

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

Committee:	Planning
Date:	02.03.2020
Site Location:	Land Parcel 0088, Willow Bank Road, Alderton, Tewkesbury, Gloucestershire,
Application No:	19/00772/FUL
Ward:	Winchcombe
Parish:	Alderton
Proposal:	Residential development up to 28 units, including means of access and landscaping.
Report by:	Mr Adam White
Appendices:	<ul style="list-style-type: none">• Site location plan• Topographical survey• Proposed layout plan• Proposed streetscenes• Sample housetypes• Pond sections
Recommendation:	Refuse

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site comprises an agricultural field located on the southern edge of Alderton village with an area of approximately 2.2ha (**see location plan**). The site slopes gently down from the north east towards an ordinary watercourse that forms the southern boundary of the site. A mature hedgerow forms the western boundary with Willow Bank Road beyond. The site adjoins a recently constructed residential development to the north, with open countryside to the south, east and west.
- 1.2 The site lies outside the Area of Outstanding Natural Beauty (AONB), which starts to the north of Beckford Road further to the north of the village, but within the Special Landscape Area (SLA) as designated in the Tewkesbury Borough Local Plan to 2011. The site sits outside but adjacent to the settlement boundary for Alderton as defined in the adopted Alderton Neighbourhood Development Plan.
- 1.3 There are no Public Rights of Way (PROW) crossing the site, however, footpath AAL9 intersects the field immediately to the south of the site. The southern boundary and land to the south west corner of the site lie within Flood Zones 2 and 3. The remainder of the site sits within Flood Zone 1.
- 1.4 The application is made in full for the erection of 28 dwellings. 11 (39.2%) of the dwellings would be affordable. The proposal includes a mixture of 1, 2, 3 and 4 bedroom properties. The majority would be detached with a few instances of semi-detached and terraced properties. The majority of the dwellings would also be

two storey with the exception of a handful of bungalows to the south east corner of the site. All properties would have a private garden and parking spaces, with the exception of a pair of maisonettes. The proposed density would be approximately 13 dwellings per hectare.

- 1.5 A new access is proposed to the north east corner of the site directly off Willow Bank Road (**see layout plan**).

2.0 RELEVANT PLANNING HISTORY

- 2.1 There is no planning history that is directly applicable to the application site itself. However, of relevance is the planning permission for 24 dwellings immediately to the north of the site, which was allowed on appeal in 2015 (LPA Ref: 14/00414/FUL – PINS Ref: APP/G1630/W/14/3001584). Permission was subsequently granted in 2016 to redesign a number of plots and provide an additional unit, affectively increasing the development to 25 dwellings (Ref: 16/00403/FUL). That permission was implemented with the development substantially completed in 2017.

- 2.2 Also of relevance are a number of other relatively recent appeal decisions in Alderton. On the 22nd May 2014, an appeal was allowed for 47 dwellings on land to the south of Beckford Road, Alderton (LPA Ref: 13/00114/FUL – PINS Ref: APP/G1630/A/13/2209001). That permission was implemented with the development substantially completed in 2015.

- 2.3 On the 17th March 2015, an appeal was dismissed for an outline application for up to 60 dwellings (net increase of 59 dwelling) on land east of St Margaret's Drive, Alderton (LPA Ref: 13/00734/OUT – PINS Ref: APP/G1630/A/14/2222147).

- 2.4 On the 17th July 2015, an appeal was dismissed for an outline application for up to 53 dwellings on land to the west of Willow Bank Road, Alderton (LPA Ref: 14/00747/OUT – PINS Ref: APP/G1630/W/15/3003278).

3.0 RELEVANT POLICY

- 3.1 The following planning guidance and policies are relevant to the consideration of this application:

National guidance

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

Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) - Adopted 11 December 2017

Policies: SP1, SP2, SD3, SD4, SD6, SD8, SD9, SD10, SD11, SD12, SD14, INF1, INF2, INF3, INF4, INF6, INF7

Tewkesbury Borough Local Plan to 2011 - March 2006 (TBLP)

Policies: TPT3, TPT5, TPT6, LND2, RCN1

Tewkesbury Borough Plan 2011-2031 Pre-Submission Version (July 2019)

Policies RES2, RES3, RES5, RES12, RES13, DES1, HER4, LAN1, NAT1, NAT2, NAT3, ENV2, RCN1, COM2, COM4, TRAC1, TRAC2, TRAC3, TRAC9

Alderton Neighbourhood Development Plan

Policies H1, H3, H4, LC1, LC2, LE1, LE2, LR1, RP1, RP2

Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)

The First Protocol, Article 1 (Protection of Property)

4.0 CONSULTATIONS

4.1 **Alderton Parish Council** – The objections to the proposal are summarised as follows:

- 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.
- The Alderton Neighbourhood Plan, developed in conjunction with Tewkesbury Borough Council, does not provide for any development on this proposed site off Dibden Lane 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.
- 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.
- The emerging Borough Plan does not identify any sites in Alderton with development potential.
- The Parish Council believes that the building of 72 houses in two estates on the fringes of the village has already damaged social cohesion. 28 more houses would further worsen the position and the proposal does not attempt to address this issue.
- The Parish Council considers that this proposed development would seriously harm the character and beauty of the countryside.
- 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.
- 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 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.
- The Parish Council notes that there are access issues raised in the report from Gloucestershire Highways, including the positioning of the 30mph speed limit.
- 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.
- 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.

- The Ecological Statement does not pay sufficient attention to local wildlife associated with the brook on what could be a key wildlife corridor.
- 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.
- The Parish Council is concerned about the condition of the sewage pipe running over ground on the other side of Willow Bank Road.

Toddington Parish Council – Object for the following reasons:

- The site is not within the Alderton NDP.
- The site is outside the village boundary.
- The development is situated on flood plain.
- It will close the historic gap between the village and the B4077 and have huge safety implications for residents and road users.

Environmental Health Consultant – No objections.

County Archaeologist - No objections.

Gloucestershire County Council Highways - Objects on sustainable transport grounds. Further comments are awaited in respect of highway safety.

Gloucestershire County Council Lead Local Flood Authority - No objections.

Conservation Officer – Confirms that there are no designated heritage assets directly impacts by this proposal.

County Planning Section 106 Monitoring Officer – Contributions are sought in respect of education and libraries.

County Highways - Footpaths - No objections.

Highways England – No objections.

Environment Agency Midlands Region West Area – The EA do not wish to provide a bespoke response based on their consultation matrix.

Minerals & Waste Policy - No objections.

Housing Enabling And Policy Officer – No objections subject to the applicant agreeing to the preferred affordable housing mix provided.

Natural England - Natural England have not reviewed the application but highlight that one or more Impact Risk Zones have been triggered by the proposed development. The impact on SSSI's and SAC's need to be considered.

Severn Trent Water – No objections subject to drainage conditions.

Sport England South West – Standing advice provided.

Tree Officer – No objections

Wales & West Utilities - Attention is drawn to the proximity of a gas pipe in the vicinity.

Ecology Planning Consultants - Further detail required on Biodiversity Net Gain and potential impacts on nearby SAC's.

CPRE – Object on the grounds that village has already taken more than its share of new housing in numbers greater than its allotted intended amount. The application also conflicts with the Alderton Neighbourhood Development Plan, the Tewkesbury Local Plan and the JCS.

5.0 PUBLICITY AND REPRESENTATIONS

5.1 The application has been publicised through the posting of a site notice for a period of 21 days. A press advertisement was also placed in the Gloucestershire Echo.

5.2 107 letters of objection have been received. Their comments are summarised as follows:

- The proposal would affect the security of the adjacent properties in Fletcher Close and has no regard for guidance that is incorporated in Secured by Design guidance.
- The village has already grown by 75 houses over the last few years and the balance will be completely wrong with more new properties.
- When the original Cala Homes development was being considered the appeals officer noted that one reason why he was able to accept the development was that it did not 'result in the built development projecting further into the open countryside than the existing dwellings on the western side of Willow Bank Road' The proposed development projects fully and as such encroaches on the open countryside in a manner that would, by implication, have been rejected by the appeals officer.
- Planning applications for other sites have been rejected under appeal and substantial emphasis has been placed on the only housing requirement acceptable is for infill properties within the boundaries of the village. As such if Cala Homes had requested to build this development at the same time as the Fletcher Close scheme it would have been rejected due to a higher increase to the community than would have been deemed as acceptable.
- Any more new houses will begin to spoil the rural character of the village; one of its major attractions.
- It is no good having a robust Neighbourhood Plan if it can be set aside by the first Planning Application.
- Alderton has a well-developed neighbourhood plan which clearly establishes the village boundaries. This development, as acknowledged by the developer, lies outside the village boundary and as such should be rejected.
- Tewkesbury is now going ahead, with Government support, with the Garden Town at Ashchurch, which will meet local housing commitments identified under the JCS to 2031.
- Alderton has far exceeded requirements to add additional housing as a service village with a 26% increase from 277 houses and a further 2 dwellings in 2018-19
- This development extends beyond the current building area on the west side of

Willow Bank Road and extends into the site of special landscape area at a pinch-point between two boundaries of the Cotswolds Area of Outstanding Natural Beauty.

- The increased traffic movements that would be generated will jeopardise road safety and tranquillity of the rural lanes around Alderton. On-street parking is already a problem and additional traffic would add to this.
- The recent increase in housing has had no impact on the falling role of the village school or the footfall in the village shop.
- This development would substantially alter the view from the B4077 of a nucleated village settlement formed around a medieval church that is currently enjoyed by those travelling east towards the Cotswolds AONB.
- The developer puts forward no exceptional circumstances why Alderton should accept a level of development that is disproportionate to its size and function and its accessibility to major towns for work.
- Who monitors the weight of vehicles on the 3.5T bridge limit?
- Flooding at Arch Bridge deep enough to impede normal vehicular access has occurred four times in the 30 years we have lived in Alderton.
- I am concerned that with the extra houses built there will be increased vehicular traffic throughout the village which will also be exacerbated at the junction of Willow Bank Road and B4077.
- The area for proposed development has already suffered flooding/drainage problems, and I am concerned that the development will be built on this flood plain, not only causing problems for the houses to be built but also for residents in the nearby area.
- Access Design Plan 23791_08_020_01 clearly indicates that hedgerow along Willow Bank Road will need to be removed for the full extent of the visibility splay from the proposed site access. This will lead to the loss of at least 59.0m of hedgerow. The Ecological Appraisal identifies these hedgerows as important linear features, and only considers the ecological impact of the removal of a 10m section of hedgerow. Therefore, it is clear that the full ecological impacts of the removal of the hedgerow has not been considered in the application. 13
- Softening the southern and eastern edges of the development with tree planting is important to minimise the visual impact of the housing scheme.
- Alderton has already made a significant contribution to council targets for new houses and any further expansion of this type will spoil our village.
- 105 people attended the Community Consultation Event for this planning application - 89% of whom were not in favour of the development, 82% strongly disagreed that this development would provide much needed affordable housing and 82% strongly disagreed with the design and layout of CALA's proposed development. This is a clear indication of local opinion, surely?
- A large cul-de-sac development like this will create an estate separate from the village. The presence of disconnected housing estates undermines the natural community cohesion of a village as currently exists. A large influx of people will increase the number of children/teenagers/young adults. Activities for people in these age groups is very limited in a semi-rural community like Alderton and typically they have to travel to large towns for most activities. A sudden rise in numbers of people in these age groups will lead to an increase in the potential for crime, vandalism and general anti-social behaviour and will make Alderton a less safe and cohesive community that it has been previously.
- The shop in village does not benefit from extra housing as most of new residents are commuters and shop elsewhere.
- The land covered by this proposed development has a very clear and real flood risk. This land has flooded in previous serious flood events and while rare, the increasing frequency and severity of future floods must be taken into account.

- Village services simply don't support Alderton growing any more than it has in recent years.
- 98% of Alderton Parish residents endorsed the Alderton Neighbourhood Plan.
- We are in a climate crisis and in my opinion new homes need to be built on brown sites in town centres, near good rail and bus routes and near places of employment accessible to amenities and supermarkets.
- The village will be overdeveloped if this proposal goes ahead and it will look and feel like a housing estate not a village - the prime reason we live here.
- The development will exacerbate the traffic congestion and increased safety risks in and out of the village from the entrance to the development up to the village junction at the garage.
- The potential increased run-off and top soil loss attributable to the new development and the associated likelihood of silting up and clouding in the brook would have a detrimental effect on the wildlife in the lower reaches of the brook.
- The proposal totally ignores the wishes of the majority of the village and cannot be justified on a local demand/need basis.
- As a regular user of the popular bus service to Cheltenham (606), I was staggered to hear of the forthcoming changes to the timetable which further restricts the availability of public transport to/from the village.
- The village has already expanded significantly and disproportionately in the last couple of years. It needs time to assimilate.
- It would extend the footprint of the village southwards in what is otherwise a mainly east-west orientated village.
- Building luxury homes on green fields does not help those trying to get on the first rung of the housing ladder.
- The increase of 36% in village size that this development would bring in a few short years is not sustainable and could only be considered as 'building blight'.
- The village shop/Post Office proprietor has confirmed to me that the two new development already allowed have not lead to any further footfall or revenue, and the village primary is currently advertising for pupils so any 'advantages' did not fall that way either.
- Alderton's current communication infrastructure services are inadequate to meet the basic needs of the current residents. Broadband is too slow for people who plan to work from home and mobile phone services are desperately poor and unreliable.
- Let's build a few houses in a lot of villages and not a lot of houses in a few villages.
- Another separate development of commuters will not help community cohesion and integration into village life.
- Crime has been reported more regularly in the village.
- Continuously building further housing dilutes the village environment and is not conducive to the local amenities and community feel.

6.0 POLICY CONTEXT

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
- 6.2 The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), saved policies of the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP),

and a number of 'made' Neighbourhood Development Plans. Of particular relevance to this application is the Alderton Parish Neighbourhood Development Plan 2011-2031, adopted as part of the development plan on the 24th July 2018.

- 6.3 The Pre-Submission version of the Tewkesbury Borough Plan (PSTBP) was approved for publication and submission at the Council meeting held on 30 July 2019. On the basis of the stage of preparation the plan has reached, and the consistency of its policies with the NPPF, the emerging policies of the plan can be afforded limited to moderate weight, subject to the extent to which there are unresolved objections to each individual policy (the less significant the unresolved objections, the greater the weight that may be given).
- 6.4 Other material policy considerations include the National Planning Policy Framework and its associated Planning Practice Guidance.
- 6.5 The relevant policies are set out in the appropriate sections of this report.

7.0 ANALYSIS

Principle of Development

- 7.1 Policy SD10 of the JCS states that within the JCS area new housing will be planned in order to deliver the scale and distribution of housing development set out in Policies SP1 and SP2. Housing development will be permitted at sites allocated for housing through the development plan, including Strategic Allocations and allocations in district and neighbourhood plans. On sites that are not allocated, housing development and conversions to dwellings will be permitted on previously-developed land in the existing built-up areas of Gloucester City, the Principal Urban Area of Cheltenham and Tewkesbury town, rural service centres and service villages except where otherwise restricted by policies within District plans. Policy SD10 follows that housing development on other sites will only be permitted where:

- i. It is for affordable housing on a rural exception site in accordance with Policy SD12, or;
- ii. It is infilling within the existing built up areas of the City of Gloucester, the Principal Urban Area of Cheltenham or Tewkesbury Borough's towns and villages except where otherwise restricted by policies within District plans, or;
- iii. It is brought forward through Community Right to Build Orders, or;
- iv. There are other specific exceptions / circumstances defined in district or neighbourhood plans.

- 7.2 At a local level, Policy H1 of the Alderton Neighbourhood Development Plan (ANDP) states:

'Within the settlement boundary of Alderton village, as shown on Map 4 Alderton NDP Policies Map, small windfall development will be supported together with infill housing development of 1 – 2 dwellings within existing built-up frontages when it is consistent with the scale, proportion and density of existing houses and gardens in the adjacent area.'

Proposed development of residential gardens for new housing units should demonstrate that:

1. Any loss of garden space of existing properties is proportionate and acceptable;
- and*

2. Any adverse impacts on residential amenity are minimised. Proposals for accessible, single storey dwellings on infill sites and small windfall sites will be encouraged to meet the needs of older persons or those with limited mobility.

Proposals for new housing brought forward under a Community Right to Build Order will be supported subject to other policies in the Plan.

In the event that a future development plan identifies an additional need for further housing development in Alderton (as a service village), beyond what is being accommodated within the settlement boundary, then sites outside of the boundary will be considered in line with the other policies of the plan.'

- 7.3 The application site is Greenfield land that lies outside of the defined settlement boundary for Alderton as defined in the Alderton Neighbourhood Development Plan and is not allocated for housing development. The site does not represent previously developed land within the built up areas of a service village; is not a rural exception scheme; and does not represent 'infilling'. It has not been brought forward for development through a Community Right to Build Order and there are no policies in the existing Tewkesbury Borough Local Plan to 2011 which allow for the type of development proposed here. The proposal therefore conflicts with Policies SP2 and SD10 of the JCS and Policy H1 of the ANDP.

Council's 5 Year Housing Land Supply

- 7.4 Whilst the proposal is contrary to Policies SP2 and SD10 of the JCS and Policy H1 of the ANDP, it is also currently the case that the Council cannot demonstrate a 5-year supply of deliverable housing sites. It is the Council's current position that a 4.33 years supply of housing can be demonstrated. In this scenario, paragraph 11 of the NPPF states that where policies which are most important for determining the application are out of date, permission should be granted unless:

- i. the application of policies in the Framework that protect assets of particular importance provides a clear reason for refusing the development; or
- ii. 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.

- 7.5 The Framework clarifies that planning policies for housing will be judged out of date where, inter alia, the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites. Footnote 6 to paragraph 14 also clarifies which policies in the Framework provide a clear reason for refusing development and includes policies relating to heritage assets.

Alderton Neighbourhood Development Plan (ANDP)

- 7.6 Whilst the tilted balance is triggered in this instance, paragraph 14 of the Framework states that in situations where the presumption (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.

- 7.7 The ANDP was adopted as part of the development plan on the 24th July 2018. However, it does not contain policies and allocations to meet its identified housing requirement. There were specific reasons for this due to a number of developments being granted permission at the time the ANDP was being prepared. This is discussed further in this report. Nonetheless, the ANDP does not meet all of the requirements and paragraph 14 of the Framework is not engaged.

Scale of Development and Social Impacts

- 7.8 The Framework recognises that sustainable development includes a social objective and how healthy communities can be promoted. Indeed, the ANDP throughout explicitly refers to social cohesion in the village. The ANDP states that it is important that its policies seek to conserve the active, cohesive nature of the Parish community into the future by enabling sustainable growth that does not compromise existing social bonds or overwhelm the Parish's rural infrastructure. Furthermore, one of the objectives of the ANDP seeks to ensure that any development in Alderton Parish makes a positive contribution to enriching the vitality, health, wellbeing and social cohesion of its communities. The ANDP also points out that concerns over the potential loss of the Parish's rural character and the impact on social cohesion arising from rapid change in Alderton village are evident in all consultations undertaken for the Plan between 2013 and 2015.
- 7.9 It is clear from the Parish Council's consultation response and the numerous representations made by local residents that the social well-being of Alderton and community cohesion remains a serious and ongoing concern. It is also clear from a number of relatively recent appeal decisions that this has been an important and determining factor in some cases.
- 7.10 A common theme amongst the objections is the rate of growth at Alderton and the fact that it has grown by 26% in a short period of time due to the relatively recent developments in the village. The addition of a further 28 homes proposed here would increase that growth to 36%. If you further consider the proposed development at Dibden Lane, Alderton for 41 dwellings, this has the potential to cumulatively increase the size of the village by over 50%.
- 7.11 The JCS recognises that the retention of services within rural service centres is intrinsically linked to the size and distribution of the resident population and it is important that these services remain viable, although more development will be accommodated at the rural service centres than at the service villages. In response to this, Policy SP2 of the JCS sets out that rural service centres and service villages will accommodate lower levels of development to be allocated through the Tewkesbury Borough Plan and Neighbourhood Plans, proportional to their size and function, and also reflecting their proximity and accessibility to Cheltenham and Gloucester and taking into account the environmental, economic and social impacts, including existing levels of growth over the plan period (emphasis added).
- 7.12 The Council's approach to the disaggregation of the residual housing requirement to the rural service centres and service villages is explained in the housing background paper (October 2019), which forms part of the evidence base for the emerging

Borough Plan to 2031. The paper stresses that the disaggregation process is only the starting point for considering an appropriate level of development for each rural settlement. It follows that in addition to the 'top down' approach of the disaggregation process, there should also be a 'bottom up' element whereby the availability of sustainable sites at each settlement will also be a factor in determining the most appropriate distribution of development. For example, there may be situations where a settlement is unable to achieve its disaggregated requirement due to a lack of suitable, sustainable sites or due to constraints such as the Green Belt and AONB. Conversely, there may also be situations where a settlement can exceed its disaggregated requirement due to suitable, sustainable sites being available at the settlement. This will however need to be balanced alongside the size, function and accessibility of the settlement in order to achieve a sustainable pattern of development and avoid issues associated with social cohesion.

- 7.13 The paper goes on to state that there will also be positive and negative social impacts from new development. Positive effects include meeting people's housing needs, supporting village services and shops and improving physical and mental health through creating a high quality built environment. Negative social impacts can however result where the number of dwellings in a settlement is substantially increased without proportionate increases in infrastructure, employment opportunities and other local services. This risks eroding community cohesion.
- 7.14 As far as Alderton is concerned, the disaggregated indicative housing requirement set out in the housing background paper is 53 dwellings. However, given that 75 dwellings have been provided in the village as a result of the developments at Beckford Road and Willow Bank Road, the emerging Borough Plan to 2031 does not allocate any further development at Alderton during the plan period. It is also for this very reason that the ANDP does not contain any allocations. However, that is not to say that no further development will be provided at Alderton. On the contrary, the ANDP does and has allowed for further growth within the defined settlement boundary, albeit in a more organic and managed way.
- 7.15 In terms of local services, facilities and infrastructure, there is no evidence to suggest that Alderton cannot accommodate the additional 28 dwellings proposed here, subject to securing appropriate contributions. However, as the Inspector noted in the land east of St Margaret's Drive appeal decision (APP/G1630/A/14/2222147), community cohesion goes beyond this in a small rural settlement. In that appeal, the Inspector also noted the significance of 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 (as was the case at the time of the appeal). The Inspector stated: *'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'*.
- 7.16 Apart from the physical changes that would occur the Inspector recognised that a sizable expansion to 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. The Inspector went on to state: *'I recognise that, as in 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 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'. The Inspector went on to conclude that the proposed development would have a disproportionate effect on the village in terms of the cumulative impact development and also on the social wellbeing of the community.

- 7.17 In considering a later dismissed appeal at land to the west of Willow Bank Road in Alderton for up to 53 dwellings, the Inspector also gave significant weight to the previous Inspector's findings in respect of the social well-being of the community. Similar to the St Margaret's Drive appeal, the Inspector found no substantive evidence the scheme could not be accommodated by the existing facilities in Alderton. However, the Inspector again set out that in his view, social well-being and community cohesion goes beyond such considerations, particularly in a relatively modest rural village. The Inspector went on to state: *'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'*. Given that the development proposed here would result in a cumulative increase, which would be on a par with the previous dismissed appeals indicates that this proposal would also have similar adverse impacts in terms of social cohesion and social well-being.
- 7.18 During the appeal, the appellant suggested that the phasing of the developments would mitigate the impact on social cohesion by staggering the introduction of new dwellings and the subsequent occupiers. Whilst this was accepted by the Inspector, he noted that it would still result in a significant increase of 36-37% to Alderton in a relatively short period of time. The applicant makes a similar case here and suggests that it is anticipated that a start would be made on site in 2021. Properties would therefore be available for sale in the latter part of 2021 at the earliest. This would represent nearly 5 years since the first plot was sold on the adjacent Fletcher Close site (and 3 years from the sale of the last plot), and 6 years from the first plot of the Beckford Road site (and 5 years from the sale of the last plot). However, this still represents a significant amount growth in a very short period of time, especially when considered in the context of the historic growth rate of Alderton over many years. It is also a considerable amount of growth in a single plan period.
- 7.19 A further negative impact on social cohesion could also result from the local resentment arising from the perception that the recently adopted ANDP has been ignored. This is evident from a number of objections, which raise this as a particular concern. As set out in the NPPG: *'Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They are able to choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like and what infrastructure should be provided, and grant planning permission for the new buildings they want to see go ahead. Neighbourhood planning provides a powerful set of tools for local people to plan for the types of development to meet their community's needs and where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area'*. It is clear that local residents wished to take advantage of these powers and a considerable amount of time and effort was spent preparing the plan. That plan successfully passed referendum with 98.12% voting in favour of it. From the many objections received it is evident that many locals see this proposal as a significant departure from the ANDP and understandably question whether their efforts were worth it. This would naturally cause a great deal of local resentment if the scheme was to go ahead.

- 7.20 Albeit in a slightly different context, this was also recognised by the Inspector in the land east of Willow Bank Road appeal decision who made reference to a relatively comparable appeal in Feniton, Devon. The Inspector stated: *'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'*. Whilst it is currently the case the weight that can be afforded to the housing policies contained in the ANDP is reduced due to the Council's housing land supply position, the perception that local's wishes were being ignored would further impact on social cohesion.
- 7.21 In summary, it is considered that the cumulative growth in Alderton in such a relatively short period of time would have a negative impact on social wellbeing and social cohesion within Alderton. This matter weighs heavily against the proposal in the planning balance.

Landscape Impact

- 7.22 JCS Policy SD6 states that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. Proposals will have regard to local distinctiveness and historic character of different landscapes and proposals are required to demonstrate how the development will protect landscape character and avoid detrimental effects on types, patterns and features which make a significant contribution to the character, history and setting of a settlement area.
- 7.23 Saved Policy LND2 of the Local Plan requires special attention to be paid to the protection and enhancement of the special landscape character of the Special Landscape Area (SLA), which is of local significance. Previous appeal decisions have confirmed that this part of the policy is in accordance with the NPPF, although the subsequent part of the policy which provides that 'proposals must demonstrate that they do not adversely affect the quality of the natural and built environment' is not so, on the basis that there is no cost/benefit analysis element to that part of the policy. The reasoned justification qualifies that whilst the quality of the landscape is worthy of protection in its own right it also plays a role in providing the foreground setting for the adjacent AONB. Similarly, Policy LC2 of the ANDP states that proposals should demonstrate how they will integrate into the SLA and AONB by submitting a Landscape Visual Impact Assessment (LVIA) to enable their impact on the landscape to be assessed. It follows that special attention should be paid to preserving significant views in or out of the settlement, or including mitigation measures that ensure such views are maintained as fully as possible.
- 7.24 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. At a local level, the site is located within parcel Ald-01 as defined in the Landscape and Visual Sensitivity Study - Rural Service Centres and Service

Villages (November 2014). Parcel Ald-01 is defined as have having a 'medium' landscape sensitivity and a 'high' visual sensitivity. The study comments further on the characteristic sense of separation between Alderton and the B4077 and notes that this feature of the local landscape is vulnerable to insensitive development.

- 7.25 The application is supported by a LVIA, which considers the impact of the proposed development on the landscape. The LVIA states that there would be a negligible impact on the published characteristics of the landscape with features on site retained, enhanced and managed. It goes on to note that the Parcel ALD-01, as defined in the Landscape and Visual Sensitivity Study, has been assessed as having a 'medium' landscape sensitivity and the application site, which occupies a part of that parcel, is identified as being an important characteristic that relates to 'openness between the settlement edge and the small stream'. The LVIA accepts that the field would be lost as a result of the development but suggests that the development would be set back within a sizeable green space and that the separation between the between the B4077 would be maintained through the undeveloped foreground field, green spaces of the new scheme and the scale/siting/massing of new buildings in the landscape. It concludes that proposals would not result in a notable change in the settlement pattern.
- 7.26 In terms of the visual implications, the LVIA includes a number of key visual receptors likely to experience a change in the view, which include motorists travelling along Willow Bank Road, people using the PROW network and residents with private views. When considering the visual effects, the LVIA recognises that the replacement of a field with development will always trigger change. However, it is argued that the introduction of 28 dwellings is not a large number and is considered to be appropriate in terms of local scale. Furthermore, whilst local views would be affected, it is suggested that the development is planned to be an attractive view, particularly as the landscape matures. In conclusion, the LVIA finds that the overall effect on landscape receptors will not be adverse, rather negligible and with a number of benefits accruing.
- 7.27 Following consultation with the Council's Landscape Consultant, it is observed that 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. It is pointed out that the site falls within an area considered to have a high sensitivity to visual effects. 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 Landscape Consultant is of the view that 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.
- 7.28 The Landscape Consultant advises that 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. The proposed development would be visible and would inevitably add to this incremental growth of the settlement beyond the established and defined village envelope. However, it would 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. However, it would contribute to the incremental and gradual prominence of Alderton

within this enclosed Vale landscape. Furthermore, the application site is conspicuous in views from the B4077 and is particularly prominent travelling east to west where there are sustained views from Frampton Cottages where the scheme would be seen in profile. It is further advised that the visual influence of the proposed development on the B4077 would be exacerbated by the elevated and sloping nature of the site and the planting along the stream would be unlikely to fully mitigate the new development at the top of the slope.

- 7.29 In conclusion, the Landscape Consultant advises that the proposals would 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. The proposals also 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 would occupy a prominent sloping site.
- 7.30 In considering the landscape impact of the proposal, the Inspectors findings in respect of the Land East of Willow Bank Road appeal are also important (Appeal Ref: APP/G1630/W/14/3001584). Whilst that appeal was allowed, the Inspector stated the following: *'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. 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.'* The development proposed here would clearly breach the existing development on the western side of Willow Bank Road and largely erode the open space between the settlement edge and the watercourse.
- 7.31 In light of the above, it is considered that the proposal would have a harmful impact on the landscape within a Special Landscape Area, contrary to Policy SD6 of the JCS, Saved Policy LND2 of the Local Plan and Policy LC2 of the ANDP. This weighs heavily against the proposals in the planning balance.

Design and Layout

- 7.32 The NPPF sets out that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Policy SD4 of the JCS advises that new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. It should be of a scale, type, density and materials appropriate to the site and its setting. This is reflected in Policy

LC1 of the ANDP, which seeks to promote local distinctiveness in built form and sets out a number of ways this can be achieved.

- 7.33 The submitted plans detail a relatively informal layout that is based on two perimeter blocks served off a single main access road, which in turn feeds a number of smaller access roads and private drives. The layout would provide for an outward facing development, with dwellings fronting onto Willow Bank Road as well as the watercourse to the south and the open countryside to the east. This would provide for active street scenes and good levels of natural surveillance. The submitted Design and Access Statement suggests that the development would be a continuation of the existing urban area and includes new development orientated along the western and southern boundaries as a continuation of the existing urban edge along with suitable setbacks to maintain a rural character. The layout provides lower density development around the edges of the site in order to provide a softer development edge. A variation in building separation distances across the streetscape also seeks to create focal points and reinforce the street hierarchy. Substantial areas of landscaping are proposed around the perimeter of the development, especially to the southern edge adjacent to the watercourse and around the SuDS feature.
- 7.34 The majority of the proposed dwellings are detached properties with the exception of a few examples of semi-detached and terraced units. The majority of properties would also be 2 storey, save for a handful of single storey bungalows to the south east corner of the site. In terms of their appearance, the submitted Design and Access Statement suggests that they draw upon the characteristics of the local residential vernacular, in particular that seen in the new residential development that adjoins the site to the north (Fletcher Close). This includes similar characteristics such as scale, form, proportion and detailing, use of local materials and boundary treatments. The houses would be faced in either reconstituted stone or red brick, with some examples of timber boarding. The dwellings include architectural details such as pitched and flat door canopies, casement windows, gables roofs and windows, brick dentil coursing, brick corbelling, exposed rafter feet and chimneys.
- 7.35 Notwithstanding the concerns raised in respect of landscape impact, the layout in itself is considered to be generally acceptable given the constraints of the site. The layout would provide for active frontages and good levels of natural surveillance. The development would provide good levels of amenity space and landscaping, whilst accommodating the necessary drainage infrastructure. In terms of the proposed housetypes, the proposed materials reflect that of the surrounding area, in particular the adjoining development to the north. Given the context of this surrounding area, it is considered that the proposed dwellings would be acceptable. Subject to conditions requiring the submission of materials and detailed design, the proposal is considered acceptable in this regard.

Residential Amenity

- 7.36 JCS Policy SD14 sets out that development should protect and seek to improve environmental quality and should not cause unacceptable harm to local amenity including the amenity of neighbouring occupants.
- 7.37 In terms of the impact on existing residents, the nearest properties are located directly to the north of the site on Fletcher Close. These properties generally back onto the application site with low boundary treatments to their rear gardens. The proposed access road would be located close to the northern site boundary, which would provide a good separation distance between the proposed properties and the existing properties in Fletcher Close. Additional buffer planting is also proposed

along the northern boundary. Given the distances involved, it is considered that there would be no undue impact on existing property in terms of light, outlook and privacy.

- 7.38 In terms of the proposed dwellings, the layout indicates that all properties would be provided with adequate outdoor amenity space. Furthermore, the relationship between the proposed dwellings is also considered to be acceptable with adequate separation distances and no instances of undue overlooking. The proposal is therefore considered to be acceptable in this regard.

Housing Mix

- 7.39 JCS Policy SD11 states that housing development will be required to provide an appropriate mix of dwelling sizes, types and tenures in order to contribute to mixed and balanced communities and a balanced housing market. Development should address the needs of the local area, including the needs of older people as set out in the local housing evidence base, including the most up to date Strategic Housing Market Assessment (SHMA). This is further reflected in Policy H4 of the ANDP, which requires new housing in Alderton to include small and medium sized houses (with 1 to 3 bedrooms).

- 7.40 As set out in the ANDP, the Parish has a considerably higher proportion of 3 or 4 bedroom properties than 1 or 2 bedroom properties. Many of these are also under occupied. Furthermore, the ANDP notes that the demographic projections for older people in the village is projected to grow quite notably, with the number of people aged 85 or over expected to increase by over 100% by 2031. The provision of smaller housing is therefore required to balance the existing housing stock in Alderton and indeed the Borough as a whole.

- 7.41 The proposal as originally submitted featured the following mix:

Open Market housing

- 4 x 2 bedroom bungalows
- 7 x 3 bedroom houses
- 6 x 4 bedroom houses

Affordable housing

- 2 x 1 bedroom maisonettes
- 5 x 2 bedroom houses
- 3 x 3 bedroom houses
- 1 x 4 bedroom houses

- 7.42 The most up to date SHMA for Gloucestershire is the September 2015 publication (SHMA, Further Update, Affordable Housing). Insofar as open market housing is concerned, based on 17 units, the SHMA sets out the following mix:

- 11.3% 1 bedroom houses = 1.92 houses
- 26.9% 2 bedroom houses = 4.57 houses
- 42.7% 3 bedroom houses = 7.26 houses
- 19.25% 4+ bedroom houses = 3.27 houses

- 7.43 Clearly it is not possible to provide a fraction of a house but the housing mix should be broadly in accordance with the SHMA. The mix of open market housing originally proposed did not accord with the SHMA in that it proposed a greater number of 4 bedroom properties and no 1 bedroom properties. The applicant has sought to address this by replacing a 4 bedroom housetype with a 3 bedroom housetype,

which would increase the proportion of 3 bedroom open market housing to 59%. The applicant has achieved this by simply amalgamating 2 smaller bedrooms into a larger single bedroom by removing an internal partition wall. However, other than that change, the housetype essentially remains the same as before in all other respects. It is therefore considered that it will not be any more affordable as a result and unlikely to be suitable for downsizing in the village. Moreover, there would not be any controls to prevent the internal partition wall simply being reintroduced at a later date since internal alterations would not represent development. In any event, this would still not address the imbalance due to the lack of any 1 bedroom open market houses. Whilst the proposal arguably complies with Policy H4 of the ANDP due to the provision of 1 and 2 bedroom affordable homes, the proposal is contrary to Policy SD11 of the JCS due to the proposed open market housing mix. The proposal would therefore fail to contribute to mixed and balanced communities and a balanced housing market. This weighs against the proposal in the planning balance.

Affordable Housing

- 7.44 JCS Policy SD12 sets out that on sites outside of strategic allocations, a minimum of 40% affordable housing will be sought. It follows that they should be provided on site and should be seamlessly integrated and distributed throughout the development scheme. Policy H3 of the ANDP supports new affordable housing in new developments through the allocation set by the local planning authority.
- 7.45 The current proposal seeks to provide 11 affordable dwellings, which equates to 39.2%. A proposed mix has been provided by the applicant but the tenure split has not been provided at this stage.
- 7.46 Following consultation with the Council's Strategic Housing Enabling Officer, the following preferred mix has been requested:
- 2 x 1 bedroom apartments/maisonettes - Affordable rent
 - 3 x 2 bedroom houses – Affordable rent
 - 2 x 2 bedroom houses – Shared ownership
 - 2 x 3 bedroom houses – Social rent
 - 1 x 3 bedroom house – Shared ownership
 - 1 x 4 bedroom house – Social rent
- 7.47 Notwithstanding the Strategic Housing Enabling Officer's preferred mix, it is the case that the provision of 11 affordable dwelling does not meet the minimum requirement of 40% as required by Policy SD12. Based on 28 dwelling, 40% provision would equate to 11.2 dwellings. In order to achieve a policy compliant scheme, it is therefore considered appropriate in this instance to secure an off-site financial contribution equivalent to 0.2 of an affordable dwelling in addition to the 11 dwellings that would be secured on site. It is advised that the off-site contribution would amount to £25,898.25.
- 7.48 The affordable housing currently proposed by the applicant meets the preferred mix but the applicant has yet to confirm the tenure split so it is not possible to ascertain at this stage whether the proposal is acceptable. In any event, the affordable housing would need to be secured through a S106 Agreement, which hasn't been advanced at this stage. This therefore weighs against the proposal.

Biodiversity

- 7.49 JCS Policy SD9 seeks the protection and enhancement of biodiversity and

geological resources of the JCS area in order to establish and reinforce ecological networks that are resilient to current and future pressures. Improved community access will be encouraged so far as is compatible with the conservation of special features and interest. In a similar vein, Policy LE1 of the ANDP requires development proposals to assess the impact of new development or changes in land use on internationally and nationally recognised biodiversity and geodiversity sites in the Parish. It also requires development proposals to provide a full ecological survey to accompany any planning applications that seek to change, remove or in any way affect Priority Habitats such as brooks, ponds, hedgerows, old woodland or orchards.

- 7.50 The application is supported by an Ecological Appraisal that determines the habitats and species present on the site and makes an assessment of their ecological value. The appraisal highlights that the habitats within the site are dominated by species poor semi-improved grassland with field perimeter hedgerows and a waterway with semi-mature trees and scrub on the southern boundary. There are no statutory sites of international or national nature conservation importance within the site while a total of thirty-one statutory designated sites are present within 15km of the site boundary.
- 7.51 The appraisal states that the grassland on site is of limited biodiversity value and is to be lost. This could be mitigated for through the provision of species-rich grassland within the site. All hedgerows are proposed to be retained with the exception of a section to be removed to facilitate the site access. No badger setts or activity were identified on site though suitable habitat is present for this species. Five semi-mature willow trees with low bat roosting potential along the brook are proposed to be retained and buffered. It is also proposed to retain and enhance existing potential bat foraging and commuting corridors around the site.
- 7.52 The site provides potentially suitable habitat for common species of reptiles and the appraisal advises that site clearance should be undertaken under ecological supervision in a directional manner during the reptile active season. No evidence of water vole or otter was identified within the site although it is considered that the brook could provide a potential corridor of movement for these species. Suitable nesting habitat is also present on site for birds and any removal of suitable nesting habitat should occur outside of the bird breeding season to minimise the risk of disturbance to breeding birds.
- 7.53 Following consultation with the Council's Ecology Consultant, it is recommended that the mitigation and enhancements described in the appraisal should be followed and written up in the form of a Construction Ecological Management Plan (CEMP). This could be secured by way of a planning condition. It was further advised that whilst the appraisal does screen out various potential effects on local European sites (Dixton Wood and Bredon Hill SACs), further analysis of indirect recreational impacts was required. Further information has subsequently been provided on this matter by the applicant, which has been forwarded to the Ecology Consultant for consideration. **An update will therefore be provided at Committee.**

Arboricultural Implications

- 7.54 Policy LE2 of the ANDP states that new development of all kinds should seek to minimise environmental harm and encourages tree and hedgerow planting to replace any such features lost through development.
- 7.55 The application is supported by an Arboricultural Statement and Tree Condition Survey, which notes that the only tree growing on the site is a crack willow on the northern bank of the watercourse. The remaining trees are all growing within or to the

southern side of the watercourse. A hawthorn hedge is also identified on the western boundary adjacent to the road. The report states that boundary vegetation will be retained and enhanced by additional planting. However, this is at odds with the Road Safety Audit Designers Response Schedule, which indicates that the hedgerow along Willow Bank Road would be removed to accommodate the visibility splays.

- 7.56 Following consultation with the Council's Tree Officer, it is advised that the one willow tree on the site could be managed by pollarding. A condition is also recommended to ensure that the trees and hedgerows are retained and protected in permission was granted. However, this does not take into account the requirement to remove the hedgerow along Willow Bank Road and further clarification has been sought from the applicant on this matter. **An update will therefore be provided at Committee.**

Drainage and Flood Risk

- 7.57 JCS Policy INF2 advises that development proposals must avoid areas at risk of flooding and must not increase the level of risk to the safety of occupiers of a site and that the risk of flooding should be minimised by providing resilience and taking into account climate change. It also requires new development to incorporate Sustainable Urban Drainage Systems (SuDS) where appropriate to manage surface water drainage. This is reflected in emerging PSTBP policy ENV2. Similarly, Policy LE2 of the ANDP sets out that new development should seek to minimise environmental harm through the use of sustainable drainage systems to manage drainage of surface water and reduce flood risk.
- 7.58 To the south of the site is watercourse, which is a tributary of the Carrant Brook, and classed as an ordinary watercourse. Due to the proximity of the watercourse, the southern sections of the application site lie within Flood Zones 2 and 3 as defined on the Environment Agency's Flood Map for Planning. However, additional modelling of the watercourse undertaken by the applicants show a reduction in flood extents when compared to the EA mapping. Historic flooding has also been recorded at the Arch Bridge along Willow Bank Road in close proximity to the application site. In light of the flood risk associated with the site, the application is supported by a Flood Risk Assessment (FRA).
- 7.59 The FRA sets out that the site is only impacted by flood waters in the south-western corner of the site and along the southern boundary. These areas have been designated in the proposed site layout as landscaped areas and drainage features. All of the proposed access roads and the residential units are shown to be located within Flood Zone 1. In this regard, only water compatible uses would be located in Flood Zones 2 and 3 and the sequential test is passed. The FRA also considers a blockage scenario of the Willow Bank Road Bridge. This shows that the flood levels and extents within the application site increase slightly but stay within the landscaped area along the southern boundary. This flooding would not impede the proposed site access. The FRA notes surface water flooding along Willow Bank Road but flows appear to be contained to the carriageway and are draining south into the watercourse.
- 7.60 In terms of drainage, it is proposed to drain the surface water runoff via a traditional piped network running under roads within the site. This would then be conveyed to a detention basin to the south west of the site. A hydro-brake or similar flow control would then control the runoff from the basin before it discharges into the watercourse. The foul drainage would comprise a foul network within the roads serving the development. The flows would be taken via gravity to a pumping station located on the southern boundary of the site before being conveyed northwards to

the existing Severn Trent Water sewer network near Fletcher Close.

- 7.61 The Lead Local Flood Authority (LLFA) have reviewed submitted information and are satisfied that there would be no buildings within Flood Zones 2 and 3 and no portion of the attenuation basin would be within Flood Zone 3. The revised information that has been submitted by the applicant details a reduction in the surface water discharge rate and an additional underground storage tank is proposed beneath the open space to the south of the entrance. The plans also now show that the side slopes of the detention basin would be 1 in 4. Details have also been provided to show how the drainage network would work when the watercourse is in flood. This shows that there would be some flooding from the network but this would be downstream of any buildings and would be contained within the freeboard of the detention basin.
- 7.62 In light of the additional and revised information submitted, the LLFA are of the view that the submitted details are acceptable subject to a planning condition to secure a SuDS management and maintenance plan for the lifetime of the development. This is neutral factor in the planning balance.

Access and Highway Safety

- 7.63 The Framework sets out that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making. Furthermore, development should only be prevented or refused on highways grounds where there would be an unacceptable impact on highway safety or the residual cumulative impacts of development are severe. JCS Policy INF1 requires that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters. Policy RP1 of the ANDP requires new development to be designed to include access to existing walking, cycling and passenger transport networks and encourage maximum potential use. Policy RP2 follows and requires on-site parking at a minimum rate of 1.5 spaces per dwelling or make available in the vicinity some suitable provision for off-road parking for households and visitors with vans as well as private cars.
- 7.64 The application is supported by a Transport Statement (TS), which sets out that Willow Bank Road is a two-way single carriageway road measuring approximately 5.0-5.5m in width. Willow Bank Road is subject to a 30mph speed limit upon entry to the built-up area of Alderton. When heading southwards the B4077, the road is subject to the national speed limit of 60mph. The TS notes that there is a shortfall in the pedestrian footway along the eastern side of Willow Bank Road and that on-road cycling is suitable along roads which form part of the surrounding highway network due to their low traffic nature. There are 2 bus stops within close proximity of the site, which serve a number of bus services providing access to Chipping Camden, Cheltenham, Mickleton, Tewkesbury and Gretton. However, some of these services only operate once a week.
- 7.65 In terms of the access, the site is proposed to be accessed directly off Willow Bank Road with a footway provided on both sides. This footway would be extended north for approximately 50m in order to connect to the existing footpath at Fletcher Close. It is proposed to reposition the 30mph entry into Alderton in a location to be agreed with the County Council. Visibility splays of 2.4m x 63m are achievable to the north and visibility splays of 2.4m x 53m are achievable to the south. In terms of the impact on the highway network, the TS states that the development would generate 16 trips (arrivals and departures) in the AM peak hour (8am-9am) and 19 trips in the PM peak

hour (5pm-6pm).

- 7.66 Following consultation with the Highways Officer, it is highlighted that there are no pedestrian facilities adjacent to the site and the network of footways available through Alderton are denoted by deficiencies in infrastructure such as width and lack of pedestrian crossings across the main roads and minor arms. Furthermore, whilst the 30mph speed limit may encourage cycling within its borders and to other villages, there are no cycle routes on the roads through and around Alderton. Consequently, the Highways Officer is of the opinion that cycling cannot be, at this point in time, promoted nor encouraged as a safe and suitable means of access due to car dependent destinations such as Tewkesbury, Cheltenham or Gloucester. Furthermore, due to the limited coverage of the bus services, it would be unlikely to provide an attractive alternative to the private motor vehicle for accessing key employment areas. In light of this, whilst there are some facilities within walking distance of the proposed development, the Highways Officer considers that the level of offer to be insufficient to address the needs of existing and local residents.
- 7.67 In light of the above, the Highways Officer objects to the proposed development, which weighs against the proposal. However, this has to be balanced against the fact that Alderton is designated as a Service Village in the development plan. In recognition of this, the Highways Officer states that should the Council be of the view that the Service Village status outweighs the objection in respect of access to sustainable transport, mitigation measures should be sought. To that end, the Highways Officer states that a contribution of £3,000 per dwelling should be sought towards sustainable transport measures if permission is granted. Further information has been sought from the Highways Officer in order to assess whether the contributions sought meet the relevant tests set out in the CIL Regulations. Further clarification has also been sought as to the suitability of the proposed vehicular access off Willow Bank Road and the proposed internal road layout. **An update will therefore be provided at Committee.**

Heritage Assets

- 7.68 Paragraph 189 of the NPPF states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 7.69 In terms of archaeology, the application is supported by an Archaeological Desk-Based Assessment. Following consultation with the County Archaeologist, it is advised that the proposal has low potential to have any adverse impact on archaeological remains and no further work is required in this regard.
- 7.70 In respect of other heritage assets, there are no listed buildings within the immediate vicinity of the site, whose setting would be affected by the proposed development. The proposal is therefore considered to be acceptable in this context.

Open Space and Play Facilities

- 7.71 The Framework sets out that the planning system can play an important role in

facilitating social interaction and creating healthy, inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. JCS Policy INF4 provides that where new residential development will create or add to, a need for community facilities, it will be fully met as on-site provision and/or as a contribution to facilities or services off-site. JCS Policies INF6 and INF7 support this requirement. Saved Local Plan Policy RCN1 requires the provision of easily accessible outdoor playing space at a standard of 2.43ha per 1000 population on sites of 10 dwellings or more.

- 7.72 The layout provides for a good level of publicly accessible open space to the edges of the site, particularly to the southern edge. However, it should be noted that a large portion of this land lies within Flood Zones 2 and 3 and also incorporates the drainage infrastructure for the development. Nonetheless, the area would be landscaped and available for informal recreational purposes for most of the year. The layout also incorporates a small Local Area for Play (LAP) at the centre of the site, which would cater for very young children. The proposal does not provide for any sports pitches on site due to its size, however, there are playing pitches in relatively close proximity to the site at Beckford Road, which is within an acceptable walking distance.
- 7.73 In accordance with Fields in Trust guidance, the quantum of development proposed would also generate the requirement for a Local Equipped Area for Play (LEAP) to be provided on site. If on-site provision cannot be provided, an off-site contribution would normally be expected. Given the constraints of the site, it is not practical to provide a LEAP on site and therefore an off-site contribution would be appropriate in this instance. Following consultation with the Community and Place Development Officer, it is advised that the required contribution would be £23,072 which would be used to upgrade and/or maintain the existing play facilities located off Beckford Road. In light of the policy requirement for open space, this would meet regulation 122 of the CIL Regulations.
- 7.74 Subject to securing the off-site contribution, it is considered that the proposal would be acceptable in terms of open space and outdoor play facilities. However, at this stage the applicant has yet to agree to the off-site contribution and in any event there is no signed Section 106 Agreement in place to secure the contribution. On that basis the proposed development does not adequately provide for public open space and the proposed development therefore conflicts with Policies INF4, INF6 and INF7 of the JCS and the NPPF.

Community Infrastructure Levy/Section 106 obligations

- 7.75 The Community Infrastructure Levy (CIL) Regulations allow local authorities to raise funds from developers undertaking new building projects in their area. The regulations stipulate that, where planning applications are capable of being charged the levy, they must comply with the tests set out in the CIL regulations. These tests are as follows:
- a) necessary to make the development acceptable in planning terms
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.
- 7.76 As a result of these Regulations, local authorities and applicants need to ensure that planning obligations are genuinely 'necessary' and 'directly related' to the development.' As such, the Regulations restrict local authorities' ability to use Section 106 Agreements to fund generic infrastructure projects, unless the above

tests are met. Where planning obligations do not meet the above tests and restrictions, it is 'unlawful' for those obligations to be taken into account when determining an application.

- 7.77 In October 2018 the Council adopted CIL and implemented the levy on the 1st January 2019. For CIL purposes the application site falls within a 'Generic Site' and is subject to the levy for residential development currently at £207.46 per square metre on all the market elements of the proposed development.
- 7.78 Infrastructure requirements specifically related to the impact of the development will continue to be secured via a Section 106 legal agreement. Requests have been made by consultees to secure the following contributions:
- Affordable housing = 11 plus off-site contribution of £25,898.25
 - Contribution towards off-site playing facilities = £23,072
 - Pre-school Education = £97,186.04
 - Secondary Education = £103,636.80
 - Libraries = £5,488
 - Recycling = £73 per dwelling
- 7.79 In respect of education, these figures have been generated using the GCC Guidance 'Child Yields in New Developments' where it is stated that planning contributions will be required in all cases where there is no identified surplus in the forecast for school places. Nevertheless, at this stage there is no specific evidence to indicate that the contributions sought meet the Regulation 122 tests and therefore the absence of a completed s106 obligation does not weigh against the proposal.
- 7.80 In respect of library provision, officers similarly consider there is currently insufficient justification from GCC to substantiate their request for £12,740.00 and further clarification has been sought on how this is directly related to the proposed development.
- 7.81 As set out above, the requirement of an on-site play facility or an off-site contribution in lieu of this is a simple policy requirement having regard to policy RCN1 of the TBLP and an obligation would therefore meet the regulation 122 tests as would the recycling contribution.
- 7.82 At this stage, the applicant has not confirmed their acceptance of the requested contributions and, in any event, there is no S106 Agreement signed to secure the contributions. This weighs against the proposal in the planning balance.

8.0 CONCLUSION AND RECOMMENDATION

- 8.1 Section 38(6) of the Town and Country Planning Act 1990 provides that, if regard is to be had to the development plan, the determination must be made in accordance with the development plan unless other material circumstances indicate otherwise. Section 70 (2) of the Act provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.
- 8.2 The application site lies outside of the defined settlement boundary for Alderton and is not allocated for housing development. The site does not represent previously developed land within the built up areas of a service village; is not a rural exception scheme; and does not represent 'infilling'. It has not been brought forward for development through a Community Right to Build Order and there are no policies in

the existing Tewkesbury Borough Local Plan to 2011 which allow for the type of development proposed here. The proposal therefore conflicts with Policies SP2 and SD10 of the JCS and Policy H1 of the ANDP. However, the Council cannot currently demonstrate a five year supply of deliverable housing sites and therefore the Council's policies for the supply of housing are out of date. In accordance with paragraph 11 of the Framework, there are no policies in the Framework that protect assets of particular importance which provide a clear reason for refusing the development. On that basis the application must be determined in accordance with paragraph 11(d)(ii) of the NPPF, i.e. planning permission should be granted unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of NPPF as a whole.

Benefits

- 8.3 The delivery of market and affordable housing would provide a significant social benefit. Furthermore, there would be economic benefits both during and post construction through the creation of new jobs and the support to existing local services and the local economy. Overall, given the scale of development, these benefits would attract significant weight in favour of granting permission in light of the Council's housing land supply position.

Harms

- 8.4 Harm arises from the conflict with development plan policies relating to housing, particularly JCS Policy SD10 and Policy H1 of the ANDP, although it is accepted that the Council's housing policies are currently out of date. Harm would also arise from the cumulative growth in Alderton in such a relatively short period of time, which would have a negative impact on social cohesion and social well-being. There would be a harmful impact on the landscape within a Special Landscape Area and the development would not provide an appropriate mix of housing.
- 8.5 At this stage there is also no agreement as to the precise offer in respect of affordable housing and no signed S106 Agreement to secure it; nor is there a signed Agreement to provide for financial contributions required towards recycling and off-site recreational facilities. Furthermore, it is not known as to whether there would be an acceptable impact on local European sites as a result of indirect recreational pressures.

Neutral

- 8.6 In design terms, notwithstanding the concerns raised in respect of landscape impact, the layout in itself is considered to be generally acceptable given the constraints of the site. The proposal also does not raise any residential amenity issues in terms of a loss of light, outlook and privacy. The development would not be at an acceptable risk of flooding and appropriate drainage infrastructure can be provided. The proposal would not have an adverse impact on designated heritage assets and would have low potential to have any adverse impact on archaeological remains.

Conclusion

- 8.7 Whilst the 'tilted balance' is applied, it is considered that the adverse impacts listed above significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. As such, the proposal is not considered to represent sustainable development and there are no material considerations which indicate that the proposal should be determined other than in

accordance with the development plan. It is therefore recommended that the application is **REFUSED**.

Reasons:

1. The proposed development conflicts with Policies SP2 and SP10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017) and Policy H1 of the Alderton Neighbourhood Development Plan (July 2018) in that the proposed development does not meet the strategy for the distribution of new development in Tewkesbury Borough and the application site is not an appropriate location for new residential development.
2. The proposed addition of 28 dwellings at Alderton, in addition to the dwellings recently built at land at Beckford Road and land east of Willow Bank Road, would result in cumulative development, which would be of a scale disproportionate to the existing settlement. As such the proposed development would fail to maintain or enhance the vitality of Alderton and would have a harmful impact on the social wellbeing of the local community, risking the erosion of community cohesion. As such, the proposal conflicts with Policy SP2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017), Policy H1 of Alderton Neighbourhood Development Plan (July 2018) and the National Planning Policy Framework.
3. The proposal, by virtue of its prominent open location to the south of Alderton, would represent a significant encroachment into the surrounding rural landscape. This encroachment would have a harmful impact upon the character and appearance of the landscape within a Special Landscape Area, which serves to protect the foreground setting of the nearby Area of Outstanding Natural Beauty. As such, the proposal conflicts with Policy SD6 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017), Policy LND1 of the Tewkesbury Borough Local Plan to 2011 (March 2006), Policy LC2 of Alderton Neighbourhood Development Plan (July 2018) and the National Planning Policy Framework.
4. The proposed development fails to provide an appropriate mix of dwelling sizes that reflect the local housing evidence base including the most up to date Strategic Housing Market Assessment. The proposed development would therefore fail to contribute to mixed and balanced communities and a balanced housing market contrary to Policy SD11 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017) and the National Planning Policy Framework.
5. In the absence of an appropriate planning obligation, the application does not provide housing that would be available to households who cannot afford to rent or buy houses available on the existing housing market. As such, the proposed development conflicts with SD12 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017) and Policy H3 of Alderton Neighbourhood Development Plan (July 2018).
6. In the absence of an appropriate planning obligation, the application does not make provision for the delivery of education, library provision and off-site outdoor play facilities and therefore the proposed development is contrary to Policy RCN1 of the Tewkesbury Borough Local Plan to 2011 (March 2006), Policies INF4, INF6 and INF7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017) and the National Planning Policy Framework.
7. Insufficient information has been provided to demonstrate that the proposed development would not have an adverse impact on protected European sites. The

proposed development is therefore contrary to Policy SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017) and advice set out in the National Planning Policy Framework.

Informatives:

1. Statement of Positive and Proactive Engagement

In accordance with the requirements of the NPPF, the Local Planning Authority has worked with the applicant in a positive and proactive manner in order to seek solutions to overcome the planning objections and the conflict with Development Plan Policy by seeking to negotiate with the applicant to address identified issues of concern and providing on the council's website details of consultation responses and representations received. However, negotiations have failed to achieve sustainable development that would improve the economic, social and environmental conditions of the area.