
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

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, Devon¹, 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.

¹ 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 20th 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 turving 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.

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 060122/PL.01 Site plan;
 - 060122/PL.03 Rev A Plots 1 & 2 Floor plans and elevations;
 - 060122/PL.04 Rev A Plots 3 & 18 Floor plans and elevations;
 - 060122/PL.05 Rev A Plots 4,5 & 6 Floor plans and elevations;
 - 060122/PL.06 Rev A Plots 7,8,9 & 10 Floor plans and elevations;
 - 060122/PL.07 Rev A Plot 11 Floor plans and elevations;
 - 060122/PL.08 Rev A Plot 12 Floor plans and elevations;
 - 060122/PL.09 Rev A Plots 12A & 14 Floor plans and elevations;
 - 060122/PL.10 Rev A Plot 15 Floor plans and elevations;
 - 060122/PL.11 Rev A Plot 16 Floor plans and elevations;
 - 060122/PL.12 Rev A Plot 17 Floor plans and elevations;
 - 060122/PL.13 Plot 19 Floor plans and elevations;
 - 060122/PL.14 Rev A Plots 20, 21 & 22 Floor plans and elevations;
 - 060122/PL.15 Rev A Plots 23 & 24 Floor plans and elevations;
 - 060122/PL.16 Garage plan and elevations Plots 12, 12A, 14 & 17;
 - 060122/PL.17 Rev A Street Scenes;
 - 060122/PL.18 Rev C Proposed Site plan;
 - 060122/PL.19 Rev A Context Plan;
 - BAN18960-01 Tree reference plan;
 - BAN18960-03 Tree protection plan;
 - BAN18960-11 Sheet 1of2 Proposed Landscape;
 - BAN18960-11 Sheet 2of2 Proposed Landscape; and
 - 14012/DS1 A Drainage Strategy plan.
- 3) No development shall take place until details of existing and proposed ground levels and ground floor slab levels of the buildings hereby permitted, relative to Ordnance Datum Newlyn, have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.
- 4) Notwithstanding the provisions of condition No 2 above, the construction of the dwellings hereby permitted shall not commence until detailed drawings of the proposed eaves, soffits, barge boards and fascia boards, including their colour, have been submitted to and approved by the local planning authority. The plans shall be at a minimum scale of 1:20 and the sections shall be at a minimum scale of 1:5. Development shall thereafter be carried out in accordance with the approved details.
- 5) No development shall take place until samples of the proposed external walling and roofing materials have been submitted to and approved in

writing by the local planning authority. Thereafter all such materials used in the development shall conform to the approved samples.

- 6) Notwithstanding the provisions of condition No 2 above, no development shall take place until a comprehensive Landscaping Scheme has been submitted to and approved in writing by the local planning authority. The Landscaping Scheme shall include details of all existing trees (including spread and species) and hedgerows on the land, and details of any to be retained, together with measures for their protection during the course of construction. The Landscaping Scheme shall also include details of all proposed planting, including species, density, and the height and spread of trees; and details of the design, position, height and materials of all the proposed boundary treatments. Development shall be carried out in accordance with the approved details. The boundary treatments detailed in the approved Landscaping Scheme shall be implemented before any of the dwellings hereby permitted are first occupied.
- 7) All planting, seeding and turfing detailed in the approved Landscaping Scheme shall be carried out in the first planting and seeding season following the first occupation of any of the buildings hereby permitted or completion of the development, whichever is the sooner. Any trees or plants which, within a period of five years from completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.
- 8) No works shall commence on site until the proposed site access off Willow Bank Road has been provided in accordance with the approved plans (including visibility splays to height of between 0.26 and 2.1 metres above the adjacent carriageway level). The first 20 metres of the access shall be retained and maintained in that form until and unless adopted as highway maintainable at public expense. Prior to the occupation of plots 1-2 and plots 20-24 the proposed accesses shall be completed in accordance with the approved plans (including visibility splays to a height of between 0.26 and 2.1 metres above the adjacent footway level), the accesses shall be retained and permanently maintained in that form thereafter.
- 9) No dwelling shall be occupied until the car parking associated with that dwelling (including garages and car ports where proposed) has been provided in accordance with the submitted plans, and shall be retained available for that purpose at all times.
- 10) No dwelling on the development hereby permitted shall be occupied until the 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 have been completed to at least binder course level with the footways complete to surface course in accordance with the approved plans, and those access road(s), shall be retained and maintained in that form until and unless adopted as highway maintainable at public expense.
- 11) No development shall take place until details of a new bus stop located in the vicinity of the Willow Bank Road/St Margaret's Road junction have been submitted to and approved in writing by the local planning authority. The

approved works shall then be completed in accordance with the approved details in all respects prior to the first occupation of the proposed development.

- 12) No development shall take place until 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 has been submitted to and agreed in writing by the local planning authority. The approved works shall then be completed in accordance with the approved details, prior to the occupation of any of the proposed dwellings and shall be retained and maintained in that form until and unless adopted as highway maintainable at public expense.
- 13) Prior to the first occupation of the development details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management details until such a time as either a dedication agreement has been entered into, a private management and maintenance company has been established, or it is adopted as highway maintainable at public expense.
- 14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) the first floor window in the side north-west elevation of Plot 12 shall, prior to the first occupation of the dwelling, be fitted with obscured glass and be non-opening, unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The windows shall be maintained in this state thereafter.
- 15) Prior to the first occupation of any of the dwellings hereby permitted, an External Lighting Strategy shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. Thereafter, no external lights shall be installed on the dwellings or anywhere else within the application site otherwise than in accordance with the approved External Lighting Strategy.
- 16) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i. specify the type and number of vehicles;
 - ii. provide for the parking of vehicles of site operatives and visitors;
 - iii. provide for the loading and unloading of plant and materials;
 - iv. provide for the storage of plant and materials used in constructing the development;
 - v. provide for wheel washing facilities;
 - vi. specify the intended hours of construction operations; and
 - vii. measures to control the emission of dust and dirt during construction.

- 17) No development shall take place until comprehensive evidence based drainage details, including a SuDS/drainage management plan, have been submitted and approved in writing by the authority in accordance with the commitments and recommendations of the submitted Flood Risk Assessment (April 2014). These should fully incorporate the highest principles of sustainable drainage and improvement in water quality, along with a robust assessment of the hydrological influences of the detailed drainage plan, including allowances for climate change. The scheme to subsequently be implemented in accordance with the approved details before the development is finished and put into use, and subsequently maintained to the required standard.
- 18) No development shall take place until an Ecological Management Plan (EMP) has been submitted to and approved in writing by the local planning authority. The EMP shall be in accordance with the mitigation and enhancement measures set out in the Habitat Survey (dated November 2013) and the Councils ecologist's recommendations (dated 23 May 2014). It shall include a timetable for implementation, details for monitoring and review, and details of how the areas concerned will be maintained and managed. Development shall thereafter be carried out in accordance with the approved details and timetable of the EMP.
- 19) No development shall take place until details of the provision of fire hydrants served by mains water supply, including a timetable for their provision, have been submitted to and approved in writing by the local planning authority. The fire hydrants shall be provided in accordance with the approved details and timetable.