



**Planning Committee**  
18 October 2022

<b>Application Reference</b>	22/00232/FUL
<b>Case Officer</b>	Bob Ristic
<b>Location</b>	Land to the South of Geston Place, Twyning
<b>Development</b>	Residential development comprising 21 dwellings, creation of new vehicular access and ancillary works
<b>Ward</b>	Tewkesbury North and Twyning
<b>Parish</b>	Twyning
<b>Expiry Date</b>	10 June 2022 Agreed Extension of Time 18 November 2022

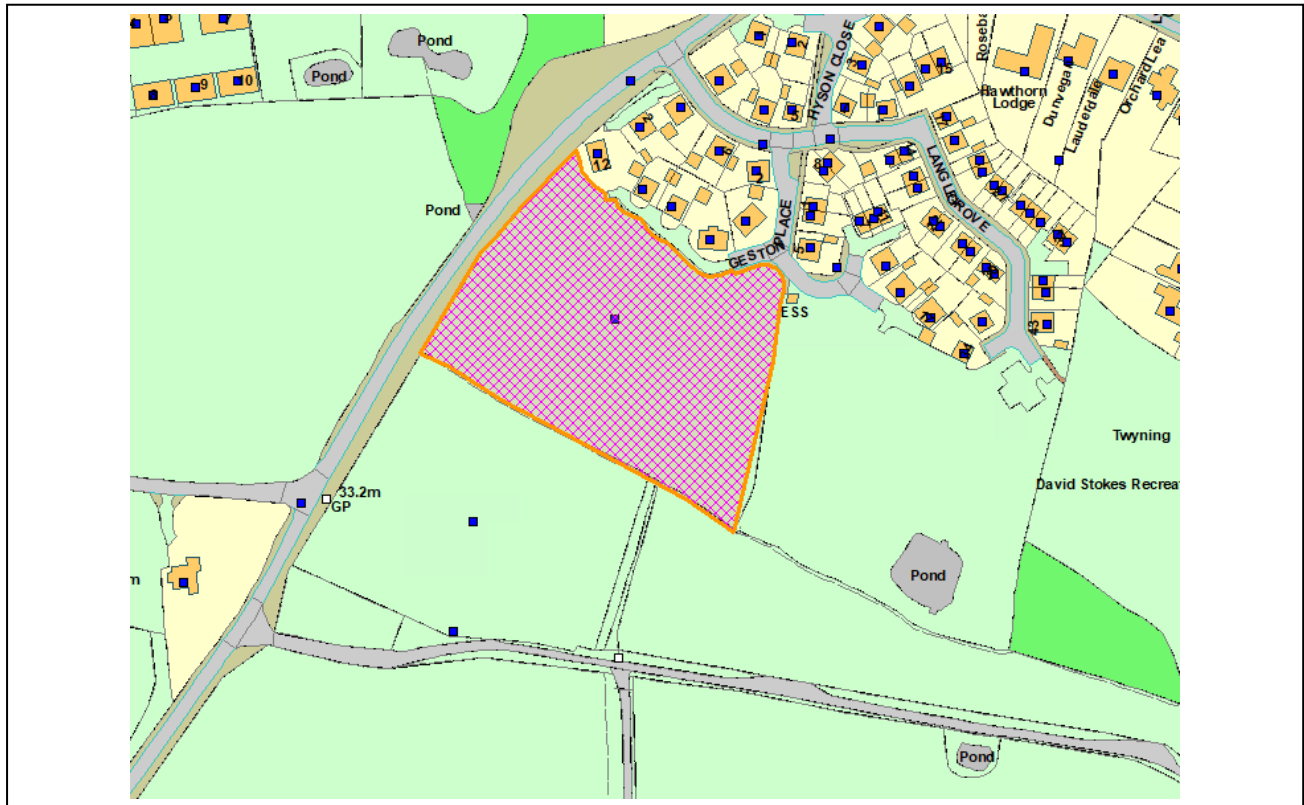
**List of Appendices**

Site location plan  
Site layout  
House types x 7  
Street scene

**Scheme of Delegation**

This application is brought to committee because it falls outside of the Council's Scheme of Delegation as it is a full application for the erection of 10 or more residential units.

## Site Location



### **1. Recommendation**

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**1.1** It is recommended that authority be **DELEGATED** to the Development Manager to **PERMIT** the application subject to planning conditions and the completion of a Section 106 legal agreement to secure the following:

- Provision of 8 affordable dwellings
- £60,000 - Affordable housing commuted sum
- 132,642.90 – Towards Primary Education
- £39,550 – Towards school transport
- £1,533 – Towards waste and recycling provision

### **2. The Proposal**

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**2.1** The proposal seeks full planning permission for a residential development comprising 21 dwellings, including 8 affordable homes, the creation of a new vehicular access off Shutonger Lane, landscaping and ancillary works.

### **3. Site Description**

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**3.1** The application site is located to the south of a recent housing development at 'Brockridge Paddocks, directly to the South of Geston Place and to the west of an area of public open space which serves that development. To the south of the site is the location of a recently allowed appeal for up to 36 dwellings (Application no.20/00636/OUT - Parcel 4967 Opposite, Cherry Orchard Lane).

**3.2** The site is presently used as a private paddock which is broadly rectangular in shape and

measures approximately 1.1 hectares. There are no public rights of way or public access to the site however a public right of way runs outside of but to the east of the site.

- 3.3** Although not allocated for housing the site lies within the Settlement Boundary as defined in the Tewkesbury Borough Local Plan (TBP) and within the Residential Development Boundary as defined by the Twyning Neighbourhood Development Plan (TNDP).

#### **4. Relevant Planning History**

<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
13/00978/FUL	<b><u>Land to the North of the application site</u></b> Residential development of 58 dwellings, access from Shuthonger Lane, landscaping, SUDs drainage, public open space and services and proposed community car park.	Refused	11.12.2014
	<b>Subsequent Appeal</b>	Allowed	13.07.2015
20/00636/OUT	<b><u>Land to South of the application site</u></b> Outline application including access, with all other matters reserved for up to 36 (maximum) residential dwellings for over 55's	Refused	17.11.2020
	<b>Subsequent Appeal</b>	Allowed	11.11.2021

#### **5. Consultation Responses**

- 5.1** Twyning Parish Council – Object for the following reasons:

- Twyning has met its quota of new housing
- Reliance of car transport will have a detrimental effect on the local infrastructure
- Unassessed flood risk
- Lack of a clear plan for foul sewage and surface water disposal
- TBP does not identify any additional housing sites in Twyning
- No major modifications or proposed changes to the development boundary.
- Tewkesbury Borough have exceeded their JCS annual target of 495 houses every year
- Completions and allocations are ahead of the JCS target of 880 by 158 dwellings
- Further developments in Service Villages are not required.
- Conflicts with Policies SP2 and SD10 of the JCS and Policy GD1 of the TNDP and TBP Strategic Gap Policy LAN3 which is replicated in TNDP at policy ENV2
- The development would erode open character of the countryside contrary to Policy SD6 of the JCS
- Proposals would deliver a conspicuous and stark scheme
- Would have a detrimental impact on the local landscape character and views from local footpaths and
- No plan for the disposal of foul and surface water
- Site is in a flood zone 1 and Flood Risk Assessment has not been provided.
- Affordable rent tenure type is not acceptable
- Does not provide for suitable public transport
- Would therefore increase reliance on the use of the private motor vehicle
- Proposal conflicts with Policy INF1 of the JCS, Policy TP1 of the TNDP and section 4 the NPPF
- A significant population of Great Crested Newts (GCNs) and other protected

- wildlife has been identified in
- the area around this site
- The development will have significant adverse impact protected species
- Contrary to Policy SD9 of the JCS and NPPF
- Considerable distance from the centre of Twyning village
- Site is isolated from the urban structure of the village

## 5.2 Statutory Consultees

**Gloucestershire Highways** – No objection subject to a S.106 contribution towards school transport.

**Lead Local Flood Authority** – No objections subject to conditions.

**Severn Trent Water** – No objections subject to conditions, note that a presume main runs through the site and that there is no foul sewer capacity.

**Housing and Enabling Officer** – No objection subject to completion to a S.106 agreement to secure affordable housing and commuted sum.

**County Archaeologist** – No objections as there is a low risk that archaeological remains will be adversely affected by this development proposal.

**Gloucestershire Community Infrastructure Officer** – No objection subject to a S.106 agreement to secure a financial contribution towards primary education.

**Ecological Advisor** – No objection in principle however further assessments are required.

**Gloucestershire Public Rights of Way Officer** – No objections subject to no interference with PROW's.

**Stagecoach** – Object to the proposal for the following reasons:

- Twyning has had around 100 dwellings in past few years
- Significant development for the village
- Village character has changed
- No need for housing post Brexit
- Housing land situation is challenging
- Absence of 5-year land supply causes difficulties in transport terms
- Cumulative impact of car dependant development
- Stress on overburdened highway network
- Impact on provision of bus services
- Transport statement misleading
- Development should be located where there is a choice of transport options
- Site is not allocated
- Bus services infrequent/do not exist
- Ashchurch railway station not cyclable – infrequent serviced
- Cycling not conducive
- No provisions to address sustainable travel
- Unsustainable location in public transport terms

**Environmental Health Adviser** – no objections in terms of noise

### 5.3 Third Parties Comments/Observations

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

The application has been publicised through the posting of a site notice for a period of 21 days. In response, 13 representations have been received and the comments raised are summarised below:

#### Object

- Twyning has had many new developments
- Village only has one shop and a small school
- Local services at breaking point
- School overcrowded
- Limited childcare provision
- Loss of rural identity and social cohesion
- Sewers overloaded/overflow
- No foul capacity in area
- Public transport statement is inaccurate
- Public transport is limited
- Traffic study outdated
- Commuting and traffic have increased
- Highway safety
- Cycling not practical
- Access road is virtually single lane
- Would make road more dangerous
- Would increase fumes
- Land is undeveloped and contains newts, bats and other wildlife
- Habitats should be left alone
- Paddock planted with trees
- Original application for 82 dwellings dismissed at appeal
- Proposal would add to those houses permitted
- Houses would not be affordable for local families
- Other commercial and residential extensions in the village
- Paddock was considered/intended as open space for the Charles Church (Persimmon) development
- Site provides an interface between Brockeridge Paddocks development and open countryside
- Would have a visual impact on properties within Brockeridge Paddocks
- Open space at Brockeridge Paddocks would feel enclosed
- Roads in existing estate are private
- Powerline runs through the Paddocks
- No usable public open space
- Site too wet for grazing
- Adjoining public footpath would be far less attractive
- Brockeridge Paddocks is private and unlikely to allow sewerage connection
- PROW ATW28 runs through southeastern corner of the site
- PROW Route should be included in the plans

Support

- No reason not to site housing here
- Site is a barely used field
- Adjoining parcel of land has planning permission for housing
- Existing green space and suds which could be used
- Could fit more houses on the site
- Trees and wildlife should be protected

## **6. Relevant Planning Policies and Considerations**

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

### **6.2** National guidance

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

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

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

### **6.4** Tewkesbury Borough Local Plan to 2011-2031 (TBP) – Adopted June 2022

- Policy RES1 (Housing Site Allocations)
- Policy RES2 (Settlement Boundaries)
- Policy RES5 (New Housing Development)
- Policy RES12 (Affordable Housing)
- Policy RES13 (Housing Mix)
- Policy DES1 (Housing Space Standards)
- Policy ENV2 (Flood Risk and Water Management)
- Policy LAN2 (Landscape Character)
- Policy LAN3 (Gaps of Local Importance)

## 6.5 Neighbourhood Plan

Twyning Neighbourhood Development Plan – 2011-2031 – Adopted 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)
- Policy ENV2 (Countryside between Twyning Village and Church End)

## 7. **Evaluation**

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### 7.1 **Principle of Development**

- 7.1.1** 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.
- 7.1.2** The application site comprises an undeveloped paddock which is in private ownership and does not form part of the open space to the residential development at Brockeridge Paddocks, which comprises a field located to the east of the site. The site is located within the settlement boundary to the village in both the TNDP and TBP.
- 7.1.3** JCS policy SD10 sets out that, *'On sites that are not allocated, housing development and conversions to dwellings will be permitted on previously-developed land in the existing built-up areas of Gloucester City, the Principal Urban Area of Cheltenham and Tewkesbury Town, rural service centres and service villages except where otherwise restricted by policies within district plans'* and that *'housing development on other sites will only be permitted where ... 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'*.
- 7.1.4** Policy RES2 of the TBP sets out that, *'Within the defined settlement boundaries of the Tewkesbury Town Area, the Rural Service Centres, the Service Villages and the Urban Fringe Settlements (which are shown on the policies map) the principle of residential development is acceptable subject to the application of all other policies in the Local Plan'*.
- 7.1.5** Policy GD2 of the TNDP sets out that *'Development within the defined development boundary, as indicated in Appendix A, will be supported where it is consistent with other policies in the development plan. Infill development will be supported where it is consistent with the principles of sustainable development, and does not cause significant harm and respects existing patterns of development, such as open spaces that contribute to the key characteristics of the village'*.

**7.1.6** The proposal is located within the defined settlement boundary and would in effect infill a parcel of land located to the south of the recent Brockeridge paddocks development and to the north of a recently allowed housing development. Accordingly it is considered that the proposal broadly accords with Policy SD10 of the JCS, Policy RES2 of the Tewkesbury Borough Local Plan and Policy GD2 of the Twyning Neighbourhood Development Plan in respect of the location of residential development. Accordingly, the principle of development is considered to be acceptable, subject to compliance with all other policies within the plan.

## **7.2 Landscape and visual Impact**

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

**7.2.2** The application site comprises residual land following the recent residential development of the northern part of the former field parcel. The site is in use as a private paddock and is defined by a hedge line to the south and west and post and rail fence to the north and east. The site slopes gently to the south and is not subject to any landscape designations.

**7.2.3** The application has been accompanied by a Landscape and Visual Impact Assessment which identifies the sites character and assesses the sites sensitivities. The report sets out that the site falls within the rural Twyning Hills Landscape Character Type and makes a limited contribution to local landscape character as the openness of the site is not readily perceptible until immediately adjoining. The site is generally experienced in conjunction with existing settlement features and appears part of the settled village edge.

**7.2.4** The report acknowledges that while in previous published assessment the land fell within a land parcel identified to have high landscape and visual sensitivity, the subsequent development of Geston Place and the approval of a scheme for 36 new dwellings on land to the immediate south has significantly changes the context of the landscape and visual baseline. As such the site no longer lies adjoining the edge of the settlement but will be contained by settlement. It is acknowledged that although the proposal would result in some landscape and visual harm through loss of the openness to built form, this landscape and visual harm is limited due to the present development setting.

**7.2.5** The development of the site would result in a slight decrease in the rural character of Shuthonger Lane immediately adjoining the site, with the loss of some hedgerow for the provision of the new access, however with mitigation planting, this impact would be minimised and in terms of national and local landscape policy, the identified harm arising from the development of the site would fall below the threshold of unacceptable harm.

**7.2.6** TNDP Policy ENV2 seeks to retain the openness of the land that lies between Twyning and Church End and TBP Policy LAN3 Seeks to protect 'gaps of local importance'. While the site presently lies to the south of existing built development in the village, it does however lie outside of the defined 'gap of local importance' between Twyning and Church



End. The significance of the site in terms of its contribution towards maintaining the openness between the two settlements has been diminished as a result of the allowed development for 36 dwellings to the south of the site. As a result the application site would no longer form part of the open landscape (designated or undesignated) and the proposal would in effect infill a gap between two pockets of development within the village and would not impact the perception of openness of the gap.

- 7.2.7** It is noted that the proposal would be visible from Shutonger Lane and the PROW to the east of the site however it is considered that the perceived impact upon the landscape would not be significant given the proximity of built development to the north of the site and approved residential development to the south. While the filed parcel would be lost the development itself would be read as a continuation of existing built development and would therefore not appear unduly intrusive.
- 7.2.8** While it is acknowledged that the development proposal would give rise to limited landscape and visual harm, it is considered that the impacts could be mitigated to an acceptable degree through the retention of existing planting and introduction of new planting to ensure that tree and hedge planting are incorporated into the scheme to maintain the semi-rural character of the present village edge. This would serve soften the potential effects on views that will be experienced by local residents and users of the existing public open space adjoining public right of way.
- 7.2.9** It is concluded that, the proposal does not have unacceptable landscape and visual effects on identified receptors due to the location of the site on the immediate settlement edge as a result of the change in setting which would be introduced by the recently allowed residential development immediately to the south of the site.
- 7.2.10** In view of the above and subject to compliance with conditions in respect of landscaping and materials, it is considered that the proposed development would not result in unacceptable harm to the landscape or visual amenities of the area.

### **7.3 Design and Visual Appearance**

- 7.3.1** The NPPF sets out that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 7.3.2** 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. TNDP Policy H2 sets out that residential development will be supported where its of an appropriate size, contains and appropriate mix and tenure of dwellings, the submitted detail is commensurate with the scale of development and that there are appropriate areas of space around dwellings and appropriate amenity space provided.
- 7.3.3** Criterion 6 of Policy SD10 'Residential Development' of the JCS states the 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. Furthermore, TBP Policy RES5 sets out that development should be of a design and layout which respects the character appearance and amenity of the area, be of an appropriate scale to the area compliment the form of the settlement.

**7.3.4** The application site would be accessed from Shutonger Lane via a new access road which would run along the northern part of the site, with a further internal access road running north to south within the central part of the site. The proposed dwellings would be set away from the northern, western and southern boundaries to provide a landscaped buffer to existing development and the wider countryside and the drawing indicate how additional tree and hedgerow planting would be provided. **(See Proposed Layout Plan)**

**7.3.5** The application proposed dwellings would be constructed of red facing brick, with stone lintol detailing and a mix of red and grey roof tiles. It is considered that the properties would have a harmonious design which would feature gable detailing and would reflect and harmonise with the varied house design within the recent development to the north of the site and character of the wider village. **(See attached house plans and street scenes).**

**7.3.6** Each of the properties would benefit from off street parking and garaging to the larger units along with generous rear garden areas. While the design approach is considered appropriate, precise details of the external materials and landscaping would need to be secured by condition. Subject to compliance with these details it is considered that the proposal would be of an acceptable, high quality and harmonious design and is considered acceptable.

#### **7.4 Residential Amenity**

**7.4.1** 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. TNDP Policy H2 requires appropriate levels of open space to and around dwellings.

**7.4.2** The proposed development would be separated from adjoining dwellings in the village by the proposed access road and the development would be screened in part by proposed landscaping along the northern boundary of the site. As a result, the proposal would not result in any demonstrable harm to the living conditions of adjoining occupiers.

**7.4.3** In terms of future occupiers of the development, the proposed plots would be laid out in an acceptable manner and would not result in any adverse impacts from loss of light, overlooking or overbearing impacts. Furthermore the proposed gardens are commensurate with the proposed dwellings and would provide generous private amenity space for future residents.

#### **7.5 Access and Parking**

**7.5.1** Section 9 of the NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Paragraph 111 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

**7.5.2** Policy INF1 of the JCS requires developers to provide safe and accessible connections to the transport network to enable travel choice for residents and commuters. All proposals should provide for safe and efficient access to the highway network for all transport modes; encourage maximum potential use of walking, cycling and passenger transport networks to ensure that credible travel choices are provided by sustainable modes.

Planning permission will be granted only where the impact of development is not considered to be severe. It should also be noted that the NPPF advises at Paragraph 105 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.

- 7.5.3** The proposal has been assessed by the County Highway Officer who has advised that Twyning, as a Service Village is an appropriate location for residential development and that services (albeit limited) are easily accessible within the village and in accordance with advice in Manual for Gloucestershire Streets.
- 7.5.4** The Highway officer is satisfied with the proposed site access arrangements and confirm that adequate visibility could be secured to serve the development. Furthermore, a review of personal injury collisions for the past 5 years reveals a single incident some 530 metres from (and unrelated to) the site. It is concluded that the proposed development would not adversely impact highways safety.
- 7.5.5** The proposed traffic generation as well as the cumulative effects from other permitted developments in the village have been assessed and the officer is satisfied that the proposal would not result in any safety or capacity concerns on the highway network.
- 7.5.6** The internal site layout has been assessed along with the proposed parking provision of 43 on plot parking spaces (excluding garage spaces) and 5 visitor parking spaces. It is considered that the proposed parking levels are acceptable and would accord with Manual for Gloucestershire Streets.
- 7.5.7** The Officer acknowledges that there are no school places in the immediate vicinity and a contribution of **£39,550** is sought towards the provision of a school minibus services for primary and secondary pupils to reduce reliance on individual private vehicular journeys. This contribution could be secured through a S.106 agreement.
- 7.5.8** Subject to compliance with conditions in respect of visibility splays, electric vehicle charging provision and pedestrian safety improvements, it is considered that the proposal would have no severe or adverse highway impacts and the means of access proposed are acceptable.

## **7.6 Ecology**

- 7.6.1** Section 15 of the NPPF seeks to, inter alia, protect and enhance, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan), and minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. JCS Policy SD9 states that the biodiversity resource of the area will be protected and enhanced to establish and reinforce resilient ecological networks, including the safeguarding of protected species in accordance with the law. This is reiterated in Policy NAT1 of the TBP, which also seeks proposals to deliver a biodiversity net gain.
- 7.6.2** The application is accompanied by a Preliminary Ecological Appraisal which assesses the constraints of the site and ecological impacts of the development. The Council's Ecological Adviser (CEA) has reviewed the submitted detail and has requested further assessments in respect of hedgerows, newts and designated sites.

The CEA has raised no objections to the development in principle however the outstanding matters would need to be assessed prior to any planning decision.

**7.6.3** The applicant is finalising these further assessments and **an update will be provided at committee.**

## **7.7 Drainage and Flood Risk**

**7.7.1** JCS Policy INF2 of the JCS seeks to prevent development that would be at risk of flooding and sets out that 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. Similarly TBP Policy ENV2 NDP Policy GD7 require new development to incorporate sustainable drainage measures.

**7.7.2** The application site is located in Flood Zone 1 (Low probability of flooding) and the application is accompanied by a Flood Risk Assessment, required as the site exceeds 1 hectare in area.

**7.7.3** The submitted details demonstrate how surface water would be drained through and stored in several SuDS features including permeable paving, a swale and underground storage. Furthermore, the submitted Micro Drainage calculations show that there would be sufficient capacity for storms up to and including the 1 in 100 year rainfall event including an allowance for climate change.

**7.7.4** Furthermore, the swale and permeable paving would help manage water quality before it leaves the development and the former will offer some potential biodiversity and amenity benefits depending on planting design, which could be secured by a landscaping condition.

**7.7.5** The LLFA have reviewed the submitted details and are satisfied that the proposal would not create a risk of flooding within the site or elsewhere and that the detailed design and maintenance strategy could be secured by condition.

**7.7.6** Severn Trent Water have raised no objections to the proposal and have advised that there is no capacity within their foul sewage system. The applicant is aware of the situation and advise that if Severn Trent do not resolve the capacity issues, appropriate drainage could be provided by a treatment plant or similar solution. The precise details could be secured by condition.

## **7.8 Section 106 Obligations**

**7.8.1** 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 considered when determining an application.

These tests are as follows:

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

**7.8.2** 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.

### **7.8.3 Education Provision**

Gloucestershire County Council as Local Education Authority (LEA) have been consulted and requested contributions towards education provision in line with its cost multipliers and pupil yields. The assessment identified the development would have an impact on the Twyning School and/or Tewkesbury-Ashchurch Primary Planning Area. As such a contribution of **£132,642.90** towards primary school education provision has been requested to mitigate the impact of the development.

### **7.8.4 Affordable Housing**

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

**7.8.5** The Council's Housing Enabling Officer (HEO) has reviewed the application and advises that the proposal would generate a requirement for 8.4 affordable units to be policy compliant. This requirement transcribes to the provision of 8 affordable 'on site' units with a **60% (5 dwellings) social rented** and **40% (3 dwellings) as shared ownership**. In addition the proposal would require the provision of a commuted sum of **£60,000** for the 0.4 of a unit.

**7.8.6** In terms of accessibility the Gloucestershire Local Housing Needs Assessment 2020 supports 50% of the affordable homes to be M4(2) former lifetime homes standard as required by JCS Policy SD11 and JCS Policy SD4. Preferred housing unit standards should be Nationally Described Space Standard sizes and all units should also be double bed space. The applicant has submitted revised drawings to comply with these details which would also be secured through the S.106.

### **Other matters**

**7.8.7** The applicant has agreed a contribution of £73 per dwelling, which equates to **£1,533** based on the proposed 21 dwellings, towards recycling and waste bin facilities to serve the development.

**7.8.8** 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.

## 8. Conclusion/Planning Balance

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- 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.

### *Benefits*

- 8.2 The proposal would deliver social and market housing within a designated Service village, which would help to sustain local facilities providing social and economic benefits.

### *Harms*

- 8.3 There would be some harm to the landscape by reason of encroachment into an undeveloped field parcel. However, given the site's inclusion within the settlement boundary of Twyning as defined in the TBP and within the residential development boundary as defined in the TNDP and the potential to further minimise harm through the use of sensitive materials and landscaping (which could be secured by condition) it is not considered that the harm would be significant.

### *Neutral*

- 8.4 It has been established through the submission documents (and subject no objections being raised by the Council's ecological adviser), that through the imposition of appropriate planning conditions and planning obligations, the development would not give rise to unacceptable impacts in relation to the natural environment, flood risk and drainage, design and layout or highway safety.

### *Overall conclusion*

- 8.5 Whilst there would be some harm arising from the development, this harm is not considered to be significant. Significant weight should therefore be given to the provision of housing, both market and affordable, in a location where the principle of residential development would be acceptable.
- 8.6 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.

## 9. Recommendation

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- 9.1 In the absence of policies 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 authority be **DELEGATED to the Development Manager to PERMIT the application subject to no adverse comments being received from the Council's Ecological Adviser, any additional/amended planning conditions; and the completion of a section 106 legal agreement to secure the following:**

- **Provision of 8 affordable dwellings**
- **£60,000 - Affordable housing commuted sum**
- **132,642.90 – Towards Primary Education**
- **£39,550 – Towards school transport**
- **£1,533 – Towards waste and recycling provision**

**10. Conditions**

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- 1** The works hereby permitted shall be begun before the expiration of three 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 drawings:

P21-0168 01G  
P21-0168 02 Sheet 01 Rev.A  
P21-0168 02 Sheet 02 Rev.A  
P21-0168 02 Sheet 03 Rev.A  
P21-0168 02 Sheet 04 Rev.A  
P21-0168 02 Sheet 05 Rev.A  
P21-0168 02 Sheet 06 Rev.A  
P21-0168 02 Sheet 07 Rev.E  
P21-0168 02 Sheet 08 Rev.D  
P21-0168 02 Sheet 09 Rev.E  
P21-0168 02 Sheet 10 Rev.A  
P21-0168 02 Sheet 01 Rev.A  
P21-0168 02 Sheet 01 Rev.A  
P21-0168 02 Sheet 01 Rev.A  
P21-0168 02 Sheet 01 Rev.A  
P21-0168 02 Sheet 01 Rev.A  
P21-0168 03B  
P21-0168 04A  
P21-0168 05A  
P21-0168 07A  
P21-0168 09A  
P21-0168 10  
SP06 Rev.A  
SP07 Rev.A

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.

- 3** No development shall take place above DPC level until drainage plans for the disposal of foul and surface water flows have been submitted to and approved in writing 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: 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.

- 4** Notwithstanding the submitted details, prior to any above ground works, precise details of proposed levels, including floor slab levels and ridge heights of proposed buildings, finished ground levels and details of any retaining walls, relative to existing levels on the site and on adjoining land, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented strictly in accordance with the approved details.

Reason: In the interests of residential amenity and the character of the area.

- 5** Notwithstanding the submitted details, no works above DPC level shall take place until samples/details of all external building have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the samples/details so approved.

Reason: In the interest of the visual amenity of the area.

- 6** No dwelling hereby permitted shall be occupied until precise details of the landscaping to development have been submitted to and approved in writing by the Local Planning Authority. The Landscaping shall be implemented in accordance with the approved details no later than the first planting season following the completion of the development. The landscaping shall thereafter be maintained for a period of 5 years. If during this time any trees, shrubs or other plants are removed, die, or are seriously diseased these shall be replaced during the next planting season with others of similar size and species unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year maintenance period.

Reason: Interest of the visual amenity of the area.

- 7** The development hereby approved shall not be occupied until the means of access for vehicles, pedestrians and cyclists have been constructed and completed as shown on drawing reference SK01.

Reason: In the interest of highway safety.



**8** The Development hereby approved shall not be occupied until drawings of the highway improvements works comprising:

- Proposed 2m footway on Shuthonger Lane

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

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

**9** No dwelling shall be occupied until the access, parking and turning facilities serving that property have been provided as shown on drawing P21-0168\_01RevC.

Reason: To ensure conformity with submitted details.

**10** The vehicular access hereby permitted shall not be brought into use until the existing field gate access to the site along the western boundary has been permanently closed in accordance with details to be submitted to and agreed in writing beforehand by the Local Planning Authority.

Reason: In the interests of highway safety.

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

Reason: To promote sustainable travel and healthy communities.

**12** No dwelling shall be occupied until sheltered, secure and accessible bicycle parking serving that property has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The storage area shall be maintained for this purpose thereafter.

Reason: To promote sustainable travel and healthy communities.

**13** The Development hereby approved shall not be occupied until the applicant has submitted to and had approval in writing from the Local Planning Authority a residential welcome pack promoting sustainable forms of access to the development. The pack shall be provided to each resident at the point of the first occupation of the dwelling.

Reason: To reduce vehicle movements and promote sustainable access.

- 14** No development above DPC level shall take place until a detailed Sustainable Drainage System (SuDS) Strategy document has been submitted to and approved in writing by the Local Planning Authority, this should be in accordance with the proposal set out in the approved submission (Engineering Layout; 21-029/502-A; April 2021). The SuDS Strategy must include a detailed design, an exceedance flow plan and must also demonstrate the technical feasibility/viability of the drainage system through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the life time of the development. The approved scheme for the surface water drainage shall be implemented in accordance with the approved details before the development is first put in to use/occupied.

Reason: To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage, flood risk and water quality in the locality.

- 15** No development shall 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 agreed terms and conditions.

Reason: To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding.

## **11** **Informatives**

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- 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 Lead Local Flood Authority (LLFA) will give consideration to how the proposed sustainable drainage system can incorporate measures to help protect water quality, however pollution control is the responsibility of the Environment Agency.
- 3** Future management of Sustainable Drainage Systems is a matter that will be dealt with by the Local Planning Authority and has not, therefore, been considered by the LLFA.
- 4** Any revised documentation will only be considered by the LLFA when resubmitted through [suds@gloucestershire.gov.uk](mailto:suds@gloucestershire.gov.uk) e-mail address. Please quote the planning application number in the subject field.
- 5** The Local Highway Authority has no objection to the above subject to the applicant obtaining a section 184 licence. The construction of a new access will require the extension of a verge and/or footway crossing from the carriageway under the Highways Act 1980 - Section 184 and the Applicant is required to obtain the permission of Gloucestershire Highways on 08000 514 514 or [highways@gloucestershire.gov.uk](mailto:highways@gloucestershire.gov.uk) before commencing any works on the highway. Full Details can be found at [www.gloucestershire.gov.uk](http://www.gloucestershire.gov.uk).

- 6** 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 Council's costs in undertaking the following actions:

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

- 7** 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.

- 8** 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.

Contact the Highway Authority's Legal Agreements Development Management Team at [highwaylegalagreements@gloucestershire.gov.uk](mailto: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 coordinate the laying of services under any new highways to be adopted by the Highway Authority.

- 9** 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.

- 10** 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.

- 11** There is a public right of way running through the site, the applicant will be required to contact the PROW team to arrange for an official diversion, if the applicant cannot guarantee the safety of the path users during the construction phase then they must apply to the PROW department on 08000 514514 or [highways@gloucestershire.gov.uk](mailto:highways@gloucestershire.gov.uk) to arrange a temporary closure of the right of way for the duration of any works.
- 13** 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](mailto: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.
- 14** 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.