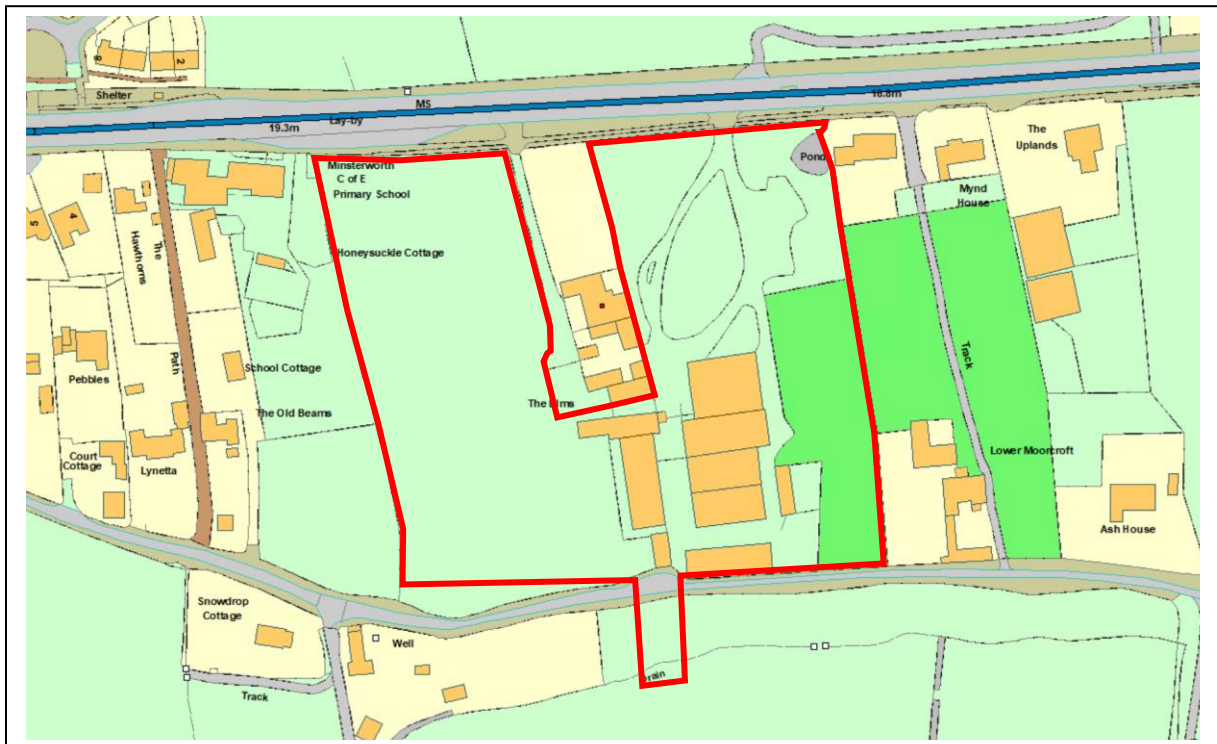


Planning Committee

Date	15 August 2023
Case Officer	Frank Whitley
Application No.	22/01104/FUL
Site Location	Elms Farm, Main Road, Minsterworth
Proposal	Residential development of 37 dwellings (Class C3); vehicular and pedestrian access; landscaping; drainage attenuation and other associated works
Ward	Minsterworth
Parish	Highnam with Hawbridge
Appendices	Site Location Plan Site Layout Affordable Housing Layout Street Scenes Example housetype elevations x 3 (Monmouth, Mathern, Ogmore)
Reason for Referral to Committee	Major planning application
Recommendation	Delegated Permit

Site Location



1. The Proposal

- 1.1 The application seeks planning permission for a residential development of 37 no. dwellings (Class C3); vehicular and pedestrian access; landscaping; drainage attenuation and other associated works (amended description).
- 1.2 Since first submission the proposal has reduced from 40 to 37 dwellings.
- 1.3 Full application details are available to view online at:

[22/01104/FUL | Residential development of 37 no. dwellings \(Class C3\); vehicular and pedestrian access; landscaping; drainage attenuation and other associated works \(amended description\) | Elms Farm Main Road Minsterworth Gloucestershire GL2 8JH \(tewkesbury.gov.uk\)](#)
- 1.4 The development would be subject to a Section 106 agreement for the provision of affordable housing and other contributions.
- 1.5 The development would effectively wrap around the retained part of Elms Farm. The existing A48 access to the farmhouse is to be closed off and replaced with a wider vehicle access and estate spine road alongside. The retained farmhouse would be accessed from the spine road. The second existing farm access in the northeast corner of the site would also be closed off and replaced with a pedestrian access.
- 1.6 With the exception of the traditional brick barn (considered a non-designated heritage asset) all existing buildings within the application site are to be demolished. As first submitted the application sought to demolish the barn, though it is now to be retained and accounts for the reduction in number of dwellings from 40 to 37. There are no proposals for its conversion or development at this stage.
- 1.7 The site is bounded to the south by Church Lane, onto which there are to be two pedestrian accesses. A further pedestrian access would link with the former orchard to the south of the Harvey Centre. Inside the southern boundary, is to be the attenuation basin and open space.
- 1.8 Areas of the application site within Flood Risk 2 and 3 are excluded from development or infrastructure.
- 1.9 37 dwellings are proposed, of which 15 (40.5%) would be affordable, of a range of tenures.
- 1.10 Open Market:
- 3 bedroom: 16 units
 - 4 bedroom: 6 units
- 1.11 Affordable:
- 1 bedroom: 4 units
 - 2 bedroom: 5 units
 - 3 bedroom: 6 units
- 1.12 All dwellings have dedicated parking, and additional provision of vehicle plug in charging. 18 units are to have garages.

- 1.13** All dwellings would be fitted with air source heat pumps. As a further efficiency measure, the developer has committed to the installation of solar photo voltaic cells to each dwelling. According to the applicant, energy efficiency measures go significantly beyond current Building Regulations requirements.
- 1.14** There are to be eight house types which relate to the submitted layout plan:
- Chepstow (Ch) 3 bedroom x 4 units
 - Radcot (Rd) 3 bedroom x 2 units
 - Dartford (Df) 3 bedroom x 4 units
 - Mathern (Mh) 3 bedroom x 6 units
 - Monmouth and Monmouth corner (Mm and Mmc) 4 bedroom x 6 units
 - Monnow (Mo) 1 bedroom x 4 units (affordable)
 - Ogmore (Og) 2 bedroom x 5 units (affordable)
 - Wye (Wy) 3 bedroom x 6 units (affordable)
- 1.15** Dwellings would be constructed from a mix of red brick, grey rough dressed stone effect, sand coloured render, and in part, brown or grey hanging tiles. Roof materials would be either brown or grey tiles.

2. Site Description

- 2.1** The application site lies immediately south of the A48 where it passes through the settlement of Minsterworth, approximately 3.5km west of Gloucester. The junction of the A48 and A40 is 2.5km to the northeast.
- 2.2** The site is not in the Green Belt, nor is it within a designated landscape.
- 2.3** The site extends to approximately 2.2ha, with a frontage of 135m onto the A48. Excluded from the proposed development is an area comprising Elms Farm farmhouse and its immediate domestic outbuildings, together with part of the group of farm buildings. The excluded area projects into the site from the A48 from where the farmhouse is accessed.
- 2.4** A second access from the A48 exists in the northeast corner which is used for farm vehicles. Here, there is loop track around the eastern half of the application site which provides access to the rear of the farmhouse, farm buildings and open areas of machinery storage. An alternative farm vehicle access exists from Church Lane to the south.
- 2.5** Within the red line of the application site is grazing land, livestock and storage buildings associated with Elms Farm, open storage areas and a former orchard inside the southern half of the eastern boundary. Also within the application site, and to the south of the farmhouse is a traditional brick barn.
- 2.6** Beyond the western boundary are existing dwellings, the Harvey Community Centre (formerly Minsterworth CofE Primary School) and a former orchard. To the east are a small number of dispersed dwellings with agricultural land beyond.
- 2.7** In terms of existing boundaries, the application site is bounded on the north side by a traditional hedge, along the full frontage of the A48, save for the two existing accesses. The southern boundary comprises both hedgerow and timber/stockproof fence. The eastern boundary comprises in part the edge of the orchard trees and a combination of fencing, hedgerow and fruit trees and a small pond. The western boundary is a combination of timber fencing, traditional hedgerow and fruit trees.

- 2.8 Most existing trees are confined to the orchard inside the eastern boundary, though dispersed fruit and other trees exist to the northeast of the farmhouse.
- 2.9 There are a number of Grade 2 listed buildings close by, including Snowdrop Cottage, Street End Cottage (to the southwest) and Lower Moorcroft Farmhouse (to the east). Elms Farm farmhouse is not listed though considered a non-designated heritage asset.
- 2.10 The land slopes north to south and drains to a ditch on the far side of Church Lane, to where a 'finger' of the application site projects to achieve drainage outfall.
- 2.11 The majority of the application site is within Flood Zone 1 (lowest risk) though a small area is within Flood Zones 2 and 3 (moderate and high risk respectively) arising from proximity to the River Severn approximately 230m to the south.
- 2.12 There are two public rights of way adjacent. The first leaves Church Lane to the south, between Snowdrop Cottage and Street End. The second is immediately opposite the southeast corner of the site, leaving Church Lane into a field to the south.

3. **Relevant Planning History**

- 3.1 None pertaining to this application site.

4. **Consultation Responses**

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

4.1 **Minsterworth Parish Council (MPC):** No objection in principle

In addition to previous comments the Parish Council provided additional comments:

- MPC welcomes retention of historic barn.
- Reduction in housing density and increase in parking spaces to minimise on street parking.
- Surface water drainage concerns could lead to excessive flooding.
- Sewerage treatment plant capacity is insufficient.
- House design not in keeping with area.
- Street lighting excessive in height.
- Attenuation pond location unsightly and risk to children.
- Barbed wire inappropriate as a boundary treatment.

4.2 **Affordable Housing** - No objection

4.3 **Severn Trent Water** - No objection

4.4 **Environment Agency** - No objection

4.5 **Natural England** - No objection subject to condition or appropriate obligation

4.6 **Gloucestershire Lead Local Flood Authority** - No objection

4.7 **Land Drainage Officer** – No objection

- 4.8 **National Highways** - No objection subject to conditions
- 4.9 **County Council Highways Officer** - No objection subject to conditions
- 4.10 **Environmental Health** - No objection subject to conditions
- 4.11 **Ecology** - No objection subject to conditions
- 4.12 **Archaeology** - No objection
- 4.13 **Building Control** - No objection
- 4.14 **Trees Officer** - No objection
- 4.15 **Minerals and Waste** - No objection subject to conditions
- 4.16 **Conservation Officer**- No objection
- 5. Third Party Comments/Observations**
-

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

5.1 Third party objections are summarised:

- Minsterworth is a rural area, not a suburb of Gloucester
- Housing density too high
- House colour needs to be adjusted to respect the colour of nearby listed buildings
- Lack of effective screening at Church Lane
- Drainage and flood issues
- Lighting plan excessive
- Close proximity and height to neighbouring dwellings
- Loss of hedgerow and trees
- Loss of wildlife
- Creation of additional traffic
- Presence of Japanese Knotweed
- No allowance has been made for self and custom housing plots
- Not in keeping with surrounding area
- Lack of nearby schools, shops and doctors surgery
- Church Lane already floods
- Poor refuse collection arrangements
- Inadequate parking provision within the application site- will start parking elsewhere
- Inadequate bus service
- Confusion over how the settlement boundary was approved without consultation
- Brings an additional and excessive 18% increase in homes in the village
- Traffic movements from the development added to those already using the expanding Harvey Centre highway access will be unsafe
- Speed limit on road should be reduced to 30mph.
- Minsterworth has not attracted any CIL funds since the scheme started
- No options to reduce car dependency
- Traffic congestion on A48
- Character of dwellings won't match the area

- No local facilities so car travel necessary
- No playground
- Reduction in number of dwellings does not address previous concerns eg density, drainage, traffic impact, street lighting.

Third party support representations:

- In keeping with surrounding district and planting of new trees
- Enhance facilities offered by Harvey Centre and Village Hall
- Would create a heart into a disjointed village
- Hopeful amenities will follow

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise

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

Policy SP2 (Distribution of New Development)
 Policy SD4 (Design Requirements)
 Policy SD6 (Landscape)
 Policy SD8 (Historic Environment)
 Policy SD9 (Biodiversity and Geodiversity)
 Policy SD10 (Residential Development)
 Policy SD11 (Housing Mix and Standards)
 Policy SD12 (Affordable Housing)
 Policy SD14 (Health and Environmental Quality)
 Policy INF1 (Transport Network)
 Policy INF5 (Renewable Energy/Low Carbon Energy Development)

6.4 Tewkesbury Borough Local Plan to 2011-2031 (TBP) – Adopted 8 June 2022

Policy RES2 (Settlement Boundaries)
 Policy RES5 (New Housing Development)
 Policy RES12 (Affordable Housing)
 Policy RES13 (Housing Mix)
 Policy HER2 (Listed Buildings)
 Policy HER5 (Non-Designated Heritage Assets)
 Policy DES1 (Housing Space Standards)
 Policy TRAC9 (Parking Provision)
 Policy LAN2 (Landscape Character)
 Policy NAT1 (Biodiversity, Geodiversity and Important Natural Features)
 Policy ENV2 (Flood Risk and Water Management)
 Policy HEA1 (Healthy & Active Communities)
 Policy TRAC1 (Pedestrian Accessibility)
 Policy TRAC2 (Cycle Network & Infrastructure)

Policy TRAC3 (Bus Infrastructure)

6.5 There is no Neighbourhood Development Plan relevant to the proposal.

7. Policy Context

7.1 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.

7.2 The relevant Development Plan currently comprises the Joint Core Strategy (JCS) (2017), the Tewkesbury Borough Local Plan to 2011-2031 (June 2022) (TBP)

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

7.4 Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2021 and its associated Planning Practice Guidance (PPG), the National Design Guide (NDG) and National Model Design Code.

8. Evaluation

Principle of Development

8.1 The NPPF states that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

8.2 The NPPF at Chapter 5 seeks to deliver a sufficient supply of homes.

8.3 Policy SP1 (The Need for New Development) of the JCS states that provision will be made for 35,175 new homes, within existing urban areas through District Plans, existing commitments, urban extensions, and strategic allocations.

8.4 Policy SP2 (Distribution of New Development) of the JCS amongst other things, states that dwellings will be provided through existing commitments, development at Tewkesbury town, in line with its role as a market town, smaller scale development meeting local needs at Rural Service Centres and Service Villages.

8.5 Table SP2c (Settlement Hierarchy) of the adopted JCS identifies Minsterworth as a Rural Service Centre. Further, the distribution of development will be guided by the Tewkesbury Borough Plan and neighbourhood plans.

8.6 Policy SD10 (Residential Development) of the adopted JCS states amongst other things that on sites which are not allocated for housing, development will be permitted in rural service centres except where otherwise restricted by District Plans policies. Officers confirm there are no such exceptions which would preclude development on the application site. Map 16 of the TBP confirms the application site falls within the settlement boundary of Minsterworth, according to TBP Policy RES2.

8.7 Policy RES2 of the adopted TBP states:

- *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. In all cases development must comply with the relevant criteria set out at Policy RES5.*

8.8 Policies SP1, SP2 of the adopted JCS and Policy RES2 of the adopted TBP confirm the principle of development acceptable. Approval is subject to further determining issues and consideration of relevant policies.

Scale, character and appearance

8.9 The NPPF at Chapter 12 seeks to achieve well-designed places. Policy SD4 of the JCS seeks to ensure design principles are incorporated into development, in terms of context, character, sense of place, legibility and identity. These requirements closely align with the requirements of the National Design Guide. RES5 of the TBC seeks to ensure proposals are of a design and layout which respect the character, appearance and amenity of the surrounding area.

8.10 There are to be 20 dwellings on the western half, and 17 on the eastern half of the site. In terms of housing density, the provision of 37 dwellings on the 2.2ha site is considered an efficient use of space, also taking account of drainage and open space requirements incorporated within overall site area.

8.11 The layout includes a main spine road, and active frontage facing the A48. Public open space also benefits from positive natural surveillance.

8.12 Dwellings are all two storey in height with typical accommodation over two floors. The only exception are the single bedroom dwellings which are each on single floors.

8.13 Three street-scene visuals have been provided:

- Street-scene from frontage along A48
- Street-scene from western spine road viewing west
- Street-scene from southern spine road viewing north

8.14 Dwellings are all of similar height and scale, though adjacent garages were constructed provide some, and sufficient building height variation. Further, buildings appear stepped due to sloping ground. Generally, there is considered sufficient variation in design interest, provided by contrasting materials of sand coloured render, brick and grey stone effect walls. Rendered dwellings feature the incorporation of grey vertical hung tiles, to their principal elevation projections. Vertical hung tiles also provide some design interest to ground and first floor bay windows where installed. Some concerns regarding design quality have been raised by the Parish Council and by public representations that proposed dwellings are not in keeping with nearby listed buildings of traditional construction. Officers note that nearby listed buildings are typically white/timber framed. Nearby modern housing and the former CofE Primary School are constructed from red brick under dark tiles. Officers acknowledge a concept option could have been to develop the historic barn and for it to become the focus of development for the entire site, around which there could have been a more traditional layout of greater rural character.

- 8.15** Equally, Officers note the submitted Design and Access Statement comprises an assessment of dwelling design and character in the area. Taking into account the context, the proposed mix of pale render, brick and stone effect is considered to respect local building character and the overall design approach is acceptable. Further, architectural detailing within each housetype provides additional visual interest. Officers also note the application site is within the settlement boundary of Minsterworth, where a more urban concept approach to layout and design would be considered acceptable. No concerns have been raised by the Conservation Officer by this design approach.
- 8.16** Officers have raised some concerns about excessive installation of timber close board fencing. The applicant has agreed the submitted enclosures plan would be excluded from the list of approved plans and would be subject to later agreement by condition.
- 8.17** Overall, in terms of scale, character and design, the development is considered to accord with the requirements of JCS SD4, and TBP RES5.

Landscape and Visual Impact

- 8.18** The application includes a Landscape and Visual Impact Assessment, amended to reflect the 37 dwelling scheme.
- 8.19** The site falls outside the study area for the Gloucester, Cheltenham and Tewkesbury JCS Landscape Characterisation Assessment and Sensitivity Analysis, though within the National Character Area (NCA) profiles produced by Natural England in 2014. NCA 160 describes the site's context:

A diverse range of flat and gently undulating landscape strongly influenced and united by the Severn and Avon rivers which meet at Tewkesbury.... Many ancient market towns and large villages are located along the rivers, their cathedrals and churches standing as prominent features in the relatively flat landscape.

- 8.20** The LVIA was prepared from nine viewpoints around the site, taking into account that public rights of way would be more sensitive visual receptors. The visual analysis shows that the site has limited visibility from the surrounding area as a result of the topography, mature vegetation and, in some cases, development.
- 8.21** The LVIA concludes:
There would be no adverse landscape effects on, public rights of way or other designations within the study area. The only adverse effects on landscape character would be limited to the site itself.
- 8.22** Policy SD6 (Landscape) of the adopted JCS requires development to protect landscape character for its own intrinsic beauty, and for its benefit to well-being. Further, Policy LAN2 of the adopted TBP requires that development must, through sensitive design, siting, and landscaping, be appropriate to, and integrated into, their existing landscape setting. In terms of landscape fabric and pattern of existing development, it is noted by Officers, the settlement of Minsterworth is centred immediately to the west, between the A48 and Church Lane to the south, noting also the settlement is relatively dispersed. There is further recent residential development to the north of the A48 and 600m to the east near Calcotts Green. Officers are of the opinion the development would form an acceptable extension to Minsterworth, within existing boundaries formed by the A48, Church Lane and the defined settlement boundary to the east. The landscape is generally flat, and as the LVIA has demonstrated, inward views are limited by topography, vegetation and existing

development. The development would not cause an unacceptable level of harm to the landscape and is considered to comply with the requirements of Policies SD6 of the adopted JCS and LAN2 of the adopted TBP.

Drainage and Flood Risk

- 8.23** The NPPF at Chapter 14 (in part) seeks to meet the challenge of climate change and flooding. Policy INF1 of the adopted JCS and Policy NAT2 of the TBP seek to manage flood risk. The application is accompanied by a Flood Risk Assessment, and consultations have taken place with the Environment Agency, Gloucestershire County Council (as the Lead Local Flood Authority), and Tewkesbury Borough Council's drainage officer.
- 8.24** A Drainage Strategy and Flood Risk Assessment has been provided, and later amended to reflect the 37 dwelling scheme.
- 8.25** Only open space falls within Flood Zones 2 and 3 (higher risk of flooding). Dwellings, estate roads and infrastructure fall within Flood Zone 1 (lower risk of flooding).
- 8.26** Due to the absence of public Foul Water sewers in the area, the proposed foul system will discharge through a package treatment plant (Biodisc Wastewater Treatment Plant or similar) to the nearest water course to the south of Church Lane. In terms of capacity, there are 154 bedspaces equivalent proposed overall. Maximum package treatment plant capacity is 220 persons. Installation would also be subject to Building Regulations approval. Environment Agency (EA) consent to discharge is necessary prior to operation.
- 8.27** Surface water run-off is to be collected by attenuation pond. Run off from the developed area will be restricted by a swale and hydrobrake system for storm events up to and including a 1 in 100 year event, with an additional 40% allowance to account for climate change.
- 8.28** No concerns remain with the Lead Local Flood Authority, nor the Councils Land Drainage Officer. The development is considered to accord with the NPPF were relevant, Policy INF1 of the adopted JCS and NAT2 of the adopted TBP.
- 8.29** The drainage outfall would cross Church Lane which is a public highway. It should be brought to the attention of Members that the application form (as first submitted) does not confirm Notice has been served on the Highways Authority as the owner of land within the application site. Officers have been informed the appropriate Notice has now been served on the Highways Authority. Officers will update Members during Committee.

Highways

- 8.30** The NPPF at Chapter 9 seeks to promote sustainable transport.
- 8.31** Policy INF1 of the adopted JCS (Transport Network) seeks to ensure developers provide safe and accessible connections to the transport network to enable travel choice for residents and commuters. Section 10 of the adopted TBC (Transport and Accessibility) sets out policies for pedestrians (TRAC1), cycle network (TRAC2) and bus infrastructure (TRAC3).
- 8.32** The application is supported by a Transport Statement, Residential Travel Plan, plans setting out new access design, parking and cycle parking/storage, visibility illustrations, and plans to illustrate access for refuse and emergency vehicles.

- 8.33** Proposals include new access arrangements from the A48 onto the internal spine road.
- 8.34** All dwellings are to have electric vehicle charging points and off street parking of between 1-2 spaces depending on housetype, in accordance with Gloucestershire Manual for Streets (2020). Visitor spaces are also incorporated into the layout. All dwellings are to have cycle storage provision.
- 8.35** National Highways and County Council Highways have been consulted, without objection, though conditions are recommended.
- 8.36** The development is considered to comply with the NPPF where relevant, INF1 of the adopted JCS and Section 10 of the adopted TBP.

Residential Amenity

- 8.37** Policy SD4 (Design Requirements) of the adopted JCS seeks to avoid visual intrusion, noise, smell, and pollution in development. Policy SD14 (Health and Environmental Quality) goes further to ensure that new development causes no unacceptable harm to local amenity including neighbouring occupants. Development should have no detrimental impact on the amenity of existing or new residents or occupants.
- 8.38** The Environmental Health Officer has been consulted and has identified that potential harm to amenity may exist from noise and contamination unless appropriate conditions are imposed.
- 8.39** A contamination report has been submitted. Soil sampling has demonstrated that there is a low to moderate hydrocarbon contamination near to existing farm buildings. Proposed remediation involves the installation of a clean capping system across all landscaped and garden areas of the site above a suitable geotextile membrane. This approach is supported by the Environmental Health Officer who has recommended an appropriate condition to secure further details by a remediation strategy.
- 8.40** Potential harm to amenity may also occur from noise, arising from air source heat pumps and from A48 traffic. In order to safeguard amenity, the Environmental Health Officer has recommended an appropriate condition to secure a ventilation strategy.
- 8.41** Policy HEA 1 (Healthy and Active Communities) of the adopted TBP seeks to ensure that potential impacts to health and wellbeing are considered in new development. Further, Policy DES1 (Housing Space Standards) requires new development to adopt nationally described space standards. According to submitted plans for each house type, dwellings meet or exceed the government's space standards.
- 8.42** Overall, Officers consider the development provides sufficient space between dwellings, and sufficient private garden space for each. Dwellings are positioned set back from the site boundary, so that (to the extent it would be required), there would be no issue with overlooking or impacts on privacy on existing neighbouring dwellings, or unwelcome views into the development. The arrangement of individual plots raises no concerns regarding overlooking or privacy. Residential amenity is also enhanced by the provision of open space with natural surveillance and landscaping. Officers consider that the development complies with the requirements of Policies SD4, SD14 of the adopted JCS, and HEA1 and DES1 of the adopted TBP and any harm can be mitigated by appropriate conditions.

Ecology

- 8.43** Chapter 15 of the NPPF seeks to conserve and enhance the natural environment.
- 8.44** Policy SD9 of the adopted JCS (Biodiversity and Geodiversity) states amongst other things that the biodiversity and geological resource of the JCS area will be protected and enhanced in order to establish and reinforce ecological networks that are resilient to current and future pressures. Similarly, the adopted TBP Policy NAT1 (Biodiversity, Geodiversity and Important Natural Features) requires amongst other things that proposals will, where applicable, be required to deliver a biodiversity net gain across local and landscape scales, including designing wildlife into development proposals.
- 8.45** The submitted ecological impact assessment identified the former orchard and significant bat activity of local importance. There was no evidence of badgers.
- 8.46** The impact assessment recommends that a Construction Environmental Management Plan and Landscape and Environmental Management Plan are secured by condition. This will ensure best practice during construction and ensure beneficial management of existing and new wildlife habitats. Overall, the development is predicted to achieve 55% biodiversity net gain.
- 8.47** The Council's ecologist has been consulted and agrees with this approach.
- 8.48** Policy INF3 (Green Infrastructure) of the adopted TBP seeks to conserve and enhanced the green infrastructure network where of local and strategic importance. The Cotswolds Beechwoods SAC requires consideration under INF3. Specifically, Policy NAT5 (Cotswold Beechwoods SAC) of the adopted TBP requires that proposals have regard to any adverse impacts.
- 8.49** A Habitats Regulation Assessment has been submitted in relation to potential impacts upon the Cotswolds Beechwoods SAC. Natural England has raised no objection, subject to appropriate mitigation, which includes Strategic Access Management and Monitoring (SAMM) measures and the provision of Suitable Alternative Natural Greenspace (SANG). In combination with the provision of on site public open space, contributions for SAMM and SANG have been agreed with the applicant and would be secured through the S106. Further, as recommended by the Council's ecologist, residents' packs are to inform new occupiers of the recreational opportunities available to them, the sensitivities of local nature conservation sites.

Trees

- 8.50** The submitted arboricultural impact assessment explains several trees (graded category 'C') are to be removed to facilitate development. They form a group in the northeast corner of the site. Two sections of hedgerow (graded 'C') are to be removed to enable highway access and to enable access to neighbouring public open space. None of the trees in the former orchard inside the eastern boundary are to be removed, though would be pruned to provide clearance from the proposed footpath, road and substation building.
- 8.51** The Council's Tree Officer has no objection to the proposals, subject to appropriate conditions including new planting and some amendments to the submitted Landscape and Ecological Management Plan (LEMP).

Affordable Housing

- 8.52** Chapter 5 of the NPPF seeks to deliver a sufficient supply of homes, and that the needs of groups with specific housing requirements are addressed, in terms of amongst other affordability and tenure.
- 8.53** 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. Affordable housing must also have regard to the requirements of Policy SD11 concerning type, mix, size and tenure.
- 8.54** Affordable units proposed are 40.5% of the development overall. As first submitted, the application proposed a mix of affordable tenures to include 'Social Rented', 'Shared Ownership' and 'First Homes'. In order to align with the adopted JCS, Officers have reached agreement that where 'First Homes' were originally proposed, they would be 'Shared Ownership' instead. The Councils Housing Manager supports this approach. The agreed tenure mix to be secured by a S106 is:
- 1 bedroom: 4 units Social Rented
 - 2 bedroom: 5 units comprising 5 Shared Ownership
 - 3 bedroom: 6 units comprising 3 Social Rented and 3 Shared Ownership

Historic Environment

- 8.55** Chapter 16 of the NPPF seeks to conserve and enhance the historic environment. Similarly, Policy SD8 of the adopted JCS requires development to make a positive contribution to local character and distinctiveness. The adopted TBP comprises heritage related Policies HER1-6.
- 8.56** In respect of Grade 2 listed Lower Moorcroft Farmhouse, Street End Cottage, and Snowdrop Cottage, the submitted Heritage Statement concludes that the landscape buffer and associated existing and proposed screening between the assets and the development would effectively limit visual impact on character and setting. Vegetation would also in turn limit intervisibility. There is considered no impact to the listed milestone to the north of the application site.
- 8.57** The Conservation Officer agreed with all conclusions of the HIA, except the value attributed to the significance non-designated brick barn (Building A) which was intended to be demolished. As a result of further discussion and an amendment to the scheme, the barn is to be retained as existing.
- 8.58** The Conservation Officer has no further objections. Officers consider the scheme compliant with the NPPF where relevant, and with Policies SD8 of the adopted JCS, HER2, HER4, HER5 of the adopted TBP.
- 8.59** An Archaeology Assessment has been submitted and the County Council Heritage Team has been consulted. No significant archaeology remains have been found. The County Archaeologist agrees there is a low risk of remains being adversely affected by development and no further investigations or recording are recommended.

Section 106 and CIL

- 8.60** 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. Policy SA1 sets out that infrastructure should be provided comprehensively across the site taking into account the needs of the whole Strategic Allocation. Financial contributions will be sought through S106 and CIL mechanisms as appropriate.
- 8.61** The Community Infrastructure Levy (CIL) Regulations allow local authorities to raise funds from developers undertaking new building projects in their area. Whilst the Council does have a CIL in place, infrastructure requirements specifically related to the impact of the development will continue to be secured via a Section 106 legal agreement. The CIL regulations stipulate that, where planning obligations do not meet the tests, it is 'unlawful' for those obligations to be taken into account when determining an application.
- 8.62** The following Heads of Terms of the S106 obligations have been agreed with the applicant, according to requests from consultees:

Affordable Housing: 15 Affordable units (40.5% of overall provision)

Education: £147,965 for primary schools and **£133,377** for secondary schools respectively

Libraries: £7,252

Community Contributions: £16,824

Strategic Access Management and Monitoring (SAMM): £7,141

Suitable Alternative Natural Greenspace (SANG): £17,760

- 8.63** Final details of the S106 would be agreed and signed prior the decision being issued.

9. Conclusion

- 9.1** The proposed development of 37 dwellings is within the settlement boundary of Minsterworth, as identified in the Settlement Hierarchy of the adopted JCS where Minsterworth is a Rural Service Centre.
- 9.2** The proposed development provides for an appropriate size and mix of dwellings, including 40% affordable housing with appropriate tenure. Officers consider the development acceptable in terms of layout, character and scale. Subject to conditions and the agreement of a Section 106, the development will provide solar PV installations on each dwelling, electric vehicle charging points, provisions for cycling, community and education contributions. The development proposes ecological enhancements and no technical objections remain outstanding.

- 9.3** It is considered that the proposal would accord with relevant policies as outlined above. Therefore, it is recommended that planning permission be granted subject to the recommended conditions and agreement of a Section 106.

10. Recommendation

- 10.1** It is recommended that authority be **DELEGATED** to the Development Management Manager, to **PERMIT** the application, subject to the completion of a Section 106 legal agreement with obligations as set out above.

11. Conditions

- 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 not be carried out other than in accordance with the following approved documents:

Received 1 August 2023:

Site Layout 100 RevB
Affordable Housing Layout 104 RevB

Received 9 June 2023:

Engineering Layout 2189-100-G
Site Location Plan 100
Materials Layout 102 RevA
Parking and Cycle Strategy Layout 106 RevA
Refuse strategy layout 107 RevA
Site sections 109 RevA
Management Plan 110 RevA
Chepstow 152 RevA
Radcot 153 RevA
Dartford 154 RevA
Mathern 155 RevA
Monmouth 156 RevA
Monmouth 157 RevA
Monnow 158 RevA
Monnow 159 RevA
Ogmore 160 RevA
Ogmore 162 RevA
Ogmore 163 RevA
Wye 164 RevA
Wye 165 RevA
Single Garage Plans 174 RevA
Site Access Arrangements 20-1137-SK02 RevC

Received 17 Oct 2022:

Twin garage plans 175
Triple garage plans 176

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

- 3** Prior to commencement of the development hereby permitted details of a Construction and Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period. The plan/statement shall include but not be restricted to:

- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Advisory routes for construction traffic;
- Any temporary access to the site;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud and dust being carried onto the highway;
- Number of vehicle trips and timings
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Highway Condition survey;
- Noise and vibration mitigation (Including whether piling or power floating is required and please note white noise sounders will be required for plant operating onsite to minimise noise when in operation/moving/ reversing)
- Mitigation of the impacts of lighting proposed for the construction phase
- Measures for controlling leaks and spillages, managing silt and pollutants
- Methods of communicating the Construction and Environmental Management Plan to staff, visitors and neighbouring residents and businesses.

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development

- 4** Prior to the commencement of any works on-site, a Construction and Ecological Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP will follow recommendations to protect wildlife during the construction phase made within the EclA report (Tyler Grange, October 2022). The CEMP should include:

- A bat sensitive lighting strategy that will ensure light spill around the boundary commuting features is minimal and will follow the lighting plan guidance set out within Lighting Report (Iain Macrae, September 2022, V.3);
- Details to outline demolition of the buildings and vegetation removal to occur outside the bird nesting season, that is outside the period March to August. Where this is not possible an EcOW will be present to undertake a nesting bird check;
- Prior to felling of the trees, a pre-felling inspection for bats will be undertaken on the trees previously identified as having potential roosting features for bats and the results reported to the Local Planning Authority.

Reason: In the interests of preserving and enhancing ecological assets.

- 5** Prior to commencement of any works on-site, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will include ecological mitigation and enhancement details as outlined in the EclA report (Tyler Grange, October 2022) and identified on the Enhancement Plan Layout (Edenstone Homes, Sep 2022). The EclA identifies that a net gain in both habitats and hedgerows can be achieved on-site with the proposed scheme, however, it is noted that this is based on outline soft landscape proposals. Following the finalisation of the soft landscape proposals (to be included in the LEMP), the biodiversity metric will need to be updated and submitted to the local planning authority for review to ensure that positive net gain can still be achieved.

Reason: In the interests of preserving and enhancing ecological assets.

- 6** No development including demolition, site clearance, materials delivery or erection of site buildings, shall start on the site until an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) have been submitted to and approved by the Local Planning Authority. These measures shall include:

(i) Temporary fencing for the protection of all retained trees/hedgerows on and adjacent to the site whose Root Protection Areas (RPA) fall within the site to be erected in accordance with BS 5837(2012) or subsequent revisions (Trees in Relation to Design, Demolition and Construction). Any alternative fencing type or position not strictly in accordance with BS 5837 (2012) shall be agreed in writing by the local planning authority prior to the start of development. The RPA is defined in BS5837(2012).

(ii) Construction Exclusion Zone (CEZ): The area around trees and hedgerows enclosed on site by protective fencing shall be deemed the CEZ. Excavations of any kind, alterations in soil levels, storage of any materials, soil, equipment, fuel, machinery or plant, site compounds, cabins or other temporary buildings, vehicle parking and delivery areas, fires and any other activities liable to be harmful to trees and hedgerows are prohibited within the CEZ, unless agreed in writing with the local planning authority.

The AMS and TPP shall be implemented as approved by the Local Planning Authority.

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

- 7** No works or development shall take place until full details of all proposed street tree planting, root protection systems, future management plan, and the proposed times of planting, have been approved in writing by the Local Planning Authority, and all tree planting shall be carried out in accordance with those details and at those times.

Reason: To ensure the continued wellbeing of the trees in the interests of the amenity and environmental quality of the locality.

- 8** No development shall take place, including any works of demolition, until a Method Statement detailing works associated with asbestos has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period.

Reason: To protect the amenity of the area and nearby residents.

- 9** With the exception of site demolition and clearance during, which a watching brief shall be maintained, no construction work shall take place until an assessment to confirm contamination risks within shallow soils to the areas of the former farm buildings has been submitted to and approved by the Local Planning Authority. The assessment shall include further soil asbestos testing.

Following approval of the assessment, a remediation strategy shall be submitted to and approved by the Local Planning Authority. The strategy and agreed remediation measures shall be fully implemented prior to first occupation of the development.

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

- 10** Prior to their installation as part of the development hereby approved, a specification of materials and finish for external walls, doors, windows, roofing and hard landscaping proposed shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the new materials are in keeping with the surroundings and represent quality design.

- 11** Prior to first occupation of the development, an overheating assessment shall be submitted to and approved by the Local Planning Authority. The assessment shall be undertaken to assess the risk of overheating and to identify a suitable ventilation strategy having regard to internal noise limits. Measures agreed by the Local Planning Authority shall be fully implemented prior to first occupation and maintained thereafter.

Reason: To protect proposed properties from the impacts of overheating.

- 12** Prior to the operation of any heat pumps, an acoustic assessment shall be submitted to and approved by the Local Planning Authority. The individual and cumulative noise impact of any heat pumps should be assessed in accordance with BS 4142:2014+A1:2019. Measures to limit noise as agreed by the Local Planning Authority shall be implemented prior to first operation of any heat pumps.

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

- 13** Prior to first occupation of the development, 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.

14 Prior to the first occupation details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

- i) A drawing showing sensitive areas and/or dark corridor safeguarding areas.
- ii) Description, design or specification of external lighting to be installed.
- iii) A description of the luminosity of lights and their light colour including a lux contour map.
- iv) A drawing(s) showing the location and where appropriate the elevation of the light fixings.
- v) Methods to control lighting (e.g. timer operation, passive infrared sensor)

All external lighting shall be installed in accordance with the specifications and locations set out in the approved details. These shall be maintained thereafter in accordance with these details.

Reason - To ensure the proposed development does not have an adverse effect on the character and appearance of the area and does not harm biodiversity within the site and the wider area.

15 The development hereby approved shall not be occupied until sheltered, secure and accessible bicycle parking has been provided in accordance with details set out in the approved parking and cycle strategy, plan reference 106 RevA layout. The storage area shall be maintained for this purpose thereafter.

Reason: To promote sustainable travel and healthy communities.

16 During the construction phase (including demolition and preparatory groundworks), no machinery shall be operated, no process shall be carried out and no deliveries shall be taken at or dispatched from the site outside the following times: Monday-Friday 8.00 am-6.00pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.

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

17 Prior to any installation of solar PV panels, details shall be submitted to and approved by the Local Planning Authority. Installation shall not take place other than as approved.

Reason: In the interests of maintaining visual appearance of the development.

18 Prior to first occupation, refuse bin storage facilities shall be provided in accordance with the approved plans. The approved facilities shall thereafter be maintained for the lifetime of the development.

Reason: To ensure adequate refuse storage facilities are incorporated in the development and to ensure high quality design

- 19** Prior to first occupation of each dwelling, a Resident's Pack shall be produced and left in each new home, to inform new residents of the recreational opportunities available to them, the sensitivities of local nature conservation sites and how visitors can minimise their impact plus details for becoming involved in the ongoing conservation of these sites. The pack will also provide residents with details of public transport links and foot/cycle paths to encourage the use of other modes of transport to the car. The packs should also advise people how to behave carefully in protected areas so as not to harm wildlife and habitats, e.g. putting dogs on leads during bird nesting season and throughout the year in protected areas. The Resident's Pack should be submitted to the Local Planning Authority for approval prior to occupation, and provided to residents as approved.

Reason: In the interests of preserving and enhancing ecological assets.

- 20** Prior to first occupation of the development, a landscaping, methods of enclosures and boundary treatment layout plan shall be submitted to and approved by the Local Planning Authority. The approved scheme shall not be installed other than as approved.

All planting and seeding/turfing shall be carried out in accordance with the approved details in the first planting and seeding/turfing seasons following the occupation of any dwelling hereby permitted.

The planting shall be maintained in accordance with the approved schedule of maintenance. Any trees or plants which, within a period of five years from the completion of the planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of visual amenity and appearance of the development

12. 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.