

## TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

<b>Committee:</b>	Planning
<b>Date:</b>	16 August 2022
<b>Site Location:</b>	Land Adjacent Greenacres Hillend Twyning
<b>Application No:</b>	21/01282/OUT
<b>Ward:</b>	Tewkesbury North and Twyning
<b>Parish:</b>	Twyning
<b>Proposal:</b>	Outline application for the erection of five dwellings with access from Greenacres with all other matters reserved.
<b>Report by:</b>	Bob Ristic
<b>Appendices:</b>	Site location plan Existing block plan Road layout plan Indicative floor plans and elevations Indicative site plan
<b>Recommendation:</b>	Delegated Permit
<b>Reason for referral to Committee:</b>	Parish Council objection.

### UPDATE

This application was deferred at the April and July 2022 Planning Committees to allow for an assessment of drainage and flood risk implications of the proposal.

The applicant has now submitted further drainage information including Surface Water Modelling and a Technical Note. A copy of the documents was emailed to members of the planning committee by the agent on 6<sup>th</sup> July 2022. The documents are also viewable on the Council's Public Access website.

The Hydraulic Modelling, identifies an existing surface water flow route through the site, running in a broadly northwest to southeast direction. This flow is presently unrestricted and has resulted in surface water issues reported by residents.

The report sets out that flood mitigation could be incorporated into the scheme which would deal with flood risk within the site as well as providing a betterment off site. The measures identified comprise a swale to the higher southwestern part of the site, a pond within an area of public open space to the southern part of the site and a bund to the south-eastern corner of the site which would provide capture and controlled discharge of water.

Furthermore, the Technical Note sets out that having regard to the drainage hierarchy, there would also be an opportunity to provide attenuation through shallow infiltration (permeable paving) and sub course.

The submitted details are being assessed by the Councils Drainage Engineer and an update will be provided at committee.

## OTHER MATTERS

The Tewkesbury Borough Plan has now been adopted. Notwithstanding this, the Council cannot currently demonstrate a five year supply and the titled balance remains engaged as set out in the report below.

Three further representations have been received which reiterate representations already received.

## RECCOMENDATION

A recommendation following an assessment of the submitted details will be made at committee.

### **1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1** The application site comprises a parcel of land set to the southwest of Greenacres, a small residential cul-de-sac dating from the early 1990's and extends up to Lynworth Lane to the south and open countryside to the west. **(See Site Location Plan)**
- 1.2** The site slopes down to the south and comprises an area of scrubland. The site lies outside of but adjacent to the settlement boundary to Twyning as defined in the proposals map to the Adopted Tewkesbury Borough Local Plan and the Twyning Neighbourhood Development Plan. The site is not subject to any landscape designations and is located in Flood Zone 1. Two Public footpaths pass to the south and west of the site (ATW12 and ATW 15)
- 1.3** The application seeks outline planning permission for the erection of 5 dwellings with access from Greenacres, with all matters reserved save for Access. **(See Indicative Layout Plan)**

### **2.0 RELEVANT PLANNING HISTORY**

<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
13/01228/FUL	Proposed 2 No. dwellings with garages with access off Greenacres.	WDN	19.05.2014
15/00788/FUL	Proposed 2 No. dwellings with garages with access drive/turning and parking spaces and surface water attenuation pond. (Revised scheme to withdrawn planning application 13/01228/FUL)	WDN	06.04.2016

### **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 SD9 (Biodiversity and Geodiversity)
- Policy SD10 (Residential Development)
- Policy SD14 (Health and Environmental Quality)
- Policy INF1 (Transport Network)
- Policy INF2 (Flood Risk and Management)

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

None

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

- Policy RES3 (New Housing Outside Settlement Boundaries)
- Policy RES5 (New Housing Development)
- Policy NAT1 (Biodiversity, Geodiversity and Important Natural Features)
- Policy ENV2 (Flood Risk and Water Management)
- Policy TRAC1 (Pedestrian Accessibility)

### **3.5 Neighbourhood Plan**

Twyning Neighbourhood Development Plan – 2011-2031 (January 2018)

- Policy GD1 (Development outside the development boundary)
- Policy GD3 (Development principles)
- Policy GD4 (Landscape and biodiversity)
- Policy GD5 (Provision for vehicles)
- Policy GD7 (Water resources, quality and flood risk)
- Policy LF1 (Infrastructure)
- Policy TP1 (Traffic)
- Policy TP2 (Access)

### **3.6 Other relevant policies/legislation**

- Human Rights Act 1998
- Article 8 (Right to Respect for Private and Family Life)
- The First Protocol - Article 1 (Protection of Property)

### **4.0 CONSULTATIONS**

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

#### **4.1 Twyning Parish Council – Object for the following reasons:**

- Site is in a Flood Zone
- FRA does not provide a workable solution
- Adverse impacts outweigh benefits
- Service village quota has been exceeded in Twyning
- Site is outside of the settlement boundary
- Previous applications turned down

**4.2** Gloucestershire Highways – No objections subject to conditions

Environmental Health Adviser – No objection in terms of noise, nuisance or air quality

Ecology Adviser – No objection subject to conditions

Flood Risk Management Engineer – Concerns with current drainage

– Proposal could have the opportunity to provide a betterment in terms of drainage/flood risk

– This would need to be demonstrated.

**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. The comments raised are summarised below:

- 5.2**
- Experience of heavy water flow through site
  - Water puddles on site and path and through gardens
  - Construction would displace flood water
  - Site is in a shallow valley
  - Adjoining and nearby developments have increased hard surfacing
  - Culvert can't cope
  - Flood Risk Assessment needs further qualification
  - Previous applications withdrawn due to flood issues
  - Proposed nature pond could be dangerous for children
  - No foul sewage provision
  - Site is a diverse wildlife environment
  - Development is not of an overriding public interest
  - NDP seeks to protect green space and nature conservation
  - Contrary to NDP & outside of settlement boundary
  - Village has had previous substantial housing developments
  - No requirement for further development
  - Would cause traffic chaos in the village/has reached capacity

- Would be a highway danger
- Access road is too narrow
- Not suitable for HGV or emergency vehicles
- Would erode village character and social cohesion
- Would not be affordable
- Proposed houses are very unattractive
- Density is out of keeping with neighbouring houses
- Would be an eyesore
- Local school is at capacity
- Small infill developments which add to character of village should be supported
- Small well thought out developments are better than larger developments

## **6.0 POLICY CONTEXT**

- 6.1** Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
- 6.2** The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), saved policies of the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP), and a number of 'made' Neighbourhood Development Plans.
- 6.3** The Tewkesbury Borough Plan (TBP) has reached an advanced stage. The Pre-Submission TBP was submitted for examination in May 2020. Examination in Public (EiP) took place over five weeks during February and March 2021. The examining Inspector's post hearings Main Modifications letter was received on 16th June 2021. In this letter the Inspector provided his current view as to what modifications are required to make the Plan 'sound'.
- 6.4** A schedule of Main Modifications to the Pre-submission TBP were approved at the meeting of the Council on 20th October 2021 and is now published for consultation as the Main Modifications Tewkesbury Borough Plan (MMTBP).
- 6.5** Those policies in the MMTBP which were not listed as requiring main modifications may now attract more weight in the consideration of applications, with those policies which are subject to main modifications attracting less weight depending on the extent of the changes required. The TBP remains an emerging plan and the weight that may be attributed to individual policies (including as with modifications as published for consultation) will still be subject to the extent to which there are unresolved objections (the less significant the unresolved objections, the greater the weight that may be given) and the degree of consistency with the NPPF (the closer the policies to those in the NPPF the greater the weight that may be given).

- 6.6** The relevant policies are set out in the appropriate sections of this report.
- 6.7** Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2021 and its associated Planning Practice Guidance (PPG), the National Design Guide (NDG) and National Model Design Code.

## **7.0 ANALYSIS**

### ***Principle of development***

- 7.1** Twyning is identified as a Service Village in the JCS and Policy SP2 sets out that Service Villages will accommodate lower levels of housing which will be allocated through the Tewkesbury Borough Plan and Neighbourhood Plans, proportional to their size and function, reflecting their proximity and accessibility to Cheltenham and Gloucester and considering the environmental, economic and social impacts including existing levels of growth over the plan period.
- 7.2** The application site itself is located outside of the existing built-up area of the village and is located in open countryside (however it does adjoin the settlement boundary to Twyning as defined in the TBP and TNDP on its northern, southern and eastern edges). The site is also not allocated for housing in the Emerging TBP.
- 7.3** As the site is not allocated in the Emerging TBP or a Neighbourhood Plan, Policy SP2(6) of the JCS states that in the remainder of the rural area, Policy SD10 of the JCS will apply for proposals for new residential development.
- 7.4** With relevance to the application Policy SD10 follows that housing development on other sites will only be permitted where it is previously developed land in the existing built-up areas of Service Villages, or it is:
- i. It is for affordable housing on a rural exception site in accordance with Policy SD12, or;
  - ii. It is infilling within the existing built up areas of the City of Gloucester, the Principal Urban Area of Cheltenham or Tewkesbury Borough's towns and villages except where otherwise restricted by policies within District plans, or;
  - iii. It is brought forward through Community Right to Build Orders, or;
  - iv. There are other specific exceptions / circumstances defined in district or neighbourhood plans.
- 7.5** The application site is open countryside that lies outside of the defined settlement boundary for Twyning and is not allocated for housing development. The site does not represent previously developed land within the built-up area of a service village; is not a rural exception scheme; and does not represent 'infilling'. It has not been brought forward for development through a Community Right to Build Order and there are no policies in the existing TBLP of TNDP which would allow for the type of development proposed. The proposal therefore conflicts with Policies SP2 and SD10 of the JCS and Policy GD1 of the Twyning Neighbourhood Development Plan.

- 7.6 However, the site is located adjacent to the settlement boundary of a defined Service Village; the application site is not located in an isolated rural location and future residents would have access to services in Twynning as well as Tewkesbury and beyond, albeit it is the case that future residents may be reliant on cars. The NPPF seeks to promote sustainable development in rural areas and housing should be located where it will enhance or maintain the vitality of rural communities (Paragraph 79). The location of site immediately adjacent to a defined Service Village which would have access to services and this weighs in favour of the proposal.

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

- 7.7 As set out in the latest Tewkesbury Borough Five Year Housing Land Supply Statement published in January 2022 (April 2021 base), the Council can demonstrate a 3.83 year supply of deliverable housing sites. On the basis therefore that the Council cannot at this time demonstrate a five year supply of deliverable housing land, the Council's policies for the provision of housing should not be considered up-to-date in accordance with footnote 8 of the NPPF and in accordance with Paragraph 11(d) of the NPPF the presumption in favour of sustainable development (the 'tilted balance') applies. Paragraph 11 of the NPPF states that where policies which are most important for determining the application are out of date, permission should be granted unless: i. the application of policies in the Framework that protect assets of particular importance provides a clear reason for refusing the development; or ii). any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This will be assessed below.
- 7.8 Members will be aware that the Council's approach to calculating housing land supply has been challenged in recent appeals and the courts. Significantly, however, the Inspector who recently decided the appeal relating to land the northwest of Fiddington (2nd March 2022) confirmed the Council's five year housing land supply as outlined above. Importantly, in doing so he confirmed that past 'oversupply' arising from a surplus of historic housing completions is a matter which should be factored into the Council's supply calculation, despite the appellant's contention to the contrary.
- 7.9 Members will also know that the Inspector's Report on the emerging Tewkesbury Borough Plan is imminently expected and, once adopted, this will include a number of sites which can reasonably be expected to deliver housing within the next five years. Whilst the land supply position will also need to be formally updated, officers fully expect to be able to report a housing land supply in excess of five years at that point, in compliance with NPPF paragraph 74.
- 7.10 Accordingly, whilst the Council cannot currently demonstrate a five-year supply and the tilted balance is engaged in this case, the planning balance should be approached in the context of a realistic expectation of the Council shortly being able to demonstrate a five-year housing land supply.

### **Conclusions on Principle of Development**

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



- 7.12** The application conflicts with policies SP2 and SD10 of the JCS and Policy GD1 of the Twyning Neighbourhood Development Plan and therefore the starting point is that the proposal should be refused in accordance with the development plan unless other material planning considerations indicate otherwise.
- 7.13** However, as set out above, the Council cannot at this time demonstrate a five year supply of deliverable housing land and therefore the most important policies for determining the application are deemed out of date in accordance with footnote 8 of the NPPF. On that basis the appeal must be determined in accordance with paragraph 11(d)(ii) of the NPPF (the tilted balance), i.e. planning permission should be granted unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of NPPF as a whole. Furthermore the TNDP is over 2 years old and the weight afforded by Paragraph 14 of the NPPF would not apply.
- 7.14** The statutory status of the development plan is not affected by the 'tilted balance' and nor does it mean that Policies SP2 and SD10 of the JCS, Policy GD1 of the TNDP, or any other development plan policy, is to be disregarded and the development plan remains the starting point for decision making. However, the benefits of the proposal must be considered in the context of the tilted balance, including the social benefits of the delivery of market and affordable housing immediately adjacent to a defined Service Village, along with other benefits of the proposal including economic benefits arising both during and post construction. These matters must be considered in the overall planning balance.

#### ***Landscape impact***

- 7.15** 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
- 7.16** 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.
- 7.17** The application site comprises a small parcel of land, which adjoins the existing built-up area to the village furthermore, is not located within an area which is designated in the development plan for its landscape qualities. The character of the land although undeveloped is nevertheless heavily influenced by existing built development to three sides, and is screened from more expansive open countryside and pasture land to the west by existing trees and shrubs.
- 7.18** While there would be landscape harm from developing on a presently undeveloped parcel of land this harm is tempered considerably given its size and context to the built-up area of the village. While there would be views into the site from PROW ATW12 to the south and ATW50 to the west, these would be filtered to some degree by existing trees, and the development would be viewed against the backdrop of existing dwellings at Grenacres which are at an elevated level. The impacts could be further mitigated with additional planting which could be secured by condition. Accordingly, it is not considered that this harm is of such significance as to warrant refusal of planning permission.

- 7.19** It is noted that there are a number of unprotected trees within and to the boundaries of the site. Layout and landscaping are reserved matters at this stage and any subsequent application for reserved matters would need to be accompanied by an appropriate arboricultural assessment to justify any tree loss and subsequent compensation where required. This could be secured by condition.

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

- 7.20** The NPPF sets out that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making. Furthermore, development should only be prevented or refused on highways grounds where there would be an unacceptable impact on highway safety or the residual cumulative impacts of development are severe. JCS Policy INF1 requires that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters. NDP Policy TP1 sets out that development will only be permitted where it will not cause a severe adverse traffic impact upon the highway network.
- 7.21** The proposed development would be accessed via an existing turning head to Greenacres. The proposal has been assessed by the Gloucestershire Highways Development Coordinator who has advised that the site is an appropriate location for development given Twyning's Service Village status and local facilities (albeit limited) being present and are also walkable from the site. The officer is satisfied with the proposed access arrangement from Greenacres and advises that the level of trips resulting from the proposed development would not result in any safety or capacity issues upon the highway. The officer has also recommended a condition for the provision of electric vehicle charging points and this is considered appropriate to promote sustainability.
- 7.22** While an indicative site plan has been provided showing a possible roadway route through the site, this has not been considered at this time as layout is reserved for future consideration. Any subsequent reserved matters application would need to demonstrate at that time that the proposed development would be served with appropriate manoeuvring space and parking provision.

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

- 7.23** JCS Policy INF2 advises that development proposals must avoid areas at risk of flooding and must not increase the level of risk to the safety of occupiers of a site and that the risk of flooding should be minimised by providing resilience and taking into account climate change. It also requires new development to incorporate Sustainable Urban Drainage Systems (SuDS) where appropriate to manage surface water drainage. This is reflected in Policy ENV2 of the Emerging TBP, Policy GD7 of the TNDP and the NPPF.
- 7.24** The application has been accompanied by a Flood Risk Assessment, and while the site lies outside of a defined Flood Zone the submitted report identifies and acknowledges the fact that the site is heavily influenced by its geology and topography and this is also reflected in representations from residents who have highlighted issues with regards to surface water runoff and pooling water.

- 7.25 The submitted details have been assessed by the Councils Flood Risk Management Engineer who concurs with the view that there are current flooding issues within the site and beyond. However, discussions with the applicant have identified the potential for development at this site to address existing drainage problems at the site and the possibility to provide a betterment which could benefit the wider area.
- 7.26 The applicant is presently undertaking further investigations and is in the process of preparing further details with a view of addressing the drainage situation. **An update will be provided at Committee.**

### ***Biodiversity***

- 7.27 The NPPF sets out, inter alia, that when determining planning applications, Local Planning Authorities should aim to conserve and enhance biodiversity by encouraging opportunities to incorporate biodiversity in and around developments, especially where this can secure measurable gains for biodiversity. Policy SD9 of the JCS seeks to protect and, wherever possible enhance biodiversity, including wildlife and habitats. Emerging Policy NAT1 of the Emerging TBP states that development proposals that will conserve, and where possible restore and/or enhance, biodiversity will be permitted. This is also broadly reflected in TNDP Policy GD4.
- 7.28 The application has been accompanied by a Preliminary Ecological Appraisal (PEA), Reptile Survey Report and Newt Survey Report. The PEA confirmed presence of suitable habitat of site for nesting/foraging birds (hedgerows, scrub, trees). The PEA reports also noted that the hedgerow on the western boundary had broad potential to support dormice (though the hedgerow lacked connectivity to broadleaved woodland habitat), and the habitats on site may also be suitable for badgers (though no direct evidence was found). The Council's Ecological adviser has confirmed that the findings and recommendations are satisfactory and no further assessments are required.
- 7.29 The reptile presence/absence surveys confirmed presence of a low population of slow worms (peak count one adult) and grass snake at the site (peak count one sub-adult) at the site. The Great Crested Newt (GCN) Environmental DNA (eDNA) surveys confirmed presence of a GCN breeding pond located approximately 150m south-west of the site. Accordingly, a Natural England Mitigation licence would be required as a separate approval for works to proceed. Two other waterbodies within 250m of the proposed development site returned negative results for GCN eDNA. The report recommends a GCN Low Impact Class Licence would need to be applied for prior to any development works taking place. Further precautionary recommendations have been set out in the submitted reports and compliance with these details could be secured by condition.
- 7.30 Several trees on the site were assessed as having 'low' or 'moderate' suitability for roosting bats. Layout and Landscaping are reserved matters and the protection of significant trees and submission of an arboricultural assessment can be secured by condition to be provided as part of any future reserved matters application. Subject to compliance with recommended conditions it is considered that the proposal would not result in unacceptable harm to protected species.

## ***Design***

- 7.31** JCS Policy SD4 provides that new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. It should be of a scale, type, density and materials appropriate to the site and its setting. Criterion 6 of Policy SD10 of the JCS states that residential development should seek to achieve maximum density compatible with good design, the protection of heritage assets, local amenity, the character and quality of the local environment, and the safety and convenience of the local and strategic road network.
- 7.32** While the application has been accompanied by illustrative plans, Appearance, Layout and Scale remain reserved matters and will require further consideration in order to secure an acceptable high-quality development, however it is considered that the site would be capable of accommodating five dwellings with associated infrastructure.

## **8.0 CONCLUSION AND RECOMMENDATION**

- 8.1** Section 38(6) of the Town and Country Planning Act 1990 provides that, if regard is to be had to the development plan, the determination must be made in accordance with the development plan unless other material circumstances indicate otherwise. Section 70(2) of the Act provides that the Local Planning Authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.
- 8.2** On the basis the Council cannot at this time demonstrate a five-year supply of deliverable housing land, the Council's policies for the supply of housing are out of date. In accordance with Paragraph 11 of the NPPF, the presumption in favour of sustainable development indicates that permission should be granted unless policies for protecting areas of assets of particular importance in the NPPF provide a clear reason for refusing the development proposed, or any adverse impacts of permitting the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.
- 8.3** Subject to satisfactorily resolving outstanding matters in respect of surface water drainage and flood risk, there would be no clear reasons for refusal arising from NPPF policies for the protection of areas or assets of particular importance in this case and therefore, it is clear that the decision-making process for the determination of this application is to assess whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.

## ***Benefits***

- 8.4** The development would contribute towards the supply of housing to help meet the objectively assessed need. Given the scale of development and proximity to the built-up area of a service village this benefit would attract fair weight in favour of granting permission in light of the Council's housing land supply position.

8.5 In economic and social terms, it is clear that a number of benefits would flow from this development if permitted, including during the construction process. There would also be economic and social benefits arising from spend from future residents which would help sustain the local facilities at Twyning, as well as in the wider area. The social and economic benefits through employment during the construction phase and spend from future residents which would help services in Twyning and the wider area is considered a moderate benefit.

### ***Harms***

8.6 Harm arises from the conflict with development plan policies and the spatial strategy relating to housing, particularly Policies SP2 and SD10 of the JCS, although it is accepted that the Council's housing policies are currently out of date.

8.7 There would be some harm to the landscape by reason of encroachment into undeveloped agricultural land beyond the settlement boundary. However, this landscape harm is localised, and minor considering the presence of built development to three sides of the site. There is potential to further minimise harm through sensitive design, layout and landscaping at reserved matters stage, it is therefore 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 and the imposition of appropriate planning conditions, the development would not give rise to unacceptable impacts in terms of, design and layout, highway safety, ecology or trees.

### ***Overall conclusion***

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

8.10 Significant weight should be given to the provision of housing, in a location which is considered broadly sustainable. Given the scale of development, these benefits would attract fair weight in favour of granting permission in light of the Council's housing land supply position. Economic and social benefits would also arise from the development as set out in paragraph 8.5 above and these are afforded moderate weight.

8.11 Taking account of all the material considerations and the weight to be attributed to each one, it is considered that subject to resolving outstanding drainage matters the identified harms would not significantly and demonstrably outweigh the benefits in the overall planning balance.

8.12 In the absence of policies in the NPPF which would provide a clear reason for refusal, and subject to resolving outstanding matters on flood risk, it is not considered that the harms of the development would significantly and demonstrably outweigh the benefits set out above. **It is therefore recommended that delegated powers be granted to the Development Manager to permit the application subject to conditions as may be necessary in addition to those listed below.**

## CONDITIONS:

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

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

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

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

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

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

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

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

5. 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.

6. 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.

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

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

8. 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 first occupation of the building(s) or completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. If any trees or hedgerows fail more than once they shall continue to be replaced on an annual basis until the end of the five year period.

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

9. No above ground development shall take place until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

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

10. All works shall strictly adhere to the recommendations set out in the Preliminary Ecological Appraisal (Focus Environmental Consultants, May 2021), Great Crested Newt (eDNA) Survey Report (Focus Environmental Consultants, July 2021) and Reptile Survey Report (Focus Environmental Consultants, August 2021, including the precautionary site clearance method regarding reptiles under the supervision of a suitably qualified ecologist and site clearance outside of bird nesting season (March to August) and where this is not possible a suitably qualified ecologist is to carry out a site inspection and provide advice.

Reason: To protect biodiversity and protected species

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

Reason: To protect biodiversity and protected species

12. 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.

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

Reason: To protect biodiversity and protected species

14. No dwelling shall be occupied until it has been fitted with an electric vehicle charging point. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and Manual for Gloucestershire Streets. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging points shall be of the same specification or a higher specification in terms of charging performance.

Reason: To promote sustainable travel and healthy communities.

#### **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 applicant is advised that as a result of the proposed layout and construction of the internal access road, the internal access road will not be accepted for adoption by the Highway Authority under Section 38 of the Highways Act 1980.
3. The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980, unless and until the applicant agree to exempt the access road. The exemption from adoption will be held as a Land Charge against all properties within the application boundary.
4. For avoidance of doubt the submitted layout and elevation plans have been treated as being for illustrative purposes only.
5. A copy of the GCN Low Impact Class Licence should be submitted to the Local Planning Authority prior to commencement of works.