

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

Committee:	Planning
Date:	20 September 2022
Site Location:	Land off Rectory Close Ashleworth
Application No:	22/00416/APP
Ward:	Highnam With Haw Bridge
Parish:	Ashleworth
Proposal:	Reserved matters application for 42 dwellings including access, layout, scale, appearance and landscaping pursuant to application 19/01227/OUT.
Report by:	Bob Ristic
Appendices:	Site location plan Site layout/landscape plan Street scenes 5 x House type plans (Selection)
Recommendation:	Approve
Reason for referral to committee:	Reserved Matters application for the erection of more than 20 dwellings

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is located immediately adjacent to the recently completed housing development at Rectory Close which is accessed from Nup End/Lawn Road in Ashleworth (**see attached site location plan**). The site comprises part of an agricultural field and is currently accessed from thorough Rectory Close via an existing farm track.
- 1.2 A public right of way runs through the eastern part of the site beyond which are several existing dwellings and a sheet metal fabrication business within the village.
- 1.3 The site boundaries are generally formed by mature hedgerows and trees with open countryside beyond to the south and west and the site presently comprises a grassed agricultural field.
- 1.4 Outline planning permission (with all matters reserved) was granted in March 2022 for the erection of up to 42 dwellings, including 40% affordable housing and associated infrastructure.
- 1.5 This application seeks approval of all reserved matters, namely Access, Appearance, Layout, Scale and Landscaping pursuant to the outline consent.

- 1.6** The reserved matters proposal would provide 42 dwellings which would be broadly laid out in 'horseshoe' arrangement which would connect to the eastern and western end of Rectory Close. The proposal would provide an area of public open space to the south eastern corner of the site along with an attenuation basin and landscaping throughout the site.
- 1.7** The application is also supported by details in respect of Conditions 4 – Housing Mix Statement, 5 – Levels, 6 – Boundary Treatments, 7 – Materials, 8 Surface treatments, 9 – Noise, 10 – Tree Retention & Protection, 14 – Vehicular Parking & Turning which were a requirement of the outline planning permission to inform the consideration of any subsequent reserved matters application.
- 1.8** The proposed development would require the existing public right of way to be re-routed through the site and this is subject of a separate application.
- 1.9** While details in respect of several other conditions have also been submitted with this application, these have not been considered at this time and would need to be formally discharged through a separate 'Approval of Conditions' application.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
19/01227/OUT	Outline application for up to 42 dwellings including access and associated works (layout, scale, appearance and landscaping to be reserved for future consideration)	CONSENT	24.03.2022
17/00783/APP	Application for the approval of reserved matters (appearance, landscaping, layout, and scale) pursuant to outline planning application no.15/00965/OUT as allowed under appeal no.APP/G1630/W/16/3150236 for the erection of 35 dwellings.	APPROVED	14.12.2017
15/00965/OUT	Development of up to 35 dwellings on land off Nup End, Ashleworth with all matters except for "access" reserved for future consideration. Appeal	REFUSED ALLOWED	24.12.2015 08.09.2016

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 SD4 (Design Requirements)
- Policy SD6 (Landscape)
- 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 INF6 (Infrastructure Delivery)
- Policy INF7 (Developer Contributions)

3.3 Tewkesbury Borough Local Plan to 2011-2031 (TBPL) June 2022

- Policy RES3 (New Housing Outside Settlement Boundaries)
- Policy RES5 (New Housing Development)
- Policy RES12 (Affordable Housing)
- Policy RES13 (Housing Mix)
- Policy NAT1 (Biodiversity, Geodiversity and Important Natural Features)
- Policy ENV2 (Flood Risk and Water Management)
- Policy TRAC1 (Pedestrian Accessibility)
- Policy TRAC2 (Cycle Network and Infrastructure)
- Policy TRAC9 (Parking Provision)

3.4 Neighbourhood Plan

None

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

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

4.2 Ashleworth Parish Council – No comments

Strategic Housing and Enabling Officer – No objections

Gloucestershire Highways – No objections

National highways – No objections

Lead Local Flood Authority – No objections

Environmental Health Officer – No objections

Tree Officer – No objections

Gloucestershire Minerals & Waste – No objections

Gloucestershire Public rights of Way Officer – Works to the PROW will need to be agreed

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1** Full copies of all the representation responses are available online at <https://publicaccess.tewkesbury.gov.uk/online-applications/>
- 5.2** The application has been publicised through the posting of a site notice for a period of 21 days and the immediate neighbours notified directly by letter.
- 5.3** No public representations 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), saved policies of the Tewkesbury Borough Local Plan 2011 to 2031 (2022) (TBLP), and a number of 'made' Neighbourhood Development Plans.
- 6.3** The Tewkesbury Borough Plan 2011-2031 (TBP) was adopted at a special meeting of full Council on 8 June 2022. It is therefore now part of the Development Plan and policies therein afforded full weight.
- 6.4** The relevant plan policies in the consideration of this application are set out in the appropriate sections of this report.
- 6.5** Other material policy considerations include national planning guidance contained within the National Planning Policy Framework (2021) and its associated Planning Practice Guidance (PPG), the National Design Guide (NDG) and National Model Design Code.

7.0 ANALYSIS

Principle of development

- 7.1** The principle of residential development at the site has been established through the grant of outline planning permission and this remains extant.

Layout, appearance and scale

- 7.2** Paragraph 126 of the NPPF sets out that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. 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.
- 7.3** 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.

- 7.4 Policy RES5 of the TBLP states that proposals should be of a design and layout that respects the character, appearance and amenity of the surrounding area and are capable of being integrated within it.
- 7.5 The reserved matters application is supported by a Compliance Statement and Design and Access Statement which demonstrates how the application accords with the principles set out at the outline stage and how the design of the development has evolved and would respect the character of the application site and surrounding area.
- 7.6 The proposal would be accessed from Rectory Close, a recent development delivered by the present applicant. The proposed development would be laid out as a continuation of the existing development with a principal estate road which would connect to either end of Rectory Road, forming a 'horseshoe' route through. The main estate road would in turn serve several secondary short cul-de-sacs and private drives extending from it.
- 7.7 The proposal has been designed as an extension to the existing phase 1 development and would broadly reflect the existing house types, designs and scale of existing properties. Furthermore, the submitted details set out a materials palette which would principally comprise of red brick, which would be interspersed with a small number of rendered properties and render details. The roofing material would comprise a mix of red and grey coloured 'duo plan' tiles which would reflect the adjoining development and traditional materials within the wider village.
- 7.8 The application has also been accompanied by details in respect of Conditions 5 – Levels, 6 – Boundary Treatments, 7 – Materials, 8 - Surface Treatments, which were required to be submitted as part of the reserved matters application, these details have been assessed and are considered acceptable.
- 7.9 Accordingly, it is considered that the proposal would result in a development with an acceptable appearance layout and scale which, subject to compliance with conditions would result in a high quality and harmonious development which would integrate with existing properties at Rectory close and compliment the character of the village as a whole.

Access and highway safety

- 7.10 The proposed development would be accessed from the existing residential development at Rectory Close. The principal access road would extend from the existing estate road, linking to the eastern and western ends of the existing estate. The proposal would provide 42 dwellings which would be served by 75 allocated parking spaces, 23 garage spaces. A further 8 visitor spaces would also be provided.
- 7.11 The submitted details have been assessed by the County Highways Officer who has confirmed that the proposed parking levels would conform with the guidelines set out in Manual for Gloucestershire Streets Addendum October 2021. The Officer also notes that while garage spaces are provided these are excluded from car parking calculations as these could be converted in the future. Nevertheless the provided parking arrangements are considered acceptable.
- 7.12 In terms of the proposed layout, the Officer advises the proposed design and layout would be acceptable and would address the guidelines set out in Manual for Gloucestershire Streets. The Officer notes that the proposal does not provide designated cycle infrastructure however this is not considered necessary given the likely limited vehicle speeds within the development.

- 7.13** The Officer has requested conditions to secure a Construction Management Plan and electric vehicle charging. These conditions are not considered necessary as they are already present on the Outline Consent (Conditions 12 and 16).
- 7.14** Notwithstanding the submitted drawings which indicate the provision of electric vehicle charging points to a selection of dwellings it should be noted that the Condition 16 requires the provision of charging points to all dwellings prior to first occupation and would need to be compiled with during the construction phase.
- 7.15** In view of the above, it is considered that the proposal would provide safe and suitable access and that there would be no unacceptable impact on highway safety or a severe impact on congestion.

Trees, Landscaping and Open Space

- 7.16** 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.
- 7.17** The application has been accompanied by a detailed landscaping strategy and arboricultural report containing tree protection measures which are required to be submitted as part of this reserved matters application under Condition 10 of the outline planning consent.
- 7.18** The submitted landscaping scheme proposes the retention of the substantial shrub and tree belt to the western part of the site (save for a small area which would be cleared to the north western corner to accommodate the development) and the retention of existing hedgerow planting to the southern and eastern parts of the site. The built development would be set away from the site boundaries and areas up to the housing would be planted with a wildflower meadow mix to provide a buffer between the development and the existing green infrastructure.
- 7.19** An area of open space would be provided to the south-eastern part of the site which would also accommodate a pond with aquatic planting, wetland meadow mix along with amenity grass and a belt of new trees.
- 7.20** The northern edge of the development, adjoining the rear gardens of properties at Rectory Close would provide an ecological corridor which would be planted with a native shrub mix and a new tree belt.
- 7.21** Within the development the proposal would provide hedgerow and shrub planting with on plot tree planting forming an avenue through the development.
- 7.22** The submitted details have been assessed by the Council's Landscape Adviser who has confirmed that the proposed details are acceptable. Furthermore, the Council's Tree Officer has confirmed that the submitted tree protection measures are acceptable.
- 7.23** It is considered that the proposed landscaping is appropriate and would provide a high-quality appearance to the development which would accord with Policies SD4, SD6 and INF3 of the JCS.

Existing and future residential amenity

- 7.24** Policy SD4 (iii) requires that new development should enhance comfort, convenience and enjoyment through the assessment of the opportunities for light, privacy and external space, and the avoidance of mitigation of potential disturbance, including visual intrusion, noise, smell and pollution. Policy SD14 further requires that new development must cause no harm to local amenity, including the amenity of neighbouring occupiers.
- 7.25** The proposed development would be set away from the site boundaries and nearby development. It is considered that as a result of the design and layout and separation distances there would be no undue impact on the residential amenity of existing residents.
- 7.26** In terms of the proposed layout itself, the dwellings would all have acceptable levels of outdoor amenity space and would not be unacceptably overlooked by adjacent units. Furthermore, there would be sufficient back-to-back distances between the proposed units, which would ensure good standards of amenity are achieved and maintained for future occupiers.
- 7.27** While the principle of a residential development at the site has been established, Condition 9 of the outline planning consent required a noise assessment and where necessary noise mitigation measures to be provided to the proposed dwellings given the proximity of the development to an existing industrial enterprise within the village.
- 7.28** The application has been supported by an Acoustic Assessment to assess potential noise impacts upon the development from a nearby industrial enterprise as required by Condition 9 of the outline planning permission. The findings of the report have been assessed by the Council's Environmental Health officer who has confirmed that there would be demonstrable harm to the living conditions of future occupiers of the development from this potential noise source.
- 7.29** For the reasons set out above, it is considered that the development would provide acceptable living conditions for existing and future occupiers and would accord with policies SD4 and SD14 of the JCS.

Housing mix

- 7.30** Condition 4 of the outline planning permission requires details of the number and size of dwellings to be provided at reserved matters stage. Policy SD11 of the JCS requires all new housing development to provide an appropriate mix of dwellings sizes, types and tenures in order to contribute to mixed and balanced communities and a balanced housing market. Development should address the needs of the local area and should be based on the most up to date Strategic Housing Market Assessment.
- 7.31** The Gloucestershire Local Housing Needs Assessment 2019 – Final Report and Summary (September 2020) (LHNA) provides the most up to date evidence based to inform the housing mix on residential applications. This report states that in Tewkesbury circa 8% of new dwellings should be one bedroom properties, with 19% having two bedrooms, 49% containing three bedrooms and 24% having four bedrooms or more.

- 7.32** The application proposes 6 No.1 bed properties (14.3%) 12 no.2 bed Properties (28.6%), 15 no.3 bed properties (35.7%) and 9 no. 4 bed properties (21.4%). While the proposed mix would provide fewer 3 and 4 bed properties this would result in an increase in the smaller, more affordable units. This mix has been supported by evidence gathered from local estate agents in respect of specific local demand for the area.
- 7.33** On balance is considered the mix of housing proposed would be appropriate and would comply with the requirements of Policy SD11 of the JCS.

Affordable housing

- 7.34** Policy SD12 of the JCS sets out that outside of the Strategic Allocations a minimum requirement of 40% affordable housing will be sought on developments. 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.
- 7.35** The provision of not less than 40% affordable housing for the site was secured at outline stage through a Section 106 Agreement, along with the required house sizes and tenure split.
- 7.36** The proposal would provide 17 affordable dwellings (40%) and the affordable mix would provide:
- 7.37** 4 no. 1 bedroom maisonettes, 1 no. 2 bedroom bungalow, 6 no. 2 bedroom houses, 5 no. 3 bedroom houses and 1 no. 4 bedroom house. Of this, approximately 70% would be affordable rented and 30% would be shared ownership.
- 7.38** The Housing Enabling Officer (HEO) has been consulted and is satisfied with the affordable housing provision and it is considered that this provision would accord with Policies SD11 and SD12 of the JCS.

Other Matters

- 7.39** The applicant has submitted details in respect of Outline Conditions 17, 19, 20, 21 and 22 which cannot be discharged at this time and would need to be considered under a separate Approval of Conditions Application and have not been assessed at this time.

8.0 CONCLUSION AND RECOMMENDATION

- 8.1** Considering the details discussed above, it is concluded that the proposal would accord with the outline consent and parameters therein and the proposed development would be acceptable in terms of access, layout, scale, appearance and landscaping.
- 8.2** A timeline Condition for the implementation of the development is not required as this is set out in Condition 3 of the outline planning permission.
- 8.3** The application is therefore recommended for **Approval** subject to the conditions set out below:

CONDITIONS:

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

Architectural Drawings

Location Plan - 20379/1000A

Street Elevations AA & BB - 20379/3600 Rev C

Planning Layout - 20379/5000 Rev AF

Materials, Hard Surfacing & Boundary Strategy - 20379/5010 Rev M

Affordable Strategy - 20379/5011 Rev G

Storey Heights Strategy - 20379/5012 Rev E

Parking & Cycling Strategy - 20379/5013 Rev F

Housetype Drawings

Axminster V1 - 2B.3P.843 - 20379/6000.1 Rev G

Axminster V2 – Flexi. Accom - 20379/6000.2 Rev D

Sherston V1 - 3B.5P.1034 - 20379/6001.1 Rev F

Sherston V2 - 3B.5P.1034 - 20379/6001.2 Rev A

Dyrham - 3B.5P.1167 - 20379/6002 Rev E

Alderton - 4B.7P.1511 - 20379/6003 Rev D

Banbury V1 - 4B.7P.1533 - 20379/6004.1 Rev E

Banbury V2 - 4B.7P.1533 - 20379/6004.2 Rev E

HA APT- 1B.2P.601_741 - 20379/6010 Rev D

HA - 2B.4P_V1 886 - 20379/6011.1 Rev E

HA - 2B.4P_V2 886 - 20379/6011.2 Rev E

HA - 3B.5P_V1 1018 - 20379/6012.1 Rev E

HA - 3B.5P_V2 1018 - 20379/6012.2 Rev D

HA - 4B.6P.1138 - 20379/6013 Rev F

HA - Bung M4(3)_2B.3P.852 - 20379/6014 Rev F

Single Garage V1 & V2 - 20379/6201 Rev A

Single Plus Garage - 20379/6202 Rev A

Double Garage V1 & V2 - 20379/6203 Rev A

Single & Double Garage - 20379/6205 Rev A

Substation 20379/6210

Materials Palette - 20379_Materials Palette

Ashleworth Compliance Statement - 20379/FINAL Rev I

Engineering Drawings

Vehicle Access Assessment - Sheet 1 - 499-PH2-3405-01 Rev P02

Vehicle Access Assessment - Sheet 2 - 499-PH2-3405-02 Rev P02

Drainage, Highway & Engineering Statement - 499-RP-001 Rev P02

Transport Statement Technical Note - 001 Version 1.0

Landscaping Drawings

Tree Retention and Removal - 132-003 Rev G

Landscape Plan RMA - 132-008 Rev F

Illustrative Landscape Plan - 132-010 Rev E

Landscape Strategy for RMA - 132-ID-102 Rev G

Planting Plan 1 of 2 - 132-201 Rev H

Planting Plan 2 of 2 - 132-202 Rev G

Landscape Details - 132-401 Rev B

Landscape Details - Tree Pit - 132-402 Rev A

Other Drawings / Documents

Acoustic Assessment - 8236.201222.L1 - Signed

Lawn Road, Ashleworth, Ecological Appraisal 22-10-2019 - eg19903

Housing Mix Statement - Ashleworth II - Rev B

Ashleworth II_Site Setup - 088-181

Except where these may be modified by any other conditions attached to this permission.

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

2. The Development hereby approved shall not be occupied until the access, parking and turning facilities serving that individual building to the nearest public highway has been provided in broad accordance with drawing nos.499-PH2-3050-01 Rev P03 and 20379_5013 F.

Reason: To ensure conformity with submitted details and to ensure safe and suitable access.

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.

Works on the Public Highway

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

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

- Drafting the Agreement
- A Monitoring Fee
- Approving the highway details
- Inspecting the highway works

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

3. The development hereby approved includes the construction of new highway. To be considered for adoption and ongoing maintenance at the public expense it must be constructed to the Highway Authority's standards and terms for the phasing of the development. You are advised that you must enter into a highway agreement under Section 38 of the Highways Act 1980. The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980.
4. Contact the Highway Authority's Legal Agreements Development Management Team at highwaylegalagreements@gloucestershire.gov.uk. You will be required to pay fees to cover the Council's costs in undertaking the following actions:
 - Drafting the Agreement
 - Set up costs
 - Approving the highway details
 - Inspecting the highway works

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

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

5. The development hereby approved and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authorities Network Management Team at Network&TrafficManagement@gloucestershire.gov.uk before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.
6. Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.