedestrian and cycle accesses to Brook Lane.
- The primary road meanders through the development.
- Pedestrian/cycle links are proposed off Brook Lane, one at the same point as the vehicular access, one at the northern end of the site boundary with Brook Lane and one in between these.
- Access and connections to land beyond all the boundaries of the site is shown.
- Key development frontages, such as those overlooking areas of public open space and following the primary movement route will be particularly prominent and critical to the appearance of the development. Particular attention will be paid to the massing and architectural style of these buildings, so that they contribute positively to the quality and character of new development.
- The design is based on the principle of perimeter blocks that enclose back gardens, provide a strong frontage to the public realm and ensure active frontages overlook streets and spaces wherever possible.
- Proposed dwellings would back onto the eastern and north-western site boundaries ensuring the amenity and privacy of existing properties located along Ash Lane and Brook Lane are respected and maintained.
- Development would front onto the western site boundary, continuing the pattern of built form along Brook Lane.
- Development would be set back from the southern edge, allowing for public open space and a softer development edge.
- House frontages could be carefully designed with generous windows from

habitable rooms, clearly defined and attractive front doors and planting to act as a buffer between the pavement and window.

- Affordable housing will be well-integrated.

7.32 Policy SA1 of the JCS requires proposals in Strategic Allocations (SA) to enable a comprehensive scheme to be delivered across the developable area and all proposals to be accompanied by a comprehensive masterplan to demonstrate how the development will take account of the wider allocation needs. Whilst planning permission has been granted at a number of sites within the wider SA it should be noted that currently no scheme has been advanced for the parcels of land which adjoins the application site to the north, north-west, south and part west. Nevertheless, the layout as shown on the Illustrative Masterplan (IM) shows future access points at all the boundaries of the site which would link the site to future development as part of the SA and enable a high level of permeability through the site. The IM demonstrates the access point to the wider SA would be from the A38 which would be in accordance with the requirement of Policy A1 of the JCS. In light of the above, it is considered that the current proposals would not prejudice the sustainable delivery of the remaining SA.

7.33 Officers consider that the indicative layout as shown on the submitted DAS and IM would not wholly meet the high standards of design set out in the relevant national and local planning policy. In this respect the submitted DAS, IM and Parameters Plan are not considered acceptable. Nonetheless, Officers consider that this is capable of being resolved through a condition, should planning permission be granted, requiring a Design Principles document which would need to demonstrate its accordance with local/national design policies. Any future reserved matters application would thereafter need to be in accordance with the approved Design Principles document.

7.34 In addition, the Council's Landscape Advisor (LA) has also raised concerns with the illustrative material submitted and considers the layout shown on the Illustrative Masterplan is not acceptable from a landscape and open space point of view.

Residential amenity

7.35 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. Policy RES5 of the TBP also sets out the proposals should provide an acceptable level of amenity for the future occupiers of the proposed dwellings and cause no unacceptable harm to the amenity of existing dwellings.

7.36 The application is in outline and seeks permission for up to 160 dwellings. The specific relationship between the proposed development and the surrounding built form on the site boundaries will need careful consideration as part of any future reserved matters application. As the proposals seeks consent for up to 160 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.

7.37 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 TBP requires all new residential development to meet the Government's nationally described space standards as a minimum, to ensure that high quality homes are delivered that provide a sufficient amount of internal space appropriate for occupancy of the dwelling. These space standards will be secured as part of any future reserved matters application.

Noise

7.38 The NPPF at paragraph 185 states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Policy SD14 of the JCS seeks to protect health and environmental quality and provides that development should not create or exacerbate conditions that could impact on human health. The policy states that new development must cause no unacceptable harm to local amenity including the amenity of neighbouring occupants and must result in no unacceptable risk from existing or potential sources of pollution.

7.39 Chapter 10 of the Environmental Statement (ES) assesses the likely significant effects of the proposed development with respect to noise and vibration. It considers the potential effects of noise from surrounding land uses on the future occupants of the proposed dwellings and the potential effects during construction and operation of the proposed development on surrounding noise-sensitive receptors. To inform this chapter a Noise and Vibration Assessment was carried out.

7.40 In terms of the impact upon future occupiers of the dwellings, based on the results of the noise surveys the ES identified low noise levels and an acceptable noise environment would be achieved using standard construction techniques to ensure the requirements of BS 8233 were met, both internally and within the gardens of the dwellings. On this basis, no specific noise mitigation measures have been identified to be required for the proposed dwellings. The construction of the proposed development has the potential to give rise to short term effects upon existing noise sensitive receptors surrounding the site. Appropriate mitigation and management measures should be adopted during construction to ensure any potential effects would be minimised. Road traffic on the roads within and surrounding the proposed development would change as a result of the occupation and operation of the completed development and other committee developments in the surrounding area. The assessment indicates that the additional road traffic would result in no significant adverse effects. The ES concluded that with appropriate mitigation and management measures adopted during the construction of the proposed development, potential noise and vibration effects would be reduced to an acceptable level.

7.41 The Council's Environmental Health Officer (EHO) has been sent a consultation however no comments have been received at the time of drafting this committee report. That said, it is worth noting that the EHO raised no objection subject to securing a Construction Environmental Management Plan and the noise mitigation measures detailed in the assessment on the 'original' application.

Air Quality

- 7.42** 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.
- 7.43** The ES chapter on Air Quality considers the likely significant effects associated with the proposed development. Air quality effects associated with the construction and operation of the proposed development have been assessed. Air quality conditions that future occupants of the development would experience have been assessed, as well as impacts on existing receptors resulting from road traffic emissions from additional traffic generated by the proposed development. The ES states that measures to mitigate dust emissions will be required during the construction phase of the development in order to minimise the effects upon nearby sensitive receptors. With these measures in place and effectively implemented the residual effects are judged to be 'not significant'. In terms of the overall air quality effect of additional road traffic emissions generated by the proposed development, the assessment found this to be 'not significant'. As such, the ES concludes that specific mitigation measures are not therefore required. Overall, the effects of the proposed development on local air quality has been found to be 'not significant.'
- 7.44** The Council's Environmental Health Officer (EHO) has been sent a consultation however no comments have been received at the time of drafting this committee report. Though, the EHO offered no adverse comments with regard to air quality on the 'original' application.

Minerals and Waste

- 7.45** 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.

- 7.46** The application site falls within a locally designated Mineral Safeguarding Area (MSA) that contains sand and gravel mineral deposits of possible economic importance as identified by the British Geological Survey. The submitted Ground Investigation Report notes the existence of Cheltenham Sand & Gravel, which has been historically worked in parts of the Central Severn Vale of Gloucestershire. A Mineral Resource Assessment also accompanies the application. Comments have not been received yet from Gloucestershire County Council in their capacity as Mineral and Waste Planning Authority (MWPA) however they advised that the assessment's conclusions are sound and that no further action was required on the 'original' application.
- 7.47** The application is supported by a Waste Minimisation Statement which is currently being reviewed by officers of Gloucestershire County Council Strategic Infrastructure (Minerals and Waste) Team in their capacity as Mineral and Waste Planning Authority (MWPA). It is worth noting the MWPA did not object to the 'original' application.

Housing Mix

- 7.48** Policy SD11 of the JCS and RES13 of the TBP 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. Housing mix should be based on the most up to date evidence of local housing need and market demand.
- 7.49** The Gloucestershire Local Housing Needs Assessment 2019 – Final Report and Summary (September 2020) (LHNA) provides the most up to date evidence based to inform the housing mix on residential applications. This report states that in Tewkesbury 3% of new market dwellings should be one bedroom properties, with 13% having two bedrooms, 54% containing three bedrooms and 29% having four bedrooms or more.
- 7.50** The DAS sets out that the proposed housing would include a variety and range of dwelling types that includes 1 bed – 5 bed properties. Given the proposal is in outline, should planning permission be granted, 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 evidence of the local housing market need and market demand at the time the first reserved matters application for the residential development is submitted.

Affordable Housing

- 7.51** The NPPF sets out that Local Planning Authorities should set policies for meeting affordable housing need on development sites. Policy SD12 of the JCS requires a minimum of 35% affordable housing on Strategic Allocations, where possible affordable housing should be provided on-site.

7.52 The development proposes 35% affordable housing on the site, this equates to 56 dwellings. The tenure mix proposed by the applicant is:

70% of the units would be social rented

30% of the units would be Affordable Housing for sale (shared ownership)

In addition, 50% of the affordable units as a minimum should be M4(2) standard-former lifetime homes standard and 5% of the affordable homes should be M4(3)B Wheelchair accessible and fitted ready for occupation on completion.

Officers consider the proposed scheme would be policy compliant and the Council's Housing Strategy and Enabling Officer has confirmed the proposal would be acceptable.

The applicant has submitted a draft unilateral undertaking to secure the agreed affordable housing provision.

Drainage and Flood Risk

7.53 The NPPF states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. Policy INF2 of the JCS seeks to prevent development that would be at risk of flooding. Proposals must avoid areas at risk of flooding and must not increase the level of risk to the safety of occupiers of a site and that the risk of flooding should be minimised by providing resilience and taking into account climate change. For sites of strategic scale, the cumulative impact of the proposed development on flood risk in relation to existing settlements, communities or allocated sites must be assessed and effectively mitigated. It also requires new development to incorporate Sustainable Urban Drainage Systems (SUDS) where appropriate to manage surface water drainage. This is reflected in Policy ENV2 of the TBP.

7.54 Policy A1 of the JCS states that adequate flood risk management across the site should be delivered in the Strategic Allocation's and all more vulnerable development should be wholly located within Flood Zone 1. This includes measures to reduce flood risk downstream through increasing storage capacity.

7.55 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). The FRA has also been used to inform the ES Chapter 11 on Hydrology, Flood Risk and Drainage. This chapter provides an assessment of the baseline conditions, likely significant effects and mitigation measures for the proposed development.

- 7.56** The assessment in the ES concluded the proposed development could have a major adverse effect on flood risk, surface water drainage, foul drainage and water quality both during construction and once the scheme is complete if no mitigation is applied. However, a Sustainable Drainage System (SuDS) would be used to manage surface water run-off, ensuring that the proposed development would not be at risk from surface water flooding and that flooding would not be increased elsewhere. SuDS will also be used to provide water quality improvements and prevent pollution entering groundwater and watercourses. As a result, the proposed mitigation would provide a moderate beneficial effect for flood risk and surface water drainage and will result in a negligible effect for foul drainage and water quality and the development would not have any adverse effect on hydrology, flood risk and drainage.
- 7.57** Gloucestershire County Council as Lead Local Flood Authority (LLFA) has no record of flooding on the site. The LLFA acknowledges there is some history of flooding in the area though this is predominantly due to sewer flooding but confirms that there is no reason from flood history or probability of the area to object to the proposal. The submitted FRA establishes post development surface water discharge rates from the site through methods that are acceptable to the LLFA. Based on the established runoff rates the FRA defines a preliminary surface water drainage strategy has been developed that will suitably mitigate for any increases in runoff caused by the development and the increases in impermeable area it results in. The LLFA does not believe that the development would result in increased flood risk elsewhere if the strategies described in the FRA are used in the development. Whilst no comments on this application have been received at the time of writing this report, the LLFA raised no objection to the 'original' proposal and believed it will be a safe development from a flooding perspective provided the principles defined in the FRA are carried through to the detailed design of the development. A condition is recommended to ensure this is the case.
- 7.58** In terms of foul water disposal, the foul flows from the northern part of the site will drain by gravity to the existing Severn Trent Water 150mm diameter foul sewer that crossed the northern link to Brook Lane. The southern part will drain to the new foul sewers in the Vistry/Bovis development to the south. The applicant has confirmed the right to connect to the Vistry foul sewer network has been secured contractually. The foul sewers will be adopted by Severn Trent Water or other Water/Sewerage Company to ensure that they will be maintained for the lifetime of the development. Officers are aware that there have been issues with foul sewerage in the village, however Severn Trent Water (STW) have been consulted as the relevant statutory undertaker for foul sewerage in the area and have raised no objections. A condition requiring the specific foul water drainage details is recommended.
- 7.59** In addition, at the request of Members as part of the original application, which is now at appeal, the Council appointed Hydrock to establish an appropriate sustainable drainage system for the proposal. Whilst the independent review highlighted the need for further analysis the review confirmed that the drainage principles are acceptable. As such given the outline nature of the application it is considered that a satisfactory drainage scheme, which should take into account the recommendations detailed in the report by Hydrock, could be secured via condition. Layout is a matter reserved for subsequent consideration and therefore should, following further investigations, there be a need to make changes to the drainage scheme there is scope to do so on site as the quantum of development is an 'up to' figure.

Biodiversity

- 7.60** The NPPF sets out, inter alia, that when determining planning applications, Local Planning Authorities should aim to conserve and enhance biodiversity by encouraging opportunities to incorporate biodiversity in and around developments, especially where this can secure measurable gains for biodiversity. Policy SD9 of the JCS seeks to protect and, wherever possible enhance biodiversity, including wildlife and habitats. Policy NAT1 of the TBP states that development proposals that will conserve, and where possible restore and/or enhance, biodiversity will be permitted.
- 7.61** The ES includes a chapter on Biodiversity which assesses the likely significant effects of the proposed development on ecology and nature conservation, together with any required strategies to minimise or compensate for them. The assessment is based on habitat surveys carried out between May and October 2020 to ascertain the general ecological value of the land and to identify the main habitats and associated plant species.
- 7.62** Overall, the ES concludes that following mitigation and enhancement measures, the effects are considered to be beneficial at the site and will ensure no net loss in biodiversity terms.
- 7.63** The ES proposes a range of on-site mitigation and enhancement measures, which include:
- New areas of wildflower grassland will be sown/oversown using a native species-rich grassland seed mixture and would be subject to a suitable management regime to increase the floristic diversity of the site.
 - Planting of new hedgerow/tree planting of a length/area greater than that lost, based around native species of local provenance.
 - Measures will be put in place to ensure that the retained hedgerows and trees are safeguarded from direct impacts during the construction phase.
 - Best practice methods and effective engineering solutions will be employed to ensure that contaminated run-off is prevented from entering the Hatherley Brook.
 - ‘Dark’ corridors will be maintained using a sympathetic lighting regime.
 - In order to safeguard any nesting bird species within the site, the clearance of any hedgerows, trees and scrub will be undertaken outside of the bird breeding season.
 - Bat boxes for species recorded within the site will be provided throughout on retained mature trees and concentrated along key areas.

- 7.64** The Council's Ecological Advisor (EA) has reviewed the Biodiversity chapter of the ES and have asked for an updated external and internal inspection of the timber shed, which is proposed to be demolished, for roosting bats to be undertaken because two years have passed since the most recent survey. In addition, the EA has asked for a Great Crested Newt Mitigation Method Statement to be prepared and submitted to the LPA for review prior to determination. This request is currently being reviewed by the applicant and **an update on this matter will be provided to Members.**
- 7.65** The site lies approximately 8km southeast of the site, this is within the impact risk zone for the Cotswolds Beechwoods Special Area of Conservation (SAC). Policy NAT1 of the TBP states that proposals that are likely to have a significant effect on an internationally designated habitats site (either alone or in combination with other plans or projects) will not be permitted unless a Habitats Regulations Assessment (HRA) has concluded that the proposal will not adversely affect the integrity of the habitats site. A Briefing Note providing additional information for the Habitats Regulation Assessment was submitted with the application which concludes that based on the distance between the application site and the Cotswolds Beechwood SAC and the number of alternative recreational resources that are closer to the application site, it follows that there would not be any likely significant effects on the Cotswolds Beechwood SAC, either alone or in combination with other plans or projects. Nonetheless, certainty can be provided by the applicant's willingness to provide Homeowners Information Packs (HIP) to new residents, the details of which can be secured by way of planning condition. The Council's Ecological Advisor has reviewed the assessment and concur with the conclusions. At the time of writing this report Natural England were still reviewing the HRA therefore **an update will be provided at Planning Committee.**
- 7.66** In addition to the above, Policy NAT1 of the TBP 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. The reasoned justification sets out that the Council will expect all development to deliver a minimum net gain of 10% calculated using the DEFRA Biodiversity Metric (or any updated or replacement metric used as the industry standard). **Members will be provided with an update on this at Planning Committee.**

Loss of Agricultural Land & Soils

- 7.67** The NPPF sets out that planning decisions should contribute to and enhance the natural environment by, inter alia, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land. This aims to protect the best and most versatile (BMV) agricultural land and soils in England from significant, inappropriate and unsustainable development proposals.
- 7.68** The Agricultural Land Classification assesses the quality of farmland to enable informed choices to be made about its future use within the planning system. There are five grades of agricultural land, with Grade 3 subdivided into 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a.

- 7.69** The ES Chapter on Soils and Agriculture assesses the overall impact of the development on present and future land use within and surrounding the site. It considered the potential effects of the proposed development on agricultural land, soil and farm holdings.
- 7.70** The application site extends to approximately 7.82 hectares of which 6.5 hectares is in productive agricultural use. The data used to inform the assessment on agricultural land and soil was derived from a detailed Agricultural Land Classification (ALC) survey carried out across the application site in 2013 and 2020. The ALC surveys identified two distinct soil types comprising mainly sandy loam or sandy clay loam topsoil over loamy sand or sandy clay upper subsoils in the main application site, and heavy clay loam and clayey soils in the additional infrastructure areas to the west and south. The ES concludes that agricultural land quality at the application site is affected by droughtiness, which limits the land to Subgrade 3a (good quality) and Subgrade 3b (moderate quality), or wetness, which limits the land to Grade 2 or Subgrade 3b. There are 3.9 hectares of either Grade 2 and Subgrade 3a land, which is deemed to be the 'best and most versatile land.' This counts against the proposal however it should be noted that the application site has been allocated for development and therefore its loss as agricultural land has already been established.
- 7.71** In terms of the impact upon the farm holding, the application site is owned by the applicant and farmed by the Boddington Estate. The Estate farms in excess of 630 hectares in the locality. The land at Twigworth is sown to arable crops which are harvested and transported to the main farm centre at Boddington. The principal direct effect on the farm holding will be the loss of available farmstead. Once the development commences the area of land removed from production will be approximately 6 hectares, which represents less than 1% of the total area farmed. As the area of land removed from the holding is negligible, the ES concluded the overall effect is assessed as negligible, which is not significant.

Historic Environment

- 7.72** 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. The NPPF sets out that heritage assets range from sites and buildings of local historic value to those of the highest significance and that these assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. 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. Policy HEN2 sets out that any development within the setting of Listed Buildings, will be expected to have no adverse impact on those elements which contribute to their special architectural or historic interest.
- 7.73** The Environmental Statement (ES) includes an assessment of the likely significant effects of the proposed development in terms of archaeology and built heritage in the context of the application site and surrounding area.
- 7.74** In terms of built heritage, the Built Heritage Statement (BHS) identified that the application site includes no built heritage resources within its boundary. However, three built heritage resources were identified beyond the application site with the potential to be affected by the proposed development. These receptors comprise the Grade II listed Manor House, Grade II listed Yew Tree Cottage, and the two Grade II listed buildings at Court Farm.

- 7.75** The BHS concluded that the proposed development would have no impact on any designated or non-designated heritage assets.
- 7.76** In terms of archaeology, no nationally significant archaeological assets are known on the application site. The ES found that the former ridge and furrow cultivation, field boundaries and other updated evidence of agricultural activity recorded on the application site by the Geophysical Survey and Evaluation Trial Trenching are of negligible archaeological interest. The loss of these archaeological receptors would result in no more than a negligible significant of effect.
- 7.77** The Council Archaeologist (CA) has reviewed the ES and it is his view that sufficient information has been made available regarding archaeological impact to allow an informed planning decision to be made on this issue. The CA has no objection in principle to the development of the site, with the proviso that an appropriate programme of work to excavate and record any significant archaeological remains should be undertaken prior to development in order to mitigate the ground impacts of the proposal. To facilitate this a condition is recommended.
- 7.78** In conclusion, it is considered that the proposed development would not have an unacceptable harm on any designated and non-designated heritage assets.

Open Space, Outdoor Recreation and Sports Facilities

- 7.79** 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. Policy RCN1 of the TBP requires the provision of appropriate public outdoor space, sports pitches and built sports facilities to meet the needs of local communities. In order to ensure that development is making appropriate contributions a Developer Contributions Toolkit provides a tailored and evidence based approach to determine the right level of provision.
- 7.80** On this basis, assuming the 160 dwellings would have an average 2.3 persons per dwelling, the population increase would be 368 persons. Based on the Developer Contributions Toolkit, there would be a resulting requirement for the provision of 1.54 hectares of appropriate public outdoor space. The submitted Design and Access Statement states 0.71 hectares of accessible public open space would be provided across the site. However, the requirement using the Developer Contributions Toolkit includes 1.21 hectares of Natural & Semi-Natural Greenspace, of which a significant level should be provided on the wider Strategic Allocation and therefore 1.21 hectares on the site would not be required.
- 7.81** In terms of formal sports provision this cannot be met on-site. However, the Council's Community and Place Development Officer has confirmed that because the site forms part of the wider Strategic Allocation a contribution towards off-site sports provision would not be necessary to make the development acceptable in planning terms.

Education, Library and Community Provision

- 7.82** 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. Policy SA1 sets out that infrastructure should be provided comprehensively across the site taking into account the needs of the whole Strategic Allocation. Financial contributions will be sought through S106 and CIL mechanisms as appropriate.
- 7.83** Gloucestershire County Council as Local Education Authority (LEA) have been consulted and requested contributions towards education provision in line with its cost multipliers and pupil yields. The assessment identified the development would have an impact on the Churchdown-Innsworth Primary Planning Area and the Gloucester Secondary Planning Area. As such, based on 160 qualifying dwellings, a full contribution of **£545,300.00** towards primary school transport to access school places beyond the statutory walking distances and a contribution of **£525,286.40** towards secondary education provision has been requested in order to mitigate the impact. It is noted that the development proposes 14 x 1 bed units so the number of qualifying dwellings would be reduced to 146. As such the pupil yield and contribution amounts would be reduced accordingly. The Review Clause in the legal agreement would address any changes in the final number of qualifying dwellings to ensure the contributions required were based on the exact number of qualifying dwellings finally built, should permission be granted. A draft Unilateral Undertaking to secure the requested contributions has been submitted by the applicant, which is currently being reviewed by Gloucestershire County Council and an **update will be provided to Members on this matter.**
- 7.84** In terms of libraries, Gloucestershire County Council have advised that the scheme would generate a need to improve customer access to services through refurbishment and upgrades to the existing building, improvements to stock, IT and digital technology and increased services at either Churchdown Library or Longlevens Library. As such a contribution of **£31,360.00** is therefore required to make the application acceptable in planning terms.
- 7.85** The Council's Community and Place Development Officer has confirmed that because the site forms part of the wider Strategic Allocation a contribution towards community facilities would not be necessary to make the development acceptable in planning terms.

Section 106 obligations

- 7.86** 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.

7.87 These tests are as follows:

- a) necessary to make the development acceptable in planning terms.
- b) directly related to the development; and
- c) fairly and reasonable related in scale and kind to the development.

7.88 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

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

- **£545,300.00** towards primary school education provision (Transport to school) – to be bonded and drawn down from time to time by the LEA as required.
- **£525,286.40** towards secondary education provision
- **£31,360.00** towards library provision at either Churchdown Library or Longlevens Library.
- **£11,680** towards recycling and waste bin facilities
- **35%** Affordable Housing and policy compliant tenure mix
- **£54,240** towards a Travel Plan
- **£15,000** towards improvements to the bus stop on the eastern side of the A38 (Bus Stop – stopID glodgjdw).
- **£2,500** towards tactile paving at the junction of Norton Garden Centre on the A38.
- Provision of a **LEAP** on-site.

7.90 Whilst the applicant has indicated a willingness to enter into a legal agreement to secure the planning obligations outlined currently there is no signed agreement in place. That said, this is a matter which could be resolved prior to the decision being issued, should permission be granted.

8.0 CONCLUSION AND RECOMMENDATION

- 8.1** Section 38(6) of the Town and Country Planning Act 1990 provides that, if regard is to be had to the development plan, the determination must be made in accordance with the development plan unless other material circumstances indicate otherwise. Section 70(2) of the Act provides that the Local Planning Authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.
- 8.2** The application site forms part of the wider Strategic Allocation in the JCS at Innsworth and Twigworth. The site itself is identified as an area for 'Housing and Related Infrastructure' on the Indicative Site Layout Proposals Map A1. Therefore, housing development in this location is considered acceptable.
- 8.3** On the basis the Council cannot at this time demonstrate a five year supply of deliverable housing land, the Council's policies for the supply of housing are out of date. In accordance with paragraph 11 of the NPPF, the presumption in favour of sustainable development indicates that permission should be granted unless policies for protecting areas of assets of particular importance in the NPPF provide a clear reason for refusing the development proposed, or any adverse impacts of permitting the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole. There are no clear reasons for refusal arising from NPPF policies for the protection of areas or assets of particular importance in this case and therefore, it is clear that the decision-making process for the determination of this application is to assess whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.

Benefits

- 8.4** The development would contribute towards the supply of housing, both market and affordable housing to help meet the objectively assessed need for housing in the Borough in an area where the principle of housing development is considered acceptable.
- 8.5** Moderate weight is given to the economic benefits that would arise from the proposal both during and post construction, including the economic benefits arising from additional residents supporting local businesses.

Harms

- 8.6** The proposed development would result in the loss of 3.9 hectares of either Grade 2 and Subgrade 3a land, which is deemed to be the 'best and most versatile land'. Nevertheless, it should be noted that the application site has been allocated for development and therefore its loss as agricultural land has already been established.
- 8.7** There would be some harm to the landscape by reason of encroachment into the agricultural land. However, given the site's location in terms of the existing site context and given the location of the site within the wider Strategic Allocation and the potential to further minimise harm through sensitive design at reserved matters stage, it is not considered that the harm would be significant.

Neutral

- 8.8 It has been established through the submission documents that subject to securing satisfactory measures as part of any future reserved matters, the imposition of appropriate planning conditions and planning obligations, the development would not give rise to unacceptable impacts in relation to flood risk and drainage, design and layout, residential amenity, ecology, the historic environment or any noise or odour pollution. In addition, the development would provide an acceptable affordable housing tenure mix.

Overall conclusion

- 8.9 Whilst there would be some harm arising from the development, this harm is not considered to be significant. Significant weight should be given to the provision of housing, both market and affordable, in a location where the principle of residential development would be acceptable and given the Council cannot at this current time demonstrate a five year supply of deliverable housing sites.
- 8.10 Further, this application includes the submission of three draft planning obligations by way of Unilateral Undertakings (UU) which seek to secure, inter alia, a policy compliant affordable housing quantum, mix and tenure and the contributions requested by the Local Education Authority towards secondary education provision. In addition, the applicant has confirmed they will enter into a separate planning obligation with regards to the primary school transport funding by way of a bi-lateral agreement. Officers consider the UU's for the Borough obligations are acceptable, subject to minor amendments. Gloucestershire County Council are currently considering the draft agreements and **an update will be provided on this matter at Planning Committee**. However, subject to successful negotiations and the completion of the UU's the putative refusal reasons on the 'original' application, reference 21/00976/OUT, will have been addressed.
- 8.11 Taking account of all the material considerations and the weight to be attributed to each one, and on the basis the putative refusal reasons on the 'original' application have been addressed, it is considered that identified harms would not significantly and demonstrably outweigh the benefits in the overall planning balance.
- 8.12 It is therefore considered that the proposed development would constitute sustainable development in the context of the NPPF as a whole and it is therefore recommended that the grant of planning permission be **DELEGATED to the Development Manager subject to the satisfactory resolution of the outstanding matters referred to in the report, which include the request for updated ecological surveys/information, conclusions in respect of the contribution towards education provision, confirmation from Natural England that the Shadow Habitats Regulation Assessment is acceptable, subject to no adverse objections raised by the outstanding consultees and representations received from the press notice which can't be successfully overcome, and the addition/amendment of planning conditions as appropriate and the completion of an agreement to secure the obligations listed in paragraph 7.87 of this report.**

CONDITIONS:

1. Details of the access, appearance, landscaping, layout and scale (hereinafter called “the Reserved Matters”) shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced and the development shall be carried out in accordance with the approved details.

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. The development hereby permitted shall provide no more than 160 dwellings.

Reason: To define the scope of the permission.

5. Notwithstanding the submitted details, prior to the submission of any Reserved Matters a Design Principles document shall be submitted to and approved in writing by the Local Planning Authority. The document shall include the following:

- (a) The principles for determining the design, form, heights and general arrangements of external architectural features of buildings.
- (b) The principles of the hierarchy for roads and public spaces.
- (c) The potential arrangement of car parking.
- (d) The principles for the design of the public realm.
- (e) The principles for the layout of the green infrastructure, including access to public open space, location and general arrangements of play area.
- (f) Details of how the new development will integrate with and complement the wider Strategic Allocation in an appropriate manner.

Any future Reserved Matters application shall thereafter be in accordance with the approved Design Principles document.

Reason: To help guide subsequent Reserved Matters applications to achieve a high quality of design.

6. The first Reserved Matters application submitted pursuant to Condition 1 shall include the submission of a Market 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.

7. Notwithstanding the submitted details, 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.

8. Any Reserved Matters submitted pursuant to Condition 1 relating to appearance shall include details of the materials to be used in the construction of the external surfaces of any building. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

9. The Reserved Matters submitted pursuant to Condition 1 shall provide full details of both hard and soft landscape proposals. The landscape scheme shall include the following details:

- (a) positions, design, materials and type of boundary treatments to be erected;
- (b) hard landscaping materials;
- (c) a plan showing details of all existing trees and hedges on the site. The plan should include, for each tree/hedge, the accurate position, canopy spread and species, together with an indication of any proposals for felling/pruning and any proposed changes in ground level, or other works to be carried out, within the canopy spread;
- (d) a plan showing the layout of proposed tree, hedge, shrub, ornamental planting and grassland/wildflower areas;
- (e) a schedule of proposed planting, noting species, planting sizes and proposed numbers/densities;
- (f) a written specification outlining cultivation and other operations associated with plant and green grass establishment;
- (g) a schedule of maintenance, including watering and the control of competitive weed growth, for a minimum period of five years from first planting.

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

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

No dwelling hereby permitted shall be brought into use/occupied until all hard landscaping and boundary treatment have been completed in accordance with the approved details.

Reason: In the interests of visual amenity.

10. Prior to the commencement of the development hereby approved including all preparatory work, a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a Tree Protection Plan(s) (TPP) and an Arboricultural Method Statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. The TPP and AMS should include details of the following:

- (a) Location and installation of services/ utilities/ drainage.
- (b) Details of construction within the RPA or that may impact on the retained trees.
- (c) a full specification for the installation of boundary treatment works.
- (d) A specification for protective fencing to safeguard trees during construction phases and a plan indicating the alignment of the protective fencing.
- (e) a specification for scaffolding and ground protection within tree protection zones.
- (f) Tree protection during construction indicated on a TPP and construction plan and construction activities clearly identified as prohibited in this area.
- (g) details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires.

All works shall be carried out in accordance with the approved details.

Reason: To prevent existing trees from being damaged during construction work and to preserve the amenities of the locality.

11. Notwithstanding the submitted details, any Reserved Matters submitted pursuant to Condition 1 shall be accompanied by details of the proposed surface water drainage scheme. The information submitted shall be in accordance with the principles set out in the Drainage Strategy embedded in the Flood Risk Assessment and Drainage Strategy, prepared by Phoenix Design Partnership Ltd, dated April 2021 and submitted with this application. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in The SuDS Manual, CIRIA C753 (or any subsequent version) and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation;
- iii. provide a full risk assessment for flooding during the groundworks and building phases with mitigation measures specified for identified flood risks; and
- iv. provided a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

None of the dwellings hereby approved shall be first occupied until the drainage scheme has been implemented in accordance with the approved details.

Reason: To ensure the development is provided with a satisfactory means of drainage as well

as to reduce the risk of creating or exacerbating a flood problem and to minimise the risk of pollution for the lifetime of the development. 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.

12. Notwithstanding the details submitted, any Reserved Matters submitted pursuant to Condition 1 shall be accompanied by details of the proposed disposal of foul water flows. 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 and confirmed in writing as such by Severn Trent Water Limited to the Local Planning Authority.

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

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

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

14. Any Reserved Matters submitted pursuant to Condition 1 shall be accompanied by details of external lighting for the specific development. The details shall clearly demonstrate that lighting will not cause excessive light pollution or disturb or prevent bat species using key corridors, forage habitat features or accessing roost sites (to be informed by results of bat activity surveys). The details shall include, but not limited to, the following:

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

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

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

15. No above ground development shall commence until a detailed Site Waste Management Plan has been submitted to and approved in writing by the local planning authority. The Plan shall identify the main waste materials expected to be generated by the development during the construction phase and set out measures for dealing with such materials so as to minimise overall waste and to maximise re-use, recycling and recovery in line with the waste hierarchy. The detailed Site Waste Management Plan must include: -

- i) Information on the type and amount of waste likely to be generated prior to and during the construction phase;
- ii) Details of the practical arrangements for managing waste generated during construction in

accordance with the principles of waste minimisation; and
iii) Details of the measures for ensuring the delivery of waste minimisation during the construction phase.

The Site Waste Management Plan shall be fully implemented as approved unless the Local Planning Authority gives prior written permission for any variation.

Reason: To ensure the effective implementation of waste minimisation.

16. No above ground development shall commence until details of the provision made for facilitating the recycling of waste generated during the occupation phase have been submitted to and approved in writing by the Local Planning Authority. Provision must include appropriate and adequate space to allow for the separate storage of recyclable waste materials that will not prejudice the delivery of a sustainable waste management system in line with waste hierarchy and local authority's 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.

17. Prior to the first occupation of any dwelling, a sample Homeowner Information Pack (HIP) must be submitted to and approved in writing by the Local Planning Authority. These pack must contain information to make new residents aware of the sensitivities of nearby sites of nature conservation concern, including, Alney Island LNR and Cotswolds Beechwoods Special Area of Conservation (SAC) and how to act responsibly to avoid disturbing wildlife (including: residents should be advised to keep dogs on leads at the aforementioned sites and recommendations to keep cats in at night to reduce hunting pressure on wildlife). In addition, a map of alternative public open spaces including those in the development and their foot/cycleway links plus public transport links needs to be included along with guidelines on wildlife gardening and leaving the pre-cut 13x13cm hedgehog tunnels in fences to allow their movement across the estate. Two copies of the approved HIP shall be provided to all future residents prior to the occupation of each dwelling.

Reason: To ensure that residents are made aware of the nearby recreational opportunities as well as emphasising the sensitivities of the Cotswolds Beechwoods Special Area of Conservation and Alney Island Local Nature Reserve.

18. The development hereby permitted shall be carried out in strict accordance with the mitigation measures outlined and recommended in Chapter 6 (Biodiversity) of the Environment Statement, prepared by Ecology Solutions, dated March 2021, and submitted with this application.

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

19. Prior to the commencement of development, a Construction Ecological Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall expand on the mitigation measures outlined and recommended in Chapter 6 (Biodiversity) of the Environment Statement, prepared by Ecology Solutions, dated March 2021. Ecological wildlife features to include:

- Bats (both foraging and roosting – where precautionary measures should be detailed including timing of works).
- Great Crested Newts (GCN) (i.e., GCN RAM to form part of the CEMP and timing of works).

- Hedgehogs (including recommending installing fencing with 13x13cm hedgehog passes at base to allow hedgehogs to use area effectively).
- Nesting birds (in hedgerows and trees and timing of works).
- Badgers (foraging and pre-commencement check on site and within close proximity of the site prior to the commencement of works).
- Hedgerows and trees and should include reference to Sustainable Urban Drainage Systems.

All works shall be carried out in accordance with the approved CEMP and a copy shall be given to the contractors on site to ensure that everyone is aware of the requirements to protect wildlife and habitats.

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

20. Prior to the commencement of development, a Landscape Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall expand on the mitigation measures outlined and recommended in Chapter 6 (Biodiversity) of the Environment Statement, prepared by Ecology Solutions, dated March 2021, and shall include details of:

- A monitoring regime for a minimum period of five years to ensure habitats establish well and animal shelters remain in good state.
- Responsible person/organisation needs to be stated and method by which protection of created habitats/open spaces will be secured.
- Habitat enhancements for bats, birds, amphibians and hedgehogs (e.g. bat & bird boxes to be installed on retained trees and new buildings, amphibian shelters, separate hedgehog shelters).
- All wildlife features should be shown on the landscape plan.

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

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

21. No development shall take place until details of the mitigation measures to achieve compliance with BS8233:2014 recommended internal and external noise levels for the occupiers of the new dwellings have been submitted to and approved in writing by the Local Planning Authority. The mitigation measures approved shall be completed prior to any dwellings to which they relate being first occupied. The development shall be carried out in accordance with the approved details.

Reason: In the interests of amenity.

22. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The plan shall provide for:

- (a) 24-hour emergency contact number.
- (b) Hours of operation.
- (c) Parking of site operatives' and visitors' vehicles (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction).

- (d) Routes for construction traffic.
- (e) Locations for loading/unloading and storage of plant, waste and construction materials.
- (f) Methods of preventing mud being carried onto the highway.
- (g) Measures to protect vulnerable road users (cyclists and pedestrians)
- (h) Any necessary temporary traffic management measures.
- (i) Arrangements for turning vehicles.
- (j) Arrangements to receive abnormal loads or unusually large vehicles.
- (k) Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason: In the interests of the safe operation of the adopted highway in the lead into the development during the construction phase of the development.

23. The development hereby approved shall not be occupied until drawings of the highway improvements/offsite works comprising:

- Improvements to Brook Lane, to include details of surfacing and street lighting;
- Measures to restrict vehicle access from the development site to Brook Lane;

Have been submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be occupied until those works have been constructed in accordance with the approved details.

Reason: To ensure the safe and free flow of traffic onto the highway.

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

Reason: To promote sustainable travel and healthy communities.

INFORMATIVES:

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

2. Travel Plan

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.

3. Construction Management Plan (CMP)

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

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

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

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