

## TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

<b>Committee:</b>	Planning
<b>Date:</b>	27.02.2020
<b>Site Location:</b>	Land On The South Side Of, Dibden Lane, Alderton, Tewkesbury, Gloucestershire,
<b>Application No:</b>	19/00781/OUT
<b>Ward:</b>	Winchcombe
<b>Parish:</b>	Alderton
<b>Proposal:</b>	Erection of up to 41 new residential dwellings, including 20 affordable houses, associated access and landscaping
<b>Report by:</b>	Mr Adam White
<b>Appendices:</b>	Site location plan Illustrative masterplan Indicative access arrangements
<b>Recommendation:</b>	Refuse

### 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application relates to a parcel of agricultural land measuring approximately 1.9ha located to the south of Dibden Lane on the eastern edge of Alderton village (see location plan).
- 1.2 The site is generally flat with a gentle slope towards the south. The northern boundary comprises a low clipped hedgerow along Dibden Lane whereas the western boundary is formed by existing trees along garden boundaries of houses on the eastern edge of Alderton. The eastern and southern edges are currently undefined as they run through an open field. There is existing residential development to the east of the site with open countryside to the north, east and south.
- 1.3 The site lies outside but adjacent to the Area of Outstanding Natural Beauty (AONB), which starts to the north of Dibden Lane, and within the Special Landscape Area (SLA) as designated in the Tewkesbury Borough Local Plan to 2011. The site also sits outside but adjacent to the settlement boundary for Alderton as defined in the adopted Alderton Neighbourhood Development Plan.
- 1.4 There are no Public Rights of Way (PROW) crossing the site, however, footpaths AAL7 and AAL8 run close to the south west of the site. These footpaths also form part of the Winchcombe Way, which also runs along the frontage of the site on Dibden Lane. A listed building is located to the west of the site (The Old Rectory) along with a group of protected trees. The site also sits within Flood Zone 1 and is therefore at a low risk from flooding.

- 1.5 The application is made in outline for the erection of up to 41 dwellings. 20 (48%) of the dwellings would be affordable. All matters are reserved for future consideration.
- 1.6 Whilst the application is made in outline with all matters reserved, the application is supported by an indicative masterplan. The indicative masterplan details an access directly off Dibden Lane, areas of open space, drainage infrastructure tree planting (see indicative masterplan attached).

## **2.0 RELEVANT PLANNING HISTORY**

- 2.1 Of direct relevance to this site is an outline application for up to 60 units (Over 55 scheme) including landscaping, 1.6ha of employment land, vehicle access, SUDs drainage and associated works, which was withdrawn in September 2019 (Ref: 18/00338/OUT).
- 2.2 Also of relevance are a number of relatively recent appeal decisions in Alderton. On the 22<sup>nd</sup> 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 17<sup>th</sup> 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 17<sup>th</sup> 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). On the same date, an appeal for 24 dwellings at land east of Willow Bank Road, Alderton was allowed (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.

## **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, HER2, 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**

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

- 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.
- Neighbourhood Plans have been encouraged within Tewkesbury Borough as part of the planning process and a recognition of the importance of localism.
- Alderton has already had 23 affordable houses built in the last 5 years as part of the two recent developments.
- The Parish Council considers that the Landscape and Visual Appraisal vastly underrates the impact of the proposed development.
- The Parish Council considers that this proposed development would seriously harm the character and beauty of the countryside.
- Landscape considerations formed a key part of Inspectors' decisions to refuse planning permission for development on a small site next to this site on the south of Dibden Lane at Gretton View. This site is directly adjacent to the proposed site on the south of Dibden Lane and therefore landscape considerations are very similar.
- This development would move the settlement boundary out on a new limb on one side with open AONB countryside on the other.
- The Parish Council believes that the building of 41 more houses would seriously damage social cohesion in the village and that the proposal does not attempt to address this issue.
- The Parish Council notes that the County Archaeologist is not satisfied with the archaeological work to date and has recommended the need for an archaeological field evaluation.
- The Parish Council hold that the development of the site will be harmful to the setting of the Grade II Old Rectory.
- The applicant's Planning Statement is incorrect and misleading. Point 2.7 states that the building is largely screened from the site by tree planting along its boundary. This is not the case. There is no screening at all from the Grade II listed building in the direction looking directly East over the proposed site. Indeed, it provides exceptional views that the building's owners have enjoyed for centuries with a direct open relationship between the Old Rectory and the open countryside.
- The applicant appears to conclude that it is acceptable for the national speed

limit of 60mph to apply, but that visibility splays at the junction are acceptable based on 26mph average speed. The Parish Council contends that the speed survey is not specific to the junction concerned and that average speeds do not adequately cover the risk of those travelling closer to the permitted speed limit of 60 mph. As such, visibility splays of 215m are required. Their proposal on visibility splays also make no allowance of the gradient and curvature of the road.

- Dibden Lane is single track with ad hoc passing points that are extremely difficult to navigate in winter when they become rutted and muddy. It is not a suitable highway for a significant housing and commercial development.
- Dibden Lane is a popular route for walkers and horse riders. The Winchcombe Way itself passes alongside the proposed development with walkers needing to use the roadway itself. It is not sensible or safe to introduce significant extra traffic and a road junction into the mix.
- The Parish Council believes the Report is insubstantial and flawed and fails to identify wildlife that is present, including unusual species.
- The Parish Council supports the LLFA who object to the proposal because the drainage strategy report is inadequate.
- The A435 connected to Tewkesbury and the M5 has become increasingly congested with queues sometimes extending from the Aston Cross traffic lights to the Teddington Hands roundabout. It is prone to delays at any time and will be exacerbated as more houses are built in the vicinity.

**Environmental Health Consultant** – No objections.

**County Archaeologist** – It is recommended that in advance of the determination of the planning application the results of an archaeological field evaluation, which describes the significance of any archaeological remains contained within the site and how these would be affected by the proposed development should be provided.

**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** – Object on the basis that insufficient information has been provided to demonstrate that a viable discharge strategy is achievable.

**Conservation Officer** – Objects on the basis of harm to the setting of the Grade II listed Old Rectory and harm to the approach and setting of the historic core of the village as a non-designated heritage asset.

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

**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's West Midlands Area Planning team does not have the capacity to assess the application at the present time.

**Severn Trent Water** – No objections subject to drainage conditions.

**Tree Officer** – No objections.

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

**Landscape Consultant** – It is concluded that the landscape and visual harm associated with these proposals is likely to be material.

**CPRE** – Object on the grounds that the village has already built more than its allotted number of houses required. The application also conflicts with the Alderton Neighbourhood Development Plan.

## **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 91 letters of objection have been received. Their comments are summarised as follows:

- Dibden Lane has only a few passing places and number of blind bends, including a blind dip. The lane cannot take the increase in traffic that a housing development will create.
- The proposed site is not allocated for housing in the adopted Alderton NDP nor is it proposed to be allocated as such within the TBC plan.
- Recently completed housing developments have already increased the size of the community by 26%, which is a considerable increase to a local community.
- There is no industry etc. within the village to provide work for further housing. This means all new home owners have to have the use of a car.
- The village has already exceeded its NDP allocation and this proposed substantial increase in housing will only exacerbate an already difficult set of circumstances.
- The site is outside of the village boundary on land within a Special Landscape Area.
- The proposed visibility splays are for a 30mph zone and not an unrestricted road.
- This section of country lane is part of the Winchcombe Way and is frequently used by walkers.
- Historically there has always been a significant gap between the village boundary and the B4077.
- 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'.
- We have already had 75 houses built in the last few years which all impact on an Area of Outstanding Natural Beauty, and which is eroding.
- Rural life and enjoyment is being eroded.
- The site is highly visible from the Winchcombe Way and the Cotswold AONB.
- Alderton has already exceeded its requirement for new housing as a service village in the plan period up to 2031.
- The residents of Alderton like living in a small village, where people know and recognise each other. The bigger it gets the less attractive it becomes as a place to live.
- Another new separate development of 41 houses will not help community cohesion and integration into our village.
- The existing public transport does not enable residents without access to their

own cars to visit local towns.

- Alderton's current communication infrastructure services are inadequate to meet the basic needs of the current residents.
- In the last few years the sewers can't cope and neither can the water supply.
- Continuously building further housing dilutes the village environment and is not conducive to the local amenities and community feel.
- A smaller development, with provision for all types of resident, young and old would be more appropriate, with a guarantee of proper passing places and maintenance in Dibden Lane.
- New houses already built have not enhanced village life and the local primary school is still struggling for pupils.
- There is insufficient evidence to demonstrate that the proposed options for discharging surface water are viable.
- The proposal would increase flood risk in the area due to increased surface water runoff.
- Development would substantially encroach into open countryside and significantly alter the character of the area.
- The site is close to a blind bend and visibility is poor.
- Access for emergency vehicles is severely compromised by access along the narrow Dibden Lane and the potential of meeting oncoming traffic, animals or agricultural machinery.
- The additional residents have had no impact on the willingness of the bus companies to increase the frequency of the services or improve accessibility to local services.
- The development is too close to a listed building.
- In view of recent carbon footprint goals, surely building in rural areas is not environmentally healthy.
- 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.
- Older homes such as the Old Rectory will be obscured from view from Dibden Lane and therefore the village will lose a visible landmark.
- The view from Dibden Lane over this field over the fields and to the hills beyond is a major source of pleasure to walkers, cyclists, dog walkers, horse riders and visitors.
- Dibden Lane is a narrow single track country lane with no purpose made passing places, no pavements and a ditch on one side.
- Exit from both junctions onto the B4077 (Dibden Land and Willow Bank) have become increasingly challenging.
- There has been a considerable increase in houses, cars and people over the last few years that has distorted the relationship of new and old. A period of readjustment is required.
- The proposed development would be fully visible from the rear of The Old Rectory. The development would totally obliterate the view and open rural aspect, which has been enjoyed since 1832. This amounts to significant harm.

## 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 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on the Council to have special regard to the desirability of preserving listed buildings, their setting or any features of special architectural or historic interest which they possess.
- 6.3 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.
- 6.4 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).
- 6.5 Other material policy considerations include the National Planning Policy Framework and its associated Planning Practice Guidance.
- 6.6 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 (footnote 7) 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 24<sup>th</sup> 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 41 homes proposed here would increase that growth to 41%. If you further consider the proposed development at Willow Bank Road, Alderton for 28 dwellings (application reference 19/00772/FUL, which also appears on this Agenda), 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 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 for Policy LND2 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 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 suggests that the scale and nature of development would be in keeping with the existing settlement and would appear as a logical and continuous extension of the village. It further suggests that the development would have a strong green character created by the comprehensive green infrastructure proposals. The LVIA goes on to find that in terms of the impact on landscape character, there would be some localised impact on a small number of the documented special qualities, however, there would be no wider impact on the Cotswold AONB. In visual terms, the LVIA states that there would be a small area within the eastern edge of Alderton where major/moderate visual effects would be experienced at completion. These would reduce to moderate as the landscape proposals establish and soften the impact of the development. From other settlements in the area, it is suggested that the visibility of the site would be limited and effects would be moderate or less. For road users on Dibden Lane, visual effects would be moderate at completion and onwards. It follows that users of the B4077 would experience minor effects reducing to negligible and from the Winchcombe Way and other footpaths in the vicinity, moderate effects would occur. The LVIA therefore concludes that the visual effects would be very limited and the landscape has the capacity to comfortably accommodate the proposed development.
- 7.26 Following consultation with the Council's Landscape Consultant (LC), it is pointed out that the site contributes to the distinctive foreground setting to a well-treed edge of Alderton near its historic core and church. It also plays an important role in the foreground setting of the AONB at Alderton Hill. The site is clearly visible from the B4077 and Dibden Lane and it is visible in elevated views from Oxenton Hill and Langley Hill. It is also visible from the Winchcombe Way as it descends from Alderton Hill. It is advised that the character of the edge of Alderton in the vicinity of this site is of well-treed, large gardens off Church Road. This part of the village has a distinctly different character from the rest of Alderton. The introduction of new estate development in front of this edge would be very conspicuous against this well-treed edge. The proposed development would also be seen as an eastwards expansion of Alderton beyond an established well-treed edge into open countryside. Moreover that extension would extend along the base of Alderton Hill and intrude into the foreground setting of the AONB.

- 7.27 The LC further states that Alderton has received a number of new estate developments in recent years to the south and west. There is also another pending application for further expansion to the south. Cumulatively these developments have substantially altered the settlement pattern and the extent to which the village is visible and influences the local landscape character. Alderton sits immediately adjacent to the AONB boundary at the base of Alderton Hill. It lies in a narrow vale between the Cotswold Scarp and the outlier at Alderton Hill. The role this landscape plays in contributing to the foreground setting of the AONB is reflected in the designation of Special Landscape Area. The continuing piecemeal expansion of Alderton is harming characteristics of the landscape that are valued. The LC considers that this development would not 'protect and enhance' features of the landscape that are of local significance and would harm the setting of the AONB.
- 7.28 On its own the proposal would create a conspicuous expansion of Alderton into open countryside at the base of Alderton Hill and would harm the foreground setting of the AONB. In combination with the other extensive developments around Alderton, it represents further urbanisation of this narrow vale within the SLA between the Cotswold Scarp and the Outlier at Alderton Hill. In light of this, 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**

- 7.29 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. This is now reflected in the National Design Guide (NDG), which provides planning practice guidance for beautiful, enduring and successful places. The NDG sets out 10 characteristics for well-designed places which are:
- Context – enhances the surroundings.
  - Identity – attractive and distinctive.
  - Built form – a coherent pattern of development.
  - Movement – accessible and easy to move around.
  - Nature – enhanced and optimised.
  - Public spaces – safe, sociable and inclusive.
  - Uses – mixed and integrated.
  - Homes and buildings – functional, healthy and sustainable.
  - Resources – efficient and resilient.
  - Lifespan – made to last.
- 7.30 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.
- 7.31 Whilst the application is in outline with all matters reserved for future consideration, the application is supported with a Design and Access Statement (DAS), which explains how the site could be developed. The DAS provides an overview of the site and its context and presents a design concept, which includes an illustrative

masterplan. The DAS explains that the layout is based on providing a strong and sensitive frontage onto Dibden Lane and the open countryside to the south. The illustrative masterplan details a series of blocks with housing fronting onto an internal street hierarchy of primary streets and secondary shared surface lanes. At the centre of the site, the illustrative masterplan indicates an area of open space that could accommodate a play area and a SuDS pond. A further area of open space is shown to the front of the site adjacent to Dibden Lane. To the peripheries of the site, the illustrative masterplan shows a series of hedgerow and woodland belts designed to screen the development. The DAS states that the density of the development would be approximately 20 dwellings per hectare and would compromise a mixture of detached, semi-detached and potentially terraced housing.

- 7.32 Whilst it is entirely feasible that the quantum of development proposed could be technically accommodated on the site, it is considered that the development as a whole would not represent good design for a number of reasons. It is considered that the illustrative masterplan presents an insular and inward looking development that would be purposely screened on all sides. That screening would predominantly not follow any existing field boundaries and would introduce a somewhat artificial edge to the east of the village. It would also further isolate the development from existing residential development by design. In addition, when viewed from Dibden Lane, the retention of the hedgerow along the road frontage and the set-back of the dwelling would result in the development appearing visually divorced from the village, which would be emphasised by the existing intervening parcels of land that wrap around the properties in Gretton View. Moreover, there are no physical linkages into the village from the site and it is questionable as to whether these could be achieved in any event. This has been particularly highlighted by the Highways Officer.
- 7.33 In terms of the existing character and setting of Alderton, the Council's Conservation Officer points out that Alderton is not a conservation area but nevertheless has a charming historic core with a church, public house and a mix of historic buildings arranged along winding lanes. The historic character of the village has suffered as a result of later unsympathetic development from the 1960's onwards and also a proliferation of unsympathetic window replacements in unlisted historic buildings. However, there are areas where the charm of the village's historic character is surviving. Development which has a negative impact upon the character of the approach to the village would inevitably have a cumulative negative influence upon the historic core and the heritage assets therein. He goes on to state that the village remains relatively compact and nestled into the landscape with the exception of the recent housing developments on the Beckford Road to the west and Fletchers Close to the south. The proposed development represents a substantial extension to the east adjacent to the historic core of the village. Due to topography and scale, this proposal would have far reaching impacts similar or greater to that of Fletchers Close and would be much closer to the historic core of the village. As a result the cumulative visual impact upon the sense and character of the approach to the village from the east would be detrimental to its setting and historic rural character. Whilst it is recognised that the application is in outline, it is considered unlikely that the design and details of the buildings and landscaping could mitigate the harm. As such it is considered that the development would have a general cumulative negative impact upon the setting of the historic core of the village as a non-designated heritage asset. This view is also shared by the Council's Urban Design Officer.
- 7.34 In light of the above, it is considered that the proposed development fails to

understand and relate well to the site's local and wider context and identity, including existing built development, local heritage, access, movement and accessibility, landscape character and views. It therefore fails to integrate into its wider surroundings, physically, socially and visually. Furthermore, the development would fail to provide an integrated network of routes for all modes of transport. The proposal therefore does not represent good design, contrary to Policy SD4 of the JCS, Policy LC1 of the ANDP, the National Planning Policy Framework and the National Design Guidance. This weighs heavily against the proposal in the planning balance.

### **Residential Amenity**

- 7.35 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.
- 7.36 In terms of the impact on existing residents, the nearest properties are located to the west of the site. However, the majority of these are separated from the application site by a small intervening parcel of land, which wraps around the properties in Gretton View. This intervening land also incorporates vegetation along its eastern edge. The only properties that directly bound the site are numbers 9 and 9A Church Road, although their rear boundaries incorporate mature tree planting that provides a good degree of screening.
- 7.37 Whilst the detailed design of the development would be assessed at a later stage as part of any Reserved Matters application, the indicative masterplan does show how development could be accommodated on the site. This demonstrates that the development could be designed in such a way as to not adversely affect the residential amenity of existing residents in terms of light, privacy and outlook. The proposal is therefore considered to be acceptable in this regard.

### **Housing Mix**

- 7.38 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).
- 7.39 No precise housing mix has been put forward as part of this application, although the planning statement suggests that it would consist of a mix of 2, 3 and 4 bedroom houses. Whilst 1 bedroom properties would also be required, the indicative layout suggests the site would be capable of delivering an appropriate mix of dwellings. A condition would be required in order to secure an appropriate housing mix for any future reserve matters application in order that the development meets the needs of the Borough and as evidenced by the latest SHMA at the time of the reserved matters application.

### **Affordable Housing**

- 7.40 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.

- 7.41 The current proposal seeks to provide 20 affordable dwellings, which equates to just under 49%. No suggested tenure mix has been submitted by the applicant with regard to the affordable housing provision, however, the Council's Strategic Housing Enabling Officer suggests the following preferred mix:
- 4 x 1 bedroom apartments/maisonettes – Social rent
  - 1 x 1 bedroom bungalow – Social rent
  - 1 x 1 bedroom bungalow – Shared ownership
  - 5 x 2 bedroom houses – Social rent
  - 3 x 2 bedroom houses – Shared ownership
  - 3 x 3 bedroom houses – Social rent
  - 2 x 3 bedroom houses – Shared ownership
  - 1 x 4 bedroom house – Social rent
- 7.42 The applicant has indicated that the suggested preferred mix is acceptable, which would be secured through a S106 Agreement. Whilst the provision of just under 49% affordable housing is above the policy requirement and would be a considerable benefit, no S106 has been advanced at the time of writing this report. This therefore weights against the proposal.

### **Biodiversity**

- 7.43 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.
- 7.44 The application is supported by an Extended Phase 1 Habitat Survey that determines the habitats and species present on the site and makes an assessment of their ecological value. The report notes that the site is entirely in agricultural use for the growing of arable crops. At the time of the survey the site was dominated by maize crop. The report also notes the hedgerows along the northern and western site boundaries. The report sets out that arable land within the site does not provide suitable habitat for protected species and is heavily managed. It follows that the site boundaries provide suitable habitat for nesting bird but are known to be heavily managed through seasonal flailing. There are no trees suitable to support rooting bats or large birds within the site boundaries and no trees are proposed to be lost as a result of the proposed development. The report concludes that the survey area provides few opportunities for protected species and there are no ecological reasons that would limit the development of the site.
- 7.45 Following consultation with the Council's Ecology Consultant, it is advised that the site is within 10km of Dixton Wood SAC and Bredon Hill SAC, which could be impacted upon by increased recreational pressure from the development.

Consequently, as submitted, the application could have potential significant effects on the Dixton Wood and Bredon Hill SACs, particularly in combination with other local housing schemes that are proposed. Therefore, further information is required in order to determine the significance of these impact and the scope for mitigation. As insufficient information has been submitted at this stage, it is not possible to conclude whether or not the proposal would have an adverse impact on any protected European sites. This therefore weight against the proposals in the planning balance.

### **Arboricultural Implications**

- 7.46 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.
- 7.47 The Council's Tree Officer notes that the mature hedgerow to the north of the site adjacent to Dibden Lane is quite dense and provides good screening. A section of this access would need to be removed to incorporate the new primary access, which should be kept to a minimum. The Tree Officer points out that the indicative masterplan indicates that there would be new tree planting but this is predominately to the perimeter of the site. There is plenty of opportunity for more tree planting within the site itself and also in the rear/front gardens of the proposed dwellings. This would be addressed at the detailed design stage.

### **Drainage and Flood Risk**

- 7.48 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 and the Council's Flood Risk and Water Management SPD. 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.
- 7.49 The site is located within Flood Zone 1 and is therefore at a low risk from flooding. However, due to the size of the site, the application is supported by a Flood Risk Assessment (FRA). The FRA sets out that flooding is unlikely to affect the site from fluvial and/or tidal sources and is at a low risk from pluvial flooding. The site is not identified as being at risk of groundwater flooding or reservoir flooding or flooding from any other sources. In light of this, it is considered that the site is not at an unacceptable risk of flooding and is acceptable in this regard.
- 7.50 In terms of drainage, it is proposed to drain the surface water runoff through a combination of SuDS features comprising swales and infiltration ponds. If subsequent ground investigations show that SuDS are unfeasible, it is proposed that the attenuation and storage features would discharge surface water to a watercourse to the east of the site boundary.
- 7.51 Following consultation with the LLFA, it is advised that whilst a drainage report has been submitted that describes infiltration, discharge to a watercourse and discharge to a sewer as potential options for discharging surface water, the applicant has not provided sufficient evidence for either of these options to

demonstrate that any of them are viable. It is pointed out that no ground investigation or infiltration tests have been completed to show that infiltration rates are suitable and the drainage report concedes that the potential for infiltration is low given the geology of the area. Furthermore, in order to discharge to a watercourse the applicant must carry out work on land outside of the application site. It is also pointed out that there is not a public sewer (surface water or foul) in the vicinity of the site and no consultation with Severn Trent Water has been undertaken to determine the viability of this option. It concludes that if the applicant wants to use infiltration then tests must be submitted that show infiltration rates are suitable. If they want to discharge to a watercourse then they must provide approval from the third party whose land they will be crossing to discharge into the watercourse or extend the red line boundary to include access to the watercourse. And if they want to discharge to a public sewer then they need to consult with Severn Trent Water to agree the most appropriate sewer, while demonstrating the former two options are not viable. Once this information has been provided, the required discharge rate/storage volumes can be assessed.

- 7.52 Following the LLFA's comments, the applicant has presented a title plan showing that the land between the site and the nearest watercourse is in the same ownership, demonstrating there is a viable discharge strategy. However, no further information has been submitted. The LLFA further advise that whilst the applicant has demonstrates that they have a viable point of discharge into the watercourse to the east of the site, they uphold their initial objection until the other outstanding information is supplied. Without that information, it is considered that it is not possible to determine whether a suitable drainage strategy for the site can be achieved. This weights against the proposal in the planning balance.

### **Access and Highway Safety**

- 7.53 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.
- 7.54 The application is supported by a Transport Statement (TS), which states that Dibden Lane is an unclassified road of approximately 4m in width. The road is rural in nature and subject to a 60mph speed limit in the vicinity of the site. Dibden Lane becomes subject to a 30mph speed limit immediately to the west of the site. The TS notes that a minimum of one footway is provided adjacent to the majority of roads within Alderton although there are no footways provided on Dibden Lane along the frontage of the site. The existing footway network terminates approximately 40m from the site. The nearest bus stops to the site are located on Dibden Lane and Blacksmiths Road, which provide access to Cheltenham, Winchcombe and Broadway. However, this service is limited with only one bus service in the AM peak hour. Additional services to Cheltenham and Chipping Camden can also be accessed from stops located on Willow Bank Road.
- 7.55 Access is proposed to be reserved for future consideration, however, an indicative access is shown directly off Dibden Lane with 70m visibility splays in either

direction. These visibility splays are based on a speed survey, which suggests average vehicle speeds are lower than 30mph in the vicinity of the site. However, the Parish Council and a number of objectors have raised concerns about the robustness of the speed survey on the basis of the date and weather conditions when the speed survey was undertaken. The indicative access details also show a footway link from the site that would connect to the existing footway network with tactile crossing points. In terms of the impact on the highway network, the TS states that the development would generate 40 trips (arrivals and departures) in the AM peak hour (8am-9am) and 34 trips in the PM peak hour (5pm-6pm). The TS also analyses the impact of the proposed development on a number of junctions and concludes that they would continue to operate well within capacity and there would be a negligible impact on the operation of the local highway network. Furthermore, the TS concludes that the existing form of Dibden Lane is appropriate to accommodate the forecast increase in traffic that would be generated by the development.

- 7.56 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. The Highways Officer considers that this level of reliance is not acceptable for a development comprising nearly 49% affordable housing. 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 local residents as well as promoting sustainable transport. This applies to the existing settlement and further development would only worsen the reliance on private motor use. Furthermore, whilst the application is also supported by a Travel Plan, it is considered to be inadequate and insufficient to reduce the reliance on private vehicle trips. On that basis, the Highways Officer objects to the proposed development. This objection has to be balanced against the fact that Alderton is designated as a Service Village in the development plan.

- 7.57 In terms of the illustrative masterplan, whilst access is a reserved matter, the Highways Officer states that the suitability of the highway access around the site needs to be determined if suitable to accommodate additional vehicle and pedestrian movements. Moreover, it is advised that the proposed pedestrian access arrangements to and from the site as well as details of swept-path analysis are not clarified on the submitted information and the Highways Officer cannot determine whether the level of mitigation and analysis is acceptable for this proposal due to lack of full scale drawings. Additional information has subsequently been submitted by the applicant and the views of the Highways Officer has been sought. **An update will therefore be provided at Committee.**

### **Heritage Assets**

- 7.58 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on the Council to have special regard to the desirability of preserving listed buildings, their setting or any features of special architectural or

historic interest which they possess.

- 7.59 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.
- 7.60 The site is located in relatively close proximity to The Old Rectory, which is a Grade II listed building. Following consultation with the Council's Conservation Officer, it is advised that The Old Rectory is a fine stuccoed neo-classical detached house that has a reasonably generous mature enclosed garden around it. The principal elevation of the house faces away from the development site and the setting of the house does not appear to rely on vistas or views beyond the boundary of the plot. There is currently a gap in vegetation to the rear of the plot affording far reaching views across the open countryside and the landscape beyond. The Conservation Officer is of the opinion that if the proposal is permitted this view and sense of the open countryside would be obscured by new housing. Although not fundamental to the setting of the listed building, the loss of this sense of open countryside would have a negative impact upon the setting of the building. It is considered that this level of harm to the significance of the listed building would be less than substantial but this harm would nevertheless need to be balanced against any public benefits generated by the development.
- 7.61 The public benefits of the proposal arise mainly as a result of the delivery of market and affordable housing would provide a considerable social benefit, in the context of the current 5 year supply shortfall. In particular, the provision of nearly 49% affordable housing is in excess of the policy requirement. 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. Section 66(1) of the Listed Buildings Act imposes a statutory duty on local planning authorities to "...have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses". Where such a setting would be harmed, that is a matter to which considerable weight should be given and there is a strong presumption against the grant of planning permission. However, that presumption is rebuttable and it is for the decision-maker to decide how much weight should be given to the harm it identifies.
- 7.62 In this case, whilst there are substantial benefits arising from the proposed development, on balance, it is not considered that those benefits outweigh the less than substantial harm to the setting of The Old Rectory. This harm to an asset of particular importance provides a clear reason for refusal of the application which 'disapplies' the presumption to grant permission set out at paragraph 11(d) of the NPPF.
- 7.63 In terms of archaeology, the application is supported by a Heritage Assessment, which considers the archaeological potential of the site. The assessment sets out that a substantial amount of fieldwork has been undertaken on the southern and western fringes of Alderton although no archaeological fieldwork has been undertaken on the site itself. The assessment concludes that given the background of the area, the site has low potential to contain previously unrecorded assets of

archaeological interest, with the exception of later Prehistoric and Roman period field boundaries, for which there is moderate potential. It follows that such assets are likely to be of no greater than local importance, significant for their evidential value.

- 7.64 Following consultation with the County Archaeologist it is advised that the wider locality is known to contain widespread archaeological remains. Concerns are therefore raised that significant archaeological remains will be present on site that would be adversely affected by any construction ground works. The County Archaeologist notes the conclusions reached in the Heritage Assessment but strongly disagrees with them. It was therefore recommended that in advance of the determination of the planning application the applicant should provide the results of an archaeological field evaluation which describes the significance of any archaeological remains contained within the site and how these would be affected by the proposed development. No such works have been undertaken to date and therefore it is not possible to determine whether or not the proposed development would have a harmful impact on any archaeology that may be present. The proposal is therefore contrary to paragraph 189 of the Framework, which weights against the proposal in the planning balance.

### **Open Space and Play Facilities**

- 7.65 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.
- 7.66 As the application is in outline with all matters reserved for future consideration, the layout is not fixed at this stage. However, the illustrative masterplan does show that there is scope to provide a good degree of public open space. In particular, an open space, described as an 'area of parkland' in the DAS, is shown at the centre of the site, which could also accommodate a play area. A further area of open space is shown to the front of the site adjacent to Dibden Lane. 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.
- 7.67 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 £33,784 which would be used to upgrade and/or maintain the existing play facilities located off Beckford Road.
- 7.68 Subject to securing the provision of a LEAP on site or an equivalent 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 there is no signed Section 106 Agreement in place to secure either the on-site provision or off-site 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, Policy RCN1 of the TBLP and the NPPF.

### **Community Infrastructure Levy/Section 106 obligations**

- 7.69 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.
- 7.70 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.
- 7.71 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.
- 7.72 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 = 20 dwellings
  - Provision of LEAP on-site or equivalent off-site contribution = £33,784
  - Pre-school Education = £185,619.30
  - Primary Education = £98,091.50
  - Secondary Education (11-16) = £159,818
  - Secondary Education (16-18) = £103,784.12
  - Libraries = £8,036
  - Recycling - £73 per dwelling
- 7.73 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.
- 7.74 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.

- 7.75 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.
- 7.76 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 LEAP/ off site contributions, or the recycling 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. It is currently the case that 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. On that basis the application must be determined in accordance with paragraph 11(d) of the NPPF, i.e. planning permission should be granted unless the application of policies in the NPPF that protect assets of particular importance provide a clear reason for refusal; or 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. In particular, the provision of nearly 49% affordable housing is in excess of the policy requirement. 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 proposal would not represent good design.

- 8.5 There would be less than substantial harm to the setting of a designated heritage asset, the Grade II listed 'The Old Rectory'. It is concluded in the 'Heritage Assets' section above that the benefits of the proposal would not, on balance, outweigh the harm to the setting of this asset. On that basis, the harm to the setting of The Old Rectory provides a clear reason for refusal of the application and therefore the NPPF's presumption that planning permission should be granted does not apply.
- 8.6 It has not been demonstrated that the proposal has an acceptable impact on any archaeology that may be present. Furthermore, insufficient information has been provided to determine whether a suitable drainage strategy for the site can be achieved and it is not known as to whether there would be an acceptable impact on local European sites as a result of indirect recreational pressures.
- 8.7 At this stage there is also no signed S106 Agreement to secure the requisite affordable housing along with the financial contributions required towards recycling and play facilities.

### **Neutral**

- 8.8 The proposal does not raise any residential amenity issues in terms of a loss of light, outlook and privacy.

### **Conclusion**

- 8.9 As set out above, there is unacceptable harm to the setting of a designated heritage asset which is not outweighed by the benefits of the proposed development. On that basis, the presumption in favour of sustainable development at paragraph 1(d) of the NPPF is misapplied. When applying an ordinary planning balance, for the reasons set out at paragraphs 8.4-8.7 above, the proposed development results in clear conflicts with the Development Plan and the NPPF.
- 8.10 For completeness, even in the event it was judged that the harm to the designated heritage asset was found not to provide a clear reason for refusal and the tilted balance was applied, the adverse impacts identified above would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole.
- 8.11 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 41 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 east 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 understand and relate well to the site's local and wider context and identity, including existing built development, local heritage, access, movement and accessibility, landscape character and views. It therefore fails to integrate into its wider surroundings, physically, socially and visually. The proposal therefore does not represent good design contrary to Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017), Policy LC1 of Alderton Neighbourhood Development Plan (July 2018), the National Planning Policy Framework and the National Design Guidance.
5. The proposed development by virtue of its scale and location would have a harmful impact upon the setting of the Grade II Listed Old Rectory. The harm to the significance of the designated heritage asset is less than substantial but is not outweighed by the benefits of the proposal. The proposed development is therefore contrary to Section 66(2) of the Planning (Listed Buildings and Conservation Areas) Act 199, Policy SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017) and Section 16 of the National Planning Policy Framework.
6. 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).
7. In the absence of an appropriate planning obligation, the application does not make provision for the delivery of recycling and 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.
8. Insufficient information has been provided to demonstrate that a suitable drainage strategy for the site can be achieved. The proposed development is therefore contrary to Policy INF2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017) and Policy LE2 of Alderton Neighbourhood Development Plan (July 2018).
9. 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.

10. The wider locality is known to contain widespread archaeological remains and archaeological investigations of land to the west of the application site have revealed both later prehistoric and Anglo-Saxon settlement. As such, there is the potential for significant archaeological remains to be present on the site that would be adversely affected by construction groundworks required for the development. In the absence of the results of an archaeological field evaluation, it has not been demonstrated that the proposed development would have an acceptable impact on any archaeology that may be present. The proposal is therefore contrary to Policy SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017) and paragraph 189 of 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.