

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

Committee:	Planning
Date:	21 June 2022
Site Location:	Land to South of The Pheasant Inn B4632 Newtown Toddington
Application No:	20/00559/OUT
Ward:	Isbourne
Parish:	Stanway
Proposal:	Outline planning application for the erection of up to 29 dwellings and associated works with all matters except for access reserved for future consideration.
Report by:	Bob Ristic
Appendices:	Site location plan Indicative site layout plan Drainage Strategy Access Appraisal
Recommendation:	Delegated Permit
Reason for referral to committee:	Full or outline application for the erection of 10 or more residential units.

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site comprises an agricultural field set to on the eastern side of the B4632 and to the south of the Carpark to the Pheasant Public House in Toddington. The site backs onto Toddington Garden Centre and heritage railway carpark to the east. Open countryside lies to the south of the site and to the west, on the opposite side of the B4632.
- 1.2 The site measures approximately 1.68 hectares in area, is relatively flat and is enclosed by hedgerows and trees to its boundaries. The site comprises a housing allocation (TOD1) within the Tewkesbury Bourgh Plan 2011 to 2031, it lies within the Special Landscape Area (SLA) and within Flood Zone 1. A gas pipeline runs north to south through the eastern part of the site.
- 1.3 The application seeks Outline planning permission for the erection of up to 29 dwellings and associated works with all matters except for access reserved for future consideration. The application has been accompanied by an indicative layout plan (**Attached**) which shows how the site could be laid out, however Layout, Appearance, Landscaping and Scale remain reserved matters.

- 1.4** Access is not a reserved matters and the submitted plan shows how the site would be accessed from the B4632, with 7 frontage dwellings being served with individual drives, with an 'estate road' to the southern part of the site serving the dwellings within the central part of the site. The eastern part of the site would remain undeveloped and provide an area of public open space.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
14/00915/OUT	Outline planning application for the erection of up to 25 dwellings and associated works with all matters reserved for future consideration with the exception of access.	REF and DISMISSED ON APPEAL	23.04.2015
11/01022/FUL	Proposed camping and caravan site. To include new access and amenity building.	REF	09.12.2011

3.0 RELEVANT POLICY

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

3.1 National guidance

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

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

- SP1 (The Need for Development)
- SP2 (Distribution of New Development)
- SD3 (Sustainable Design and Construction)
- SD4 (Design Requirements)
- SD6 (Landscape)
- SD8 (Historic Environment)
- SD9 (Biodiversity and Geodiversity)
- SD10 (Housing Development)
- SD11 (Housing Mix and Standards)
- SD12 (Affordable Housing)
- SD14 (Health and Environmental Quality)
- INF1 (Transport Network)
- INF2 (Flood Risk Management)
- INF3 (Green Infrastructure)

3.3 Tewkesbury Borough Plan 2011-2031 (June 2022)

- Policy RES1 (Housing Site Allocations)
- Policy TOD1 (Land adjacent to Pheasant Public House, Toddington)
- Policy RES2 (Settlement Boundaries)
- Policy RES5 (New Housing Development)
- Policy RES12 (Affordable Housing)
- Policy RES13 (Housing Mix)
- Policy DES1 (Housing Space Standards)
- Policy ENV2 (Flood Risk and Water Management)

3.4 Neighbourhood Plan

None

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 Toddington Parish Council – Object

- Development is too dense
- Too many properties.
- Four access points onto a busy road
- Currently has a 60mph speed limit.
- Concern with current utilities (drainage etc)

4.2 Gloucestershire Highways – No objections subject to conditions and a contribution towards school transport.

4.3 Housing and Enabling Officer - No objections subject to completion of a S106

4.4 Ecological Adviser - No objections in principle, though final observations are awaited.

4.5 Lead Local Flood Authority – No objections in principle, though final observations are awaited.

4.6 Environmental Health Officer (Noise) – No objections subject to condition

4.7 Environmental Health Officer (Air quality) – No objections subject to condition

4.8 Health and Safety Executive – No objections

4.9 Local Education Authority – No objection

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1** Full copies of all the representation responses are available online at <https://publicaccess.tewkesbury.gov.uk/online-applications/>.
- 5.2** The application has been publicised through the posting of a press notice and site notices for a period of 21 days.

- 5.3** Four letters of representation have been received in response. The comments raised are summarised below:

- Plans do not show 2 new houses to the North
 - Consideration should be given to the effect on these and established properties next to the development.
 - Removal of any hedgerow and green open space would reduce habitats and impact wildlife
- TBP (2019) states that restraint should be observed in terms of developing up to the boundary
- No proposals to restore or enhance hedgerows or minimise visual impact of development
 - Submitted plans show buildings abutting the northern boundary hedgerow.
 - Increase in noise and loss of privacy
 - Flats would cause overlooking
 - Loss of views
 - Plans are an over-development of the site
 - Not in keeping with other nearby properties which are mainly larger homes.
 - Design and Access statement not accurate - Primary school now closed
 - Garage and bus stops do not exist
 - Limited bus service
 - Only one shop in village
 - Increased traffic
 - Access too close to roundabout
 - Highway safety, road is 60mph
 - Impact of streetlighting/light pollution
 - Would not assimilate with the area/AONB

- Concerns with mains services
- Site floods
- Inadequate publicity/site notice not visible

6.0 POLICY CONTEXT

- 6.1** Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
- 6.2** The 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.
- 6.3** The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), The Tewkesbury Borough Local Plan 2011 to 2031 (June 2022) (TBP), and a number of 'made' Neighbourhood Development Plans.
- 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** Toddington is identified as a Service Village in the JCS and Policy SP2 sets out that development at rural service centres and service villages will be allocated through the Tewkesbury Borough Plan and Neighbourhood Plans, proportional to their size and function, and also reflecting their proximity and accessibility to Cheltenham and Gloucester and considering the environmental, economic and social impacts including existing levels of growth over the plan period
- 7.2** The application site now lies within the revised settlement boundary to Toddington as set out in the Proposals Maps to the Tewkesbury Borough Plan and is identified as a housing site allocation Site TOD1 with an indicative capacity of 25 dwellings and would accord with JCS Policy SD10 (Paragraph 2).
- 7.3** TBP Policy RES1 sets out that site specific allocations are supported by site specific policies providing guidance on the development of these sites and must also comply with TBP Policy RES5 which relates to new housing development.
- 7.4** The application site is subject to site specific Policy TOD1 which sets out that proposals on the site will be expected to be landscape led to aid assimilation into the surrounding landscape, that existing hedgerows to the south and east should be retained and reinforced where necessary and comprehensive tree and hedge planting provided. The site should also contribute to the wider green infrastructure network and the layout address the mains gas pipeline in the vicinity of the site.

Five Year Housing Land Supply

- 7.5 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. 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.
- 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.

Conclusions on Principle of Development

- 7.7 The proposal accords with Policy SD10 of the JCS and the broad requirements of Policy TOD1 of the Tewkesbury Borough Local Plan (June 2022). Accordingly, the principle of development is considered to be acceptable subject to compliance with other policies within the plan.

Access and highway safety

- 7.8 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.
- 7.9 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.
- 7.10 The application has been accompanied by a Transport Statement which has been assessed by Gloucestershire County Council as Local Highway Authority (LHA). The Officer advises that while the development will be reliant on private transport, Toddington is identified as a Service Village in the JCS and the site is proposed for residential development, accordingly there is no objection on sustainability grounds.

- 7.11** The Officer advises that while there have been 3 personal Injury Collisions in the vicinity of the site, there are no patterns to indicate issues in relation to the operation and safety of the local highway. Furthermore, a speed survey has been undertaken and the Officer advises that adequate visibility could be achieved to serve the main site access as well as the individual accesses to the frontage plots as proposed.
- 7.12** The Officer advises that there are no schools in the immediate vicinity and a contribution of **£63,350** is sought towards the provision of a school bus services to reduce reliance on individual private vehicular journeys. This contribution could be secured through a S.106 agreement.
- 7.13** Subject to compliance with conditions in respect of visibility splays, electric vehicle charging provision and pedestrian safety improvements, it is considered that the proposal would have no severe or adverse highway impacts and the means of access proposed is acceptable.

Landscape and visual impact

- 7.14** The NPPF sets out that planning decisions should contribute to and enhance the natural and local environment by, inter alia, protecting and enhancing valued landscapes, and by recognising the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystem service. Policy SD6 of the JCS states that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. Proposals will have regard to local distinctiveness and historic character of different landscapes and proposals are required to demonstrate how the development will protect landscape character and avoid detrimental effects on types, patterns and features which make a significant contribution to the character, history and setting of a settlement area.
- 7.15** TBP Policy LND2 sets out that special attention will be accorded to the protection and enhancement of the landscape character of the SLA. TBP Policy LAN1 sets out that new development will be permitted providing the proposal would not cause harm to features of the landscape character, maintains the quality of the natural and built environment and reasonable opportunities to enhance landscape character are sought. JCS Policy SD7 sets out that development proposals in or adjacent to the Cotswolds AONB will be required to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities.
- 7.16** The application site lies within the Special Landscape Area and in proximity to the southern and western edges of the Cotswolds AONB, which lies to the North of the B4077 and to the east of the Toddington Heritage Railway line.
- 7.17** The application has been supported by a Landscape and Visual Impact Assessment which sets out that the site is characterised as being in the National Landscape Character - NCA106 Severn and Avon Vales and Local Landscape Character Unwooded Vale & Toddington and Greet Vale and Local Character Area Teddington and Greet Vale Landscape. The report advises that the site is generally level, comprising pasture land which is enclosed by boundary hedgerow and trees.

- 7.18** The report sets out that the site is contained on all sides by hedgerows and views are predominantly from the B4632 to the west of the site with distant views from within the AONB, where the proposal would be seen in the context of nearby dwellings and commercial structures such as the public house, garden centre and heritage railway station. The report also sets out proposed mitigation in the form of boundary planting and landscaping within the site particularly to the eastern part which could serve to conserve the setting of the AONB.
- 7.19** While development by its nature would result in some landscape harm it is considered that this harm could be mitigated through additional planting and use of appropriate building materials. The indicative layout plan shows how this could be achieved in principle however the Layout, Landscaping Appearance and Scale of the development would need to be considered at the reserved matters stage, particularly in respect of the proximity of built development to site boundaries in order to ensure appropriate mitigation is achieved in accordance with the requirements of Policy TOD1.
- 7.20** Notwithstanding the sites proposed inclusion within the Toddington settlement boundary in the TBP and measures identified above, the proposal would however result in some landscape harm, and this is a matter that would weigh against proposal in the overall planning balance.

Housing mix

- 7.21** Policy SD11 of the JCS requires all new housing development to provide an appropriate mix of dwellings sizes, types and tenures in order to contribute to mixed and balanced communities and a balanced housing market. Development should address the needs of the local area and should be based on the most up to date Strategic Housing Market Assessment.
- 7.22** 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.
- 7.23** The indicative site layout plan shows a mix of 1 to 5 bed dwellings. As the application is in outline with all matters (other than access) reserved the specific mix of housing for this site has not been considered at this time. However a Condition is recommended to secure an appropriate market housing mix which should be in broad accordance with the most up to date Strategic Housing Market Assessment at the time the first reserved matters application.

Affordable housing

- 7.24** The NPPF sets out that Local Planning Authorities should set policies for meeting affordable housing need on development sites. Policy SD12 criterion 1(ii) of the JCS requires a minimum of 40% affordable housing on developments outside of the JCS Strategic Allocations; where possible affordable housing should be provided on-site and calculated requirements should be rounded to the nearest whole unit.

- 7.25** The Council's Housing Enabling Officer (HEO) has reviewed the application and advises that the proposal would generate a requirement for 12 affordable units to be policy compliant.
- 7.26** The applicant has proposed 3 no. 4 bed homes, 3 no. 3 bed homes and 6 no. 1 bed units. The Council's HEO has advised that this would represent an over-provision of 1 bed units when assessed against the Council's Local Housing Needs Assessment. The officer has recommended a revised mix set out below, which the applicant has agreed and it is considered that this could be secured through a S.106 agreement.

	Social rent	AHO/shared equity	Total
1 bed	2	1	3
2 bed	2	2	4
3 bed	2	2	4
4+ bed	1	0	1
Totals	7	5	12

- 7.27** In terms of accessibility the Gloucestershire Local Housing Needs Assessment 2020 supports 50% of the affordable homes to be M4(2) former lifetime homes standard and 5% M4(3)B disabled access/wheelchair access. (JCS Policy SD11 and JCS Policy SD4). Preferred housing unit standards should be Nationally Described Space Standard sizes and all units should also be double bed space. Compliance with these details would need to be demonstrated at the reserved matters stage.

Housing mix

- 7.28** Policy SD11 of the JCS requires all new housing development to provide an appropriate mix of dwellings sizes, types and tenures in order to contribute to mixed and balanced communities and a balanced housing market. Development should address the needs of the local area and should be based on the most up to date Strategic Housing Market Assessment.
- 7.29** 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.
- 7.30** As the application is in outline with all matters (other than access) reserved the specific mix of housing for this site has not been considered at this time. However a condition is recommended to secure an appropriate market housing mix which should be in broad accordance with the most up to date Strategic Housing Market Assessment at the time the first reserved matters application.

Drainage and flood risk

- 7.31 The NPPF states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. Policy INF2 of the JCS seeks to prevent development that would be at risk of flooding. Proposals must avoid areas at risk of flooding and must not increase the level of risk to the safety of occupiers of a site and that the risk of flooding should be minimised by providing resilience and taking into account climate change. It also requires new development to incorporate Sustainable Urban Drainage Systems (SUDS) where appropriate to manage surface water drainage. This is reflected in Policy ENV2 of the TBP.
- 7.32 The application site is located within Flood Zone 1, an area identified by the Environment Agency as being at a low risk of flooding from rivers and seas. The application is also supported by a Site-specific Flood Risk Assessment and Drainage Statement which sets out appropriate drainage and flood prevention measures which include the provision of an attenuation pond to the southern part of the site.
- 7.33 The application has been assessed by the Lead Local Flood Authority who have raised no objections to the proposal in principle, however details in respect of off site flow routes are presently being confirmed and assessed and **an update will be provided at committee**.

Biodiversity

- 7.34 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.
- 7.35 The application has been supported by an ecological appraisal and follow up reports have since been provided following initial observations from the Council's Ecological adviser. These further assessments are presently being reviewed and an update will be provided at committee.
- 7.36 The proposed development will be required to provide a Biodiversity Net Gain in accordance with TBP Policy NAT1 which expects all development to deliver a minimum biodiversity net gain of 10%. **Members will be provided with an update on this at Planning Committee** and it is considered that this could be secured by condition.

Heritage assets

- 7.37** 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.
- 7.38** The application site is set a significant distance away from any designated heritage assets, the nearest being the Grade II Toddington War Memorial at the junction of the B4077 and B4632. Accordingly the proposal would conserve the setting of this asset.

Section 106 obligations

- 7.39** 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.
- 7.40** These tests are as follows:
- necessary to make the development acceptable in planning terms.
 - directly related to the development; and
 - fairly and reasonable related in scale and kind to the development.
- 7.41** 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
- 7.42** Gloucestershire County Council as Local Education Authority (LEA) have confirmed that there are adequate school spaces in the area and do not require an ‘education contribution’ however a contribution towards Winchcombe Library has been requested.

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

- Affordable Housing - 40%
- Home to School Travel Contribution - £63,350
- Libraries - £5,684
- On site POS & maintenance
- Waste, recycling and dog waste bins

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

Other Matters

7.45 Concerns have been raised with regards to the impact of the development upon the living conditions of nearby residential properties. Appearance, Layout and Scale remain reserved matters however it is considered that the application site is located a significant distance in planning terms from any occupied properties and it is therefore unlikely that the proposal would result in any adverse impacts from overlooking or any overbearing impacts. This will however be re-assessed at the reserved matter stage of outline planning permission is 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 On the basis the Council cannot at this time (or at the time of adopting the Borough Plan) demonstrate a five-year supply of deliverable housing land, the Council's policies for the supply of housing are out of date. In accordance with Paragraph 11 of the NPPF, the presumption in favour of sustainable development indicates that permission should be granted unless policies for protecting areas of assets of particular importance in the NPPF provide a clear reason for refusing the development proposed, or any adverse impacts of permitting the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

8.3 There are no clear reasons for refusal arising from NPPF policies for the protection of areas or assets of particular importance in this case and therefore, it is clear that the decision-making process for the determination of this application is to assess whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.

8.4 Furthermore Tewkesbury Borough Plan has now been adopted and Policy TOD1 in respect of housing development at the application site is afforded full weight.

Benefits

- 8.5 The development would contribute towards the supply of housing, both market and affordable housing to help meet the objectively assessed need for housing in the Borough particularly given the fact that the Council cannot currently demonstrate a deliverable supply of housing and therefore weighs significantly in favour of the application.
- 8.6 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

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

Neutral

- 8.8 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 the natural environment, flood risk and drainage, design and layout or highway safety.

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 therefore be given to the provision of housing, both market and affordable, in a location where the principle of residential development would be acceptable and given the Council cannot currently demonstrate a five year supply of deliverable housing sites.
- 8.10 Taking account of all the material considerations and the weight to be attributed to each one, it is considered that identified harms would not significantly and demonstrably outweigh the benefits in the overall planning balance.
- 8.11 In the absence of policies in the NPPF which would provide a clear reason for refusal, it is not considered the harms of the development would significantly and demonstrably outweigh the benefits set out above. It is therefore recommended that the decision is **DELEGATED to the Technical Planning Manager to permit the application subject to any additional/amended planning conditions; and the completion of a section 106 legal agreement to secure the following:**
- Affordable Housing - 40%
 - Home to School Travel Contribution - £63,350
 - Education Contribution - £TBC
 - On site POS & maintenance
 - Waste, recycling and dog waste bins

CONDITIONS:

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

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

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

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

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

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

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

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

5. The details to be submitted as part of the Reserved Matters application(s) for appearance and layout pursuant to Condition 1 shall include a 'Compliance Statement' to demonstrate how the development in terms of Landscaping, Appearance, Layout and Scale accords with the site specific requirements of Policy TOD1.

Reason: To minimise the impacts on the natural environment.

6. The details to be submitted as part of the Reserved Matters application(s) for appearance and layout pursuant to Condition 1 shall include precise details and specification of the noise attenuation measures recommended in the Acoustic Consultants Ltd Noise Impact Assessment ref. 8078/JA/DO.

Reason: To ensure satisfactory living conditions for future occupiers.

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

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

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

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

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

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

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

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

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

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

12. The development hereby approved shall not be occupied until visibility splays are provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 157 metres south and 92 metres to the north of the proposed site access along the nearside edge of the adjoining carriageway and offset a distance of 0.6 metres from the edge of the carriageway. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above carriageway level.

Reason: In the interests of highway safety.

13. No part of the development shall be occupied until highway improvements works comprising pedestrian tactile crossings at the roundabout junction of the B4632/B4077 (Eastern and Northern Arms) have been implemented in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety.

14. The development hereby approved shall not be occupied until the means of access for vehicles, pedestrians and cyclists have been constructed and completed as shown on drawing reference SK01E.

Reason: In the interest of highway safety.

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

Reason: To promote sustainable travel and healthy communities.

16. Any Reserved Matters application submitted pursuant to Condition 1 for the residential development 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, Parish Surveys and local evidence provided to support Neighbourhood Plans 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.

17. No external lighting shall be erected on any part of the site until details have first been submitted to and approved in writing by the local Planning Authority. The lighting shall thereafter be installed in accordance with the approved details and be similarly maintained thereafter.

Reason: To minimise light pollution and protect dark skies.

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.