

# TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

<b>Committee:</b>	Planning
<b>Date:</b>	16 August 2022
<b>Site Location:</b>	Innsworth House Farm Innsworth Lane Innsworth
<b>Application No:</b>	21/01036/FUL
<b>Ward:</b>	Innsworth
<b>Parish:</b>	Innsworth
<b>Proposal:</b>	Demolition of existing buildings and erection of 17 affordable homes and associated infrastructure.
<b>Report by:</b>	Jasmine Singh
<b>Appendices:</b>	Existing Site & Block Plan Proposed Site Plan Proposed Street Scene Block 1 Proposed Floor Plans, Elevations and Sections Block 2 Proposed Floor Plans, Elevations and Sections Block 3 Proposed Floor Plans, Elevations and Sections Block 4 Proposed Floor Plans, Elevations and Sections Apartment Proposed Flood Plans, Elevations and Sections
<b>Recommendation:</b>	Delegated Permit
<b>Reason for referral to Committee:</b>	Full application for the erection of 10 or more residential units

## 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1** The site is located outside the A40 Gloucester ring road to the north-eastern edge of the city. The village of Innsworth is directly to the south, across Innsworth Lane, a public highway. The site is approximately 3 miles from the centre of Gloucester, 7 miles to the centre of Cheltenham to the east, and 9 miles south of Tewksbury.
- 1.2** The Innsworth House Farm site is part of Innsworth and Twigworth Strategic Allocation (A1) that was released from the Green Belt in 2017 and allocated to housing use for 2,295 new homes and 9 hectares of employment uses, plus the associated landscape strategy and community facilities. Approximately half of allocation received outline approval, also in 2017, for phase 1 of 1,300 dwellings and associated uses. Innsworth House Farm sits outside of, though surrounded by, this Phase 1 site. The site benefits from the same allocation (housing) as the masterplan site. The Innsworth Meadow SSSI is located to the north of the site and must be given regard by any application proposing a net gain of houses. There are no other significant landscape or environmental issues for the site.

- 1.3** The site is approx. 0.36 hectares/ 0.89 acres and has broadly regular rectangular shape, with the long axis running north-south. The site is approximately 73m long, and 49m wide. The existing topography and site levels are effectively flat sloping gently away from the road towards the northern boundary. This public road is set at a similar level to the site. The low-level boundary fencing to the public boundaries allow open views into the application site. The existing buildings comprise an old dwelling and a number of outbuildings. These would be demolished to facilitate the proposal.
- 1.4** The application site is in Flood Zone 1
- 1.5** This proposal is for an 100% affordable housing scheme and it is proposed that 17 units are provided, which includes flats, semi-detached and three dwelling terraces.
- 1.6** The applicant has provided the following technical reports:
- Drainage Statement
  - Transport Statement and plans
  - Landscape Statement
  - Landscape Strategy
  - Arboricultural report
  - Ecological Appraisal
  - Energy Statement
  - Waste Minimisation Statement
  - Affordable Housing Statement and Planning Obligation
- 1.7** A design and access statement has also been submitted which sets out the design and layout principles. Following the comments of the statutory consultee, the proposed plans for the site have been revised.
- 1.8** The proposed plans have been appended as part of Committee Report. The layout of the scheme of the site, creating an active frontage along Innsworth Lane, with two groupings of development within the rear of the site. The dwelling houses are proposed to be two storey and a mixture of 2 and 3 bedrooms. In addition, there is a proposed three-storey building comprising one-bedroom apartments. Each proposed unit complies with the National Space Standards.

## 2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
07/00680/OUT	Outline application for mixed use urban extension comprising of 1750 dwellings, 12,900 square metres of Light Industrial units (B1(b) and B1(c) use), Primary School, Local Centre including Class A1-A5, D1, D2 uses and 4,500 square metres of B1 uses, Public open space, Innsworth Meadows SSSI and associated infrastructure and landscaping. (Amended Details)	NONDET	19.02.2009
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.	MINDRE	15.03.2017
18/01284/APP	<p>Approval of Reserved Matters pursuant to Outline planning permission ref: 15/00749/OUT, for the provision of site infrastructure including primary road carriageway and attenuation ponds along with associated engineering works.</p> <p>The outline planning application was the subject of environmental impact assessment and an Environmental Statement was submitted in support of the</p>	APPROV	08.11.2019

	application.		
18/01285/APP	Approval of Reserved Matters (access, appearance, landscaping, layout and scale) comprising Phase 1 of Outline planning permission ref: 15/00749/OUT for the erection of 253 no. dwellings with associated infrastructure.	APPROV	31.07.2019
19/00996/APP	Approval of Reserved Matters for access, appearance, landscaping, layout and scale comprising Phase 2 of Outline planning permission ref: 15/00749/OUT for the erection of 175nos. dwellings with associated infrastructure.	APPROV	24.09.2020
20/00814/NMA	Non material amendment for planning application 18/01285/APP - Apartment blocks amended to exclude the parapet wall to the rear elevations only.	GRANT	17.11.2020

### 3.0 RELEVANT POLICY

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

#### 3.1 National guidance

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

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

- Policy SP1 (The Need for New Development)
- Policy SP2 (The Distribution of New Development)
- Policy SD4 (Design Requirements)
- Policy SD6 (Landscape)
- Policy SD8 (Historic Environment)
- Policy SD9 (Biodiversity and Geodiversity)
- Policy SD10 (Residential Development)

- Policy SD11 (Housing Mix and Standards)
- Policy SD12 (Affordable Housing)
- Policy SD14 (Health and Environmental Quality)
- Policy INF1 (Transport Network)
- Policy INF2 (Flood Risk and Management)
- Policy INF3 (Green Infrastructure)
- Policy INF4 (Social and Community Infrastructure)
- Policy INF6 (Infrastructure Delivery)
- Policy INF7 (Developer Contributions)

### **3.3 Tewkesbury Borough Plan 2011-2031**

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

### 3.4 Neighbourhood Plan

Churchdown and Innsworth Neighbourhood Plan 2018 – 2031 (CINDP)

- CHIN1 (Parking to Support Residential Development)
- CHIN2 (Layout and Appearance of Residential Development)
- CHIN3 (Environmental Considerations in the Design of Residential Development)
- CHIN5 (Provision of Play Facilities)
- CHIN8 (Broadband Connectivity)
- CHIN10 (Orchards, Hedgerows and Veteran Trees)
- CHIN11 (Blue Infrastructure)
- CHIN12 (Flood Mitigation)
- CHIN14 (Pedestrian and Cycle Movement Routes)

### 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)
- Planning (Listed Buildings and Conservation Areas) Act 1990

## 4.0 CONSULTATIONS

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

**4.1 Innsworth Parish Council** – No response.

**County Highways Authority** – No objection subject to conditions.

**Lead Local Flood Authority** – No objection to the revised drainage strategy.

**Housing Enabling Officer** – No objection.

**Landscape Advisor** – No objections subject to conditions.

**Tree Officer** – No objection subject conditions.

**Ecology Advisors** – No objection subject to conditions.

**Natural England** – No objection subject to conditions.

**Environmental Health** – No objection subject to conditions.

**County Archaeologist** – No objection.

**County Minerals and Waste** – No objection subject to conditions.

**Severn Trent** – No objection subject to conditions.

## **5.0 PUBLICITY AND REPRESENTATIONS**

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

**5.1** The application has been publicised through the posting of a site notice for a period of 21 days for the initial proposals.

**5.2** No letters of representation have been received.

## **6.0 POLICY CONTEXT**

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

**6.2** The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), Tewkesbury Borough Plan 2011-2031 (TBP) and a number of 'made' Neighbourhood Development Plans.

**6.3** The relevant policies are set out in the appropriate sections of this report.

**6.4** 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.

- 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.

### ***Five Year Housing Land Supply***

- 7.5 As set out in the latest Tewkesbury Borough Five Year Housing Land Supply Statement published in January 2021, the Council can demonstrate a 3.83 year supply of deliverable housing sites. On the NPPF the presumption in favour of sustainable development (the 'tilted balance') applies. Paragraph 11 of the NPPF states that where policies which are most important for determining the application are out of date, permission should be granted unless: d)i. the application of policies in the Framework that protect assets of particular importance provides a clear reason for refusing the development; or ii). any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This will be assessed below.
- 7.6 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.
- 7.7 Notwithstanding this, until the position has been formally updated, the Council cannot currently demonstrate a five year supply and the tilted balance is engaged in this case.

### ***Design and layout***

- 7.8 The NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable in communities. Policy SD4 of the JCS advises that new development should respond positively to and respect the character of the site and its surroundings, enhance local distinctiveness and the grain of the locality. Policy INF3 states that where green infrastructure assets are created, retained or replaced within a scheme they should be properly integrated into the design and contribute to local character and distinctiveness. Policy RES5 of the TBP states that proposals should be of a design and layout that respects the character, appearance and amenity of the surrounding area and is capable of being integrated within it. Policy CHIN2 of the CINDP states that new development is encouraged to integrate positively with local design features.
- 7.9 Although this site is within the boundary of the Strategic Allocation, it is previously development land and was not included within the Site Wide Masterplan (SWM) that was a conditional requirement of outline consent (15/00749/OUT). Notwithstanding this, JCS Policy SA1 requires, amongst other things, that development proposals should enable a comprehensive scheme to be delivered across the developable area within each Strategic Allocation.



- 7.10** The application site is a discrete parcel of land and only represents as very small part of the overall allocation. It would be accessed off Innsworth Lane independently of the estate roads within the wider development. The SWM indicates that the area to the north and east of the development is proposed to be employment land that would be accessed of an internal estate road (and therefore not reliant on this site for access). The area to the west has permission for housing which similarly unaffected or reliant on this site. It is concluded therefore that the proposal complies with Policy SA1 in this regard.
- 7.11** Whilst not bound by the design principles set out on the SWM, clearly the principles of good design set out in the NPPF and within the Policies referred to above remain requirements, and any new development must respond to its surroundings in a positive way.
- 7.12** A Design and Access Statement has been provided with the application which argues that the key design elements incorporated in the design are as follows:
- The use of simple building forms that echo those in the surrounding developments;
  - Legible contemporary materials are layered with the traditional shapes to create a familiar and modern aesthetic.
  - Large format glazing to maximise daylight, sunlight and access to the private gardens
  - Mass and bulk have been minimised by carefully selection of roof forms;
  - The public realm has been enhanced with integrated planting and landscaping;
- 7.13** Streetscene elevations have been provided which demonstrate that the proposed dwellings along Innsworth Lane (5 units as a pair of two and a terrace of three) would be of a similar size and scale to the recently constructed dwellings on the adjoining estate. The block plan also indicates that units would be set back from the road in a similar manner. A further 6 units (two separate terraces of 3 units) are proposed to the rear of the site and are of the same design as those along the site frontage.
- 7.14** A three-storey apartment block (comprising three 1 bed and three 2 bed apartments) is proposed. The block would not reflect the more standard house types on the neighbouring development, but the overall height would not be excessive (being 8.4m to the parapet walls and 10m to the ridge – **see proposed elevations**). By virtue of its location to the rear of the site, the apartments would not be readily visible from Innsworth Lane. It is also relevant that the area to the north is proposed for employment uses. In this context, the proposed building is considered acceptable.
- 7.15** The Design and Access statement sets out that pedestrian access would be provided via the main access to the site, and via three pedestrian only routes, one to the south boundary, one to the north to connect with the wider masterplan, and one to the west boundary linked into the existing public footpath.
- 7.16** Overall it is concluded that the proposed layout and design is acceptable.

### ***Landscape impact***

- 7.17** JCS Policy SD6 seeks to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. All applications will consider the landscape and visual sensitivity of the area in which they are to be located and which they may affect. JCS Policy SD4 (iv) requires the design of open space and landscaped areas to be of a high quality design, providing a clear structure and constitute an integral and cohesive element of the design. JCS Policy INF3 states that existing green infrastructure will be protected in a manner which reflects its contribution to ecosystem services. Policy CHIN10 of the CINDP states that where possible proposals will be expected to retain hedgerows and veteran trees.
- 7.18** The application site is not located within an area which is designated in the development plan for its landscape qualities. In terms of potential for enhancement, the Landscape Statement provided by the applicant notes the potential to strengthen the road frontage and street scene by introducing planting and replacing deteriorating-built form.
- 7.19** Landscape proposals include tree planting along the frontage and throughout the development (where there is space to accommodate) with native species trees as well as hedge and amenity planting. Areas of new planting would enhance the visual appearance and provide biodiversity and amenity enhancement.
- 7.20** There is a single TPO tree on the site in the southwest corner that would be retained and incorporated into a small area of open space that would link in and enhance the green corridor established along the footpath on the adjacent site (as required by the SWM). Private gardens are provided to all the houses, with sections of defensible space between the house frontages and the access paths. The apartment block is provided with a communal garden.
- 7.21** Given the limited opportunities for landscaping, the proposed is considered acceptable.

### ***Access and highway safety***

- 7.22** Policy INF1 of the JCS advises that proposals should ensure safe and efficient access to the highway network is provided for all transport modes and that the impact of development does not have a severe impact upon the highway network. Policy SD4 (vii) also requires development to be well integrated with the movement network within and beyond the development itself, ensuring links by other modes and to green infrastructure.
- 7.23** The application is supported by a Transport Statement which assesses the impact of the development on the local highway network, as well as highway design and layout considerations. The statement sets out that the site is within a sustainable location which has a high level of walking, cycling and public transport movements. As defined by the Manual for Streets, the site is considered to be within a 'walkable neighbourhood'. There are frequent bus services with stops located within a close proximity to the site. The travel options available would reduce reliance on the car and the site would be attractive to future residents who use non-car modes of transport.
- 7.24** The scheme proposes to utilise the largest of the existing accesses on the southeast corner of the site for vehicular access and egress.

- 7.25** As set out above, pedestrian access would be provided via the main access to the site, and via three pedestrian only routes, one to the south boundary, one to the north to connect with the wider masterplan, and one to the west boundary linked into the existing public footpath.
- 7.26** The proposal includes three parking courts providing: one space per 1-bed unit, two spaces per 2- and 3-bed unit plus three visitor's spaces. In addition all the houses would be provided with storage within private gardens for cycles. A communal cycle store is provided within the communal garden of the apartment building.
- 7.27** The Highways Authority have assessed the proposal and conclude that subject to appropriate conditions the application would not have an unacceptable impact on highway safety or a severe impact on congestion. It is also considered the proposal is consistent with the accessibility related provisions of the relevant transport policies. The proposal is therefore considered acceptable in regard to highway safety and accessibility.

### ***Residential amenity***

- 7.28** Paragraph 130 of the NPPF states that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible which promote health and well-being, with a high standard of amenity for existing and future users. JCS policies SD4 and SD14 require development to enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space. Development should have no detrimental impact on the amenity of existing or new residents or occupants.
- 7.29** Policy RES5 of the Emerging TBP states that proposals for new housing development should, inter alia, provide an acceptable level of amenity for future occupiers of the proposed dwellings and cause no unacceptable harm to the amenity of existing dwellings.
- 7.30** The private amenity space and communal areas have been provided and also active frontage would be provided. In terms of the layout, there are sufficient gaps between the dwellings to prevent overlooking. The internal layout meets the national space standards.
- 7.31** The proposed landscaping integrates the buildings into the context, with the area to the south west of the site creating an additional green link which connects with the corridor to the west. This connection provides a visual link to the surrounding development, to improve the visual integration within the wider strategic allocation.
- 7.32** The Environmental Health Officer has been consulted on the application and raises no objection in terms of road traffic noise adversely impacting on future residents. However, it is recommended that a condition is imposed to protect external amenity areas with appropriate fencing.
- 7.33** In light of the above and subject to the imposition of a condition to secure noise mitigation measures, the application is considered to have an acceptable impact on residential amenity.

## ***Affordable Housing***

- 7.34** Policy SD12 of the JCS sets out a minimum requirement of 35% affordable housing within the Strategic Allocation sites. It follows that where possible, affordable housing should be provided on site and be seamlessly integrated and distributed throughout the development. Affordable housing must also have regard to the requirements of Policy SD11 concerning type, mix, size and tenure. The design of affordable housing should also meet required standards and be equal to that of market housing in terms of appearance, build quality and materials. Development should address the needs of the local area and should be based on the most up to date Strategic Housing Market Assessment.
- 7.35** 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.
- 7.36** The application proposes all 17 units be affordable which exceeds the policy requirements of Policy SD12. The size and tenure of affordable housing provision has been agreed with the Council's Housing Enabling Officer and is set below:

### ***Apartments:***

3 x 2 bedroom 3 person at 61.8m<sup>2</sup>

3 x 1 bedroom 2 person at 50.46m<sup>2</sup>

### ***Houses***

4 x 3-bedroom 5 person at 94.62m<sup>2</sup>

7 x 2 bedroom 4 person at 80.32m<sup>2</sup>

### ***Mix and Size***

- 7.37** All units meet NDSS Standards
- 7.38** In terms of the tenure mix, the following is proposed:
- 3 x 2 bedroom houses – Shared Ownership
  - 2 x 3 bedroom houses – Shared Ownership
  - Remaining units – Social Rent
- 7.39** The Council's Housing Enabling Officer has advised that they support the revised proposal, and no objection has been raised.
- 7.40** The applicant has indicated a willingness to enter into a legal agreement to secure the affordable housing provision however at this stage there is no such agreement in place. Nevertheless, this matter could be resolved by the completion of an appropriate planning obligation. In light of the Council's housing land supply position, the provision of affordable housing should be seen as a significant benefit in the planning balance.

### ***Drainage and flood risk***

- 7.41** JCS Policy INF2 (2) (iv) requires new development to incorporate Sustainable Urban Drainage Systems (SUDS) where appropriate to manage surface water drainage. Policy INF6 also requires that the infrastructure requirements generated by a proposal are met, including by adequate on and off site infrastructure. Policy CHIN11 of the CINDP states that new development should adopt a blue infrastructure approach to the design of water and flood management.
- 7.42** The application site where the dwellings are proposed is located within Flood Zone 1, an area identified by the Environment Agency as being at a low risk of flooding from rivers and seas. There is watercourse which runs to the north of the site.
- 7.43** The application was supported by a Drainage Strategy which proposed to discharge surface water to the Severn Trent surface water sewer system south of the Innsworth Lane. The Lead Local Flood Authority (LLFA) raised objections on the grounds that as the proposal would divert water across catchments thereby increasing the flood risk to properties in that catchment.
- 7.44** A revised drainage strategy has since been submitted which proposes connection of surface water to an existing drainage system on the neighbouring residential site.
- 7.45** The LLFA have assessed the revised drainage and raise no objections.
- 7.46** The Severn Trent has not raised any objection.

### ***Biodiversity***

- 7.47** 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.
- 7.48** Regarding wider ecological impacts, the application is supported by an Appropriate Assessment. The Council's ecological advisors have reviewed the Appropriate Assessment and raise no objection regarding the impact of the proposals on protected ecological sites subject to a planning condition requiring a Home Information Pack to be produced prior to occupation to highlight local green spaces and also to provide guidelines on how the public should behave to avoid damaging local wildlife and habitats. Natural England also raise no objection to the application.
- 7.49** In regard to on-site ecological impacts the application is supported by a Preliminary Ecological Appraisal and Great Crested Newts Survey. The ecological appraisal showed that the buildings on site had potential to be used by roosting bats and follow-up dawn re-entry and dusk emergence bat surveys were undertaken. The surveys found Building B4 to support a small population of common pipistrelle bats. the suitability of the buildings on site for nesting birds, the report recommended development works to be undertaken outside of the breeding bird season (March - August). If timing constraints conflict, the buildings are to be checked prior to any works commencing by a suitable qualified ecologist for any active

nests. The majority of the site is not considered suitable for reptiles and amphibians except the northern end of the site. Therefore, precautionary measures are recommended to minimise the risk of killing/injury.

- 7.50** The Council's ecological advisors have been consulted on the application and raise no objections subject to the recommendations of Ecological Appraisal being adhered to, including a precautionary site clearance method. It is also recommended that a Landscape and Ecological Management Plan is submitted prior to the commencement of works to expand on the recommendations of the Ecological Appraisal. This should demonstrate how biodiversity net gain will be achieved.
- 7.51** Therefore, subject to the imposition of conditions the application is considered acceptable in regard to ecology.

### **Arboriculture**

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

### ***Section 106 obligations***

- 7.56** 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.

**7.57** 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.

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

#### ***Education Contribution***

**7.59** Gloucestershire County Council (GCC) have been consulted on the application and calculate the proposal would equate to 11 'qualifying' dwellings that would be expected to generate an additional demand for 4.24 primary places, 1.87 secondary places (11-16 years) and 0.66 secondary (16-18 years) places which cannot be accommodated at the closest schools when cumulative yields are applied. The county council is therefore requesting the following contributions:

- Primary - £63,330.19
- Secondary (11-16) - £36,113.44
- Secondary (16-18) - £15,049.98

#### ***Tewkesbury Borough Council Contributions***

**7.60** The applicant has agreed a contribution of £73 per dwelling, which equates to £1,241 based on 17 dwellings, towards recycling and waste bin facilities.

**7.61** The applicant has advised that they accept these contributions. There is currently no signed agreement to secure these contribution requests, but they are capable of being resolved through the signing of appropriate planning obligations.

### **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.. 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 affordable housing to help meet the objectively assessed need. Overall, given the scale of development, these benefits would attract significant weight in favour of granting permission.
- 8.5 In economic and social terms, it is clear that a number of benefits would flow from this development if permitted, including during the construction process. There would also be economic and social benefits arising from spend from future residents which would help sustain the local facilities within the area.

### ***Harms***

- 8.6 There would be some harm to the landscape by reason of encroachment into the agricultural land but the site is located within the strategic housing allocation.

### ***Neutral***

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

### ***Overall conclusion***

- 8.8 The proposal complies with adopted planning policies and site is allocated for strategic development. The affordable housing would be provided to meet the local needs. The design and overall scale of the development is in keeping with character of the wide area.
- 8.9 Significant weight should be given to the provision of affordable housing, in a location which is considered sustainable. Economic and social benefits would also arise from the development as set out in paragraph 8.5 above and these are afforded moderate weight.
- 8.10 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:

- The provision of affordable housing in perpetuity.
- Primary - £63,330.19 - Innsworth Infants & Junior Schools and/or the proposed new school and/or the Churchdown-Innsworth and/or the Longlevens Primary Planning Areas
- Secondary (11-16) - £36,113.44 - Gloucester Secondary Planning Area
- Secondary (16-18) - £15,049.98 - Gloucester Secondary Planning Area
- A contribution of £73 per dwelling, ( £1,241 based on 17 dwellings), towards recycling and waste bin facilities.

#### **CONDITIONS:**

1. The works hereby permitted shall be begun before the expiration of five years from the date of this consent.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved documents:

- Dwg no. 0010 Rev P03 - Existing Site Plan and Location Plan
- Dwg no. 0050 Rev P08 - Proposed Site Plan
- Dwg no. 0055 Rev P06 - Block 1 Proposed Plans Elevations and Sections
- Dwg no. 0056 Rev P05 - Block 2 Proposed Plans Elevations and Sections
- Dwg no. 0057 Rev P06 - Block 3 Proposed Plans Elevations and Sections
- Dwg no. 0058 Rev P06 - Block 4 Proposed Plans Elevations and Sections
- Dwg no. 0059 Rev P05 - Apartment Block Proposed Plans Elevations and Sections
- Dwg no. C003 Rev D - Drainage Strategy
- Dwg no. 21126.101 Rev B - Landscape Proposals
- Habitats Regulations Assessment: Appropriate Assessment (Stage 2)

Reason: To ensure that the development is carried out in accordance with the approved plans.

## ***Landscaping***

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

Reason: In the interests of visual amenity.

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

- Temporary fencing for the protection of all retained trees/hedgerows on and adjacent to the site whose Root Protection Areas (RPA) fall within the site to be erected in accordance with BS 5837(2012) or subsequent revisions (Trees in Relation to Design, Demolition and Construction). Any alternative fencing type or position not strictly in accordance with BS 5837 (2012) shall be agreed in writing by the local planning authority prior to the start of development. The RPA is defined in BS5837(2012).
- Construction Exclusion Zone (CEZ): The area around trees and hedgerows enclosed on site by protective fencing shall be deemed the CEZ. Excavations of any kind, alterations in soil levels, storage of any materials, soil, equipment, fuel, machinery or plant, site compounds, cabins or other temporary buildings, vehicle parking and delivery areas, fires and any other activities liable to be harmful to trees and hedgerows are prohibited within the CEZ, unless agreed in writing with the local planning authority.

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

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

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

Reason: To prevent damage to or loss of trees

## ***Drainage***

6. No building hereby permitted shall be occupied until the surface water and foul water drainage scheme for the site has been completed in accordance with the details shown on the approved plans and documents and the development shall not be brought in to use/occupied until a SuDS management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime, has been submitted to and approved in writing by the Local Planning Authority. The approved SuDS maintenance plan shall be implemented in full in accordance with the approved details for the lifetime of the development.

Reason: To provide for the continued operation and maintenance of sustainable drainage features serving the site and to ensure that the development does not result in pollution or flooding, to improve water quality at point of discharge.

## ***Ecology***

7. 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. The pack must contain information on the various mitigation measures to avoid any measurable adverse effects from the development on the integrity of the SAC and these measures as outlined in Section 2.2.6 of the Shadow HRA (Focus Environmental Consultants – November 2021). 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.

8. Prior to the commencement of development an Ecological Mitigation and Enhancement Strategy should be submitted to the Local Planning Authority to review. The strategy should ensure that the future development of this site retains existing features and habitats of ecological value, minimises the impact upon protected species (e.g. bats, nesting birds, hedgehogs, reptiles, amphibians, badgers) and maximises the potential of retained habitats to enhance biodiversity. It should include:

- Detailed mitigation and enhancements for bats, nesting birds, hedgehogs, amphibians, reptiles and badgers. (To include a soft-felling procedure for trees considered to have 'low' potential (i.e. T2) for roosting bats, if subject to removal.)
- Retention and protection of mature trees within future development and landscaping proposals to retain connectivity within the wider landscape.
- Appropriate design and management of retained and / or created habitats to maximise their value for wildlife and ensure positive Biodiversity Net Gain.
- Landscaping proposals should specify the use of native plant species where possible, or where ornamental varieties are deemed more suited to the site conditions, they should have a known benefit to wildlife (e.g. single flowering varieties and those producing nuts/fruits).
- Incorporation of a variety of wildlife shelters, including those for bats, birds (especially swallow and house sparrow<sup>1</sup>), hedgehogs, reptiles, amphibians, into future landscaping proposals. These features should be shown on the landscape plan.

- Lighting proposals to ensure that a 'bat friendly' scheme is devised.

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

9. Prior to the commencement of development clarification will be provided to the Local Planning Authority regarding whether the BNG metric is functioning correctly.

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

### **Highways:**

10. No building or use hereby permitted shall be occupied or use commenced until the car/vehicle parking area (and turning) shown on the approved plans drawing no. 0050 Rev P08 means of access for vehicles, pedestrians and/or cyclists have been constructed and completed in accordance with the approved plans.

Reason: In the interests of highway safety.

11. No building or use hereby permitted shall be occupied or use commenced until the car/vehicle parking area (and turning) shown on the approved plans drawing no. 0050 Rev P08 Proposed Site Plan has been completed and thereafter the area shall be kept free of obstruction and available for the parking of vehicles associated with the development.

Reason: To ensure that there are adequate parking facilities to serve the development constructed to an acceptable standard.

12. Before first occupation, each dwelling hereby approved shall have been fitted with an Electric Vehicle Charging Point (EVCP). The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and Manual for Gloucestershire Streets. The Electric Vehicle Charging Points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging points shall be of the same specification or a higher specification in terms of charging performance.

Reason: To promote sustainable travel and healthy communities.

### **Noise**

13. Prior to the commencement of the use hereby permitted, the noise management measures set out in the Environmental Noise Assessment (Acoustic Consultants Limited, Reference: 9274/LN - November 2021) shall be implemented and thereafter maintained for the duration of the use.

Reason To protect the noise climate and amenity of local residents.

## **Waste**

14. No below or above ground development shall commence until a detailed site waste management plan or equivalent has been submitted to and approved in writing by the local planning authority. The detailed site waste management plan must identify the type and amount waste materials forecast to be generated from the development during site preparation & demolition and construction phases and what specific measures will be employed for dealing with this material so as to: - minimise its creation, maximise the amount of re-use and recycling on-site; maximise the amount of off-site recycling of any wastes that are unusable on-site; and reduce the overall amount of waste sent to landfill. In addition, the detailed site waste management plan must clearly set out the likely proportion of recycled content that will be used in construction materials. The detailed site waste management plan shall be fully implemented as approved unless the local planning authority gives prior written permission for any variation.

Reason: To ensure the effective implementation of waste minimisation and resource efficiency in accordance with adopted Gloucester, Cheltenham, Tewkesbury Joint Core Strategy Policy SD3 Sustainable Design and Construction; adopted Gloucestershire Waste Core Strategy: Core Policy WCS2 Waste Reduction; adopted Minerals Local Plan for Gloucestershire Policy SR01 and paragraph 8 of the National Planning Policy for Waste.

15. No above-ground development shall commence until full details of the provision made for facilitating the management and recycling of waste generated during occupation have been submitted to and approved in writing by the local planning authority. This must include details of the appropriate and adequate space and infrastructure to allow for the separate storage of recyclable waste materials. The management of waste during occupation must be aligned with the principles of the waste hierarchy. All details shall be fully implemented as approved unless the local planning authority gives prior written permission for any variation.

Reason: To ensure the effective implementation of waste minimisation in accordance with adopted Gloucester, Cheltenham, Tewkesbury Joint Core Strategy Policy SD3 Sustainable Design and Construction; adopted Gloucestershire Waste Core Strategy: Core Policy WCS2 Waste Reduction; and paragraph 8 of the National Planning Policy for Waste.

## **Contamination**

16. (a) Where an unacceptable risk is identified a scheme for detailed site investigation must be submitted to and approved in writing by the Local Planning Authority prior to being undertaken. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation & risk assessment scheme must be compiled by competent persons. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

(b) The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

(c) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of (a), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition (a iii) and carried out in accordance with (b). These are subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

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

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

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

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

3. All new streets must be tree lines as required in the National Planning Policy Framework. All proposed street trees must be suitable for transport corridors as defined by Trees and Design Action Group (TDAG). Details should be provided of what management systems are to be

included, this includes root protections, watering and ongoing management. Street trees are likely to be subject to a commuted sum.

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

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

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