

**ALDERTON PARISH COUNCIL**

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**ALDERTON PARISH COUNCIL**

**RESPONSE TO APPEAL  
APP/G1630/W/20/3259637**

**Planning Application 19/00772/FUL**

**Land Parcel 0088 Willow Bank Road,  
Alderton**

**Residential development up to 28 units,  
including means of access and  
landscaping**

1. This submission is Alderton Parish Council's response to the appeal from Cala Homes against the planning refusal to build 28 houses off Willow Bank Road, Alderton.
2. Attached as Appendix A is the Parish Council's objection response and this submission will cross reference to that. Also submitted, as a separate document, is the Alderton Neighbourhood Plan. This submission will also cross reference the Neighbourhood Plan.
3. This submission will indicate why the Parish Council strongly supports the reasons for Refusal for Development and will also include some separate features for refusal in the Parish's objection response, but not contained in the statement from Tewkesbury Borough Council [TBC].
4. The Parish Council welcomes the prospect of a visit by the Inspector and would ask that the visit includes not just the site but the other major housing developments immediately to the north of the site and to the west of the village and also the setting of the older village. In addition, landscape views from the B4077 and from the AONB hills to the south would also merit attention.

#### Reason one

5. The strategy for the distribution of new development in Tewkesbury Borough, in accordance with the Joint Core Strategy, is set out in the emerging Tewkesbury Borough Plan. This Plan has reached an advanced stage of development and was submitted, for independent examination, to the Secretary of State in May 2020. The Plan does not identify this site, or any sites in Alderton, as having development potential. Appendix A – paragraphs 19 to 26 is relevant here.
6. It is a material consideration that the Emerging Local Plan has been submitted to the Planning Inspectorate and has no sites allocated for housing in and around Alderton. An independent examiner has now been appointed and the process of examination will commence on 16 February 2021. Our understanding is that an approved TBC Plan should be available next year.
7. The proposed development is not in accordance with the Alderton Neighbourhood Plan [the Plan] which does not provide for development on this site nor development on other sites outside the village boundary. The Appellant argues that the Neighbourhood Plan does not satisfy all the provisions of paragraph 114 of the NPPF because two housing allocations were built before the plan was adopted and the Plan does not contain policies and allocations to meet its identified housing need. The Plan however covers the period from 2011 to 2031. These two developments were approved and constructed during that time. The Plan does contain in Policy H1 [page 37] support for new, small windfall and infill development and potentially rural exception sites. The Plan recognises [page 37] that if there were a future strategic development plan within the plan period, which identified additional housing need, then the current position might need to be reviewed. However this is a reference to a planned approach to new housing, led by TBC, and not an approach based on where developers happen to own land or have an option with the landowner. The Plan was subject to scrutiny by TBC and subject to an independent examination including a hearing. It was approved as meeting planning requirements.
8. The Plan was less than two years old at the time of the decision by Tewkesbury Borough [Plan made in July 2018] and admittedly is therefore more than two years old now. It makes no sense to the Parish Council, or the village, if statements on housing in the Plan become out of date after 2 years but the decision made by Tewkesbury Borough was not based on the housing element of the Alderton Neighbourhood Plan.
9. Whilst it is accepted that TBC does not have a five year land supply, it does have a supply of 4.37 years. It is however a material consideration that the Borough Council have been delivering well in excess of the requirements over the last three years. The 2019 Housing

Delivery test which was published in February 2020 showed that Tewkesbury had to build 1486 units in the last three years. They in fact built 2580, equal to a total of 174%.

10. The Parish Council notes the reference to a High Court Decision, 20 years ago [para 4.2] but taken literally this would mean that any proposal from a developer should be approved as a reasonable exception.

#### Reason two

11. Reason two says that this proposed addition together with dwellings recently built at land at Beckford Road and east of Willow Bank Road would result in cumulative development which would be of a scale disproportionate to the existing settlement. Alderton has already had 72 new houses built on two new estates in the last few years plus a further three houses on separate plots [and now two more approved on an infill site]. The 75 houses represent a 26% increase in the housing stock in the village. If all locations had such a growth there would be no housing crisis.
12. Another side to this is the nature of the development. The increase in houses has come from two suburban estates attached to the borders of the existing village. These developments are of themselves disproportionate but a third estate would further signal that Alderton was no longer a community but a village centre encircled by estates.
13. Reason two refers to the harmful impact of the proposed development on the social well-being of the community, risking the erosion of community cohesion. This aspect is covered in paragraphs 27 to 39 of Appendix A which describes the impact of over 200 new residents having moved to the village in the space of a few years. It gives a whole series of examples where new residents have not engaged, or had minimal engagement, in village activities. Whilst these figures are obviously not completely up to date the situation will not have improved during the lockdowns and restrictions on social interaction.
14. A further recent example of the issue of social cohesion is the two Christmas services held at the church on 13 December. Because of the need to have social distancing attendance was restricted but the congregation for the first service was 26 and for the second 22. The services were widely advertised and those attending were not all regular churchgoers. There were no attendees from the two new estates. In addition a village carol event was held on 20 December 2020, outside the church and under COVID guidelines. Whilst it was organised by the church it was a community event, not a church service. 43 names were registered and of those, 42 were not from the new estates.
15. There seems to have been little response to this in the Planning Application or Statement of Appeal Case. The proposal to have more 2 and 3 bedroom homes addresses a different issue and the point about length of time since earlier developments is not borne out by the examples quoted by the Parish Council. This proposal is further worsened by being an estate beyond an estate. The likelihood is that new residents will make friends with their neighbours, will lead a working and social life which involves turning left out of their cul de sac and straight out of the village. There is no supportive assimilation.
16. Of particular significance is that this concern has been echoed by successive Housing Appeal Inspectors dealing with appeals related to Alderton. Paragraphs 33 to 39 of Appendix A repeats concerns expressed by Inspectors on the risks to social cohesion of further development in three separate appeals. These decisions are attached as Appendices E to G.
17. The importance of a village growing organically rather than by large estate additions is that in small clusters of housing, the new people tend to assimilate into village life, join the local groups, get involved in the church, use the village shop, send their children to the local school, support the local pub. This is not happening as a result of the two new estates and will not happen in this case.

### Reason three

18. This relates to the significant encroachment of the proposed development on the landscape. The Parish Council feels strongly about this aspect and paragraphs 40 to 58 of their objection cover this. They would also like to draw attention to the Consultee response from Toby Jones [Appendix B] which is referred to in that section. The setting of the AONB is important but there are considerable other landscape issues which are detailed here and the Parish Council considers that the proposal is contrary to the policies in the Neighbourhood Plan as set out in Appendix A [paragraphs 42 and 51].
19. It is interesting that Paragraph 5.15 of the Statement of Case says “ the appeal development will be seen as bringing forward the existing residential edge but with a softened green buffer and not a harsh boundary.” The same developer is responsible for the estate immediately north of this proposal with about the harshest boundary possible and little signs of that improving. This development would simply bring that harsh boundary further south.
20. Paragraph 4.26 of the Statement of Case refers to their Landscape and Visual Assessment confirming impacts on the landscape not being severe. The Parish Council believes the independent assessments undertaken by Toby Jones [the general assessment mapped out on page 10 of Appendix A and the specific assessment at Appendix B] and the assessment by the Parish Council to be more accurate.
21. In addition, the historic separation of Alderton from the B4077 would be breached. This sense of separation was remarked on by Inspector Manning – see paragraphs 53 and 54 of Appendix A.

### Reason four

22. TBC will no doubt comment further on this aspect in relation to the Borough. It is the case that there is a comment in the Neighbourhood Plan for smaller houses, particularly 2 bedroom properties but in the current context of the Plan this has only an immediate effect on infill, windfall and rural exception sites. There is no current evidence of a shortfall of smaller homes. Fifteen 2 bedroom properties and eighteen 3 bedroom properties were built in the two new estates. Of interest, at the time of writing [December 2020] there are two 3 bedroom properties and one 2 bedroom properties for sale on Nestoria; the three bedroom properties have been on the market for some time.

### Reason five

23. There is no local indication of an issue in relation to a need for more houses.

### Reason six

24. It is worth noting that the garage with shop, mentioned by the Appellant is now permanently closed and the village shop is now only open in the mornings. As indicated in Appendix A, the Consultee response from Gloucestershire County Council points to “ very little provision in the locality” for early years and well over capacity at the local secondary school at Winchcombe. There is one playing field, not playing fields. The local primary school is having to advertise for pupils as the numbers are dangerously low. There have not been positive infrastructure gains from the new estates and little prospective gain from the addition of a new one.

### Reason seven

25. The Parish’s comments on transport are in paragraphs 61 to 66 of Appendix A. These comments accord with the conclusion reached in reason seven. Also attached as Appendix C is the statement from Gloucestershire Highways about this application. This is a

comprehensive rejection of the application for a whole series of reasons. This fits in with the Parish Council's concerns.

26. The local bus services are forever changing. Currently there are 3 services each way between Chipping Camden and Cheltenham which pass through the village, but these are not suitable for commuting. There is an additional bus service between Mickleton and Cheltenham going through the village but only once a week and a twice a week service between Dumbleton and Bishops Cleeve. These are shopping buses. Other buses are school buses except for a once a week dial up and ride service to Tewkesbury. The major employment centres are Cheltenham, Gloucester and Tewkesbury, and to a lesser extent Bishops Cleeve and Evesham. None are reachable by bus in a normal working week.
27. It is worthy of note that Gloucestershire Highways raise objections on sustainable transport grounds. With no additional footpaths or cycle ways linking into the village and very limited public transport, the occupiers will be totally reliant on private motor vehicles. With a disconnect of the estate from the rest of the village and lack of alternative modes of transport to access shops, employment and leisure facilities it is an unsustainable development which is a significant material consideration.

### Drainage

28. This was a contentious issue associated with the Application. The Parish Council's issues are in paragraphs 73 to 76 of Appendix A including photographs of flooding in the immediate area. There was a substantial objection from the Lead Local Flood Authority, summarised in paragraph 70 of Appendix A and now attached as Appendix D. The Parish Council recognise that the Applicant responded to these points but would still wish consideration to be given to practical evidence from the Parish Council in Appendix A. This includes photographs of flooding. Below are more photographs taken on 3 and 4 October 2020. This water is either on, or very close, to the southern edge of the site. Additional photographs taken on 23 December 2020 are also included.



View of site from B4077 (taken 3 and 4 October 2020)



View of site from B4077 (taken 3 and 4 October 2020)



View from Arch Bridge looking east (taken 3 and 4 October 2020)



View from Arch Bridge looking west (taken 3 and 4 October 2020)



View of site from Arch Bridge looking east (taken 23 December 2020)



View of site from existing Cala development, looking south (taken 23 December 2020)



View of site from Willow Bank Road, looking east (taken 23 December 2020)

29. The Parish Council in addition commissioned a survey this year to review potential impacts of further development on flooding problems in the village. Attached as Appendix H is the report. The Parish Council would draw particular attention to paragraphs 53 to 66 and to the Summary and Recommendations [paragraphs 67 to 75]. In this context Washbourne Brook is the watercourse to the immediate south of the proposed development. The report also refers [paragraph 61] to other instances of flooding from the Brook. Some of these are illustrated by photographs in Appendix A. The Parish Council would draw attention to the further investigation recommended by this experienced hydraulic engineer before any building on this site is considered.

#### Security, Reprofiting, Ecology, Site Layout

30. These issues are covered in Appendix A at paragraphs 59, 60, 77 to 87, and 98 to 99. The Parish Council considers these are also issues that merit attention.

#### The Tilted Balance

31. The Appellant comments in Section 6 of their Statement of Case [pages 25 and 26] on the three dimensions of Sustainable Development:

Economic – the employment phase of construction will be short lived and additional spending power is unlikely to benefit the village. There are no obvious long lasting benefits to the local community.

Social – the harm caused to social cohesion is a significant detriment. Having had 75 new houses in the village in recent years there are no obvious benefits of providing more in this location.

Environmental – the creation of a new open space and some tree planting go nowhere near alleviating the harm to the landscape and views.

32. Paragraphs 6.11 and 6.12 of the Appellant's Statement of Case list two very serious harms which are not alleviated.

#### Further Comments on the Statement of Case

33. Paragraph 1.4 refers to a Phase two development. The original development was never presented as a first phase.

34. There is nothing in the Statement of Case about reaction to the proposal from the village. Paragraphs 5 to 10 of Appendix A report on this. There were 107 letters of representation which will be read as part of this consideration. Many of these show a depth of consideration as well as concern. Please also see paragraph 9. This gag on commentary from those directly affected is of huge concern to the Parish Council, as surely it is to those residents.

#### Conclusion

35. Alderton is an ancient settlement which has had evolutionary growth over the centuries. It is now at a crossroads. Further ad hoc new estate development will destroy the fabric which holds the community together. As Paragraph 4 of Appendix A says:

*If this development were to go ahead breaking through the Neighbourhood Plan, the emerging Tewkesbury Borough Plan and the village boundary it could create "open season" on building in fields bordering Alderton, many of which are owned by speculators just waiting for the opportunity for further build.....*

36. The provision of housing should be led by the Local Plan system through site allocations, not constantly by appeal on unsustainable pieces of greenfield land, particularly in a Borough

which has been delivering in excess of its requirements in recent times and is well advanced in securing an updated Local Plan. Delivering housing by appeal undermines the role of the Local Plan and the Neighbourhood Plan and is not sustainable.

37. The Neighbourhood Plan was less than two years old when the decision was made although, in terms of housing, the Borough Council did not rely on the Neighbourhood Plan when making their decision. There are robust reasons why that Plan does not have any housing allocations and there is no local identified need to support such a scale of development. The Plan does have policies supporting identified need insofar as Policy H1 supports infill and windfall sites within the settlement boundary.

38. The Parish Council would argue that the adverse impact of allowing this development which conflicts with the Neighbourhood Plan does significantly and demonstrably outweigh the benefits.

#### Further Inspector Reports: Attachments

Appendix E :Appeal Ref APP/G1630/A/13/2222147 - March 2015, 59 houses east of St Margaret's Drive.

Appendix F: Appeal Ref APP/G1630/W/15/3003278 – June 2015, 53 houses west of Willow Bank Road.

Appendix G: Appeal Ref APP/G1630/W/14/3001584 – June 2015, 24 houses east of Willow Bank Road.

# **APPENDIX A**

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**OBJECTION RESPONSE TO**

**Planning Application 19/00772/FUL**

**Land Parcel 0088 Willow Bank Road,  
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**Residential development up to 28 units,  
including means of access and  
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Appendix A: Letter from the Environment Agency

# 19/00772/FUL Land Parcel 0088 Willow Bank Road, Alderton

## GENERAL

1. The Parish Council, and indeed the village, are opposed to this proposed development because:
  - It would lead to a further 28 houses in the village on top of the 75 new houses built in the last few years. This is completely disproportionate for a rural village.
  - It is not provided for in the agreed Neighbourhood Plan.
  - It is outside the village boundary.
  - It is not provided for in the emerging Tewkesbury Borough Plan.
  - It is purely speculative and not plan led.
  - It would further damage social cohesion.
  - It would damage the landscape in a Special Landscape Area.
  - There are concerns about flooding.
  - There are also concerns about sewage and security.
  - The Developer is seeking to prevent local residents commenting adversely on the development.

## RURAL VILLAGE

2. Alderton is a historic and traditional rural village which has had an evolutionary growth over the centuries. It is not “ picture postcard “ in the way that some other Cotswold villages are, but a working village with a mixture of traditional and new building and a sense of community involvement.
3. If this development were to go ahead there would be an increase of 37% in the number of houses in a few short years. That is an increase of 103 houses from the starting point of 277 houses. The increase would be through the addition of three suburban estates on the fringes of the village, two of which are already built. This is completely disproportionate. Both the NPPF and JCS place importance on any increase in the number of homes being “proportionate”. Alderton has already contributed a 26% increase in housing. There would be no housing crisis if all locations had a similar increase.
4. If this development were to go ahead breaking through the Neighbourhood Plan, the emerging Tewkesbury Borough Plan and the village boundary it could create “ open season’ on building in fields bordering Alderton, many of which are owned by speculators just waiting for the opportunity for further build. Indeed there is now another proposal for 41 new houses on the other side of the village.

## PUBLIC CONSULTATION

5. Part of the suite of documents from CALA includes a Statement of Community Involvement. This is based on a public consultation event held on 25 June 2019. 105 people attended the event and 70 feedback forms were left with a further 15 comments received on-line. Page 19 analyses the feedback. These include:
  - Do you agree that this development will provide much needed affordable homes in the village – strongly disagree 82%
  - Are you in favour of the development proposals outlined today? - NO 89%
  - These figures would have been even more negative if the subsequent 15 respondents’ views had been included.

6. There are currently over 90 letters of representation on the website, written with considerable thought as well as concern.
7. The Village therefore strongly objects to the proposal.
8. The main response from CALA seemed to be that the proposed development had been reduced to 28 units but the proposal has always been for 28 units.
9. In addition the Parish Council are extremely concerned that a disincentive to comment on these plans is built into purchase contracts of residents of the first CALA development, namely:  
  
*“You cannot make directly or indirectly any objection to any planning obligation in connection with the development on any adjoining or neighbouring land of the developer or any of its associated companies, nor do anything which might prejudice any such planning application. You cannot object or complain about any works carried out in connection with the development or any adjoining or neighbouring land as to the nature or method of working or to the times during which works are carried out.”*
10. The Parish Council does not know the legalities of this, but this restriction is trying to prevent what would seem to be a natural right of residents affected by development exercising that right to have their say on how an adjacent development affects them. It also interferes with the process in which a Planning Authority gains valuable knowledge in their impact assessment.

## **NEIGHBOURHOOD PLAN**

11. Alderton Parish Council has a Neighbourhood Plan in place. That Plan passed its Examination Stage and was endorsed by Tewkesbury Borough Council to proceed to Referendum. The Referendum took place on 21 June 2018 and of those voting, 98% voted in favour of the Plan in a turnout of 60%. [418 votes for, 7 against]. The Plan was adopted by Tewkesbury Borough Council at a Council meeting on 24 July 2018.
12. Para 4.1.22 of the Plan says:  
  
*“.... given that the housing target for the village has been met through existing commitments, there is no requirement at present to allocate further housing sites. If additional new housing other than proposals coming forward as infill or windfall sites were to be required in Alderton village during the Plan period, then the ANDP will be reviewed and amended, taking into consideration the earlier site assessment and consultation activity. If additional housing need was identified for Alderton specifically, in its role as a service village, through a future strategic development plan then meeting those needs outside of the identified settlement boundary would need to be considered. However, the identification of any future sites should be undertaken through a plan led process and in line with the other policies of both the Neighbourhood Plan and wider development plan. Additional sites may be identified either through the Tewkesbury Borough Plan, or through a review of the ANDP, taking into consideration previous site assessment evidence base and consultation activity and in consultation with the Parish Council.”*
13. Thus, the Alderton Neighbourhood Plan, developed in conjunction with Tewkesbury Borough Council, does not provide for any development on this proposed site off Willow Bank Road, which is outside the village boundary and is not infill, windfall or a rural exception site. Nor is it within a future strategic development plan or identified through a plan led process.
14. Neighbourhood Plans have been encouraged within Tewkesbury Borough as part of the planning process and a recognition of the importance of localism. Alderton Parish Council believes it would be wholly illogical to ignore the local Neighbourhood Plan in favour of a developer land grab.

Paragraph 1.9 of the emerging Tewkesbury Borough Plan confirms that the Plan and the policies of a 'made' Neighbourhood Plan will become part of the Borough Development Plan.

15. Para 5.11 of the Planning Statement submitted as part of this planning application [herein after referred to as the Planning Statement] states that "*Alderton NDP does not allocate sites, meaning that Paragraph 14 of the NPPF is not engaged.*" This is wrong. The Alderton NDP has allocated sites on which 72 houses have been built.
16. Paragraph 5.10 of the Planning Statement argues that the housing policies of the NDP are out of date because Tewkesbury Borough does not have a five year land supply. However an important factor for Alderton is what the latest NPPF says about land supply in those areas covered by Neighbourhood Plans, at Paragraph 14:
17. "*In situations where the presumption [in favour of sustainable development] (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:*
  - a) *the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;*
  - b) *the neighbourhood plan contains policies and allocations to meet its identified housing requirement;*
  - c) *the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 73); and*
  - d) *the local planning authority's housing delivery was at least 45% of that required over the previous three years*
18. On these points, and following discussion with Officers from Tewkesbury Borough Council, our understanding is:
  - a) The Neighbourhood Plan was adopted in July 2018.
  - b) The Plan meets the identified housing needs.
  - c) There is a three year supply of housing in the Borough.
  - d] The Local Authority has met this target.

## **JOINT CORE STRATEGY**

19. The Parish Council's view is that this proposal is out of line with the agreed Joint Core Strategy for Cheltenham, Gloucester and Tewkesbury. The Planning Statement acknowledges that the proposal is in conflict with Policy SP10 of the JCS.
20. It is also not clear why the Planning Statement refers to the JCS Review which is at an early stage and not material to immediate planning decisions.
21. It is not clear why the Planning Statement in 4.12 has a paragraph in italics about permitted housing development that includes service villages as that section refers to "previously developed land". This site is not previously developed land.
22. Policy SP2: Distribution of New Development, paragraph 4 states "To meet the needs of Tewkesbury Borough Council, outside of the urban extensions to Gloucester and Cheltenham, the JCS will make provision for 9,899 new homes. The service villages will accommodate 880 new homes."
23. Evidence from Tewkesbury Borough Council provided to the Parish Council [and contained in evidence to the Examiner for the Neighbourhood Plan] says that of those 880, 787, as of April 2017, have already been built or committed.

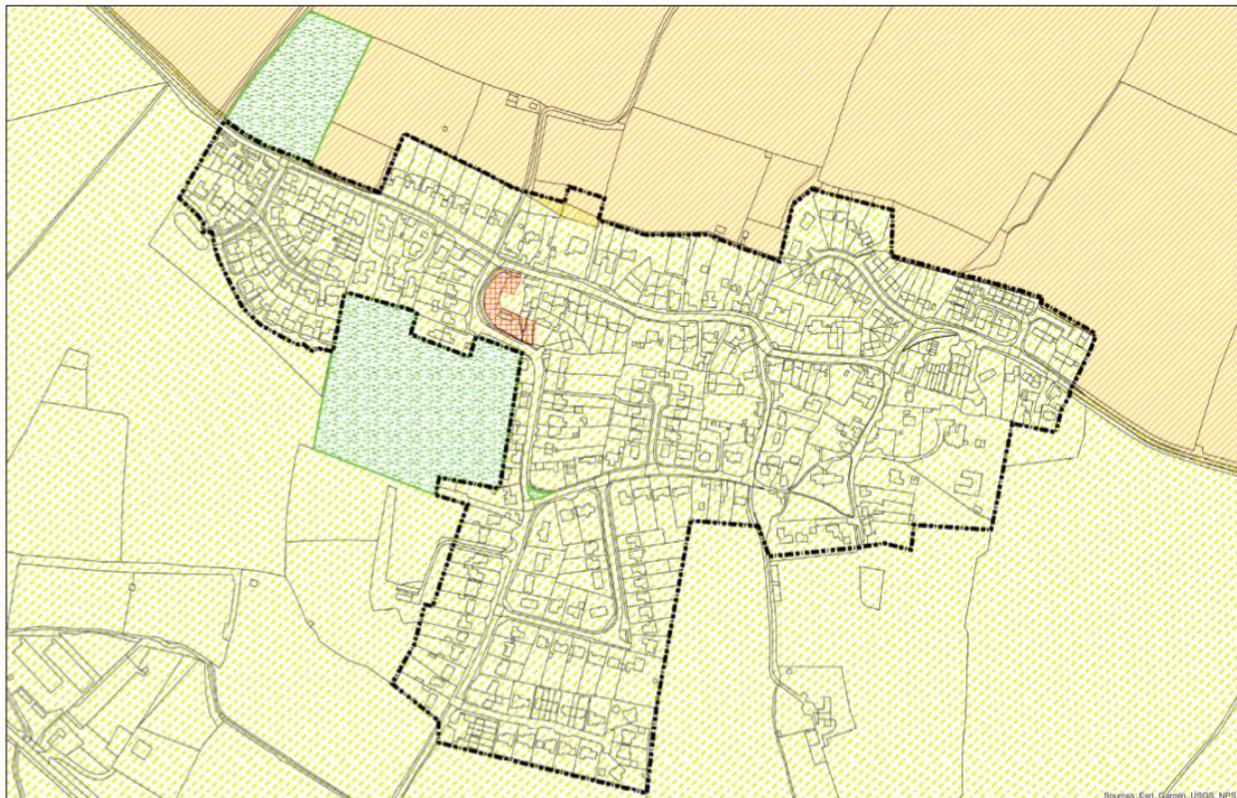
Para 4.57 of the Planning Statement confirms that only 89 dwellings remained from that balance in June 2018.

24. The indicative figure for Alderton within that 880 figure [table provided by Tewkesbury Borough Council in November 2015] has been 51. Our understanding from Tewkesbury Borough Council [included as evidence to the Neighbourhood Plan Examiner] is that the figures arrived at in 2015 are not expected to undergo significant changes.
25. Alderton already has a margin of 24 houses [47%] above the figure of 51 and all those 75 houses are built. There is therefore no need for a further housing development in Alderton under the JCS.

## EMERGING TEWKESBURY BOROUGH PLAN

26. The Tewkesbury Borough Plan has completed its consultation phase and has been adopted by Tewkesbury Borough Council. It has now reached its Pre- Submission Stage and as such should be given weight in planning decisions. The number of houses allocated to Service Villages has increased and Alderton is identified in the Plan as a Service Village. However **that Plan does not identify any sites in Alderton with development potential**. Set out below is the map – RES1 and RES2 – Alderton – taken from the Housing Maps attached to the Plan which shows no proposed sites within Alderton. Nor does the proposal comply with Policy RES 3, New Housing Outside Settlement Boundaries. The proposed application is therefore not in accordance with the emerging Tewkesbury Borough Plan, which has reached an advanced stage of preparation.

### RES1 & RES2 - Alderton



## SOCIAL COHESION

27. The social dimension is a key dimension to sustainable planning. The NPPF recognises the need to support vibrant and healthy communities [section 8] and that planning decisions should promote social interaction [para 91].
28. Para 91 of the NPPF refers to the need to promote social interaction opportunities for meetings between people who might otherwise not come into contact with each other. This proposed development is on the fringe of the village and in terms of connectivity, separate from the village. Most of the housing is not close to the access to Willow Bank but some way down a cul-de-sac. It therefore has similarities to the development proposed on the other side of Willow Bank Road which the Inspector concluded was “an almost separate, self-contained and introverted development, with very little connection and integration with Alderton.”
29. The Parish Council believes that the building of 72 houses in two estates on the fringes of the village has already damaged social cohesion, that 28 more houses would further worsen the position and that the proposal does not attempt to address this issue.
30. In the 2011 Census Alderton had 747 residents. Since then two estate developments have been built adding 47 houses off Beckford Lane and 25 off Willow Bank Road. Whilst there are no accurate population updates it is reasonable to assume on the basis of 3 people per household that over 200 new residents have moved into Alderton in the last 3 years. The successful assimilation of such a sizeable new population is a significant and gradual matter. With both new developments being on the fringes of the village it is also no quick fix.

For example [where no date is given the information is as at September 2019]:

- a) to date no residents from the new developments are regular members of the village church;
- b) the village shopkeeper in his report to the Parish AGM in April 2018 said “Unfortunately this [the new houses built and new residents in the village] has not had much impact on trade”;
- c) the village shopkeeper in his report to the Parish AGM in 2019 said “This year we were hoping that with the new houses built and new residents in the village we might have a better start to the year. Unfortunately this has not had much impact on trade..... “;
- d) there are about 30 people who play for the village cricket club but no-one from the new estates [despite efforts to generate interest];
- e) there is a squad of 20 to 25 players in the Alderton Football Club. None are from the new estates;
- f) at a charity football match over the 2018 Christmas period about 40 people participated with 1 from the new estates;
- g) at a social event organised by the church, but for the whole village [25 August 2018] only 2 out of 72 attending were from the new houses despite significant publicity particularly directed at the new homes;
- h) of the 61 allotment plot holders only 8 are from the new houses [Sept 2019] despite garden plots for new homes being on average smaller than the norm for the village and the allotments being very close to the larger new estate;

i] a new gardening club has been formed in 2018 in the village and of its 95 members to date, 12 are from the new developments [Sept 2019];

j] only one out of seven members from the Parish Council is from the new developments;

k] of the 10 members of the Parochial Church Council none are from the new developments.

l] 53 attended a “ Café Church” event at the village hall on 29 September 2019 and none were from the new estates.

31. Considerable efforts have been made to include the new homes in village events and activities. In these examples some progress has been made in the allotment membership and gardening club, but overall integration has either not happened or proceeded at a slow pace. This isn't to say that better integration will not take place, but it is a slow business.

32. 28 more houses off Willow Bank Road would mean about a further 90 new residents again living on the fringe of the village. The proposal is for an estate bordering on an estate with no direct links to the existing village settlement. Potentially with previous developments there could be about 350 new faces in a village that a few years ago had a population of 750. The village could simply become an older centre surrounded by three new housing estates whose outlook was directed either within their development or outside the settlement. The whole essence of a village community would be lost. This is summed up by the comment from one villager –“ another separate development of commuters will not support community cohesion and integration into village life.”

33. This concern has already been echoed by successive Housing Appeal Inspectors.

34. Inspector Jarret in March 2015 [APP/G1630/A/13/2209001] in dismissing an appeal for 59 houses east of St Margaret's Drive ruled that the adverse impact on the community was “not clearly outweighed by the social or economic benefits of the development” and attached “significant weight to the harm that would arise”.

35. Inspector Manning in June 2015 [APP/G1630/W/15/3003278] in dismissing an appeal for a further 53 houses west of Willow Bank Road, ruled that increasing the size of the community by 36-37% would have a “suburbanising effect on the environment [para 23] and cause “harm to the social well-being, community cohesion and therefore to some degree the vitality of the village of Alderton” [para 31].

36. In allowing an appeal [APP/G1630/W/14/3001584] for a separate site east of Willow Bank Road for 24 houses [to become 25] Inspector Manning observed that “the proposal and the recent Beckford Road scheme would result in 71 new dwellings, an approximate increase of the community of 26%. For a rural village, I consider such an increase to not be insignificant.”

37. All these comments were made after 47 houses had been built/committed at Beckford Road.

- The first comment from Inspector Jarret was about a potential further 59 houses – this is roughly equivalent to 25 CALA houses built and 28 now asked for.
- The second comment was from Inspector Manning about a potential further 53 houses – this is equivalent to 25 CALA houses built and 28 asked for.
- The third comment was from Inspector Manning about 24 new houses – this is far less than the 25 built and 28 asked for.

38. Much was made in the case for the first development that the proposal was only for 24 houses. Thus para 5.67 of the Statement of Case for the Appeal says “ *the case is materially different [from a proposal for more houses] of course because it relates to the additional impact that 24*

*dwelling proposed by the appellant would have*". There was no recognition at the time that in essence the first development of 24 [to become 25] houses was just a prelude to an overall development of 53 houses – a huge development for a small village.

39. The Planning Statement argues that because there is a gap of a few years between these new houses being built and the completion of the earlier developments there should be no issue of social cohesion. No justification is given for this. The Parish Council would argue that it gets to a stage where the number of incomers is so significant that the whole nature of the community changes. If you followed the CALA argument Alderton would have a new estate every few years, completely destroying the sense of a village community.

## **LANDSCAPE**

40. The Parish Council considers that this proposed development would seriously harm the character and beauty of the countryside. This assertion is supported by the Consultee response from Toby Jones.

41. Section 15 of the NPPF says the planning system should protect and enhance valued landscapes. This land is a Special Landscape Area and existing Tewkesbury Policy LND2 says that planning proposals must demonstrate that they do not adversely affect the environment, its visual attractiveness, wildlife and ecology nor must they detract from the quiet enjoyment of the countryside. A Special Landscape Area is also there to protect the foreground setting of the Area of Outstanding Beauty [AONB]. The site is also confirmed as a Special Landscape Area in the emerging Tewkesbury Plan [LAN 1]. Policy LAN 1 confirms that any proposal should not cause harm to the features of the landscape character which are of significance, should maintain the quality of the natural and built environment and its visual attractiveness and should seek to enhance the landscape character and local environment. SLAs should also be seen as a foreground to an AONB. As set out below, the Parish Council does not consider that these requirements are met.

42. The Parish Council considers that the proposal is also contrary to the policies in the Neighbourhood Plan:

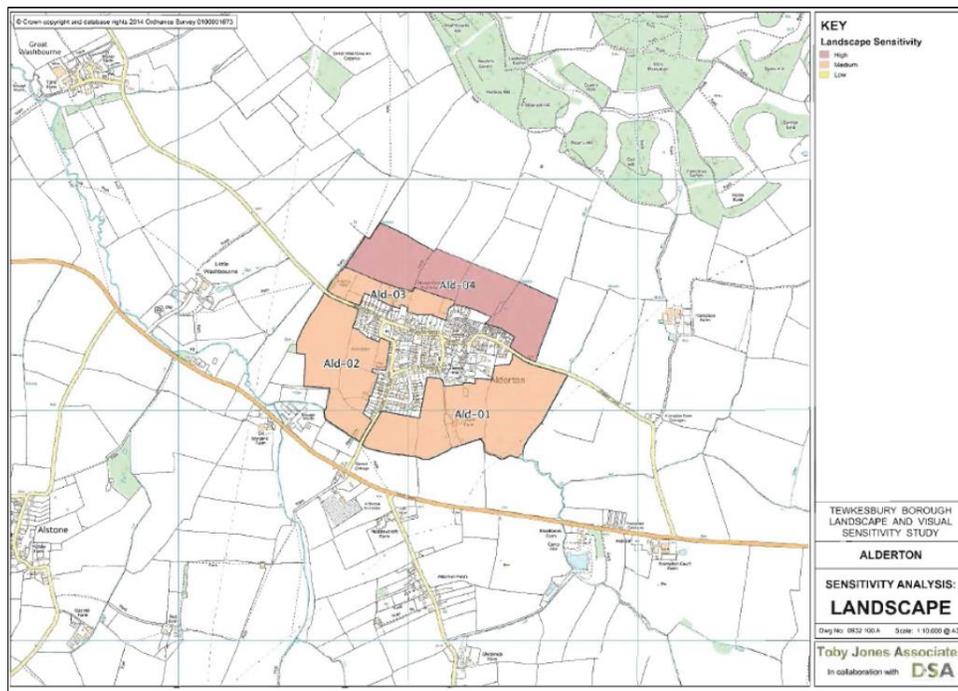
ensure development responds sympathetically to the Special Landscape Area and AONB designations of the Parish [Vision Statement B, page 41];

protect the environment of the Special Landscape Area and Cotswold AONB in Alderton Parish [Objective 2, Vision Statement B]

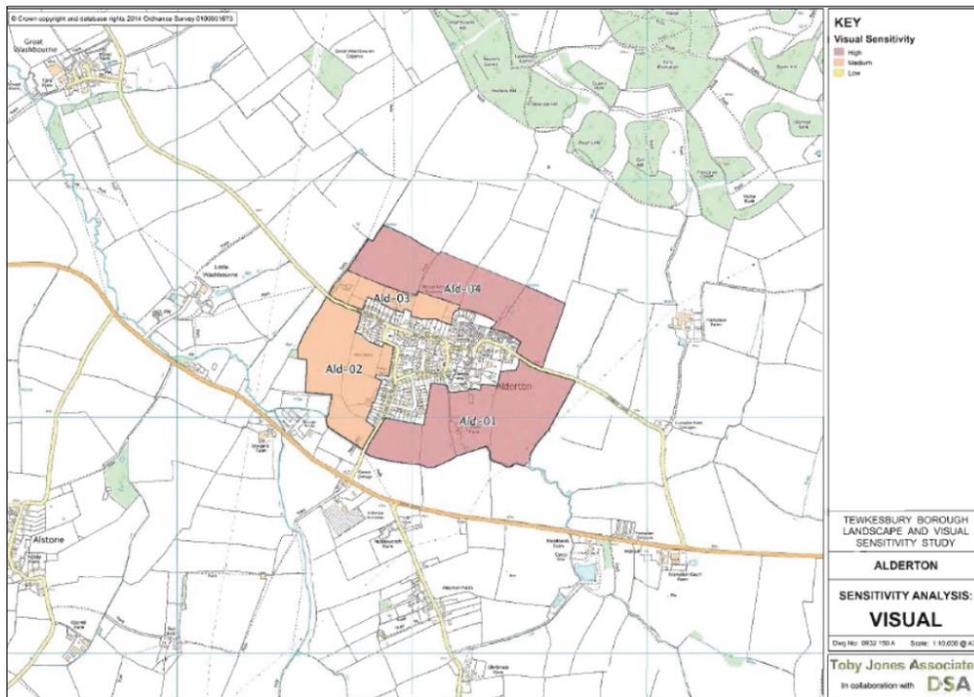
ensure that developments of all kinds fit with the distinctive features, grain and scale of the landscape [Objective 3, Vision Statement B]

43. This site was covered by landscape measurements in the Borough Council's Landscape and Visual Sensitivity Study [2014], author, Toby Jones. The site was accorded the highest assessment for Visual Sensitivity and a Medium Assessment for Landscape Sensitivity. See the maps below:

**Landscape Sensitivity around Alderton village**  
**Toby Jones Associates for Tewkesbury Borough Council 2014**



**Map 7 Visual Sensitivity around Alderton village**  
**Toby Jones Associates for Tewkesbury Borough Council 2014**



© Crown copyright and database rights 2011 Ordnance Survey 0100054678

44. There were many sites in other Service Villages that were graded as “Low”. His report says on page 11 says:

*“The sense of separation between Alderton and the B4077 is characteristic and vulnerable to insensitive development. There is also a sensitivity around development that does not respect the generally clustered settlement form and that might appear conspicuous and prominent in the vale.”*

45. The landscape has obviously already been affected by the creation of CALA’s first development. CALA have endeavoured to soften the impact by screening but in the Parish Council’s view this is totally ineffective. A new line of stark housing coming further down the incline will make strips of new housing ever more prominent from all viewpoints to the south of the village. Those travelling from the M5 to the Cotswolds, visitors to the caravan site on the B4077, guests at the B&B down the road and everyday traffic passing by on the B4077 will no longer see Alderton as the last rural Cotswold village before the scarp at Toddington. This point is particularly supported in the statement by Toby Jones.
46. We only have to look at the **before** and **after** situation following the previous development by the exact same developer, with very similar design plans, and similar promises that the development would almost enhance and improve the look of what was previously a most attractive rural village. In reality it is now just another example of a modern housing urban development which makes it appear that the settlement behind is also modern estate housing. An additional development to the foreground will simply extend the presence of highly visible estate housing and bring it closer to a major thoroughfare.
47. The photographs below show the skyline before the previous CALA development and afterwards.





48. This last photograph also shows the issues once a developer identifies the need for, or benefit provided, by screening using existing or planting of new trees/hedges - which either fail to be planted (as with phase 1 of the previous development) or can be removed to provide better views for house owners - and then of course all screening is lost. Screening has to therefore be considered to be at best temporary - and is even likely to take years to be at all effective. Meanwhile there is no longer an attractive rural village scene.

49. In terms of the photographs in the Landscape and Visual Appraisal:

- The front cover photo viewpoint 2, 3 & 4 shows the previous CALA development being unsympathetic in design, mass height and materials. CALA consider this as acceptable but this photographic evidence demonstrates the contrary.
- Photo viewpoint 4 shows the unacceptable impact of CALA's previous development against the existing dwellings to the north side of Willow Bank Road. The lack of mature landscaping to the west and south boundaries of the previous development enhances the unsympathetic development.
- Photo viewpoint 5 shows CALA'S previous development being the only prominent development feature against the landscape, which again is unfortunate in scale, design and material finishes. The proposed development would be an unfortunate addition on the landscape
- Photo viewpoint 6 is pointless. Was this to show a modern development you cannot see?
- Photo viewpoint 7 again shows CALA's previous unsympathetic development against Alderton's original low profile and acceptable materials/designed buildings.
- Photo viewpoint 8 -12 are views not appropriate for the proposed development.
- Photo viewpoint 13 indicates the proposed site as being a thin line? The only point of this photo was to show CALA's existing development as prominent in the landscape.
- Photo viewpoint 14 is a view not appropriate due to distance.
- Photo viewpoint 15 shows CALA's previous development being prominent against the original Alderton village dwellings.
- Photo viewpoint 16 -19 views are not appropriate due to distance.

50. Residents of Alderton also place a high value on the view across this site to the village from the B4077. In a parish-wide consultation in October 2014, which is now part of the NDP [page 84] 71% [149 respondents] selected this view as the most important in the area.

Building here will also radically move the line of settlement closer to the brook and footpath beyond, both of which are currently characterised as being separate from the village. The existing CALA development is just visible from the Winchcombe Way as it passes from the B4077 towards the church. The new development would be very prominent, diminishing the sense of walking from fields into the older part of the village.



**Fig. 30 View from B4077 to Alderton village**



**Fig. 31 View approaching Alderton before  
Cala Homes estate was built**

51. The proposed development is therefore directly contradictory to Policy LC2 of the Neighbourhood Plan [page 47] which refers to the importance of preserving significant views in or out of the settlement.
52. The sense of separation between Alderton and the B4077 is characteristic and vulnerable to insensitive development. The new estate would breach the housing line, bringing the village boundary much closer to the B4077, weakening substantially what has always been a historic separation. Again this is an aspect commented on by Toby Jones.
53. Inspector Manning, commenting in the appeal for 53 houses on the other side of Willow Bank Road, said:

*“ The Parish Council has noted that the separation of Alderton from the B4077 is an important landscape characteristic and I agree with this view.”*

That separation is significantly reduced by this proposal.

54. Inspector Manning in commenting on the first CALA development for 24 houses said

*“It is also clear that that the proposal would not result in built development projecting further into the open countryside than the existing developments on the western side of Willow Bank Road opposite the appeal site or to the east of the site. The proposal would in essence “square-off” this part of the village. I consider that this limits the level of change to the settlement pattern and the harm that would be caused. The proposal would also leave open space between the settlement edge and the small stream and therefore would not harm this important characteristic as set out within the Toby Jones assessment.”*

55. This new proposal completely breaches the principles set out by the Inspector. It extends the village settlement pattern and brings settlement very close to the stream edge.
56. Inspector Jarrett in dismissing the Appeal site to the east of this site, found fields to the south of the village to have high value in visual terms:  
*44“The appeal site makes an important contribution to the foreground setting of the AONB and, for the reasons set out above; I consider that the proposed development would be detrimental to its setting. It would result in the loss of what is currently an open, arable field and its replacement with built development and associated human activity. This would have an adverse effect on the rural quality of the landscape adjoining the southern edge of Alderton, increasing the extent of the built-up part of the settlement at the expense of the surrounding open countryside.....”*
57. The AONB is within approx. 0.5km of the proposed site and yet the developer wrongly dismisses this in ignorance of the need to contribute to the setting of the AONB.
58. The Neighbourhood Plan [ 4.2.12] says :  
“ Set apart from main communication routes, the village forms a key part of the landscape character of the area in which small settlements nestle between open fields and hill slopes.”  
This characteristic would be lost if this development were permitted.

## **SECURITY**

59. The Parish Council is supportive of the objections made by a resident in Objection 1 :

“The proposed development will cause a detrimental effect to the security of the adjacent properties in Fletcher Close. The scheme has no regard for guidance that is incorporated in Secured by Design Guidance. The current design layout has the main road access running across the back gardens of the adjacent properties that were built with low level fencing by the builder that is proposing this development. It also worth noting that the developer has had no regard to the guidance given with the planning of the previous development from the Gloucestershire Constabulary in relation to locked access to the rear of the properties. As such the development proposed will cause an unacceptable security risk to adjoining properties [ref Secured by Design Homes 2019 Section 10].”

## **REPROFILING**

60. The Parish Council has heard a rumour that the Developer would need to move a massive amount of earth to level off the site. The documents registered on 11 September 2019 from the Developer suggest a certain amount of reprofiling of the site. This is not provided for in the Application but would cause significant disturbance to local residents in the construction phase and would increase heavy traffic coming into the village to unacceptable levels. It is considered that the Developer should have specified such a proposition as part of the Application with a report on its impact. In particular the direct route to the site requires the crossing of a bridge with a weight limit of 3.5 T. Other routes into the village are single track in places and pass through residential areas.

## **SUSTAINABILITY**

### Transport

61. The only major centre with a regular bus service is Cheltenham. However as from the end of October 2019 regular means three outward journeys and inward journeys on an extended journey time of more than an hour, travelling on a circuitous route via Winchcombe and Bishops Cleeve. These services are not suitable for employment.

There are occasional, essentially shopping services, to Tewkesbury [pre bookable] and Cheltenham and Bishops Cleeve [on one day a week]. There are also school buses. In spite of the two recent developments the village bus service is set to decline and could only be considered for leisure purposes, is not convenient for commuter travel and has no connection to the nearest rail station [Ashchurch]. By no stretch of the imagination can these services be considered to be “frequent” as suggested in the Application, and better described as occasional and in decline, at best providing a very limited alternative to a private vehicle.

62. Contrary to the assertion in the conclusions of the Transport Statement, there are no dedicated cycle routes in or around the village. Cycling outside the village would mean negotiating the busy A46 trunk road or the increasingly busy B4077. This is not a real option for family cycling and not an attractive alternative for commuters with employment nearby.

63. As the Applicant’s Transport Statement states [in 3.14 and 3.15] paragraph 103 of the NPPF outlines that

*“ Significant development should be focussed on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.”*

The conclusion in the Statement is that “ the proposed development accords with the national guidance....” As demonstrated no genuine choice of transport exists or will be provided by the new development.

64. The trip analysis for vehicle journeys is based on an analysis of the previous development which itself was based on national calculations. It is considered that this is a poor measurement.

65. Although no new accident issues have been identified, increased traffic from about 60 cars plus delivery vehicles will increase the accident risk locally. The junction of Willow Bank Road [the obvious exit from the village for the estate] with the B4077 is a difficult junction with speeding traffic and all roads into the village are in part at least single carriageway. There was a further serious accident at this junction in November 2019.

66. The Parish Council notes that there are access issues raised in the report from Gloucestershire Highways, including the positioning of the 30mph speed limit.

#### Village Shop

67. The village shop cum post office is a very small retail outlet. It is staffed by a single shopkeeper and in the course of the last 12 months has been closed for 2 months because of family commitments.

#### Education

68. The Consultee response from GCC points to “ very little provision in the locality” for early years and well over capacity at the local secondary school at Winchcombe. Whilst there are places at the local Primary School, overall the village is not well provided for.

#### Mobile Phones

69. Mobile phone reception in Alderton is poor and unreliable.

## DRAINAGE

70. At the time of writing there is a substantial objection from the Lead Local Flood Authority because the proposed drainage strategy seems to have the potential to increase the risk of flooding both locally and further downstream. The proposed layout of the SuDS means that it could be affected by flooding in the future also. Particular points are:

- The attenuation basin for the dwellings is already within close proximity to flood zones 2 and 3 and the applicant has seemingly not provided evidence that the basin will be able to drain during the period when the watercourse is in flood or when river levels are high.
- As a result of climate change the extent of flood zone 3 is likely to encroach onto the basin in the future. Flooding in 2007 and several times this current autumn/winter suggest this is highly likely.
- Consideration to build up the land would seem technically flawed also in this regard, but would also make for even more visual harm to the landscape as a result of elevated development.
- Discharge into a watercourse may require consent under S23 of the Land Drainage Act.
- The discharge rate is underestimated. There is no evidence that the proposal meets TBC's Supplementary Planning Document on Flood and Water Management.
- The attenuation basin size does not meet Tewkesbury Borough requirements.
- The slopes of the banks of the basin do not meet Tewkesbury Borough requirements.
- There is no suitable Flood Hazard rating.
- Swales are recommended for SuDS techniques but not included in the design.
- Exceedance flows are not adequately covered.

71. To date there has been no published response to these concerns.

72. The Parish Council has serious reservations about the risk of flooding. Many of the 90 plus objections focus on this point. There is under current climatic conditions, not taking into account climate change, a risk of flooding in the attenuation basin, at the bottom left corner beyond the proposed development, and to the roads and buildings at the southern end of the site touching the flood zones.

73. Below are two photographs which show flooding along the watercourse before the first CALA development was built. These photographs were taken at the time of the 2007 July flooding and show the position in daylight hours. Our understanding is that the flooding was at its worst overnight. The flood line in these photos would have flooded, or been very close to flooding.



74. 2007 was not an isolated example of flooding in this area. There have been three cases of flooding in the last three months. The photo below shows flooding in the same area over the weekend of 26/27 October 2019, after what could not be described as particularly unusual rainfall.



75. Even worse flooding occurred again on Thursday 15 November- see photos below.







76. Further flooding took place on the weekend of 19/20 December.



## ECOLOGY

77. There is currently a major project funded by Natural England – the Carrant Catchment Restoration Project – which aims to improve the wildlife habitats around the Carrant and Isbourne rivers. A key issue here is slowing down the water run-off from fields into brooks, such as this one, that run into the river Carrant. As the Carrant Restoration Project [fwagsw.org.uk ] says “ Slowing down the rate of water run-off from fields, whether along ditches or overland, reduces the topsoil loss and silt that enters the watercourse: silting up and clouding of the brooks has a detrimental effect on wildlife.” Looking at the concerns raised by the Flood Authority and regular flooding, as illustrated in the photos, this proposed new build must be detrimental to the Project.
78. The relationship of this project to the proposed development is not referred to in the Planning Application.
79. The Ecological Report fails to identify that this is a Priority habitat. It is “Priority Headwaters” designated, by Natural England [ref Open Data]. Priority Headwaters are scarce in this country and care for them is crucial for species and flood management. They are a key habitat resource whose protection is crucial for a catchment based approach to management and conservation.
80. The Report also fails to identify that the site is an important “Keeping Rivers Cool” designated zone, to be managed allowing for climate change. Defra’s “Magic Map” shows Alderton is included.

[https://webarchive.nationalarchives.gov.uk/20140329112654/http://cdn.environment-agency.gov.uk/LIT\\_7247\\_e78915.pdf](https://webarchive.nationalarchives.gov.uk/20140329112654/http://cdn.environment-agency.gov.uk/LIT_7247_e78915.pdf)

81. The Ecological Statement does not pay sufficient attention to local wildlife associated with the brook on what could be a key wildlife corridor. This is not just aquatic life, but bank dwelling animals and plants. For example one villager has seen a kingfisher flying eastwards along the brook probably moving from one river catchment area to another. Attached as Appendix A is an e-mail dated 4 December 2019 from the Environment Agency to a villager commenting on the CALA application. This mentions fish in the Carrant Brook catchment area. No survey has been undertaken on any fish in the brook. The Ecological Statement in para 1.11 says the brook could provide a corridor for water vole movement. There is no thorough survey done of fauna/plants in the brook and surrounding area in accordance with Government and CIEEM guidelines including times of the year. As an e mail from the Gloucestershire Wildlife Trust says to one of our villagers:  
“Glos Records Dec 2019:“*we would be very keen to get any extra records from the brook or other habitats, as it's not a very well-recorded area.*”
82. The letter refers to the presence of the European eel in the area. Indeed there are two reports of these eels close to this very watercourse - one is at the Sewage farm, and the other from the Camping and Caravanning Site, both on the same watercourse and less than half a mile from the site. The eel is a critically endangered species which travels by water and land and could well be disturbed by the new development. This danger needs to be addressed and so far has not been.
83. The Statement says in para 4.28 that there was poor water quality in the brook. However it is not clear on what analysis this view was based. Was it chemical or purely visual? If it was simply water colour ie sediment load, then this is natural and a perfect habitat for many plant and animal species. Colour does not indicate pollution or poor quality water pollution.
84. The Ecological Statement states there are no suitable water bodies for great crested newts within 500 metres of the site. The letter from the Environment Agency [Appendix A] identifies two ponds in this proximity which have not been surveyed.
85. The Ecological Statement only considers the impact of the removal of a 10m section of hedgerow and the Arboricultural Statement refers to the protection of retained hedgerows. However the Access Design Plan suggests the loss of at least 59m. This hedgerow is an important landscape and ecological feature, particularly following the disappearance of hedgerow in the first phase.
86. The Parish Council understands that the project should demonstrate a biodiversity net gain, but fails to see how this is achieved.
87. The Parish Council notes that there is now a response from the Ecological Consultee which identifies further issues.

## **DESIGN AND ACCESS**

88. The Design and Access statement shows alternative site layout plans – the only site layout plan to be considered should be as submitted for the application.

### House Type Pack

89. The proposed dwellings in this pack confirm design details and materials are not appropriate or sympathetic with the original dwellings for Alderton. This includes heights when comparing with existing dwellings to the north of Willow Bank Road and St Margaret's Drive.

90. Bungalow types proposed are all of an unfortunate hipped roof design, with a chimney set in the topmost roof point. These chimneys would be false and likely fibreglass, which is a pointless addition.
91. The two storey dwellings as proposed are unsympathetic in height, design and material finishes – it is strange that the developer considers chimneys are naturally set in some 600mm from the gable ends. It is suggested again that these are a visual and pointless feature and again possibly fibreglass.
92. Garages as proposed are unacceptably lacking in width for modern vehicles

#### Street scene drawings

93. These scenes show and confirm the proposed dwellings are unsympathetic in scale, height, design and material finishes compared to the original village dwellings.
94. The bungalows proposed in the street scene confirm the unfortunate design proposed.
95. It would be interesting to set/show the proposed dwellings along and to the side of the dwellings to the north of Willow Bank Road and to the dwellings along St Margaret`s Drive, to compare and confirm the unfortunate designs proposed.
96. A street scene viewed from/at Willow Bank Road would be appropriate to show levels of road to development proposals.
97. TRAC 9 in the Emerging Tewkesbury Borough Plan provides guidance on parking provision in new developments. This says that each proposal should undertake an analysis of adequate parking provision. The Parish Council do not believe this has been done. The Parish Council`s view is that all new 3 and 4 bedroom properties should have three parking spaces to provide for an extra family car for older children, visitor parking and delivery vehicles. However 8 plots only provide for 2 [the Nesvale, Hunsley, Fynford, Himscot, Homebrook and Plots 11 and 12].

#### Site Layout Plan

98. The site plan shows a pumping station to the south of the development – where is the sewage to be pumped and connected to? This should be part of the Application. If the proposed drain is to be laid on others` land has notice been served on owners?
99. The Parish Council is concerned about the condition of the sewage pipe running over ground on the other side of Willow Bank Road. These concerns have been raised with Seven Trent who are currently investigating the integrity of the pipe. This may not be the time to connect 28 new houses to this disintegrating pipe.

#### **COMMUNITY INFRASTRUCTURE LEVY (CIL)**

100. The Parish Council are not sure about the CIL from market, social housing internal floor areas. These should have been justified by confirming each house type ground/first floor areas and it is not clear if garage floor spaces are included.

#### **CONCLUSION**

101. The Parish Council strongly opposes this proposal which, if agreed, would be a defining moment in a change in village character from a rural village to a settlement characterised by new estates.

## APPENDIX A

On 4 Dec 2019, at 13P48, Enquiries\_Westmids  
<Enquiries\_Westmids@environment-agency.gov.uk> wrote:

Dear .....

Enquiry regarding Carrant Brook Catchment Restoration

Thank you for your enquiry which was received on 22 November 2019.

We respond to requests under the Freedom of Information Act 2000 and Environmental Information Regulations 2004.

### Fisheries

We have some historic surveys on the Carrant Brook catchment from 1992, '93 & '98, which found the following species:-

- • European eel
- • 3 spined sticklebacks
- • Stone loach
- • Brown trout
- • Minnows

There have recently (2015?) been some works in the middle and lower reaches of the Carrant Brook, to increase sinuosity and improve habitat availability.

### General

We haven't identified any species records that differ from those listed in the report. It is strange that they have not conducted any surveys on the brook itself. We can't see any issues with the report itself for the remainder of the terrestrial surveys, just a minor comment in relation to the methodology used for bats (see below). As we often see in these types of report, there is a focus on terrestrial ecology over aquatic.

### Bat roost potential

The Ecological Appraisal (EA) has included assessing trees for bat roost potential. Whilst these assessments were undertaken from the ground in June - which is not typically recommended due to dense summer leaf cover - the results did not identify any trees as having higher than low roosting opportunities for bats. There is potential for roosts to have been missed due to the timing of the survey and associated leaf cover. Fortunately, the report has stated that these trees will be retained. Should the future status of these trees change to enable the development; or should the development be done in such a way that it will impact on bats (e.g. directing light towards the trees), repeat

surveys should be undertaken during the winter to follow Bat Conservation Trust recommendations as a minimum survey effort. The report has also satisfactorily recommended that further aerial inspections are undertaken by a licenced bat worker. The report has identified the need to mitigate by erecting bat boxes should potential roost features be lost, however, the development should be looking to enhance and maximise opportunities for wildlife regardless of any loss. Multiple records for bats in the area exist and therefore an opportunity exists to provide roosting features for bats, be they incorporated into the building dwellings themselves or on nearby trees which may take several more years for features to evolve (cracks, splits, crevices etc.).

#### Great crested newts (GCN)

The report has stated that no suitable water bodies were identified within 500 m of the development area, however, it is not understood if this means that none were observed at all or whether ones were observed and later discounted as not suitable? An Easimap desk study search has identified at least two ponds located to the north-west (~166m) and the north-east (Lower Farm, ~177m) of the site boundary. Further survey effort for GCN should be undertaken before determining presence/absence from the development site if these ponds were missed during the initial EA.

This could be a great opportunity for the developer to improve the habitat along the Carrant Brook, if they wished. The Planning Authority should be applying the principles of biodiversity net gain, perhaps this could be focussed towards the brook.

Please refer to [Open Government Licence](#) which explains the permitted use of this information.

Please get in touch if you have any further queries or contact us within two months if you'd like us to review the information we have sent.

Yours sincerely,

Karen Powell  
Customers and Engagement Officer  
West Midlands Customers and Engagement Team Enquiries Team 02084 747856

Environment Agency | Hafren House, Welshpool Road, Shrewsbury, SY3 8BB

( External: 02084 749850 (Internal: 49850) [Enquiries\\_Westmids@environment-agency.gov.uk](mailto:Enquiries_Westmids@environment-agency.gov.uk)

# **APPENDIX B**

08/10/19

## **LANDSCAPE OFFICER CONSULTATION**

**APPLICATION NO: 19/00772/FUL**

**LOCATION: Land Parcel 0088 Willow Bank Road Alderton Tewkesbury  
Gloucestershire**

**PROPOSAL: Residential development up to 28 units, including means of access  
and landscaping.**

### **COMMENTS**

#### **Introduction**

The Application Site lies to the south of Alderton on Willow Bank Road beyond a new development at Fletcher Close that was approved on appeal. The Fletcher Close development forms a conspicuous and somewhat harsh southern edge to Alderton sitting as it does at the top of a distinct south-facing slope and exposed to the B4077. The application site occupies the slope itself down to a small brook and associated gappy tree line.

The site falls within an area considered to have a high sensitivity to visual effects (Area Ald-01 in the 2014 Landscape and Visual Sensitivity Study; Service Villages). This sensitivity was as a consequence of its prominence from the A4077, the role it played in creating a distinctive foreground setting to Alderton including enabling views to the historic village core and church as well as the AONB beyond at Alderton Hill. To some extent, the qualities that attracted the high visual sensitivity of Area Ald-01 in the 2014 Study have been eroded by the new development at Fletcher Close. However, the application site does still make a positive contribution to the separation between Alderton and the B4077. The slope down to the stream accentuates this.

#### **The Submitted LVIA**

The application is supported by a Landscape and Visual Impact Assessment (LVIA.) which has been prepared by a qualified person in accordance with relevant guidance.

The scope of the LVIA is generally appropriate. The only slight omission would be the inclusion of views from the Winchcombe Way as it rises up Oxenton Hill from Alstone as it passes Dixon Wood. The LVIA recognises this as an area of high potential visibility as well as the sensitivity of the long distance route within the AONB; yet no consideration is given to these views in the assessment.

The assessment also tends to downplay the sensitivity of road users on the B4077 to visual effects. It is easy to suggest that road users have a low sensitivity to visual change, however it is from the roads that most people experience the local landscape and form their impression of the relationships between settlements, topography and land use. The visual experience from rural roads is in my opinion important.

#### **Consultation Response**

The following comments relate to the potential visual impacts of the proposed development:

1 - I recognise that the proposals have responded to the visual sensitivity of the site. Key aspects of the scheme in this respect are the buffer to the south, augmented stream-side planting and gaps within the proposed built edge.

2 – Having walked the Winchcombe Way past Dixton Wood on Oxenton Hill, I conclude that Alderton is prominent in views across the Vale. Recent developments at Beckford Road and Willow Bank Road are conspicuous and have significantly increased the perceived size of the village along the base of Alderton Hill in the view. The proposed development will be visible and will inevitably add to this incremental growth of the settlement beyond the established and defined village envelope. However, it will appear foreshortened and appear as a slight extension of the Fletcher Close scheme. On its own this change is unlikely to be significant in the wide-open views across the vale. It would however contribute to the incremental and gradual prominence of Alderton within this enclosed vale landscape.

3 – The application site is conspicuous in views from the B4077. It is particularly prominent travelling east to west where there are sustained views from Frampton Cottages where the scheme would be seen in profile. The sloping site presents itself to the south.

4 –The visual influence of the proposed development on the B4077 will be exacerbated by the elevated and sloping nature of the site.

5 – Proposed planting along the stream will be unlikely to fully mitigate new development at the top of the slope.

The following comments relate to the potential impacts of the proposed development upon local character:

1 – The proposals will contribute to the incremental increase in the prominence of Alderton within the distinctive Vale landscape within the setting of the AONB. However, the scale of development is unlikely to have a significant adverse effect upon the Vale landscape as a whole.

2 – The proposals represent a further incremental expansion of Alderton south, beyond the established and defined settlement boundary. This expansion is in contrast to the traditional settlement pattern of a nucleated village at the base of Alderton Hill. It represents an expansion out onto the Vale towards the B4077 into land that has traditionally served to provide a distinctive foreground setting between the village and the road. Alderton has traditionally been perceived from the B4077 as a nucleated village set back from the road within a well-treed roofscape with the ancient church tower beyond meadows. This proposal would further erode that character by significantly reducing the remaining space between the road and the village and occupy a prominent sloping site.

## **CONCLUSION:**

The key concern is that the proposed development will erode the gap between the B4077 further. Whilst the separation has already been reduced by development at Fletcher Close, it does still serve to provide a foreground setting to the village and the AONB beyond. Despite the retention of open space to the south for surface water drainage and gaps in the built edge, the expansion of Alderton south beyond Fletcher Close and beyond a distinct break of slope towards the B4077 will be particularly conspicuous. It will adversely affect views from the B4077 and will adversely influence the character and settlement pattern of Alderton by contributing to the incremental spread south away from the traditional nucleated core and onto the open vale.

Whilst the augmented planting along the stream would make a positive contribution to the edge, it is unlikely to mitigate development at the top of the slope

The harm to local landscape character and harm to views from the B4077 should be weighed in the planning balance.

# **APPENDIX C**

		<b>Highways Development Management</b> Shire Hall Gloucester <u>GL1 2TH</u>	
<b>Paul Instone</b> <b>Tewkesbury Borough Council</b> <b>Council Offices</b> <b>Gloucester Road</b> <b>Tewkesbury</b> <b>Gloucestershire</b> <b>GL20 5TT</b>		<b>Email: devcoord@gloucestershire.gov.uk</b>	
<b>Our Ref: T/2019/043635</b>		<b>Your Ref: 19/00772/FUL</b>	<b>Date: 9 March 2020</b>
<b>Proposal:</b>	Residential development up to 28 units, including means of access and landscaping.  Land Parcel 0088 Willow Bank Road Alderton Tewkesbury Gloucestershire	<b>Received date:</b>	13 September 2019
<b>Recommendation:</b>	No objection		No objection (Subject to conditions)
	Refusal	X	Further information
<b>Document(s), drawing(s) and reference(s):</b>		<b>Planning history ref(s):</b>	
<b>Details of recommendation:</b>	<p><u>Site Context</u></p> <p>The site is located on agricultural field adjacent to Willow Bank Road on the southern edge of Alderton approximately 8km to the east of Tewkesbury. Willow Bank Road is an unclassified road subject to national speed limit in the vicinity of the proposed development which subsequently reduces to 30mph at the village boundary. The road is by virtue of character and design between 5m and 5.5m wide at the site frontage.</p> <p><u>Pedestrian Facilities</u></p> <p>There are no pedestrian facilities adjacent to the site, and the nearest footway is located circa 60m north of the proposed site access point. There is a network of footpaths available throughout Alderton which are typically 1m to 1.5m in width and in character with the rural setting of Alderton however these are denoted by deficiencies in infrastructure such as width and lack of pedestrian crossings across the main road and minor arms. In addition, a speed survey conducted by the applicant shows at this point on the main road connecting the site to the village, speeds are over 30mph.</p>		

The creation of this development site on this parcel of land extends the village beyond its current natural boundary. The village is allocated as a Service Village by the Joint Core Strategy (JCS), this is a village that has been given a share of the JCS housing allocation (full explanation is included in the policy section).

Therefore, it is going to see more development over and above this site; plans have already come forward for a development in the same locale. The cumulative impact of more development in this area will effectively create a satellite hamlet to Alderton.

There is no footway that will connect the village to the developments, this is essential to ensure the new development connects with village services and facilities. These services and facilities helped to designate Alderton as a service village. It is essential that there is safe and segregated pedestrian connectivity into the village.

As the application stands, the site does not provide a safe pedestrian connection, requiring walkers to share the carriageway with vehicles. This is not a safe situation; neither is it helping to deliver a sustainable new development. In both instances this goes against the requirements of the NPPF in terms of safety and sustainability.

#### Cycling Facilities

The rural setting of Alderton and a 30mph sign posted limit may encourage cycling within it's borders and to other villages, however no cycle routes have been designated on the roads through and around Alderton. Combined with vehicle traffic on the strategic highway network, GCC is of the opinion that contrary to the TA's statement in section 3.9 (Cycling Facilities) cycling cannot be, at this point in time, promoted nor conducive to encouragement as a mean of access to car dependent destinations such as Tewkesbury, Cheltenham or Gloucester.

As stated in the pedestrian section Alderton was designated a Service Village in the JCS one of the requirements for this designation was for a village to have a school. Village schools are often ideal locations to promote sustainable trips, many schools encourage cycling and walking to school. The lack of any cycle or pedestrian segregated routes from the development into the main village will either lead to more car trips, which is unsustainable; or, children using the only route to the village, which is a carriageway shared with vehicular traffic. This is an unacceptable situation for safety and sustainability reasons.

#### Public Transport Facilities

Alderton is served by a limited number of bus services, 606 being the most regular one. A review of the timetable information for these services denotes very limited coverage, therefore being unlikely to attract its alternative use

opposed to private car for commuting to key employment areas. This level of reliance is not acceptable for a development comprising a 64.7% percentage of affordable housing. In the absence of a suitable service being provided during weekday peak hours and weekends, GCC does not consider that there are sufficient opportunities for future residents to access employment, education, retail and leisure facilities by bus.

The arguments laid out regarding pedestrian and cycling directly affect access to the bus network. The Service Village designation requires access to an employment centre, with that centre being within XXXX. With no safe route to the village bus stops, using a bus to travel to Tewkesbury, the nearest town, will be very unattractive. This will increase reliance on car use associated with this site. This is not sustainable.

#### Sustainability

In light of the above premises, whilst there are some facilities within walking distance to the proposed development, GCC considers the level of offer to be insufficient to address the needs of existent and future residents. Public transport services are intermittent and unsuitable for commuting purposes transpiring a high level of car reliance to access further afield facilities. Local journeys on foot are not encouraged due to lack of suitable infrastructure, as well as cycling which is not conducive to encouragement due to shortfalls on the network.

#### Accessibility

The points raised previously will disproportionately affect people with reduced mobility, who may not be able to drive. If the development were to proceed, people with mobility concerns will only have the country lane route to the main village and its services. People with wheelchairs, mobility scooters, walking stabilisers and pushchairs will be sharing a narrow route with motor vehicles without any protection. The lack of passing places and edge of the road/verge conditions will frequently push the pedestrian further into the carriageway and into a more unsafe position. The carriageway is not suitable for people who have mobility supporting apparatus, as it is a carriageway with uneven surfaces; this will reduce their confidence and ability to use the route, thereby preventing access to the village without a vehicle.

#### Site access and road conditions

The site access is located on a section of the main route into Alderton, with the proposed junction being in the exact spot where the speed gate for 30mph begins. To build the junction the speed gate will have to be moved to a new location. This will require a Traffic Regulation Order (TRO), which requires a road safety audit and consultation with statutory bodies and the local residents. There

is no assurance to the granting of a TRO or weight given because a development that requires it to begin construction has been granted planning permission.

There is a risk that local and statutory objections and representations may not allow the TRO to be enacted and the development will then be unable to proceed.

The visibility splays can only be achieved by removing a substantial amount of hedgerow and vegetation. The splays are also dependent on the 30mph boundary being moved. The submitted access drawing (number 23791\_08\_020\_01) shows the splays have been designed for 37mph traffic using the highway. Should the 30mph zone not happen or it be moved closer to the village rather than away from the village, the highway will remain at the relevant National Speed Limit of 60mph; making the designed visibility splays unsuitable.

There are too many dependencies on this access junction for a secure assessment that would be considered safe to be undertaken. As it stands the Highway Authority does not believe the design is safe.

#### Policy relating to the site

The site is covered under the Joint Core strategy (JCS) adopted in 2017, which has identified Alderton as one of twelve Service Villages. Service Villages have been assessed as “having two or more primary services, two or more secondary services and benefitting from a bus service and/or road access to a major employment area.” These service villages have been allocated a total of 880 homes across the life of the JCS. In the absence of an allocation figure being given to each village, it has to be assumed that each village will be required to accept an average of 73 homes.

Alderton has a village shop/post office, village hall, public house and bus services as detailed above. The transport situation outlined above is not considered acceptable for sustainable transport and any new development will be dependent on private motor vehicles to access employment, services and the majority of leisure and retail requirements, not being met by the village shop.

The JCS policy INF1: Transport Network states:

*1. Developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters.*

*All proposals should ensure that:*

- i. Safe and efficient access to the highway network is provided for all transport modes;*
- ii. Connections are provided, where appropriate, to existing walking, cycling and passenger transport networks and should be designed to*

*encourage maximum potential use;*

*iii. All opportunities are identified and taken, where appropriate, to extend and / or modify existing walking, cycling and public transport networks and links, to ensure that credible travel choices are provided by sustainable modes.*

*2. Planning permission will be granted only where the impact of development is not considered to be severe. Where severe impacts that are attributable to the development are considered likely, including as a consequence of cumulative impacts, they must be mitigated to the satisfaction of the Local Planning Authority in consultation with the Highway Authorities and in line with the Local Transport Plan.*

*3. Developers will be required to assess the impact of proposals on the transport network through a Transport Assessment. The assessment will demonstrate the impact, including cumulative impacts, of the prospective development on:*

- i. Congestion on the transport network;*
- ii. Travel safety within the zone of influence of the development;*
- iii. Noise and / or atmospheric pollution within the zone of influence of the development*

*4. Where appropriate the Local Planning Authority may require applications to be accompanied by a Travel Plan that has full regard to the criteria set out in the NPPF.*

There is a clear requirement for developers to provide connections to the transport network, particular attention is drawn to cycling, walking and public transport, and extend and/or modify existing walking, cycling and public transport networks to ensure sustainable mode choices are credible. Alderton's current sustainable networks are not sufficient to provide credible access to major employment. This application is not providing any additional capacity or links to existing sustainable infrastructure but will be adding additional burden to the existing provision. As established, the existing network is not sufficient to encourage a mode shift to sustainable modes; therefore, the development will be reliant on private motor vehicles to access employment and services.

INF1 policy also identifies cumulative impacts. Alderton has already had one application for 41 dwellings recently refused on sustainability. It is anticipated that further applications will be forthcoming. The cumulative impact of many applications being approved will be a significant detriment to existing residents and increase private vehicle use.

The JCS already allocates Alderton, and other service villages, a proportion of housing for the area. Therefore, the cumulative impact should be applied to all developments of any size in the village: not just at the point where an allocation threshold has been reached or will be breached.

Alderton has a Neighbourhood Development; policy RP1: improving opportunities for healthy lifestyles and safer roads contains the following policy:

*Proposals to improve the potential for walking and cycling to community facilities and nearby towns and villages will be supported.*

*New development should be designed to include access to existing walking, cycling and passenger transport networks to enable and encourage maximum potential use.*

This application is not in accordance to this policy as it does not improve or add any value to the existing cycling, walking and public transport networks.

Conclusion

In summary, GCC considers that the proposed development, in virtue of its nature, scale and location, fails to ensure future residents can access sustainable means of transport and avoid private car reliance to access employment, education, retail and leisure facilities to car dependent destinations such as Tewkesbury, Cheltenham or Gloucester.

Far more serious is the fact the development is disconnected from the main village with no safe route to Alderton’s services, facilities, school and bus network. The proposed design fails to give priority to pedestrian and cycle movements within the scheme and neighbouring areas of Alderton and address the needs of people with disabilities and reduced mobility in relation to all modes of transport. Combined with the poor access arrangements and visibility, safety has become a significant factor in the determination of this application.

The highways authority therefore recommends this application be refused on safety, sustainability and policy grounds in accordance with paragraphs 102, 108, 110 and 111 of the NPPF, policy INF1 of the Joint Core Strategy and policy RP1 of Alderton Neighbourhood Development Plan.

<b>Required consultation:</b>	<b>ITU</b>		<b>Highways Records</b>	
	<b>Rd Safety</b>		<b>Fire Service</b>	
	<b>PROW</b>		<b>Structures</b>	
	<b>LHM</b>		<b>Police</b>	

# **APPENDIX D**

**Local Lead Flood Authority**Shire Hall  
Gloucester  
GL1 2TH**Paul Instone  
Tewkesbury Borough Council  
Council Offices  
Gloucester Road  
Tewkesbury  
Gloucestershire  
GL20 5TT**

Please ask for: Peter Siret

Phone:

Our ref: T/2019/043640

Your ref:  
19/00772/LLFA

Date: 26 September 2019

Dear Paul Instone,

**TOWN & COUNTRY PLANNING ACT 1990  
LEAD LOCAL FLOOD AUTHORITY RECOMMENDATION****LOCATION: Land Parcel 0088 Willowbank Road Alderton Tewkesbury Gloucestershire**  
**PROPOSED: Residential development up to 28 units, including means of access and landscaping**

I refer to the notice received by the Lead Local Flood Authority (LLFA) requesting comments on the above proposal. The LLFA is a statutory consultee for surface water flood risk and management and, based primarily on the information provided in the Flood Risk Assessment (July 2019;23791-01-FRA-01), has made the following observations and recommendation.

**Flood Risk**

The southern portion of the development is in flood zone 3 and 2 from the ordinary watercourse at the southern boundary of the site. The applicant has positioned the dwellings outside of flood zone 2 and 3 but the attenuation basin within flood zone 2 and on the edge of flood zone 3. While this should mean that the basin does not flood in a 1 in 100 year event, the applicant has not provided evidence that the basin will be able to drain during the period the watercourse is in flood or when river levels are high. If the basin cannot drain then there could be a negative impact on the drainage of the development. The Non-statutory technical standards for sustainable drainage states that there should be no flooding on site in a 1 in 30 year rainfall event and no flooding to buildings in a 1 in 100 year event. Can the applicant demonstrate that this can be satisfied when the river levels in the watercourse are high?

Another concern the LLFA has is that the Environment Agency's current climate change estimates predict an increase in peak river flow of up to 70% in the Severn area. The LLFA is concerned that, as a result of climate change, the extent of flood zone 3 could encroach onto the basin in the future,

become inundated by flood water in the future and be made ineffective during critical times. Can the applicant ensure that the drainage network will be able to function effectively throughout the lifetime of the development?

The applicant has stated, in paragraph 3.2 and 3.3 in their FRA, that they are undertaking flood modelling and that they will be submitting the results separately. If the applicant wishes to use this modelling to inform the application then it is important that the results be submitted prior to any decision being made by the LPA. If this modelling is used and the flood zones are altered then the applicant needs to provide approval from the Environment Agency.

## **Surface water management**

### Discharge strategy

The site lies on Charmouth Mudstone and infiltration tests provided by the applicant has confirmed that infiltration is not a suitable option. The applicant is instead proposing to discharge into the ordinary watercourse on the southern boundary of the site.

The applicant should be aware that the construction of a headwall in the bank of the ordinary watercourse may require consent under S.23 of the Land Drainage Act. This is issued by Tewkesbury Borough Council (TBC) and should be obtained as early as possible. This is a separate and additional process to the planning process.

### Discharge rates

The applicant is proposing to discharge at 7.2l/s, which they state is the greenfield runoff rate for QBAR for 0.77ha, the equivalent post development impermeable area (see paragraph 4.16 of the FRA). However, the calculations provided in Appendix G use an area of 2.128ha, not 0.77ha. Considering the percentage of the site being made impermeable and being positively drained is low (37%), the discharge rate should reflect this and be calculated using the greenfield runoff rate for an area of 0.77ha. Using the UK SuDS website as a comparison (<https://www.uksuds.com/>), the discharge rate would be closer to 2 l/s.

The applicant has not demonstrated that the proposal also meets TBC's Supplementary Planning Document (SPD) on Flood and Water Management, which states that in a 1 in 1 year event the discharge rate must be no greater than the 1 in 1 year greenfield runoff rate. This SPD also states that the greenfield runoff rates should be calculated using (or at least compared to) the REFH2 method. The applicant has used the IH124 method (as does the UK SuDS website).

### Drainage Strategy and indicative plan

The applicant's proposed SuDS strategy is an attenuation basin. This is fine in principle; however, the size of the basin is based on a discharge rate of 7.2l/s. Reducing the discharge rate will likely require an increase in the size of the basin. The basin size is also determined by the value for climate change, which the applicant has used 40%. While this meets the Environment Agency's latest estimates, Tewkesbury's SPD requests a climate change value of 70% be used. This will likely require a further increase in the size of the basin.

The applicant has provided cross sections of the basin (Pond Sections, 23791\_02\_010\_10), which shows that the slope of the banks will be 1:3. Again, this doesn't meet the requirements in Tewkesbury's SPD, which requires banks to be no steeper than 1:4. The SPD also requires the basin to have a Flood Hazard Rating of less than 1.25, which isn't included in the applicant's FRA.

Table 5 Suitability of SuDS Techniques, suggests that swales will be used in the development but they are not incorporated into the design. Swales are primarily used as an alternative to underground pipes to convey water across a site but they have the added benefits of additional storage capabilities, water quality benefits, amenity benefits and biodiversity benefits.

#### Exceedance flow paths

In the Concept General Arrangement plan (23791\_02\_010\_01), the applicant has provided broad directions of exceedance flows, which generally fall to the south towards the ordinary watercourse. The topography of the highway appears to direct exceedance flows either south to the ordinary watercourse or west to Willow Bank Road.

#### **LLFA Recommendation**

The LLFA recommends an **objection** to this application as the drainage strategy provided by the applicant has the potential to increase the risk of flooding elsewhere and the layout of the SuDS means there is a possibility it could be affected by flooding in the future.

While aspects of the proposal meet national standards, it does not meet requirements set out in Tewkesbury Borough Council's Supplementary Planning Document for Flood and Water Management. The applicant is recommended to reference this document in their Flood Risk Assessment and Drainage Strategy.

NOTE 1 :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

NOTE 2 : 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.

NOTE 3: 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.

Yours sincerely,

Peter Siret  
Sustainable Drainage Engineer

# **APPENDIX E**



## Appeal Decision

Inquiry held on 20 – 23 January 2015

Site visits made on 23 and 29 January 2015

by **P N Jarratt BA DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 March 2015

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## Appeal Ref: APP/G1630/A/14/2222147

### Land east of St Margarets Drive, Alderton, Tewkesbury

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Freeman Homes against the decision of Tewkesbury Borough Council.
  - The application Ref 13/00734/OUT, dated 6 August 2013, was refused by notice dated 29 April 2014.
  - The development proposed is an outline application for the erection of up to 60 no. dwellings (net increase of 59 dwellings) and associated parking; vehicular access from St Margarets Drive; provision of open space; the construction of highways through the site and associated engineering works, including the creation of an attenuation pond. The proposals include the demolition of an existing dwelling (16 St Margarets Drive).
- 

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The application originally proposed up to 70 dwellings but was reduced to 60 units (59 net) during the course of the application with the submission of amended plans and a revised site boundary. I have therefore used the above description of development in the determination of the appeal. It is an outline application with all matters reserved except for access.
3. Alderton Parish Council (APC) was granted Rule 6 status under the Inquiry Procedure Rules.
4. Two separate executed s106 agreements were submitted at the inquiry (Documents 40 and 45). The first relates to County Council contributions for education, libraries and highways and the second relates to Borough Council contributions for open space, allotments, health, dog bins, sports facilities and affordable housing. In view of the agreements the Council withdrew reasons 2-5 in the decision notice.
5. The remaining refusal reason (reason 1) refers to emerging Policy SD2 of the Pre-submission Joint Core Strategy (JCS), but the Council has advised that this should have been a reference to JCS Policy SP2.
6. I carried out an accompanied site inspection following the close of the inquiry on 23 January but due to failing light I carried out a further unaccompanied site inspection on 29 January, taking in viewpoints suggested by the parties, including a visit to Stoke Orchard.

## Main Issues

7. The main issues in this appeal are:

The effect of the proposal on the character and appearance of the area;

Whether the scale of development would have a disproportionate effect on the village and on the social wellbeing of the community;

Whether the proposal represents sustainable development to which the National Planning Policy Framework's (the Framework) presumption in favour should apply.

## Reasons

### *Background*

8. The application site is 2.86 hectares in extent and is located adjacent to the south east edge of Alderton bordering existing residential development on St Margaret's Road and St Margaret's Drive. It comprises two fields currently used for sheep grazing. The site includes a bungalow at 16 St Margaret's Drive which would be demolished to provide vehicular access to the site. The site is located in a Special Landscape Area (SLA) but it is outside the Cotswolds AONB, the boundary of which skirts the northern side of the village. There are a number of listed buildings in the vicinity of the site. The "Winchcombe Way", a figure of eight recreational PRoW walking route of more than local interest, runs along the eastern boundary of the appeal site in the adjoining field.
9. Although the application is in outline, indicative masterplan and parameters plans indicate that the development would be for a mix of two storey dwelling types including 2,3,4 and 5 bedroom family houses and 35% affordable housing, open space, children's play area, attenuation pond, landscaping with pedestrian access from St Margaret's Drive and from two points on St Margaret's Road. Access to Lower Farm, to the east of the site would be retained.
10. There is no relevant planning history on the appeal site although there have been a number of recent housing applications in Alderton. An application for 4 dwellings adjacent to Gretton View was refused in April 2014<sup>1</sup>. Permission was granted on appeal for 47 dwellings on land to the south of Beckford Road in May 2014 and construction has recently commenced<sup>2</sup> (the Beckford Road Development). An application for 24 dwellings at land east of Willow Bank Road was refused in September 2014<sup>3</sup> and an appeal has been lodged. An application for 53 dwellings west of Willow Bank Road was refused in December 2014<sup>4</sup>.
11. The statutory development plan consists of the saved policies of the Tewkesbury Local Plan which was adopted in 2006 and pre-dates the Framework. In accordance with the Framework at paragraph 215 I will give due weight to relevant policies according to their degree of consistency with the Framework. The JCS is an emerging plan and whilst it has reached submission stage no date for its examination has been set. An Alderton Neighbourhood Parish Plan is being prepared by the community but this has yet to be published.

### *The character and appearance of the area*

12. The Framework at paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and, at paragraph 115, it emphasises that great weight should be given to conserving landscape and scenic beauty in AONBs.
13. The Cotswolds AONB covers Alderton Hill and Dumbleton Hill, and extends right down to the northern edge of the settlement of Alderton. To the south, Oxenton Hill is also part of the AONB. The land between these outliers, known as the Teddington and Greet Vale, is designated a Special Landscape Area (SLA) in the Local Plan. The setting of the AONB is not the subject of any national or statutory policy protection although the SLA is the subject of Local Plan Policy LND2.
14. Policy LND2 states that special attention will be accorded to the protection and enhancement of the landscape character of the SLA. Within this area proposals must demonstrate that they do not adversely affect the quality of the natural and built environment and its visual attractiveness, or detract from the quiet enjoyment of the countryside. The supporting text to this policy explains that while the quality of the landscape in the SLA is worthy of protection in its own right, it also plays a role in providing the foreground setting for the adjacent AONB. However I agree with the main parties that the second part of the policy is not consistent with the Framework as any development would be likely to have an adverse effect on the quality of the natural and built environment.

<sup>1</sup> Ref 13/01018/FUL

<sup>2</sup> APP/G1630/A/13/2209001

<sup>3</sup> Ref 14/00414/FUL

<sup>4</sup> Ref 14/00747/OUT

Consequently I attach less weight to the second part of the policy than I do to the first part, which the parties agree is consistent with the Framework. The appellant has also drawn attention to Policy LND2, particularly in its second part, not providing for any form of cost/benefit assessment which underpins the approach of the Framework<sup>5</sup>. Notwithstanding this, I take account of economic or other benefits of the scheme in the overall planning balance.

15. The Gloucestershire Landscape Character Assessment (2006)<sup>6</sup> identifies the key characteristics of this "Unwooded Vale" landscape type as including medium-to large-scale hedged fields with a combination of both regular and irregular field patterns, and a relatively sparsely settled agrarian landscape with rural villages and scattered farms and dwellings. It notes that the escarpment and outliers create a sense of enclosure within the Teddington and Greet Vale, and provide a backdrop to many views across it.
16. The landscape experts for both the appellant and the Council submitted detailed assessments of the landscape and visual effects of the proposals based on the appellant's Application Landscape and Visual Assessment (ALVIA) and best practice guidelines. Whilst in agreement on certain matters, different conclusions on the level of harm arising from the proposed development were reached by the parties.
17. A recent study<sup>7</sup> identifies the site to be within an area of medium landscape sensitivity and high visual sensitivity. It identifies that the sense of separation between Alderton and the B4077 is characteristic and vulnerable to insensitive development.
18. The appeal site is a constituent of its enveloping rural landscape character by virtue of the similarity of its high quality features; topography, geology, openness, pasture use, stream, vegetation and presence of settlement. It is not on the fringes of the rural character area but very much part of it. I do not consider that Alderton acts as a buffer between the appeal site and the AONB but is part of a contiguous landscape. The appeal site and its setting consist of features characteristic of both the SLA and the AONB landscape. Although the AONB is higher ground with the SLA as a lower vale, the appeal site is seen as forming part of the gentle slope that falls from the AONB. The development of the appeal site would impact on the setting of the AONB through a loss of openness and pasture use.
19. The proposals would also lead to a coalescence of Alderton and Lower Farm and an increase in the suburbanised character to the village not readily reflected by the morphology of Alderton with its small scale infill and layout reflective of the historic road form. Historically the village has a generally east-west layout with two historic cluster areas. This east-west form will be accentuated through the recently approved 47 dwellings in the Beckford Road development.
20. In terms of the visual effects, the locations receiving large negative effects are the dwellings and footpaths close to the appeal site as well as Lower Farm. Views of the appeal site will change from rural fields to a suburban residential estate and certain views of the AONB would be lost. The Cotswold Conservation Board and Natural England object to the proposed development because of the impact that the development would have on views of the AONB, with the Board drawing particular attention to views south-west from the Winchcombe Way from the north east corner of the site where the development would block views of substantial parts of Dixon Hill and Oxenton Hill. Having viewed the site from this and other points on the Winchcombe Way I would agree that impact on views would be 'substantial adverse'<sup>8</sup> and walkers would experience a change in their relationship with Alderton, its landscape and the enjoyment of the countryside. In particular, walkers approaching the village along the Winchcombe Way cross fields and enter the most historically picturesque part of the village where St Margaret's Church is a local landmark building. This would be a substantially different experience with the construction of the proposed development.
21. In terms of landscape and visual impact, the Beckford Road site and the current appeal site can be distinguished on their own facts. The Beckford Road inspector considered that those proposals would not alter the character of Alderton as they were within the overall pattern of development along Beckford Road, a factor which was considered to mitigate the 'bolt-on' location of the scheme. Additionally, Alderton's character was not considered to be altered in views from within the AONB or from the SLA. The same cannot be said for the appeal site where the location is counter to the pattern of the settlement and does not benefit from the mitigating factors attributed to Beckford Road.

<sup>5</sup> Colman and SSCLG and North Devon DC and RWE NPower [2013] EWHC 1138 (Admin)

<sup>6</sup> Document C10

<sup>7</sup> Landscape and visual sensitivity study, Toby Jones Assoc., November 2014, paragraph 3.3 (Document 17)

<sup>8</sup> Core Document B16 LVIA Para 7.27, Receptor 13

22. The extent of this impact would be dependent on the viewpoint and distance from the appeal site. Although there would be visual creep towards the B4077, the site when viewed from greater distances from the south west, south and south east, (such as from Viewpoints D, 10 and 14) would have a lesser effect on the SLA and setting of the AONB as the development would be seen as part of the settlement envelope. Additionally landscaping proposals would mitigate the harder edges of the development over time. When viewed from the north (Viewpoint 11), the site would be largely assimilated in the visual impact of the settlement due to the village being in the foreground.
23. Alderton itself would retain the character and appearance of a rural village nestled within an open, agricultural landscape. The development would not, therefore, detract significantly from the quiet enjoyment of walkers using the public rights of way when viewed from longer distances away from the site. However, from closer public viewpoints, such as from points on the Winchcombe Way on the edge of the village or when approaching the site from the south and south east, the proposed development would change the overall experience for those walking through the countryside due to the loss of open pasture and the introduction of built development. I consider that this would cause significant harm.
24. The appeal site makes an important contribution to the foreground setting of the AONB and, for the reasons set out above; I consider that the proposed development would be detrimental to its setting. It would result in the loss of what is currently an open, arable field and its replacement with built development and associated human activity. This would have an adverse effect on the rural quality of the landscape adjoining the southern edge of Alderton, increasing the extent of the built-up part of the settlement at the expense of the surrounding open countryside. In these terms, the proposed development would conflict with the Policy LND2 requirement to have no adverse effect upon the quality of the natural environment but as referred to earlier I do not attach the same degree of weight to this aspect of the policy as I do in respect of the first part of the policy requiring special attention being accorded to the protection and enhancement on the SLA.
25. In summary, the proposed development would be harmful to the character and appearance of the area, through the loss of a long, rectangular open pasture field, leaving a smaller one uncharacteristic of either the AONB or SLA. It would lead to the extension of the built-up part of the settlement into the adjoining countryside and affect the setting of the AONB. This would conflict with paragraph 109 of the Framework and with the aims of Policy LND2 of the Local Plan, and this would represent an adverse impact that will need to be weighed in the overall planning balance.

#### *Effect on the Village and on the Community*

26. Alderton is a healthy vibrant community that is valued by its residents, where about one half of households have resided for over 20 years. It is also a village in which its residents are engaged in matters of community interest and this is evident through their involvement in the Service Village Forum which supports the JCS evidence base and through the carrying out of surveys, a Village Design Statement and in the preparation of the emerging Alderton Neighbourhood Development Plan (ANDP). There is also a wide range of clubs and associations.
27. The Parish Council and local residents were present at the inquiry and provided a balanced approach in expressing their concerns. It was clearly evident from their contributions that they place a high value on maintaining and planning for their community and they are very much concerned over the cumulative effect that the appeal scheme would have following on from the Beckford Road development (and other schemes that may not have been determined finally).
28. In allowing the Beckford Road development, the inspector recognised the concerns of APC that the scheme may set a precedent for others<sup>9</sup> but she made it clear that her decision should not be interpreted as a finding that Alderton is necessarily a sustainable location for any further residential development. She went on to say that 'Substantially increasing the number of dwellings in a settlement without proportionate increases in infrastructure, employment opportunities and other local services risks eroding community cohesion, and the fact that 47 dwellings have now been allowed on appeal will be a consideration to be weighed in the balance when considering any future proposals'.

<sup>9</sup> Para 76 APP/G1630/A/13/2209001

29. The appeal proposal makes contributions through the planning obligations towards education, libraries, highways, open space, allotments, health, dog bins, sports facilities and affordable housing. These contributions would provide proportionate increases in infrastructure and would be benefits of the scheme. However there was disagreement between appellant and the Chair of the Governors of the Oak Hill Primary School regarding the pupil forecast as identified by the County Council, a matter that was left unresolved at the inquiry, but there was no evidence of weight to suggest that the viability of the school would be threatened in the absence of the appeal scheme.
30. No permanent employment would be provided through the scheme although it would provide jobs on the site through the construction phase and perhaps assist in the viability of a few local jobs in the area in the longer term. However, community cohesion goes beyond this in a small rural settlement. Also of significance is the capacity for the settlement and the community to accept the impacts that a rate of change for the construction of 107 houses would have over a relatively short period of time in a settlement of only 265 dwellings. Alderton has grown organically and slowly over a long period of time and its physical character would change as a result of the major development that would arise from the Beckford Road scheme and the appeal proposals which, together, would represent a 39% increase in the number of dwellings. Alderton would appear more suburbanised and less of a rural settlement and it would be adversely affected as a consequence.
31. The Framework at paragraph 7 recognises that sustainable development includes a social role that planning performs and Section 8 sets out how healthy communities can be promoted. Mr Smith, on behalf of the Council, made reference to various studies on social cohesion and sustainability and to factors relevant to an assessment. Whilst this provided a useful background, its application to a small rural settlement was limited although the sense of identity of a place was aptly summarised as being ‘...rooted in history, in local celebrations, the stories people tell about the area, and in regular local events. These build up over time. When new large-scale housing developments are built, the sense of place cannot be defined by its shared history. New residents will not know others, and, in the early stages, there will be few social connections.’<sup>10</sup>
32. At the inquiry there was considerable discussion about the age profile of Alderton. Whilst the proposed development would accommodate younger households and assist in bringing the population profile more into balance, no doubt the Beckford Road proposals would go some way towards achieving this.
33. Apart from the physical changes that would occur, I recognise that a sizeable expansion of the village could take the community some time to adapt to and there could be adverse consequences for the social and cultural wellbeing of existing residents, as recognised in an appeal in Devon<sup>11</sup>. I recognise that, as in other cases elsewhere, there is a danger that potential adverse impacts of new housing on an existing community is a consideration that needs to be weighed in the overall planning balance. This goes beyond a community’s natural resistance to change. Indeed, the APC has indicated that a number of residents would sell up and leave the village because Alderton would no longer be a quiet rural village.
34. The appellant referred to an appeal decision at Stoke Orchard<sup>12</sup> where the impact of further housing development on social cohesion in the village was not considered to be materially affected. However, I do not consider that the Alderton proposals are comparable to the situation in Stoke Orchard as that village has recently experienced substantial expansion arising from a brownfield site redevelopment.
35. I conclude on this issue that the proposed development would have a disproportionate effect on the village in terms of the cumulative impact of development and also on the social wellbeing of the community, which I consider would be harmful.

#### *Sustainable Development*

36. It is common ground that the Council cannot demonstrate a 5 year supply of housing land in the terms set out in the Framework. The Council and the appellant’s estimates vary slightly due to the way the buffer is applied. The housing land supply calculated against the South West RSS requirement, gives a supply of 2.5 years (appellant’s figure) or 2.7 years; and similarly, in calculating supply against the Pre-Submission JCS requirements, figures of 3.7 years (appellant’s figure) and 3.9 years supply are estimated<sup>13</sup>

<sup>10</sup> Page 32, Design for Social Sustainability Document F2

<sup>10</sup> Core Document D2 APP/U1105/A/13/2191905, Feniton, Devon

<sup>11</sup> Document 37 APP/G1630/A/14/2223858 Stoke Orchard, Nr Tewksbury

<sup>12</sup> SoCG Addendum

37. The CPRE<sup>14</sup> and a local resident<sup>15</sup> disagreed with the estimated assessments of supply but neither of their approaches accord with the approach to calculations of housing need and supply contained in the Framework at paragraph 47 or in the Planning Practice Guidance (PPG). Mr Crofts, on behalf of the CPRE, argued that the future release of Green Belt sites should be included in the calculation of housing land supply. However this approach was withdrawn under cross examination as it was accepted that it is only via the development plan process that such sites should be released for development.
38. In the absence of a five year supply of deliverable housing sites, paragraph 49 of the Framework indicates that relevant policies for the supply of housing should not be considered up-to-date, which, in this appeal, relates to saved Policy HOU4 of the Tewkesbury Local Plan 2006 which seeks to restrict residential development outside the designated development boundaries of settlements. This means that the location of the appeal site outside Alderton's settlement boundary is not a reason to refuse planning permission for the scheme but that the scheme should be assessed in accordance with paragraph 14 of the Framework. This sets out that at the heart of the Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking, this means that where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of a development would significantly and demonstrably outweigh the benefits or where specific policies in the Framework indicate that development should be restricted, with footnote 9 giving examples of such policies.
39. Mr Crofts also sought to argue that the *William Davis*<sup>16</sup> judgement requires an assessment of sustainability prior to the application of paragraph 14 of the NPPF but this was not the view taken in the later *Dartford*<sup>17</sup> judgement which indicates that there is nothing in the Framework, whether at paragraphs 7 or 14, which sets out a sequential approach.
40. Concern was expressed by the APC that a decision on the appeal should wait for the publication of the JCS and the ANDP. They have relied on the Government's localism agenda in support of this approach and on the core principal of the Framework for planning to be community led. APC recognises that there will be a need for further housing development in the village but that this should be provided as smaller schemes on other sites. They anticipate that the emerging plans would identify Alderton's allocation to be between 40-48 dwellings up to 203, of which 47 have already been committed.
41. However, such estimates would be premature as the headline figure for objectively assessed housing need within the terms of policy SP1 of the JCS could, according to the appellant, be substantially higher and, because of constraints elsewhere, it is possible that the service villages, of which Alderton is one, would need to accommodate more housing than the 752 units currently envisaged in Policy SP2 of the Submission JCS. I note that this is a reduction of the 880 dwellings that would need to be accommodated in the service villages as set out in the Pre-Submission JCS. These changing figures demonstrate why, in view of the current status of the plan, I cannot attach any more than limited weight to current estimates of future growth that may need to be accommodated in Alderton, including Mr Rainey's original contention that Alderton would need to accommodate 130 dwellings over the plan period.
42. Notwithstanding the considerable work that has already been undertaken on the ANDP, it is still at an early stage as a draft of the plan is not yet available and the process of formal consultation has yet to take place. Consequently, although it is a material consideration, I can only attach very limited weight to it at the present time. Whilst I appreciate that expectations will be let down by this approach, it is the approach set down at paragraph 216 in the Framework where the weight attached to a plan increases as it progresses through the various stages of preparation and approval.
43. Turning to the three dimensions of sustainable development, the proposed scheme would lead to a number of benefits such as the jobs created through the construction process, the economic output, additional consumer expenditure, a New Homes Bonus payment and additional Council Tax payments. Whilst some of these economic benefits would not necessarily be directly enjoyed by the local community, they would benefit the wider area.

<sup>10</sup> Document 19

<sup>11</sup> Document 31

<sup>12</sup> *William Davis Ltd, Jelson Ltd v SSCLG, NW Leicestershire DC* [2013] EWHC 3058 (Admin)

<sup>13</sup> Paragraphs 54 and 55 *Dartford v SSCLG, Landhold Capital Ltd* [2014] EWHC 2636 (Admin)

44. Whilst the affordable housing provision would be a social benefit it is not necessary, nor in my view desirable, for the affordable housing needs of the wider area all to be provided in Alderton, as I would anticipate the Beckford Road scheme to meet some of this need with the provision of the remainder taking place elsewhere, in response to the policies in the JCS when adopted, or through the development management or neighbourhood planning process. Other elements of the scheme such as a children's play area and public open space would also provide social benefits. However there would be adverse affects on social cohesion arising from the cumulative amount of residential development at Beckford Road and the appeal site.
45. Alderton is an accessible location within the rural area with a range of day-to-day services and it is designated as a service village in the Submission JCS. It has reasonable accessibility being close to the B4077 and has a limited bus service. However, despite this, I have found that there would be some adverse effects resulting from the proposed development on the character and appearance of the area through the extension of the built-up part of the settlement into the adjoining countryside which would affect the setting of the AONB, thus having a negative impact on the environmental dimension of sustainability.
46. I conclude on this issue that whilst the provision of additional housing is a significant benefit, when taking account of all relevant factors the proposed development would not represent sustainable development in the context of the Framework.

### **Other Matters**

47. A local resident expressed concern over the safety of the highway network and in particular, to traffic accidents that have occurred on the B4077. However highway assessments in relation to the proposed scheme have not led the highway authority to consider that the traffic generation arising from the proposed scheme would be unacceptable in highway safety terms and there is no reason why I should not reach the same conclusion.
48. A flood risk assessment has been submitted and found to be acceptable and this and other matters such as ecology, archaeology and residential amenity do not raise issues that could not be resolved through the imposition of appropriate conditions if I were to be minded to allow the proposals.
49. The occupant of Lower Farm raised issues in relation to the maintenance of access to the farm. The scheme provides continued access to Lower Farm but the occupants concerns appear to relate to matters of a private interest.
50. I have considered the contributions set out in both of the planning obligations and consider that all of these satisfy Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 and are necessary, directly relevant, and fairly and reasonably related in scale and kind to the development in question.

### **The planning balance and conclusion**

51. I have found that in the absence of a five year supply of deliverable housing land, the Framework gives support for the scheme to which I attach significant weight. However, against this must be balanced the harm that the development would cause.
52. I have found harm in terms of the effects of the proposed development on the character and appearance of the area as it would lead to the extension of the built-up part of the settlement into the adjoining countryside and affect the setting of the AONB. This would conflict with the aims of Policy LND2 of the Local Plan and the Framework. This is an adverse impact to which I attach considerable weight.
53. I also found that that the proposed development would have a disproportionate effect on the village in terms of the cumulative impact of development and also on the social wellbeing of the community. I attach significant weight to the harm that would arise.
54. The totality of the harm I have identified is not clearly outweighed by the social or economic benefits of the development, including the supply of new housing, both market and affordable.

55. In the context of the Framework taken as a whole, the adverse impacts of the proposed development significantly and demonstrably outweigh the benefits of the scheme. Accordingly, the proposal would not represent sustainable development for which a presumption in favour should apply.
56. For the reasons given above and having had regard to all matters that have been raised, including all the decisions elsewhere referred to by the parties, I conclude that the appeal should be dismissed.

*P N Jarratt*

Inspector

# **APPENDIX F**



## Appeal Decision

Hearing held on 16 June 2015

Site visit made on 16 June 2015

**by Jonathan Manning BSc (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 17 July 2015**

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**Appeal Ref: APP/G1630/W/15/3003278**

**Land to the West of Willow Bank Road, Alderton, Gloucestershire**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Edward Ware Homes Limited against the decision of Tewkesbury Borough Council.
  - The application Ref 14/00747/OUT, dated 25 July 2014, was refused by notice dated 9 December 2014.
  - The development proposed is erection of up to 53 dwellings and associated works.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The application has been made in outline, with full details provided in relation to access. Layout, scale, appearance and landscaping are to be considered as reserved matters. Although, an indicative site plan has been provided, to which I have had regard.
3. The Council's reason for refusals 2, 3, 4 and 5 relate to the absence of a legal agreement to secure: affordable housing; on-site or off-site playing pitches with changing rooms and sports facilities; secondary school education infrastructure; and highway improvements. It was agreed that following discussions at the Hearing on the draft Unilateral Undertaking (UU) that a final signed and dated UU would be provided after the Hearing and this has been subsequently received. The Council confirmed that the UU now overcomes these reasons for refusal. From the evidence before me, I consider that the requirement for these provisions meets the three tests set out in Paragraph 204 of the National Planning Policy Framework (the Framework) for planning obligations, which reflect those set out in Regulation 122 of the Community Infrastructure Levy (CIL) (2010). Therefore, I have not considered such matters further in my decision.
4. This appeal was part of back-to-back Hearings that were undertaken with a development for 24 dwellings at Land East of Willow Bank Road, Alderton. This was due to the similar nature of the proposals and their very close proximity to one another. However, for the avoidance of doubt, I have determined each proposal on its individual merits and on the evidence that is before me for each case.

## Main Issues

5. As a result of the evidence before me, including the concerns of Alderton Parish Council and local residents, I consider that the main issues of the appeal are:
  - Whether the proposal would cause harm to the well-being and community cohesion of Alderton;
  - Whether the proposal would cause harm to the living conditions of the occupants of neighbouring properties;
  - Whether the proposal represents good design with regard to its integration and connection with the wider settlement; and
  - The effect of the proposal on the character and appearance of the area.

## Reasons

### *Background and policy context*

6. The appeal site is located outside of the Alderton development boundary. Policy HOU4 of the Tewkesbury Borough Local Plan (2006) (the LP) seeks to restrict development outside of such areas, to that requiring a rural location, which does not apply to the proposal.
7. The Government is seeking to significantly boost the supply of housing, as set out in Paragraph 47 of the Framework. Further to this, the Framework at Paragraphs 14 and 49 identifies that there is a presumption in favour of sustainable development. Paragraph 49 of the Framework sets out that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. The Council has accepted that it cannot currently demonstrate a five year housing land supply. Consequently, the Council's policies that relate to the supply of housing, most notably in this case Policy HOU4 of the LP, is out-of-date.
8. In these circumstances, Paragraph 14 of the Framework advises that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This balancing exercise is undertaken at the end of my decision.

### *The social well-being of Alderton and community cohesion*

9. It is clear from the evidence of Alderton Parish Council (the Parish Council) and from those who made representations at the Hearing that Alderton is a vibrant and healthy community. There are many local clubs and associations and residents evidently take a keen interest in their community, many of whom have lived in the village for a considerable time.
10. Planning permission was granted on appeal for 47 dwellings on land to the south of Beckford Road (APP/G1630/A/13/2209001, dated 22 May 2014) and it was evident from my site visit that construction is well underway, with many dwellings appearing to be nearing completion. In granting permission, the Inspector stated that '*Substantially increasing the number of dwellings in a settlement without proportionate increases in infrastructure, employment opportunities and other local services risks eroding community cohesion, and*

*the fact that 47 dwellings have now been allowed on appeal will be a consideration to be weighed in the balance when considering any future proposals'.*

11. Further to this, a scheme was refused at appeal (APP/G1630/A/14/2222147, dated 17 March 2015) for 60 no. dwellings (net increase of 59 dwellings) at Land east of St Margarets Drive, Alderton (the St Margarets Drive scheme). This was for a similar development in terms of scale and included concerns with regard to the social well-being of the community. Consequently, I have given the previous Inspector's findings in this regard significant weight.
12. The Council maintain that the proposal when considered cumulatively with the Beckford Road scheme would be of a scale disproportionate to the existing settlement. This is based on the view that the proposal would not be proportional to the role of Alderton as a service village in the emerging Gloucestershire City, Cheltenham Borough and Tewkesbury Borough Joint Core Strategy (the eJCS). Further, the Council has set out that the scheme would fail to maintain or enhance the vitality of Alderton and would harm the social well-being of the community, risking its cohesion.
13. The Council are in the process of preparing the eJCS, which includes Alderton as an identified service village. The eJCS at Policy SP2: Distribution of New Development sets out that service villages will be expected to accommodate some housing. Policy SP2 also notes that the level of development to be allocated in the service villages through the Tewkesbury Borough Plan and Neighbourhood Plans, will be proportional to their size and function and also reflecting their proximity and accessibility to Cheltenham and Gloucester. Due to the current stage of preparation of the eJCS and that its examination has not yet been completed, having regard to the guidance on this matter provided by Paragraph 216 of the Framework it can only be afforded limited weight. Therefore, I consider that the policies of the eJCS, proposed housing figures and their subsequent distribution attract limited weight. The emerging Tewkesbury Borough Plan is at a very early stage of production and can also be afforded little weight.
14. The Parish Council has raised concern that the proposal would be contrary and premature to the emerging Alderton Neighbourhood Plan (the eANP) and its identified housing needs. It is evident that the preparation of the eANP is at a relatively early stage and consequently is not at a point of preparation where prematurity is considered to be an issue (Paragraph: 014 Reference ID: 21b-014-20140306 of the PPG). Given its stage of preparation, the eANP can be afforded little weight. I acknowledge the work of the Service Village Forum and the Parish Council's view that the Beckford Road scheme has delivered an appropriate level of housing for Alderton. However, I am mindful that the housing figures of the eANP are influenced by those set out within the eJCS, which I have found can only be afforded limited weight.
15. As a result, it is difficult to predict the level of housing that Alderton will be expected to accommodate, particularly when considered against the Council's current housing land supply position and the current stage of preparation of the eJCS. Therefore, at the current time it cannot be concluded that the proposal, when considered with the Beckford Road scheme, would be disproportional to the role of Alderton as a service village and should consequently, not go against the proposal.

16. The Framework at Paragraph 55 seeks to promote sustainable development in rural areas and sets out that housing should be located where it will enhance or maintain the vitality of rural communities. The Inspector of the St Margarets Drive scheme found that Alderton is an accessible location within the rural area with a range of day today services and it has reasonable accessibility being close to the B4077, with a limited bus service and I agree with this view.
17. It is evident that Alderton accommodates a reasonable range of local services and facilities, including a primary school, public house, post office and village shop, village hall, church, playing fields and children's playground. The agreed Statement of Common Ground (SOCG) also sets out a wide range of clubs and associations. I consider that no substantive evidence has been provided to show that these facilities could not accommodate the proposal and the Beckford Road scheme. The appellant has provided evidence that the local shop owner is seeking more business and local clubs and associations are also seeking new members. Therefore, I am sure that some local businesses and associations would welcome increased patronage.
18. Further, the appeal proposal would make contributions through the UU towards affordable housing, secondary school education, highways, allotments, health, dog bins, playgrounds, playing pitches, sport facilities, signage and recycling. It was noted by the Inspector of the St Margarets Drive scheme that such contributions would be benefits and I concur with this.
19. Gloucestershire County Council has confirmed that numbers at the primary school have decreased and it could accommodate children generated by the proposal and the Beckford Road scheme. Although there is no evidence to suggest that the viability of the school is in danger.
20. In terms of employment, no permanent jobs would be provided through the scheme, but it would provide jobs during its construction phase and is likely to help assist in the viability of local jobs in the area in the longer term. The Parish Council has raised concern that the proposal is likely to result in out commuting, which would not promote sustainable modes of transport. Whilst I acknowledge that the future occupants of the proposal would be largely reliant on a private motor vehicle, I am mindful that Paragraph 29 of the Framework acknowledges that opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
21. Given the findings above, I consider that no compelling evidence has been provided to demonstrate that the proposal when considered with the Beckford Road scheme could not be accommodated by the existing facilities in Alderton.
22. Despite my findings with regard to the above matters, it is my view that social well-being and community cohesion goes beyond such considerations, particularly in a relatively modest rural village. The core planning principles of the Framework at Paragraph 17 ultimately seeks to deliver social well-being for all. Alderton currently accommodates between 268 and 277 dwellings, depending on which source is used. The proposal and the recent Beckford Road scheme would result in 100 new dwellings, an approximate increase of the community of 36-37%. For a relatively modest rural village, I consider such an increase to be substantial.
23. The Council has referred to a number of social cohesion and sustainability studies, however, these all relate to large development and have very limited

application to a relatively small rural village. The Inspector of the St Margarets Drive scheme shared this view. It is clear from the Parish Council's appeal evidence and references made to the evidence base that supports the eANP that many residents choose to live in Alderton because it is a quiet rural village and an overall increase of 36-37% would in my view suburbanise the village affecting this characteristic of Alderton that local residents currently enjoy.

24. Further, I accept the Parish Council's concerns that the introduction of such a large quantity of new residents who are unlikely to be familiar with the community of Alderton would take the existing community some time to adjust. The appellant has provided evidence to suggest that most people only move within 10 miles from their home. However, even if this is the case they are unlikely to be familiar with the existing community.
25. This would lead to some adverse effects on the social well-being and community cohesion of Alderton, as people would not know one another and initially there would be little social interaction until such connections were made, which would no doubt take time. This view is supported by the Inspector of the St Margaret's Drive appeal and the Inspector of a relatively comparable appeal in Feniton, Devon<sup>1</sup>, which parties have referred to. The Inspector of the Feniton decision also noted that the residents of Feniton, like other communities, expect (quite rightly) that decisions about its capacity to accommodate more housing should be taken through the Local Plan process and in this context a considerable quantity of new housing being allowed on appeal in advance of this process is likely to lead to hostility and resentment towards the occupiers of the new housing. Given the concerns of the Parish Council, local residents and the specific circumstances of the eJCS, I consider that this is equally relevant to this proposal.
26. I acknowledge the appellant's view on the current age profile of the village and that the proposal is likely to attract younger people, bringing the population profile more into balance, which would be a benefit of the proposal. However, as set out by the Inspector of the St Margarets Drive scheme, the Beckford Road scheme would in any event go some way to achieving this.
27. The appellant has referred to an appeal decision at Stoke Orchard (APP/G1630/A/14/2223858, dated 22 January 2015), where the impact of further housing development on social cohesion in the village was not considered to be materially harmed. However, I agree with the Inspector of the St Margaret Drive scheme that the development in Stoke Orchard is not comparable to a proposal in Alderton, as Stoke Orchard had recently experienced substantial expansion arising from a brownfield site redevelopment.
28. I acknowledge that the appeal site is included within the Council's Draft Policies and Site Options document and the Background Paper: Approach to Rural Sites, both dated February 2015. The appellant is therefore of the view that the site must be considered suitable and community cohesion is not seen as an issue and this indicates that more houses are required. However, these are at a very early stage of production and therefore attract very little weight. Further, I have concluded that the housing figures and their distribution in the eJCS can also be afforded little weight at the current time.

<sup>1</sup> APP/U1105/A/13/2191905, dated 7 April 2014

29. Notwithstanding the above findings, I am mindful that this matter would not on its own outweigh the evident and compelling need for new housing within the Borough. But is nonetheless a matter to be weighed in the overall planning balance.
30. As part of the appellant's appeal submissions a timetable was provided that sets out the timescales for implementation and phasing of the proposal. This illustrates that should the appeal be allowed dwellings would be completed at the end of 2017 and beginning of 2018, after or near to the anticipated completion of the Beckford Road scheme. Despite the concerns of the Council, I consider that the timetable offers a realistic programme. This would therefore, stagger the introduction of new dwellings and subsequent occupiers being introduced to the community of Alderton, helping to reduce the identified harm to social well-being and community cohesion. Although, the proposal would still result in a significant increase of 36-37% to Alderton in a relatively short period of time.
31. In conclusion, I have found that at the current time it cannot be concluded that the proposal, when considered with the Beckford Road scheme, would be disproportional to the role of Alderton as a service village in eJCS and should consequently, not go against the proposal. I have also found that there is no compelling evidence to suggest that existing local services and facilities in Alderton could not accommodate the proposal in addition to the Beckford Road scheme, which would also increase patronage to such services, facilities including the primary school whose numbers have fallen, as well as to local clubs and associations. However, I have found that the proposal would in combination with the Beckford Road scheme represent a substantial expansion of the village, causing harm to the social well-being, community cohesion and therefore to some degree the vitality of Alderton. This runs contrary to Paragraphs 17 and 55 of the Framework as well as Section 8 of the Framework, which seeks to promote healthy communities.
32. Given the evidence provided by the appellant with regard to phasing, which would go some way to reducing the identified harm, I consider that this matter attracts a moderate level of weight against the proposal in the overall balancing exercise.

### *Living conditions*

33. The access road into the appeal site is located in close proximity to the existing residential dwellings No 54 and No 56 Willow Bank Road that flank the access on either side. The Council's first reason for refusal raised concern that the proposal would cause noise and general disturbance to the occupiers of adjoining residential properties. The Council's Officer Report expands on this matter and identifies that the concern relates to noise impact and disturbance from the proposed access road.
34. The appellant has undertaken a noise impact assessment, which sets out that with the introduction of acoustic fencing to the north and south of the access road there would be no unacceptable noise impact on the adjoining dwellings and has also provided further information that demonstrates that there would not be unacceptable noise levels within the rear gardens of these properties. The Council accepts the findings of the assessments and despite concerns of local residents, I see no reason to disagree, given that no other technical noise evidence has been provided.

35. However, the Council are of the view that despite the fact that there would not be any unacceptable noise levels, the occupants of the properties would nonetheless be aware of the significant level of vehicle and pedestrian movements associated with 53 dwellings and this would cause unacceptable disturbance.
36. The proposal would utilise an existing access, which currently services stables. However, it was evident from my site visit and from the condition of the track that it sees very little use. It is therefore clear that the occupants of No 54 and No 56 currently enjoy a high degree of peace and quiet, particularly at the rear of their properties. The proposal would result in a significant number of comings and goings from vehicles and pedestrians that would all have to use the proposed access as it is the only route into and out of the appeal site. These would all take place along the entire length of the neighbouring properties and their associated gardens. Consequently, I concur with the Council, that whilst noise levels in themselves would not be unacceptable, I am in little doubt that due to the very close proximity of No 54 and No 56 to the access that their occupants would nonetheless be well aware of the significant level of vehicle and pedestrian movements and their associated disturbance. This would adversely affect the relatively high degree of tranquillity, peace and quiet that the occupants of these properties currently enjoy. I consider that this would cause unacceptable harm to the living conditions of the occupants of these properties.
37. The Council has referred to an appeal decision (APP/W1850/A/14/ 2228744, dated 23 April 2015) for a relatively similar proposal for 50 dwellings where a dwelling would be demolished and an access road provided between two dwellings that would run along the entire length of those neighbouring properties. I acknowledge the appellant's view that in that case there was not any technical noise evidence or mitigation before the Inspector, however, the Inspector makes clear in Paragraph 13 *'However, it is not the level of noise that would be the problem, but the disturbance comings and goings of vehicles and pedestrians would cause, in an area where there are currently none of these movements'*. I consider that this supports and adds weight to my view on this matter.
38. I acknowledge the appeal decision (APP/Z3825/A/06/201023, dated December 2006) provided by the appellant for 55 sheltered apartments where the access drive would run alongside a neighbouring property known as 'Appledore' and the Inspector's findings in that case. The Inspector found that having regard to the noise evidence, the effect on the living conditions of the occupier of 'Appledore' would not be so serious as to justify withholding permission for an otherwise acceptable scheme. However, the Inspector goes on to state at Paragraph 23 that *'In reaching this view, I have taken into account that there is already a garage at "Daneby" alongside Appledore's garage, which must currently give rise to some vehicular activity and noise...'*. It is also evident from the aerial photograph of the site provided by the appellant that accompanies the appeal decision that the area is significantly more urban in character than the appeal site and that 'Appledore' has development to its rear including a parking area and what appears to be an industrial or employment warehouse. It is therefore clear that there are differing circumstances and in that case the occupiers of 'Appledore' did not benefit from the same level of tranquillity that the occupants of No 54 and No 56 currently enjoy.

39. Turning to a related matter, the bungalow at No 37 Willow Bank Road would be located directly opposite the access drive and its junction with Willow Bank Road. The occupants of No 37 have raised concern that the proposal would cause unacceptable noise and disturbance and nuisance from vehicle headlights. I consider that No 37 is set a sufficient distance back from the junction to ensure that there would not be any adverse noise impacts or unacceptable disturbance.
40. However, I do have concerns with regard to the effects that the headlights of vehicles exiting the appeal site would have on No 37. At the Hearing the occupant of No 37 set out that there are bedrooms at the front of the bungalow. I acknowledge the appellant's view when questioned on this matter at the Hearing that this matter did not form a reason for refusal and the Council does not share such concern. However, the matter has been raised by the occupants of No 37. The Council consider that the occupants of No 37 could plant a hedge to mitigate against this concern. However, this would rely on off-site mitigation with no means of securing its implementation as part of the appeal scheme. I am also mindful that any hedge would take a considerable time to establish and as evident from my site visit it would need to be of a significant size. Whilst a boundary fence could be erected, it is clear that such a boundary treatment would not be in keeping with the character and appearance of the area in this location.
41. The proposal would result in a significant number of vehicle movements associated with 53 dwellings exiting the sole access drive. It is inevitable that many of these movements would be during the hours of darkness, particularly in the winter. It is therefore unavoidable that the headlights of vehicles exiting the appeal site will shine directly onto the front elevation of No 37, which accommodates bedrooms. Given the length of the proposed access road and its straight alignment, this would be for a not insignificant period of time. I consider that this would cause considerable nuisance to the occupants of No 37, causing unacceptable harm to their living conditions.

#### *Integration and connection*

42. The Framework 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 (Paragraph 56). Further, it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes (Paragraph 57). Paragraph 61 of the Framework also identifies that '*...securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment*'.
43. The appellant has referred to Policy SD5 of the eJCS. Whilst as set out above, this can only be afforded limited weight, it does contain a number of criteria that seek to ensure that new developments are designed as functional, secure and attractive places to live, work and play. Criterion vii of Policy SD5 addresses movement and connectivity and seeks to ensure that new development is designed to integrate with existing development.

44. The appeal site would be accessed from Willow Bank Road, via a long and relatively narrow access road. When viewed from Willow Bank Road, I consider that the access road would appear as a narrow 'gateway' into the development that would appear squeezed between two existing properties, due to its close proximity to their flank elevations.
45. I acknowledge that the indicative masterplan proposes a footpath that has the potential to provide a link to the allotments to the north of the site. However, it was clear from the Hearing that this would not link to any other existing footpaths and the Parish Council set out that there was little appetite to provide any potential links to the footpath. Consequently, it must be considered that the sole access for vehicles and pedestrians, associated with a significant number of dwellings, would be via the narrow 'gateway' access, squeezed between two dwellings. It was also evident from my site visit that only fleeting glimpses are available of the appeal site between the existing properties from Willow Bank Road. For these reasons, I consider that the scheme would be viewed as an almost separate, self-contained and introverted development, with very little connection and integration with Alderton.
46. At the Hearing the appellant set out that there is no guidance saying that developments should not have one point of access. This is accepted, however, there is a clear requirement within the Framework for developments to be well connected and integrated with existing development and due to the nature of the proposed access this would not be achieved.
47. It is not disputed that Willow Bank Road is a primary route into the village and provides a link to existing facilities within Alderton to the north. Nonetheless, this could be said for any location along Willow Bank Road. In addition, I acknowledge that the proposal would utilise an existing access, but this does not currently serve residential dwellings and consists of a relatively small track to the fields beyond the existing properties along Willow Bank Road. In any event, both of these matters do not address my concerns with regard to the narrow 'gateway' access.
48. I fully accept that the proposal would reflect the density of the surrounding housing and the proposal would deliver a traditional development in terms of scale and form. I also acknowledge that the indicative layout would create a safe environment, a sense of place and a comfortable place to live, including open space within the development itself, in accordance with the Framework. Further, it is evident that there are other cul-de-sacs within Alderton, including the recently permitted development at Beckford Road. However, these matters also do not address or overcome my concerns with regard to the proposal's connection and integration with the wider settlement.
49. In conclusion, due to the nature and form of the proposed access, the proposal would not positively contribute to making places better for people, would not achieve inclusive design having regard to the wider area and would do little to integrate itself with the existing built development of Alderton. As a result, I consider that the proposal does not constitute good design and runs contrary to Paragraphs 56, 57 and 61 of the Framework and although attracting limited weight, would conflict with Policy SD5 of the eJCS, which I consider to be a failing of the scheme of significant weight.

## *Character and appearance*

50. The appeal site is located on the western side of Willow Bank Road on the south western edge of the village and is currently open land, which currently accommodates stables and a barn, but in the large is undeveloped agricultural land. The site is bordered by allotments to the north and existing residential development to the east, with open countryside to the west and south. The boundaries of the site, particularly to the north, west and south are relatively mature hedgerows, which includes many trees.
51. The site lies within the eastern edge of the central part of the National Character Area 106: Severn and Avon Vales and within the Gloucester Landscape Character Study (2006) 'Teddington and Greet Vale' area, which is set out as an 'Unwooded Vale'. The key characteristics of this 'Unwooded Vale' landscape type include medium-to large-scale hedged fields with a combination of both regular and irregular field patterns, and a relatively sparsely settled landscape with rural villages and scattered farms and dwellings. It notes that the escarpment and outliers create a sense of enclosure within the Teddington and Greet Vale, and provide a backdrop to many views across it. Further, the appeal site falls within an area designated as a Special Landscape Area (SLA), which is of local importance. The appeal site is also located adjacent to the Cotswolds Area of Outstanding Natural Beauty (the AONB).
52. Policy LND2 of the LP requires special attention to be paid to the protection and enhancement of the special landscape character of the SLA. The Framework at Paragraph 109 identifies that the planning system should contribute to and enhance the natural and local environment by (amongst others) protecting and enhancing valued landscapes. Paragraph 115 of the Framework goes on to set out that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty.
53. The appeal scheme would deliver up to 53 dwellings and although layout, scale, appearance and landscaping are reserved matters an indicative masterplan has been provided. This illustrates the retention of trees, the retention and enhancement of the western boundary hedgerow, the maintenance of filtered views from the west and the creation of a loose development edge to the west to soften the transition of the proposal to the open countryside.
54. A Landscape and Visual Sensitivity Study for the Rural Service Centres and Service Villages, by Toby Jones Associates (November 2014) (the Toby Jones Assessment) has been published in support of the eJCS. This assessment includes the appeal site in area Ald-02 and concludes that the site has a medium landscape sensitivity and a medium visual sensitivity. The Landscape and Visual Impact Assessment (LVIA) supporting the application considers that overall, the site has a medium sensitivity to residential development.
55. The Toby Jones Assessment notes character sensitivities of area Ald-02 as being the sense of the wide open vale, intrusion into the countryside that might appear at odds with the existing clustered settlement pattern and avoiding the perception of 'sprawl'. The Council's Landscape Officer has set out that the proposal would fit well with the existing settlement pattern and would 'round off' the settlement rather than presenting prominent incursion into the countryside. Given the appeal site's location and as a result of my observations on the site visit, I fully agree with this view. Consequently, I consider that any harm would be very localised. The LVIA acknowledges that

several local viewpoints would be affected by the proposal, but that any visual impacts would not be significant.

56. The Parish Council has noted that the separation of Alderton from the B4077 is an important landscape characteristic and I agree with this view. However, the proposal would not extend built development beyond the existing development to the south or to the west, when viewed from the B4077.
57. The LVIA concludes that the proposal would not cause any harm to the setting or special qualities of the AONB or public views from the AONB. Given the distance of the proposal from the AONB, that it would be viewed within the context of the existing settlement and as a result of my own observations on the site visit, I agree with this view.
58. At the Hearing the Parish Council referred to a previous appeal decision (APP/G1630/A/14/2222147) for 60 dwellings on land further to the east of the appeal site, which was refused, partly due to landscape harm and its impact on the setting of the AONB. However, the site in that case was located towards the other side of Alderton and has differing characteristics. I am also mindful that the previous Inspector found that the appeal site in that case would harm the setting of the AONB and Natural England and the Cotswold Conservation Board also raised concern in this regard. Consequently, I consider that the previous appeal decision has limited relevance to this scheme in relation to this matter and does not alter any of my conclusions.
59. In conclusion, the proposal would result in the urbanisation of an open field and would cause harm to the character and appearance of the area, which would be evident from nearby views, contrary to Policy LND2 of the LP. However, this would be localised, would not significantly alter the character of the wider landscape and would not adversely affect the setting or special qualities of the AONB. Given this, I consider that such harm carries a minor level of weight against the proposal in the overall planning balance.

#### *Other matters*

60. The proposal would deliver up to 53 new dwellings, including a 35% provision of affordable units (approximately 19 dwellings). The appellant has provided evidence that demonstrates that there is a compelling need for additional housing in the Borough. Therefore, this is a clear and significant social benefit. The proposal would also deliver some modest economic benefits, such as those generated from construction, spending of future occupants, Council Tax and Homes Bonus. I consider that these social and economic benefits in combination attract substantial weight in favour of the proposal.
61. Interested parties have raised a large number of other concerns. However, as I am dismissing the appeal on other grounds, such matters do not alter my overall conclusion and have therefore not had a significant bearing on my decision.

#### **Overall Conclusion and Balancing Exercise**

62. The proposal would deliver clear social benefits through the provision of much needed market and affordable housing within the Borough; and would provide some modest economic benefits. These benefits in combination carry substantial weight in favour of the scheme.

63. However, I have concluded that the proposed development would cause harm to the social well-being and community cohesion of Alderton that attracts moderate weight against the proposal. I have also found that the proposal would cause unacceptable harm to the living conditions of the occupants of No 54, No 56 and No 37 Willow Bank Road and does not integrate or connect well with the existing settlement and does not represent good design, both of these matters carry a significant level of weight against the proposal. Further, there would also be a limited level of harm to the character and appearance of the area. Therefore, I consider that the environmental and social roles of sustainable development have not been fulfilled.
64. As a result and on balance, I conclude that the identified harm in combination significantly and demonstrably outweighs the benefits of the proposal and the scheme does not represent sustainable development. Therefore, the appeal is dismissed.

*Jonathan Manning*

INSPECTOR

## **APPEARANCES**

### FOR THE APPELLANT:

Miss Suzanne Ornsby QC	Francis Taylor Building, Temple
Ian Jewson (BA Hons DipTP MRTPI)	Ian Jewson Planning Limited (Agent)
Jane Jarvis (BSc DipLD MA CMLI)	SLR Consulting
Peter Morgan (BA Hons (Arch) Dipl Arch RIBA ARB)	Thrive Architects
Peter Evans (Dip TP Dip Mgmt MRTPI)	Transport Planning Associates

### FOR THE LOCAL PLANNING AUTHORITY:

Tom Graham	Tewkesbury Borough Council
Paul Smith	On behalf of Tewkesbury Borough Council
Joan Desmond	Tewkesbury Borough Council
Erin Davis	Tewkesbury Borough Council

### INTERESTED PARTIES

Becky Parish	Alderton Parish Council
Mike West	Alderton Parish Council
Keith Page	Alderton Parish Council
David Crofts	On behalf of CPRE
John Shepherd	Local Resident
Jennifer Todd	Local Resident
Nigel Sissons	Local Resident

# **APPENDIX G**



## Appeal Decision

Hearing held on 17 June 2015

Site visit made on 17 June 2015

**by Jonathan Manning BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 July 2015

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**Appeal Ref: APP/G1630/W/14/3001584**

**Land East of Willow Bank Road, Alderton, Tewkesbury, Gloucestershire, GL20 8NJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Banner Homes Midlands Limited against the decision of Tewkesbury Borough Council.
  - The application Ref 14/00414/FUL, dated 2 May 2014, was refused by notice dated 16 September 2014.
  - The development proposed is 24 dwellings, access, landscaping and other associated works.
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### Decision

1. The appeal is allowed and planning permission is granted for 24 dwellings, access, landscaping and other associated works at Land East of Willow Bank Road, Alderton, Tewkesbury, Gloucestershire, GL20 8NJ, in accordance with the terms of application Ref: 14/00414/FUL, dated 2 May 2014, subject to the conditions in the attached schedule.

### Procedural Matters

2. The Council's reason for refusals 2, 3, 4, 5 and 6 relate to the absence of a legal agreement(s) to secure: affordable housing; provision for on-site or off-site outdoor play space and playing pitches with changing facilities; secondary school education infrastructure; on and off-site community infrastructure and improved health care facilities; and highway improvements. At the Hearing a signed and dated Section 106 agreement and a signed and dated Unilateral Undertaking were provided, which had been agreed with the Council and Gloucestershire County Council respectively. The Council confirmed that the legal agreements provided have now overcome these reasons for refusal. From the evidence before me, I consider that the requirement for these provisions meets the three tests set out in Paragraph 204 of the National Planning Policy Framework (the Framework) for planning obligations, which reflect those set out in Regulation 122 of the Community Infrastructure Levy (CIL) (2010). Therefore, I have not considered such matters further in my decision.
3. This appeal was part of back-to-back Hearings that were undertaken with a development for 53 dwellings at Land to the West of Willow Bank Road, Alderton. This was due to the similar nature of the proposals and their very close proximity to one another. However, for the avoidance of doubt, I have

determined each proposal on its individual merits and on the evidence that is before me for each case.

4. At the Hearing, the appellant provided two drawings showing illustrative boundary treatments for the south and east sides of the site. An adjournment was held for all interested parties to be able to sufficiently consider the indicative drawings. Consequently, I consider that no parties have been prejudiced.
5. Alderton Parish Council (the Parish Council) has raised concerns that the drawings provided are inappropriate for ease of considering the proposed development. However, having carefully reviewed the plans, I consider that all drawings are clear and accurate and offer a suitable basis to consider the appeal scheme.

### **Main Issues**

6. As a result of the evidence before me, including the concerns of Alderton Parish Council and local residents, I consider that the main issues of the appeal are whether the proposal would cause harm to the well-being and community cohesion of Alderton and the effect of the proposal on the character and appearance of the area.

### **Reasons**

#### *Background and policy context*

7. The appeal site is located outside of the Alderton development boundary. Policy HOU4 of the Tewkesbury Borough Local Plan (2006) (the LP) seeks to restrict development outside of such areas, to that requiring a rural location, which does not apply to the proposal.
8. The Government is seeking to significantly boost the supply of housing, as set out in Paragraph 47 of the Framework. Further to this, the Framework at Paragraphs 14 and 49 identifies that there is a presumption in favour of sustainable development. Paragraph 49 of the Framework sets out that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. The Council has accepted that it cannot currently demonstrate a five year housing land supply. Consequently, the Council's policies that relate to the supply of housing, most notably in this case Policy HOU4 of the LP, is out-of-date.
9. In these circumstances, Paragraph 14 of the Framework advises that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This balancing exercise is undertaken at the end of my decision.

#### *The social well-being of Alderton and community cohesion*

10. It is clear from the evidence of the Parish Council and from those who made representations at the Hearing that Alderton is a vibrant and healthy community. There are many local clubs and associations and residents evidently take a keen interest in their community, many of whom have lived in the village for a considerable period of time.

11. Planning permission was granted on appeal for 47 dwellings on land to the south of Beckford Road (APP/G1630/A/13/2209001, dated 22 May 2014) (the Beckford Road scheme) and it was evident from my site visit that construction is well underway, with many dwellings appearing to be nearing completion. In granting permission, the Inspector stated that *'Substantially increasing the number of dwellings in a settlement without proportionate increases in infrastructure, employment opportunities and other local services risks eroding community cohesion, and the fact that 47 dwellings have now been allowed on appeal will be a consideration to be weighed in the balance when considering any future proposals'*.
12. Further to this, a scheme was refused at appeal (APP/G1630/A/14/2222147, dated 17 March 2015) for 60 no. dwellings (net increase of 59 dwellings) at Land east of St Margarets Drive, Alderton (the St Margarets Drive scheme). This was for a relatively similar development to the proposal, albeit larger in scale and included concerns with regard to the social well-being of the community. Consequently, I have given the previous Inspector's findings in this regard significant weight.
13. The Council maintain that the proposal when considered cumulatively with the Beckford Road scheme would be of a scale disproportionate to the existing settlement. This is based on the view that the proposal would not be proportional to the role of Alderton as a service village in the emerging Gloucestershire City, Cheltenham Borough and Tewkesbury Borough Joint Core Strategy (the eJCS). Further, the Council has set out that the scheme would fail to maintain or enhance the vitality of Alderton and would harm the social well-being of the community, risking its cohesion.
14. The Council are in the process of preparing the eJCS, which includes Alderton as an identified service village. The eJCS at Policy SP2: Distribution of New Development sets out that service villages will be expected to accommodate some housing. Policy SP2 also notes that the level of development to be allocated in the service villages through the Tewkesbury Borough Plan and Neighbourhood Plans, will be proportional to their size and function and also reflecting their proximity and accessibility to Cheltenham and Gloucester. Due to the current stage of preparation of the eJCS and that its examination has not yet been completed, having regard to the guidance on this matter provided by Paragraph 216 of the Framework it can only be afforded limited weight. Therefore, I consider that the policies of the eJCS, the proposed housing figures and their subsequent distribution attract limited weight. The emerging Tewkesbury Borough Plan is at a very early stage of production and can also be afforded little weight.
15. The Parish Council has raised concern that the proposal would be contrary and premature to the emerging Alderton Neighbourhood Plan (the eANP) and its identified housing needs. It is evident that the preparation of the eANP is at a relatively early stage and consequently is not at a point of preparation where prematurity is considered to be an issue (Paragraph: 014 Reference ID: 21b-014-20140306 of the PPG). Given its stage of preparation, the eANP can be afforded little weight. I acknowledge the work of the Service Village Forum and the Parish Council's view that the Beckford Road scheme has delivered an appropriate level of housing for Alderton. However, I am mindful that the housing figures of the eANP are influenced by those set out within the eJCS, which I have found can only be afforded limited weight.

16. As a result, it is difficult to predict the level of housing that Alderton will be expected to accommodate in the future, particularly when considered against the Council's current housing land supply position and the current stage of preparation of the eJCS. Therefore, at the current time it cannot be concluded that the proposal, when considered with the Beckford Road scheme, would be disproportional to the role of Alderton as a service village as set out in the eJCS and should consequently, not go against the proposal.
17. The Framework at Paragraph 55 seeks to promote sustainable development in rural areas and sets out that housing should be located where it will enhance or maintain the vitality of rural communities. The Inspector of the St Margarets Drive scheme found that Alderton is an accessible location within the rural area with a range of day today services and it has reasonable accessibility being close to the B4077, with a limited bus service and I agree with this view.
18. It is evident that Alderton accommodates a reasonable range of local services and facilities, including a primary school, public house, post office and village store, village hall, petrol filling station with convenience store, a pre-school and nursery and children's play area, as agreed in the Statement of Common Ground (SOCG). The appellant has also noted that there are a wide range of clubs and associations. Gloucestershire County Council has confirmed that there are suitable spaces at the local primary school to accommodate the children generated by the proposal in addition to those from the Beckford Road scheme. The appellant has also provided evidence to demonstrate that the nearby GP surgery at Winchcombe is taking new patients. I consider that no substantive evidence has been provided to show that these facilities or infrastructure in the area could not accommodate the proposal and the Beckford Road scheme. Further, there is nothing before me to suggest that the proposal would unacceptably affect broadband speeds or that existing speeds are unsuitable in Alderton. The appellant has provided evidence that the local shop owner is seeking more business. Therefore, I am sure that some local businesses and associations would welcome increased patronage. I also accept the appellant's view that nearby settlements also offer additional services and facilities.
19. The appeal proposal would make contributions through the planning obligations towards affordable housing, secondary school education, highways, dog signage, play facilities, playing pitches and sport facilities. It was noted by the Inspector of the St Margarets Drive scheme that such contributions would be benefits and I concur with this.
20. In terms of employment, no permanent jobs would be provided through the scheme, but it would provide jobs during its construction phase and is likely to help assist in the viability of local jobs in the area in the longer term. The Parish Council has raised concern that the proposal is likely to result in out commuting and this is likely to be done by a private motor vehicle, which would not promote sustainable modes of transport. I accept that the occupants of the proposed dwellings are likely to be largely reliant on a private motor vehicle. However, I am mindful that Paragraph 29 of the Framework acknowledges that opportunities to maximise sustainable transport solutions will vary from urban to rural areas and the provision of 24 dwellings is unlikely to have any significant effects in this regard. Further, the surrounding settlements are within a reasonable car journey of Alderton and it is also set out within the

agreed SOCG that there are employment opportunities more local than Tewkesbury and Cheltenham at Ashchurch, Bishops Cleeve and Toddington.

21. Given the findings above, I consider that no compelling evidence has been provided to demonstrate that the proposal when considered with the Beckford Road scheme could not be accommodated by the existing services, facilities and infrastructure in Alderton. Further, it is not considered that the proposal would cause any significant harm from out commuting.
22. Despite my findings with regard to the above matters, it is my view that social well-being and community cohesion goes beyond such considerations, particularly in a relatively modest rural village. The core planning principles of the Framework at Paragraph 17 ultimately seeks to deliver social well-being for all. Alderton currently accommodates between 268 and 277 dwellings, depending on which source is used. The proposal and the recent Beckford Road scheme would result in 71 new dwellings, an approximate increase of the community of 26%. For a rural village, I consider such an increase to not be insignificant.
23. The Council has referred to a number of social cohesion and sustainability studies, however, these all relate to large developments and have very limited application to a relatively small rural village. The Inspector of the St Margarets Drive scheme shared this view. It is clear from the Parish Council's appeal evidence and references to the evidence base that supports the eANP that many residents choose to live in Alderton because it is a quiet rural village and an overall increase of 26% would to some degree suburbanise the village affecting this characteristic of Alderton that local residents currently enjoy.
24. Further, I accept the Parish Council's concerns that the introduction of a considerable quantity of new residents that are unlikely to be familiar with the community of Alderton would take the existing community some time to adjust. The appellant has provided evidence to suggest that 72% of people only move within 10 miles from their home. However, they are still unlikely to be familiar with the existing community.
25. This would lead to some adverse effects on the social well-being and community cohesion of Alderton, as people would not know one another and initially there would be little social interaction until such connections were made, which would no doubt take time.
26. This view is supported by the Inspector of the St Margaret's Drive appeal and the Inspector of a relatively comparable appeal in Feniton, Devon<sup>1</sup>, which parties have referred to. The Inspector of the Feniton decision also noted that the residents of Feniton, like other communities, expect (quite rightly) that decisions about its capacity to accommodate more housing should be taken through the Local Plan process and in this context a considerable quantity of new housing being allowed on appeal in advance of this process is likely to lead to hostility and resentment towards the occupiers of the new housing. Given the concerns of the Parish Council, local residents and the specific circumstances of the eJCS, I consider that this is equally relevant to this proposal.

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<sup>1</sup> APP/U1105/A/13/2191905, dated 7 April 2014

27. The appellant has referred to 'A Summary of the Community Involvement Programme' that accompanied the planning application, which includes comments from local residents on development in Alderton. Whilst I note the comments, that from the developments proposed, the appeal proposal is the most preferred, this offers a very limited view of local residents and does not represent the community as a whole, who through the Parish Council and from their own representations have raised concern.
28. The appellant has referred to an appeal decision at Stoke Orchard (APP/G1630/A/14/2223858, dated 22 January 2015), where the impact of further housing development on social cohesion in the village was not considered to be materially harmed. However, I agree with the Inspector of the St Margaret Drive scheme that the development in Stoke Orchard is not comparable to a scheme in Alderton, as Stoke Orchard had recently experienced substantial expansion arising from a brownfield site redevelopment.
29. The appellant has referred to an appeal decision (APP/L3245/A/14/2229145, dated 5 June 2015) for the development of 14 dwellings at Land off Bearstone Road, Norton-in-Hales. The Inspector found that the proposal was not of such scale where it would cause material harm to community cohesion. I am mindful that this is however a different settlement, is smaller in scale than the proposal and was not considered cumulatively with other recently permitted development, as is the case with this proposal. Consequently, I consider the appeal decision is of limited relevance to this proposal.
30. Notwithstanding the above findings, I am mindful that this matter would not on its own outweigh the evident and compelling need for new housing within the Borough. But it is nonetheless, a matter to be weighed in the overall planning balance. This view is shared by the Inspector of the Feniton decision, which I consider adds weight to my findings.
31. In conclusion, I have found that at the current time it cannot be concluded that the proposal, when considered with the Beckford Road scheme, would be disproportional to the role of Alderton as a service village in eJCS and should consequently, not go against the proposal. I have also found that there is no compelling evidence to suggest that existing local services, facilities and infrastructure in Alderton could not accommodate the proposal in addition to the Beckford Road scheme, which would also increase patronage to such local services and facilities. However, I have found that the proposal would in combination with the Beckford Road scheme represent a considerable expansion of the village, causing harm to the social well-being, community cohesion and therefore to some degree the vitality of Alderton. This runs contrary to Paragraphs 17 and 55 of the Framework as well as Section 8 of the Framework, the latter seeks to promote healthy communities.
32. Given the scale of the proposal, which is significantly smaller than that of the St Margaret Drive scheme, I consider that this matter attracts a moderate level of weight against the proposal in the overall balancing exercise.

#### *Character and appearance*

33. The appeal site is located on the eastern side of Willow Bank Road on the southern edge of the village and is currently open pasture land. The site is bordered by existing residential development to the north and to the west, with

open countryside to the east and south. A Public Right of Way (PROW) runs parallel to the southern boundary in relatively close proximity to the appeal site.

34. The site lies within the eastern edge of the central part of the National Character Area 106: Severn and Avon Vales and within the Gloucester Landscape Character Study (2006) 'Teddington and Greet Vale' area, which is set out as an 'Unwooded Vale'. The key characteristics of this 'Unwooded Vale' landscape type include medium to large scale hedged fields with a combination of both regular and irregular field patterns, and a relatively sparsely settled landscape with rural villages and scattered farms and dwellings. It notes that the escarpment and outliers create a sense of enclosure within the Teddington and Greet Vale, and provide a backdrop to many views across it. Further, the appeal site falls within an area designated as a Special Landscape Area (SLA), which is of local importance. The appeal site is also located adjacent to the Cotswolds Area of Outstanding Natural Beauty (the AONB).
35. Policy LND2 of the LP requires special attention to be paid to the protection and enhancement of the special landscape character of the SLA. The Framework at Paragraph 109 identifies that the planning system should contribute to and enhance the natural and local environment by (amongst others) protecting and enhancing valued landscapes. Paragraph 115 of the Framework goes on to set out that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty.
36. The proposal would result in the delivery of 24 dwellings and associated curtilages. Despite the concerns of the Parish Council and local residents, it is evident that the site layout has been designed to reflect the density, style and grain of development within Alderton, which includes a mix of types and styles. The proposal also includes generous rear gardens on the eastern and southern boundaries that back onto the open countryside. Further, drawings showing indicative boundary planting schemes for the southern and eastern boundaries were provided at the Hearing to demonstrate how the transition from the proposal to the open countryside could be softened.
37. Since the Council's determination of the planning application a Landscape and Visual Sensitivity Study for the Rural Service Centres and Service Villages, by Toby Jones Associates (November 2014) (the Toby Jones Assessment) has been published in support of the eJCS. This assessment includes the appeal site in area Ald-01 and concludes that the site has a medium landscape sensitivity and a high visual sensitivity. The Toby Jones Assessment notes that the appeal site is relatively prominent from the south due to the topography of the land between the B4077 and the village edge. It is also noted that there is influence from the existing 20<sup>th</sup> Century settlement edge that offers some precedence and mitigation for new residential development, although it is emphasised that the openness between the settlement edge and the small stream to the south is an important characteristic.
38. During the site visit, I observed the appeal site from the B4077 and the PROW to the south and although the proposal would be clearly evident, it would be viewed within the context of the existing residential development to the north and west. Importantly, it was also clear that the proposal would not result in built development projecting further into the open countryside than the existing dwellings on the western side of Willow Bank Road opposite the appeal site or

to the east of the site. The proposal would in essence 'square-off' this part of the village. I consider that this limits the level of change to the settlement pattern and the harm that would be caused. The proposal would also leave open space between the settlement edge and the small stream and therefore would not harm this important characteristic as set out within the Toby Jones Assessment.

39. The Toby Jones Assessment identifies that a key sensitivity from views from the south, is the preservation of views to the historic village core and church. Given the location of the appeal site on the far western part of identified area Ald-01, the proposal would not harm the views of the village core or the church when viewed from the south and east.
40. The Landscape and Visual Impact Assessment (LVIA) supporting the application reaches the conclusion that the development would cause only localised landscape and visual impact. Given my findings above, I agree with this conclusion.
41. The LVIA concludes that due to the distance of the site from the AONB and the level of development between the two, the proposal would not cause any significant harm to the setting of the AONB. It is also concluded that the proposal would not cause harm to any important public views from within the AONB. I am also mindful that the Council, Natural England and the Cotswold Conservation Board concur with this assessment. For the above reasons and as a result of my own observations on the site visit, there is no evidence to suggest that I should take a different view.
42. I acknowledge that the St Margarets Drive scheme for 60 dwellings on the land immediately to the east of the appeal site was refused, partly due to landscape harm and its impact on the setting of the AONB. However, this was for a much greater number of dwellings on a larger site, located further to the east of Alderton and did not have the same relationship with the existing properties to the west and north as this appeal site. I am also mindful that the previous Inspector found that the appeal site in that case contributed to the setting of the AONB and Natural England and the Cotswold Conservation Board also raised concern in this regard. Consequently, I consider that the previous appeal decision has limited relevance to this scheme and does not alter any of my conclusions on this matter.
43. Interested parties have raised concern that the creation of the access road into the appeal site and the private accesses to Plot 1, Plot 2 and Plots 20-24 would result in the removal of boundary hedges. However, I observed that the dwellings on Willow Bank Road to the north of the appeal site have breaks in the boundary hedging for their driveways. Consequently, I consider that such breaks in the boundary hedges would not appear out of keeping with the character and appearance of the area.
44. The Parish Council consider that the scale and appearance of the proposed dwellings does not comply with the Alderton Design Statement (2014) (the ADS). However, the dwellings are of a relatively traditional style, which I consider would complement the architectural style and materials of the existing dwellings within the vicinity, in accordance with the ADS. I am also mindful that the Council has not raised any concern in this regard.

45. In conclusion, the proposal would result in the urbanisation of an open field and would cause harm to the character and appearance of the area, which would be evident from views from the south, namely from the B4077 and the PROW, contrary to Policy LND2 of the LP. However, this would be localised and would not adversely affect the character of the wider landscape or the setting or special qualities of the AONB. Given this, the design and layout of the proposal, its relationship with existing residential development to the north and west and the scope for sensitive boundary planting, I consider that such harm carries a minor level of weight against the proposal in the overall planning balance.

*Other matters*

46. The proposal would deliver 24 new dwellings, of which 9 would be affordable units. The appellant has provided evidence to demonstrate that there is a compelling need for housing in the Borough. This is therefore, a clear social benefit of the scheme. The proposal would also deliver some modest economic benefits, such as those generated from construction, spending of future occupants, Council Tax and Homes Bonus. I consider that these social and economic benefits in combination attract substantial weight in favour of the proposal.
47. Interested parties have raised concern that the proposal may lead to increased flood risk. The application was supported by a flood risk assessment that identified the appeal site being located in flood zone 1 and that there is a low risk of flooding from all sources. Severn Trent Water has also not raised any concern with regard to sewerage capacity. Further, I consider that any matters associated with drainage can be suitably addressed by the imposition of a planning condition requiring full details to be provided and agreed with the Council before the development commences.
48. A Transport Statement was submitted with the planning application that sets out the proposal would not adversely affect the network of highways close to the appeal site, including the junction with the B4077 and has adequate access. This is also agreed by the Council in the SOCG, although several planning conditions are considered necessary to provide a footway link towards the village centre and a bus stop. Further, a financial contribution is sought to provide two gateway features either side of the Willow Bank Road. I consider that the imposition of the suggested conditions and the financial contribution for the gateway features, which has been secured within the signed and dated Section 106 agreement suitably addresses any highway concerns. I did not observe anything on my site visit that has led me to take a different view. In addition, I consider that the proposal makes suitable on-site parking provision. Consequently, I consider that no substantive evidence has been provided to suggest that I should depart from the agreed position in the SOCG. Further, there is no evidence before me to suggest that the proposed accesses of the proposed development are inadequate.
49. Concern has been expressed that construction traffic would cause highway safety concerns due to local weight limits and the routes available to the site. However, I am mindful that the Council has not raised such concerns and very little evidence has been provided to support such views.
50. I acknowledge that the outlook from the properties to the north of the appeal site would be altered from views of open countryside to residential dwellings

and their curtilages. However, due to the orientation and separation distances between the proposed dwellings and existing properties, the proposal would not be overbearing, would not result in any loss of sun or daylight or cause any unacceptable noise and disturbance. Consequently, the proposal would not cause any material harm to the living conditions of the occupants of the existing properties. A local resident has set out that the proposed rear access to Plots 4 to 10 raises security issues. However, I consider that the presence of the dwellings themselves would offer suitable natural surveillance. In addition, the rear access would be separated by existing boundary treatments and vegetation from the properties to the north. I consider that these matters ensure that there are no security concerns.

51. Concern has been raised that the proposal will cause harm to ecology, tourism and would result in the loss of valuable agricultural land and cause light pollution. However, no substantive evidence has been provided to support such views.

### *Overall Conclusion and Balancing Exercise*

52. The proposal would deliver 24 new dwellings, including 9 affordable units towards a compelling need for new housing in the Borough, a clear social benefit; and provides some modest economic benefits. I consider that these benefits in combination carry substantial weight in favour of the scheme.
53. On the other hand, I have found that the proposal would cause harm to the social well-being and community cohesion of Alderton, which carries a moderate level of weight against the proposal. Further, there would be a limited level of harm to the character and appearance of the area that attracts a minor level of weight against the proposed development.
54. As a result, I conclude that the identified harm in combination does not significantly and demonstrably outweigh the benefits of the proposal and the scheme represents sustainable development for which there is a presumption in favour. Therefore, whilst fully acknowledging the concerns of the local MP, the Parish Council and local residents, which I have taken into account in my decision, the appeal should succeed.

### *Conditions*

55. I have considered the 21 conditions suggested by the Council against the tests set out within the Framework and the advice provided by the PPG and have amended them where required. In the interests of sound planning and for the avoidance of doubt, conditions are imposed that require the development to commence within three years from the date of this decision and requires the development to be carried out in accordance with the approved plans.
56. To ensure the suitable appearance of the development, conditions are necessary that require: details of existing and proposed ground levels and ground floor slab levels of the buildings, to be provided; detailed drawings of the proposed eaves, soffits, barge boards and fascia boards, including their colour; samples of the proposed external walling and roofing materials to be provided and agreed; a landscaping scheme to be agreed with the Council; and that all planting, seeding and turfing detailed in the approved landscaping scheme is carried out in the first planting and seeding season following the first

occupation of any of the buildings or completion of the development, whichever is the sooner.

57. In the interests of highway and pedestrian safety, conditions are imposed that require: suitable visibility splays to be provided and permanently maintained; the car parking associated with each dwelling to be provided before it is occupied; access road(s) (including surface water drainage/disposal, vehicular turning head(s), street lighting, and footways where proposed) providing access from the nearest public road to that dwelling to be completed to at least binder course level with the footways complete to surface course and maintained in that form until and unless adopted as highway maintainable at public expense; details of a new bus stop located in the vicinity of the Willow Bank Road/St Margaret's Road junction to be agreed with the Council; and details of a pedestrian footway link to the north west of the site linking to the existing public footpath with dropped kerb crossing facilities provided at St. Margaret's Drive to be agreed with the Council.
58. At the Hearing, the Council noted that not all of the Highway Authority's suggested conditions had not been proposed. The Highway Authority's suggested condition 1 is considered necessary by the Council and it was agreed at the Hearing that this should be combined with a similar condition suggested by the Council (No 14 in the SOCG). I consider that this is acceptable and I have done so in condition No 8 in the attached schedule below. Further, the Council are of the view that the suggested condition No 9 of the Highway Authority is also necessary. This requires details of the proposed arrangements for future management and maintenance of the proposed streets to be agreed prior to development and implemented until such a time as either a dedication agreement has been entered into or a private management and maintenance company has been established. The appellant set out that there was no objection to the imposition of the condition, but noted that should the streets be adopted as public highway that this should discharge the condition. The Council noted that in such a circumstance the condition would be discharged and I see no reason to disagree with this view. I have there amended the suggested condition to reflect this matter.
59. In the interests of the living conditions of the occupants of neighbouring properties, conditions are imposed that require: the first floor window in the side north-west elevation of Plot 12 to be fitted with obscured glass and is non-opening; an External Lighting Strategy to be agreed with the Council; and a Construction Management Plan to be provided and agreed with the Council.
60. To ensure that the development does not increase flood risk, a condition is imposed that requires comprehensive evidence based drainage details, including a SuDS/drainage management plan, to be submitted and approved in writing by the authority in accordance with the commitments and recommendations of the submitted Flood Risk Assessment (April 2014). In the interests of ecology, a condition is also necessary that requires an Ecological Management Plan to be provided.
61. To ensure community safety, a condition is necessary that requires details of the provision of fire hydrants served by mains water supply, including a timetable for their provision to be agreed with the Council.
62. At the Hearing the Council set out that its suggested condition 3 of the SOCG, which requires a programme of archaeological work to be secured and

implemented was not necessary. Given the response to the planning application consultation by the County Archaeologist, I concur with this view.

63. I consider that the Council's suggested condition 13 and 21 of the SOCG provide duplication, insofar that condition 13 requires a construction management plan, which includes the specification of the intended hours of construction operations to be agreed with the Council. Therefore, I consider that condition 21 is superfluous and should not be imposed.
64. The appellant set out at the Hearing that the Council's suggested condition 20 of the SOCG that requires a 30% improvement in carbon reduction above the 2010 Building Regulations is no longer appropriate given the guidance provided in Paragraph 009 (Reference ID: 6-009-20150327) of the PPG. At the Hearing, the Council accepted that the condition was no longer required and I share this view.

*Jonathan Manning*

INSPECTOR

## **APPEARANCES**

### FOR THE APPELLANT:

Phillip Rawle	PRP Consultants (Agent)
Rob Hindle	Rural Solutions
Robert Hughes	Landscape Architect

### FOR THE LOCAL PLANNING AUTHORITY:

Paul Smith	On behalf of Tewkesbury Borough Council
John Hinett	Tewkesbury Borough Council

### INTERESTED PARTIES

Becky Parish	Alderton Parish Council
Mike West	Alderton Parish Council
Keith Page	Alderton Parish Council
Jim Mason	Tewkesbury Borough Councillor
Roger Wilson (Read by Alderton Parish Council)	Gloucestershire County Councillor
Alex Greaves	On behalf of Edward Ware Homes Ltd
Nigel Sissons	Local Resident
Jennifer Todd	Local Resident
Pam Williams	Local Resident
John Appleton	Local Resident
Jane Hamilton	Local Resident

## **DOCUMENTS SUBMITTED AT THE HEARING**

1. Signed and dated Statement of Common Ground, submitted by both parties.
2. Signed and dated Unilateral Undertaking, submitted by the appellant (hard copy provided by the Council).
3. Signed and dated Section 106 agreement, submitted by the appellant (hard copy provided by the Council).
4. Drawing: Illustrative Boundary Treatment – East Side, submitted by the appellant.
5. Drawing: Illustrative Boundary Treatment – West Side, submitted by the appellant.
6. Photo viewpoints A to D, submitted by the appellant.
7. Secretary of State Appeal Decision: APP/V3120/A/2210891, dated 19 February 2015, submitted by the appellant.
8. Appeal Decision: APP/Y2810/A/14/2228921, dated 12 June 2015, submitted by the appellant.
9. Appeal Decision: APP/L3245/A/14/2229145, dated 5 June 2015, submitted by the appellant.
10. High Court Decision Extract: Gallagher Homes Limited and Lioncourt Homes Limited v Solihull Metropolitan Borough Council (CO/17668/2013), submitted by the appellant.

11. Website print out of Alderton Newsletter June 2015, submitted by the appellant.
12. Website print out of news article 'A plea from Alderton Village Shop', submitted by the appellant.
13. Government's Planning Practice Guidance – Neighbouring Planning, A Summary of the Key Stages in Neighbourhood Planning, submitted by the appellant.
14. Map of viewpoints, submitted by Alderton Parish Council.

# **APPENDIX H**

## Alderton, Gloucestershire

### Planning, Development and Flood Risk

#### Technical Note

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<b>Project ref:</b>	4675 – Alderton, Gloucestershire
<b>Prepared by:</b>	Geoff Waite BSc CEng C.WEM MICE MCIWEM <i>Consultant</i>
<b>Checked and Approved by:</b>	Andrew Grime BEng MBA CEng C.WEM MICE FCIWEM <i>Consultant</i>
<b>Date:</b>	22 December 2020
<b>Version:</b>	Final v1.0

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#### Introduction

1. This Technical Note has been prepared by Weetwood Services Ltd ('Weetwood') on behalf of Alderton Parish Council.
2. Weetwood carried out a detailed watercourse system survey and hydraulic study (hereinafter referred to as 'the 2010 Hydraulic Study') for the combined parishes of Alderton and Gretton between 2008 and 2010. The main drivers for the 2010 Hydraulic Study were the various instances of flooding that had occurred prior to 2010, particularly the extensive flooding in 2007. The findings of the 2010 Hydraulic Study were documented in a detailed report<sup>1</sup>.
3. The purpose of this Technical Note is to revisit the findings of the 2010 Hydraulic Study and to highlight the impact of proposed developments on the known flooding problem areas in Alderton. The Note is accompanied by an A0 size poster illustrating some of the findings of the 2010 Hydraulic Study along with photographic evidence of observed flood events and the locations of proposed development.
4. It is suggested that the poster is displayed in a public place within the village. Parish Councillors and residents are requested to provide photographs and other information relating to their own personal experiences of flooding. Photographs and other relevant information can then be added to the Note and poster to illustrate actual observed flooding in comparison to historical and predicted flooding events.
5. The 2010 Hydraulic Study had a limited budget and resources were prioritised on known flooding problems that directly affected properties. It was therefore not possible at the time to analyse all known flooding issues. One key aspect that was not addressed at the time was the hydraulic performance of Washbourne Brook, despite the fact that flooding had been observed in the Brook. This was because the flooding in the brook did not directly impact any properties in Alderton at that time.
6. It is now vitally important that the flood extents of Washbourne Brook are examined in more detail for two important reasons. Firstly, some of the proposed developments in the village (including one recently proposed development on Willow Bank Road) could be subject to direct flooding from the Brook. Secondly, there are occasions when the village of Alderton is completely cut off to traffic from all possible directions. This occurs when there is a combination of flooding in the following locations:
  - On Washbourne Brook at the arch bridge where it crosses Willow Bank Road
  - At Great Washbourne to the west which blocks Beckford Road
  - On Dibden Lane to the east of the village

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<sup>1</sup> Gretton and Alderton Watercourse System Survey and Hydraulic Study, Weetwood, Report Reference 1211/R01/Final/GW, 10 May 2010

The flooding on the B4077 at the caravan park to the east of Alderton and near to the Hobnails public house to the west coupled with flooding on the A46 near to the Beckford Hotel restricts access into the village from the wider area.

7. The 2010 Hydraulic Study also did not address foul sewage. New and proposed development will also impact on the performance of the foul sewer network, particularly the performance of the existing public foul sewer pipe bridge immediately to the west of Willow Bank Road and near to Corner Cottage. The pipe bridge is observed to leak during heavy rainfall which suggests that it is also carrying some surface water runoff. All of the foul sewage generated from both existing houses and newly built houses has to cross this pipe bridge. This Technical Note briefly mentions the likely impact of development on the performance of foul sewer network.
8. Since 2010 the Alderton Neighbourhood Development Plan has been produced and there have been several planning applications for residential development in Alderton. Two of these planning applications have been approved at appeal and those developments have been built out.
9. There is again a limited budget to produce this Technical Note and so recommendations for future work are included. It will also be possible to carry out further modelling work as necessary in the future to assess the detailed impact of individual developments on the existing pipe networks.

#### The A0 Size Poster Accompanying this Technical Note

10. The A0 size poster illustrates the discussions in this Technical Note and provides the following information:
  - The existing surface water flow paths in Alderton
  - Environment Agency Flood Map for Planning
  - Environment Agency recorded historical flood outline
  - Environment Agency Surface Water Flood Map
  - Historical flooding records for Alderton along with actual flooding photographs
  - Key findings of the 2010 Hydraulic Study
  - Predicted flood volumes taken from the hydraulic models produced for the 2010 Hydraulic Study
  - Proposed development locations in Alderton

#### Background to Surface Water Runoff in Alderton

11. All surface water runoff from roofs, paved areas and other areas of hardstanding in Alderton discharges into Washbourne Brook via one of three small watercourses passing through the village. For the purposes of this Technical Note these watercourses are referred to as the 'Westerly Village' Watercourse, the 'Bridle Path' Watercourse and the 'Village Hall' watercourse.
12. The three watercourses are classified as 'Ordinary Watercourses'. This means that any activities on the watercourses come under the control of the Lead Local Flood Authority. Gloucestershire County Council are Lead Local Flood Authority under the Land Drainage Act 1991 but delegate some of these responsibilities to Tewkesbury Borough Council.
13. The three watercourses originate to the north of Alderton and run in a southerly direction either through or close to the village. All three watercourses subsequently discharge into Washbourne Brook, a tributary of the River Carrant. Washbourne Brook is classified as 'Main River'. This means that any activities on the Brook are regulated by the Environment Agency rather than by Gloucestershire County Council.
14. The 'Westerly Village' watercourse flows immediately adjacent to the western boundary of the recently completed Charles Church Development (planning reference 13/00114/FUL) off Beckford Road. This watercourse joins Washbourne Brook downstream of the Wastewater Treatment Works serving the village
15. The 'Bridle Path' watercourse and the 'Village Hall' watercourse enter two main surface water pipe networks that run through the village. These pipe networks also collect runoff from roads, roofs and other areas of hard standing in the village.

16. The 'Bridle Path' watercourse enters a pipe/culvert adjacent to the bridle path just to the north of the junction of Beckford Road and Willow Bank Road. The flows in this watercourse then continue in a pipe network located in and adjacent to Willow Bank Road. The pipe network connects into Washbourne Brook at the road bridge on Willow Bank Road (which is commonly known and referred to as the 'arch bridge'). It should be noted that there used to be a ditch present along Willow Bank Road adjacent to the recently completed Cala Homes development (application 14/00414/FUL). This ditch was piped beneath the footpath/entrance road when the development was built out.
17. The 'Village Hall' watercourse enters a pipe/culvert in the garden of No 2 Orchard Road, just to the north of the village hall itself. The pipe network then follows Dibden Lane and School Road before turning south opposite the primary school. The pipe system runs through the garden of No 16 School Road before emerging into an open channel running between properties on Blacksmiths Road (numbers 3 to 9) and Church Road (numbers 4 to 8). There is then a short length of culvert beneath the continuation of St Margarets Road. Downstream of this point the pipe emerges into a ditch/watercourse to the north of Lower Farm. This watercourse then flows south to join Washbourne Brook to the south of Lower Farm.

#### The 2010 Hydraulic Study

18. The 2010 Hydraulic Study included various surveys, hydraulic analysis and reporting.
19. The surveys carried out to support this study included manhole survey, channel survey and CCTV survey of the underground surface water drainage assets. The surveys revealed various defects in the pipe networks. It is normal to classify defects in pipe networks as one of two main types:
  - Structural defects – these include cracks, fractures and collapses. These defects normally require excavation for repair although there are some forms of internal repairs (or 'no dig' solutions) that can be employed for repair.
  - Service Defects – these include siltation, debris and root intrusions. These defects can normally be addressed by maintenance techniques within the pipe itself (e.g. jetting, root cutting) which do not involve excavation.
20. The surveys in 2010 revealed a general lack of maintenance over some considerable time. In addition, a number of structural defects were identified. Both types of defect contribute to reducing pipe capacities.
21. Alderton Parish Council have confirmed that there have been no structural repairs carried out on the surface water pipe networks in Alderton since 2010. There has, however, been some limited maintenance works to the pipe networks including removal of debris and minor blockages. Gully cleaning is also carried out.
22. Hydraulic models of the 'Bridle Path' and Village Hall' surface water pipe systems were produced for the 2010 Hydraulic Study in order to analyse model predictions in comparison to recorded flooding incidents.
23. The two pipe networks receive natural runoff from farmland/grassland to the north of the village as well as runoff from impermeable areas within the village. The natural runoff forms a significant proportion of flow in the pipe networks. The natural runoff also carries large volumes of suspended silt which is then deposited in the pipe systems further downstream leading to reduced pipe capacities.
24. The two hydraulic models also assessed the impact of known blockages and other defects in the pipe systems. There was a good correlation between the model outputs and recorded flooding incidents thereby giving a high degree of confidence in the model results and predicted flood volumes.
25. The flooding in the two surface water pipe networks and flooding in Washbourne Brook will be significantly impacted by the increased surface water runoff from impermeable surfaces within the two recently completed and any future proposed developments.

### Alderton Neighbourhood Development Plan

26. A Neighbourhood Development Plan<sup>2</sup> (NDP) has been prepared by a group of local volunteers in conjunction with Alderton Parish Council. The driver for this NDP was when the village became a focus for developer attention post 2012. The details in the NDP have been considered when producing this Technical Note.
27. The Draft NDP was published for public consultation between 4 January 2016 and 4 March 2016. It was subsequently approved at referendum in May 2018 and was finally “made” in July 2018. During the process of making the NDP three proposed residential development sites were refused permission on appeal. In addition, two proposed residential development sites were granted approval on appeal and have since been built out. These two sites are discussed in more detail in the next section of this Technical Note.

### Planning Applications and Built Development in Alderton Post 2010 - Overview

28. There have been various planning applications and planning appeals in Alderton since 2010. These cover eight separate sites which are shown in the accompanying poster. Given the nature of the area, all the applications are for residential development and all the sites are on greenfield land. (The only exception to this is the latest application to the rear of Orchard Road which is for stables). The key foul and surface water drainage characteristics of the eight sites are referenced in **Table 1**.

**Table 1: Planning Applications in Alderton since 2010**

Application Reference	Site Location	Number of Houses	Overall Site Area (ha)	Proposed Impermeable Area (ha)	Design Surface Water Flow Rate (l/s)
13/00114/FUL	Land off Beckford Road	47	1.924	1.000	8.0
13/00734/OUT	Land to east of St Margarets Drive/south of Church Road	59	4.70	1.528	37.7*
13/01018/FUL	Land off Gretton View	4	0.20	0.11	5.0
14/00414/FUL	Land to south of St Margarets Drive	25	1.40	0.50	5.0
14/00747/OUT	Land to west of Willow Bank Road	53	2.51	1.63	28.3*
18/00318/OUT	Land off Orchard Road	0	See note below		
19/00772/FUL	Land off Willow Bank Road	28	2.23	0.77	7.2
19/00781/OUT	Land to south of Dibden Lane	41	1.90	0.95	30.8*
20/00943/FUL	Land to the Rear of Orchard Road	0	0.40	0.014	1.0
<b>Total</b>		<b>257</b>	<b>15.273</b>	<b>6.502</b>	<b>123.0*</b>

\* Notes to **Table 1**. Application 20/00943/FUL supersedes application 18/00318/OUT and is for the same site. The most up to date application has been quantified in the table. The design surface water flow rates quoted are those taken from planning application submissions. It is possible that any planning approvals for these developments would require the post development flow rates to be reduced below these values. The overall rate of 123.0 l/s is therefore possibly overstated for these reasons.

29. **Annex 1** provides further information and details for each development site. Applications 13/00114/FUL (Land off Beckford Road) and 14/00414/FUL (Land to the south of St Margarets Drive) have been built out.

<sup>2</sup> Alderton Neighbourhood Development Plan 2011-2031, Referendum Version, April 2018

30. The underlying subsoil in Alderton is not conducive to the disposal of surface water runoff by infiltration means. Consequently, all the runoff from new impermeable surfaces will need to be directed into either the surface water pipe networks and/or existing ditches and watercourses.
31. The total potential increase in impermeable surfaces resulting from the developments shown in **Table 1** is 6.502 ha. To put this into context, the measured impermeable areas in the two hydraulic models produced for the 2010 Hydraulic Study were as follows:
  - 'Bridle Path' 2010 Hydraulic Model – a total of 1.771 ha of impermeable surfaces
  - 'Village Hall' 2010 Hydraulic Model – a total of 0.800 ha of impermeable surfaces
32. The proposed increases in impermeable surfaces will clearly produce very significant impacts on existing flooding issues in the pipe networks should the developments identified in **Table 1** proceed without limiting flows to greenfield rates in perpetuity. The additional impermeable surfaces will also impact on the flow rates and volumes in Washbourne Brook.
33. Any additional sites in the village coming forward through planning applications will all impact on existing flooding issues.
34. It should be noted that not all proposed developments will directly impact on the 'Bridle Path' and 'Village Hall' pipe networks. For example, the recently completed Charles Church Development (planning reference 13/00114/FUL) off Beckford Road only impacts the 'Westerly Village' watercourse and Washbourne Brook.
35. Any development to the north of the main east /west road through the village (Beckford Road, School Road and Dibden Lane) has the potential to impact on the 'Bridle Path' and 'Village Hall' pipe networks.
36. The developments to the south of the main east/west road through Alderton (Beckford Road/School Road/Dibden Lane) could, potentially, connect into existing ditches/small watercourses and not connect into the two pipe systems running through the village. Any development would also impact on Washbourne Brook.
37. The replacement of greenfield land with impermeable surfaces has also the potential to significantly increase surface water runoff volumes. For every 5mm depth of rainfall on 6.502 ha of new impermeable surfaces the increase in runoff volume would be in the region of 270 m<sup>3</sup> (after allowing for rainfall and runoff losses prior to water entering into the pipe networks).
30. Three of the proposed developments in **Table 1** are relatively small scale in that the proposed impermeable areas for all three total 0.624 ha. The corresponding greenfield runoff rates for the 1:1 annual exceedance probability (AEP) rainfall event from these development areas are likely to be less than 5.0 l/s per hectare.
34. The proposed post development surface water runoff rates from two of these three small developments is 5.0 l/s. This has the potential to produce a likely threefold increase in runoff rates compared with the existing situation. The proposed runoff rates from these three developments (should they go ahead) should be reduced to much lower rates, e.g. in the vicinity of 1.0 l/s if feasible.
38. The 2011 Census stated there were 308 households in the parish. The cumulative impact of a further 261 homes would increase the peak flow in the foul drainage network by 85% over present values. There have been 77 new houses (including in fill development) built in the village since 2011 resulting in an increase in peak foul flow of 25%. The foul drainage network in Alderton was not surveyed as part of the 2010 Hydraulic Study and so the condition of that network and its ability to accommodate additional flows is not known. It is also not known whether the Waste Water Treatment Works serving the village has available capacity.

#### Impacts of Proposed Development on the Bridle Path Drainage Network

39. The 2020 Hydraulic Study identified three key problem areas on this network:
  - Significant overland flow from farmland to the north of Beckford Road which enters the pipe network via the 'Bridle Path' watercourse
  - Flooding on Willow Bank Road immediately adjacent to the allotment entrance

- Structural and service defects within the pipe network all along on Willow Bank Road
40. The overland flow from the north of Beckford Road carries large quantities of suspended silt which is then deposited in gullies and in the pipe network which are generally at slacker gradients. The silt deposition reduces pipe capacities.
  41. The flooding adjacent to the allotment entrance on Willow Bank Road was predicted from the hydraulic models to be in excess of 800 m<sup>3</sup> in the 1:30 AEP event when blockages were included in the model.
  42. There are multiple structural and service defects in the pipe network as it continues south in Willow Bank Road. These defects reduce capacity and contribute to flooding.
  43. The surface water runoff from planning application 14/00414/FUL (the recently completed Cala development) discharges into the downstream section of the 'Bridle Path' drainage network.
  44. Paragraph 3.3.5 on page 9 of the Flood Risk Assessment for this application<sup>3</sup> states that a 'viable point of discharge' for surface water from the site is the culverted watercourse located along the western boundary of the site. It should be noted that the culverted watercourse referred to here is in fact the 'Bridle Path' drainage network which also receives runoff from highways roof and other areas of hardstanding.
  45. The 2010 Hydraulic Study identified this 'culvert'<sup>4</sup> as a 300mm diameter clayware pipe of length 120.6 m. The CCTV survey of the pipe identified a number of defects. These included a hole in the left hand side of the pipe resulting in the CCTV survey being abandoned some 59.4 m downstream from the entrance to the pipe.
  46. An upstream survey of this 300 mm diameter clayware pipe from the direction of the Willow Bank Road arch road bridge was not attempted in 2010 because any flooding from the pipe would discharge onto Willow Bank Road and not directly affect any properties. The condition of the downstream 61.2 m of this pipe is therefore unknown and needs to be investigated. The condition of this pipe should really have been established because the downstream section of the pipe could contain defects which result in reduced capacity and flooding.
  47. In addition, paragraph 3.3.5 of the Flood Risk Assessment report for this development did suggest that '*... consideration should be given ... to de-culverting the watercourse between the site and its outfall for flood management and conservation benefit; this should be considered further during detailed design in consultation with the relevant landowners and the Local Planning Authority*'. It would be interesting to know whether this suggestion was indeed followed up at the detailed design stage for this development. The Parish Council have advised that there is no evidence to suggest that this recommendation was investigated any further.

#### Impacts of Proposed Development on the Village Hall Drainage Network

48. The 2010 Hydraulic Study identified four key problem areas on this network:
  - Surface water flooding occurs at No 2 Orchard Road where the 'Village Hall' watercourse enters the pipe network
  - Blockages on the pipe beneath Dibden Lane and School Road
  - A partial collapse within the property No 16 School Road
  - There is predicted surface water flooding where the open channel section of the Village Hall drainage network enters a culvert as it crosses beneath the continuation of St Margarets Road near to the parish church
49. Surface water flooding occurs at No 2 Orchard Road. The base hydraulic model (i.e. no blockages) predicts around 100 m<sup>3</sup> of flooding in a 1:30 year event. The presence of siltation/blockages results in predicted flooding during a 1:10 AEP event and increases the flood volume during a 1:30 AEP event to 270 m<sup>3</sup>.

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<sup>3</sup> Willow Bank Road, Alderton, Flood Risk Assessment, Banners Gate Ltd, Reference 14012 FRA, April 2014

<sup>4</sup> Page 93, paragraph 10.3.4

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50. It is understood that the blockages beneath Dibden Lane/School Road were addressed by Tewkesbury Borough Council post 2010 but precise details are not known.
  51. The culvert beneath the continuation of St Margarets Road has the potential to cause regular flooding at 22 St Margarets Road. The culvert itself is in poor structural condition and there appears to be a service pipe crossing within the culvert which reduces capacity. Any resulting overland flows from this location are likely to be directed to the open channel and fields downstream. Some minor maintenance work was carried out post 2010 but again the precise details are not known.
  52. The impacts of future development on the 'Village Hall' pipe networks could be minimised by connecting runoff from the developments into adjacent ditches/watercourse rather than into already overloaded pipe networks. More details of the proposals for surface water runoff for the individual developments are required before the impacts on the 'Village Hall' pipe network can be fully assessed. Any future developments will, of course, impact on flooding in Washbourne Brook.

#### Washbourne Brook

53. The Environment Agency produces the Flood Map for Planning for catchments up to a certain size (normally up to 3 km<sup>2</sup> in area). The Agency also produces historical flood outlines for Main Rivers. The three ordinary watercourses flowing from north to south through the village are less than 3 km<sup>2</sup> and any predicted flooding associated with these watercourses will not be shown on the Flood Map for Planning.
54. The Environment Agency also produce the Flood Risk from Surface Water Map. This map shows flooding from overland flow (also known as pluvial flooding). The flooding indicated on this map is not limited to Main Rivers and shows the flooding extent from the three ordinary watercourses flowing from north to south through the village. The flooding extents shown on this map generally matches the locations of flooding predicted by the 2010 Hydraulic Study.
55. The Flood Map for Planning for Washbourne Brook is shown on the poster. The flood extents on this map have been created using what is known as 'generalised modelling'. This is a less accurate flooding prediction than would be obtained by a detailed hydraulic model.
56. Planning application 19/00772/FUL (refused in March 2020 but now subject to appeal) was directly impacted by the flood outlines from Washbourne Brook as shown on the current Flood Map for Planning. Indeed, the Flood Risk Assessment<sup>5</sup> in support of this application suggested that a detailed flood modelling study was in the process of being carried out to assess the accuracy of the Environment Agency flood map<sup>6</sup>. There is no further evidence that this study was produced prior to the refusal of the application on 17 March 2020. It is vitally important that outputs from detailed flood modelling study are available when considering the flood risk posed to this development.
57. A detailed hydraulic modelling exercise would produce a much more accurate representation of the flood outlines than those shown on The Environment Agency's Flood Map for Planning. It should be noted that the flood outlines derived from a detailed hydraulic modelling exercise may be more or less extensive than those shown on the current Flood Map for Planning.
58. The information listed below would be required in order to produce a detailed hydraulic model for Washbourne Brook:
  - A topographic survey to measure cross sections of the watercourse channel at regular intervals
  - A hydrological assessment to determine flow rates for different return periods in comparison with actual Environment Agency gauging station records (if available)

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<sup>5</sup> Proposed Residential Development, Willow Bank Road, Alderton – Flood Risk Assessment, Mewies Engineering Consultants Ltd, Reference 23791-01-FRA-01, July 2019

<sup>6</sup> Page 10, Paragraph 3.2

- A representation of the ground levels of the flood plain of the watercourse with information obtained from a topographical survey and/or the use of LiDAR data<sup>7</sup>
59. The typical outputs of the detailed hydraulic model would include flow rates, velocities and depths within the brook itself along with flood depths and velocities across the flood plain.
  60. The Environment Agency also hold records of historical flooding. There is, however, only one recorded incident on Washbourne Brook for the flooding that occurred in July 2007.
  61. It is understood that there have been other instances of reported flooding in Washbourne Brook and its tributaries since 2007. The most recently observed flooding on Washbourne Brook was on 3 and 4 October 2020. Residents of the village are requested to provide further details and photographs of actual flooding events in and around the Brook for inclusion on the poster.
  62. The outputs from any detailed hydraulic model of Washbourne Brook should be compared to historical flooding information in order to assess the accuracy of the model.
  63. Clearly any flooding from Washbourne Brook will impact on the proposals for surface water runoff from any developments that lie in the flood plain of the Brook. As discussed earlier, the depth of flooding on Washbourne Brook where it crosses the arch bridge on Willow Bank Road can prevent vehicles from gaining access to/from the village.
  64. The Lead Local Flood Authority's consultation response to planning application 19/0772/FUL<sup>8</sup> pointed out that the proposed surface water attenuation basin for this development would lie in Flood Zone 2. Furthermore, the Lead Local Flood Authority commented that the application did not provide evidence that the attenuation basin could drain during times when Washbourne Brook is either in flood or water levels in the Brook are at high levels.
  65. All future development in Alderton (including the two that have been completed since 2010) will generate an increased volume of surface water that will discharge into Washbourne Brook. This reinforces the message that it is imperative that a detailed hydraulic modelling study for Washbourne Brook is completed prior to considering any further development in Alderton.
  66. The increased runoff volumes resulting from development which discharge into Washbourne Brook may also result in an increased flood risk downstream from Alderton. This impact can only be accurately assessed by producing a detailed hydraulic model for Washbourne Brook which extends downstream of the village.

#### Summary and Recommendations

67. The village of Alderton is served by three 'ordinary' watercourses running from north to south through the village and which outfall into Washbourne Brook.
68. Two of these watercourses enter pipe networks within the village. These pipe networks are referred to as the 'Bridle Path' network and the 'Village Hall' network.
69. As a result of a number of flooding incidents affecting properties, a detailed watercourse system survey and hydraulic study was completed in 2010.
70. The 2010 Study revealed pipe capacity issues, a general lack of maintenance and also identified some longstanding structural defects. Despite this we understand that no structural repairs have been undertaken and, although some limited maintenance work has been carried out, precise detail are not known.
71. Since 2010 planning applications for residential development have been submitted for eight different sites. All of these applications were either refused or withdrawn. Two of the sites were granted permission at appeal and have subsequently been built out.

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<sup>7</sup> LiDAR data – an optical remote sensing technique that uses laser light to densely sample the surface of the earth and can produce highly accurate x, y and z coordinates.

<sup>8</sup> Lead Local Flood Authority Response to Planning Application 19/00772/FUL, Reference T/2019/043640, 26 September 2019

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72. The eight different sites for which planning applications have been submitted have the potential to increase the impermeable areas by 6.502 ha leading to increased surface water runoff. Consequently, any existing flooding issues in the two surface water pipe networks in the village and in Washbourne Brook could be significantly impacted by the increased surface water runoff from the new impermeable surfaces.
  73. The impact of individual developments on existing flooding issues within the pipe networks can be assessed and analysed in more detail in the future if required. The developments can be input into the existing hydraulic models to assess and quantify the impacts of surface water runoff from them.
  74. Washbourne Brook is understood to have flooded on several occasions. The most recently observed flooding was on 3 and 4 October 2020. It is recommended that more detailed modelling of the predicted flood outlines for Washbourne Brook should be carried out in order to more accurately assess the impacts on and from any future developments. This would also allow the impact of additional surface water runoff from any proposed developments to be more accurately assessed in cases where the outfalls could be drowned by high water levels in the Brook.
  75. Weetwood request that residents provide further photographic evidence of flooding in the village. These should be sent to Keith Page (Chair of Alderton Parish Council) in the first instance who will forward on to Weetwood. It is requested that any photographs should clearly identify the date and location of the flooding being photographed. The photographic evidence can then be added to the poster to confirm or otherwise the present flooding predictions.

## ANNEX 1

### Planning Applications in Alderton Post the 2010 Hydraulic Study Details of Flood

#### Risk and Surface Water Proposals of the Applications

##### Application 13/00114/FUL – Land off Beckford Road

- Permission initially refused but granted at appeal and development completed by Charles Church
- 47 house development
- 1.924 ha site area with 1.0 ha of proposed impermeable surfaces
- Design surface water flow rate 8.0 l/s
- Off line detention basin provided for surface water attenuation with outfall to the 'Westerly Village' watercourse which forms the site's western boundary
- The planning application indicated that a dedicated foul sewer (approximately 700m long) would be built to deliver flows to just upstream of the WwTW inlet. This was subsequently revised to a pumped system connecting into the public foul sewer at the junction of Beckford Road/Willow Bank Road.

##### Application 13/00734/OUT – Land to the east of St Margarets Drive/south of Church Lane

- Permission refused and dismissed at appeal
- 59 house development (although some earlier applications were for up to 70 houses)
- 4.7 ha site overall
- Post development impermeable areas are not stated in the planning documentation available. Approximately 35% of the site is proposed as a 'potential archaeology mitigation area'. If the percentage impermeable area of the remaining site is 50%, the total post development impermeable area would be in the region of 1.528 ha.
- Design surface water flow rate up to 37.7 l/s for the 1:100 AEP event
- A detention basin and an 'infiltration trench' are proposed for surface water attenuation/management with two separate outfalls into ditches to the south of the site

##### Application 13/01018/FUL – Land off Gretton View

- Permission refused and dismissed at appeal
- 4 house development
- Overall site area quoted as various sizes in planning documentation ranging from 0.1 ha to 0.2 ha
- Post development impermeable area taken as 0.11 ha (based upon an overall site area of 0.2 ha and a percentage impermeable area of 55%).
- Existing greenfield runoff rates are negligible (0.27 l/s for a 1:2 AEP event)
- Design surface water flow rate of 5.0 l/s proposed (this being a notional minimum flow rate to prevent blockages occurring)
- Cellular storage is proposed for surface water management (planning documentation provides different volumes ranging from 19.4 m<sup>3</sup> to 41.3 m<sup>3</sup>)

##### Application 14/00414/FUL – Land to the South of St Margarets Drive

- Permission initially refused but granted at appeal and development completed by Cala Homes
- 25 house development
- 1.40 ha site area with 0.50 ha of proposed impermeable surfaces
- Existing greenfield runoff rates are less than 5 l/s for event up to 1:100 AEP
- Design surface water flow rate of 5 l/s proposed (this being a notional minimum flow rate to prevent blockages occurring)
- The surface water outfall will initially connect into the existing ditch (which is to be replaced with a new swale). From there the ditch/swale connects into the existing culvert in Willow Bank Road.
- A total storage volume of 256 m<sup>3</sup> is proposed comprising oversize pipes and cellular storage

- The foul sewage from 20 properties will discharge by gravity to connect into the public foul sewer at manhole reference 8002
- The foul sewage from the remaining 5 properties will discharge into the site's foul sewer network via a private foul pumping station

#### Application 14/00747/OUT – Land to West of Willow Bank Road

- Permission refused and dismissed at appeal
- 53 house development
- Gross site area is 6.2 ha but development appears to be limited to an overall area of 2.51 ha
- Proposed impermeable area is 1.63 ha
- Design surface water flow rate proposed as 28.3 l/s
- A detention basin with 737 m<sup>3</sup> of storage is proposed for surface water attenuation with an outfall to the 'natural valley' located on the southern boundary of the site
- Foul sewage is proposed to connect into the public foul sewer upstream of the foul sewer pipe bridge immediately to the west of Willow Bank Road

#### Application 18/00318/OUT – Land at Orchard Road

- Permission refused on 15 October 2019
- 5 house development (self-build)
- Site area 0.41 ha
- It appears that a flood risk assessment has not been submitted. One of the reasons for refusal was that '*insufficient information has been provided to determine how surface water would be satisfactorily captured, managed and conveyed within the development, whilst maximising water quality and amenity benefits, and no reference to future climate change allowances has been provided*'.
- If the percentage impermeable area of the proposed site is 50%, the total post development impermeable area would be in the region of 0.21 ha.
- Given the site area it is assumed that the design surface water flow rate being put forward would be the minimum flow rate to prevent blockages occurring in the flow control device.
- Foul sewage from the site is proposed to connect into the public foul sewer (although it is noted there do not appear to be any public foul sewers in Orchard Road according to the Severn Trent sewer records)

#### Application 19/00772/FUL – Willow Bank Road

- Permission refused in March 2020
- 28 house development
- 2.23 ha overall site area with 0.77 ha of proposed impermeable area
- Design surface water flow rate 7.2 l/s
- A detention basin providing a storage volume of 519 m<sup>3</sup> is proposed for management of post development surface water runoff. Flows will be discharged into Washbourne Brook on the site's southern boundary. The detention basin is located in Flood Zone 2.
- There is also cut/fill proposed on the site within areas that are designated as Flood Zone 1.
- According to the flood risk assessment report for the site<sup>9</sup>, a detailed flood modelling study (including a 1D-2D hydraulic model) is being prepared to assess the accuracy of the flood zones as shown on the Environment Agency Flood Map for Planning. At the time of writing this flood modelling study has not been posted on Tewkesbury Borough Council's planning portal.
- Foul sewage from the proposed development will connect into the public foul sewer at manhole reference 8002 via a foul pumping station. It is proposed that the foul sewers on the site and the pumping station will be adopted by Severn Trent Water.
- The LLFA's comments mention high river levels and possible failure of the basin due to flooding.

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<sup>9</sup> Proposed Residential Development, Willow Bank Road, Alderton, Flood Risk Assessment, M-EC, Reference 2379-1-01-FRA-01, July 2019

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#### Application 19/00781/OUT – Land to the south of Dibden Lane

- Application withdrawn on 18 March 2020
- 41 house development
- 1.90 ha overall site area according to the application form.
- The report addressing flood risk and dealing with surface water runoff is in the form of a “Flood Smart” report.
- Appendix D of the SuDSmartPro report submitted to support the application suggests that the overall site area is 5.9 ha with 2.62 ha of proposed impermeable area.
- If the percentage impermeable area of the site is 50%, the total post development impermeable area would be in the region of 0.95 ha
- It is proposed to discharge surface water runoff into the watercourse/ditch located along the eastern boundary of the site.
- Design surface water flow rate 30.8 l/s
- An attenuation storage volume of 2,993 m<sup>3</sup> is required.
- No details are provided for foul sewage. It is assumed that flows will connect into the Severn Trent adopted foul sewer.
- There is no detailed site specific flood risk assessment – applicant relies on the SuDSmartPro report.

#### Application 20/00943/FUL – Land to the Rear of Orchard Road

- Application validated on 9 November 2020
- Determination Deadline 4 January 2021
- Change of use of land from agriculture to private equestrian and erection of stables and associated hardstanding (this is the same site as application 18/00318/OUT which was refused on 15 October 2019)
- The overall site is 0.40 ha in area and the proposed impermeable area is 0.014 ha.
- The current runoff rate from the proposed impermeable surfaces is 0.1 l/s. The proposed runoff rate from these surfaces is 1.0 l/s, a ten fold increase.
- The application form suggests surface water will be disposed of by soakaway.
- The accompanying Drainage Strategy report discounts infiltration based up desk top information. No site investigation or infiltration testing has been carried out.
- The proposals for surface water attenuation are a swale of dimension 3 m long, 1 m wide, a depth of 0.7 m and providing 3.3 m<sup>3</sup> of storage
- The surface water outfall from the site is into a ditch that leads to a 750 mm culvert. The culvert leads into an open channel in No 2 Orchard Road, a property which has experienced flooding in the past. The open channel in No 2 Orchard Road discharges into a 300 mm diameter culvert that has known obstructions and a partial collapse downstream.
- There is no proposed foul drainage at the site.

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