

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

Committee:	Planning
Date:	17 August 2021
Site Location:	Part Parcel 0250 Manor Lane Gotherington
Application No:	21/00019/FUL
Ward:	Cleeve Hill
Parish:	Gotherington
Proposal:	Residential development comprising 45 dwellings, creation of new access, public open space and other associated ancillary works
Report by:	Paul Instone
Appendices:	Planning Layout Contextual Landscape Plan Storey Heights Plan Plot 1, 2 and 3 Elevations (Walnut) Plot 21, 22, 23, 24 Elevations (Hawthorn) Plot 40 and 41 elevations (2B4P Bungalows)
Recommendation:	Refuse

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1. The application site comprises two agricultural fields located at the eastern end of Gotherington on the southern side of Gretton Road and to the east of Manor Lane. The site is 4.15ha in area and comprises a mixture of grassland and arable agriculture. The site is enclosed by mature trees and a hedgerow to its north boundary with Gretton Road and to its east boundary with the open countryside beyond. There is also a minor watercourse running adjacent to the east boundary. There is a Category A High Quality Oak Tree in the eastern part of the site. The site is adjoined to the west by the existing residential development along Manor Lane, to the south by the Truman's Farm building complex and to the south-east by the Gloucestershire Warwickshire railway (GWR) line.
- 1.2. The site is located within the Special Landscape Area (SLA) as designated within the Tewkesbury Borough Local Plan to (TBLP) with the Cotswolds Area of Outstanding Natural Beauty (AONB) located on the other side of the railway embankment. The site is located outside of, but immediately adjacent to, the Residential Development Boundary of Gotherington as defined in the TBLP. Trumans Farmhouse is a Grade II Listed Building and is located approximately 35 metres to the south-west of the site beyond the farm building complex.
- 1.3. The application site is in Flood Zone 1.
- 1.4. The application is submitted in full and has been revised during the determination of the application and the number of proposed dwellings has been reduced from 49 to 45 through the removal of a cluster of dwellings in the eastern portion of the site.

1.5. The application proposes the erection of 45 dwellings, including 40% affordable housing provision. The application proposes the following mix of dwellings:

1.6. 27 open market dwellings

- 6 no. 2 bedroom dwellings
- 9 no. 3 bedroom dwellings
- 9 no. 4 bedroom dwellings
- 3 no. 5 bedroom dwelling

1.7. 18 affordable dwellings

- 4 no. 1 bedroom dwelling
- 9 no. 2 bedroom dwellings
- 4 no. 3 bedroom dwellings
- 1 no 4 bedroom dwellings

1.8. The dwellings would be located in the western part of the site with informal open space and a SuDS pond located in the eastern portion. It is proposed that new native species hedgerows and trees and informal mown paths would be located in the eastern portion of the site. The site would be accessed/egressed from via two vehicular accesses and two pedestrian accesses off Gretton Road.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
16/00539/OUT	Outline application with all matters reserved except for access for the development of up to 65 dwellings (inc. 26 affordable homes) including access, landscaping and other associated works	REF	25.11.2016

3.0 RELEVANT POLICY

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

National guidance

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

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

3.3. 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)

3.4. Policies LND2, RCN11

Tewkesbury Borough Plan 2011-2031 Pre-Submission Version (October 2019) (Emerging TBP)

3.5. Policies: RES1, RES2, RES3, RES4, RES5, RES12, RES13, DES1, HER2, HER4, LAN1, LAN3, NAT1, NAT3, ENV2, RCN1, RCN2, TRAC1, TRAC2, TRAC3, TRAC9

Neighbourhood Plan

3.6. Gotherington Neighbourhood Development Plan 2011- 2031 (GNP)

3.7. GNDP01, GNDP02, GNDP03, GNDP04, GNDP05, GNDP07, GNDP08, GNDP09, GNDP10, GNDP11, GNDP12

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

3.9. The First Protocol, Article 1 (Protection of Property)

3.10. Planning (Listed Buildings and Conservation Areas) Act 1990

3.11. Cotswolds AONB Management Plan 2018-2023

4.0 CONSULTATIONS

Full copies of all the consultation responses are available online at

<https://publicaccess.tewkesbury.gov.uk/online-applications/>

4.1. Gotherington Parish Council – Object to the proposal - summarised as follows:

- The proposal conflicts with the spatial strategy and is outside the settlement boundary and is not allocated for development in the JCS and does not meet any of the exception criteria in Policy SD10.
- The NDP identified that Gotherington should provide around 86 homes between 2011-2031. These numbers have now been exceeded.
- The site is within the SLA and makes a valuable contribution to the AONB and the proposal would cause harm to the landscape.
- The proposal makes a limited attempt to provide public open space to mitigate the loss of green space. The open space will have limited value when the amenity land of Gotherington as a whole is limited.
- This site does nothing to add to the quality of life in Gotherington and takes residents further from shops and services in the village centre.
- The separation of the site from the village centre makes it an unsuitable site for affordable housing.
- Gotherington has already met its local affordable housing need.
- The proposal will increase reliance on cars and increase congestion.

- The village is a dark sky area and use of the public footpaths from the proposal site at night to the social amenities in the centre of Gotherington would not be undertaken without some personal danger.
- 4.2. **Gloucestershire County Council Community Infrastructure** – S106 requests for pre-school, primary and library provision (the comments are currently being re-visited).
 - 4.3. **Cotswold AONB Board** – Consider the proposal will have a significant adverse impact on the natural beauty of the AONB landscape, particularly with regard to the impacts on views from Nottingham Hill. The Board consider this impact provide a clear reason for refusal and that the tilted balance does not apply.
 - 4.4. **Council’s Landscape Advisor** – Summarised below
 - 4.5. The site and its contextual surroundings has a Medium degree of sensitivity in both landscape and visual terms given its proximity to and role as part of the setting to the Cotswolds National Landscape (new name for Cotswold Area of Outstanding Natural Beauty).
 - 4.6. The proposals appear more considered than the previous scheme for 65 dwellings but even so the adverse landscape effects of the new housing are not outweighed by the positive landscape elements of the hedged enclosures to the east of the proposed site.
 - 4.7. Visually the change to nearer views will be evident through the new accesses onto site however greater visual effects would arise for users of Nottingham Hill as they walk towards Gotherington. Overall, the visual effects are adverse and the proposed planting to the east will not prevent the development reducing the quality of the view from the AONB.
 - 4.8. As the intrinsic landscape character of the Site is not retained or enhanced then there is conflict with Tewkesbury Borough Plan Policy LND2 – Special Landscape Area. The same landscape harm in the setting to the AONB also suggests conflict with JCS Policies SD6 – Landscape and SD7 – Cotswolds AONB. In addition, the landscape harm indicates conflict with Gotherington Neighbourhood Development Plan Policy GNDP 9 – Protecting and Enhancing the Local Landscape. The fact that the quality of the setting to the AONB and views from it are neither conserved nor enhanced indicates conflict with the NPPF and also with GNDP 10 – Protecting Locally Significant Views.
 - 4.9. **Urban Design Officer** – No objection - Gotherington has seen a large amount of development in recent years and there may be more sustainable locations to deliver housing within the Borough. However, the location of the site relates well to the existing settlement. The revisions to the proposal have addressed the Officer’s comments
 - 4.10. **Highways England**- No objection
 - 4.11. **Ecology** – Additional Information Requested Prior to Determination
 - 4.12. **Historic England** – Do not wish to comment
 - 4.13. **Conservation Officer** – No objection
 - 4.14. **Environmental Health (Noise)** – No object subject to conditions including a Construction Environmental Management Plan and a condition to secure internal and external noise standards given the proximity of railway
 - 4.15. **County Highways Authority** – No objection subject to conditions

- 4.16. **Local Lead Flood Authority** – No objection subject to conditions
- 4.17. **Severn Trent** – No objection subject to conditions
- 4.18. **County Archaeologist** - No archaeological investigation or recording need be undertaken in connection with this scheme.
- 4.19. **Gloucestershire Minerals and Waste** – No objection subject to conditions
- 4.20. **Natural England** – A HRA Record is required in regard to the Dixton Wood SAC and the Cotswold AONB should be consulted in regard to protected landscape. A condition is required to mitigate impact on the Cleeve Common SSSI
- 4.21. **Housing Enabling Officer** - This affordable housing mix is policy compliant and the applicant has also satisfactorily addressed accessibility issues as referred to in our LHNA 2020. I would support these proposals if the application is to proceed having regard to other planning matters. The affordable housing will need to be secured by a S106
- 4.22. **Tree Officer** – Further information required. The most significant tree is the Category A Oak tree which is shown to be retained and will be situated within the open space area. The Officer requires additional trees to be planted particularly in and around the attenuation pond. The officer has concerns about the 35m of hedgerow that is proposed to be removed and advises that this could be significantly reduced if there was one vehicular access point to the site. The Officer also considers that there needs to be more street trees planted and incorporated into the proposed layout as recommended by the NPPF, and currently there is very little tree planting in the residential area.
- 4.23. **CPRE** – Object – contrary to the development plan, landscape impact and harmful to social cohesion

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
- 5.2. Full copies of all the representations responses are available online at <https://publicaccess.tewkesbury.gov.uk/online-applications/>
- 5.3. 134 letters of objection have been received to the existing and revised proposals. The comments are summarised as follows:
- The application is contrary to the spatial strategy including the Gotherington Neighbourhood Plan. There is harm due to conflict with the Neighbourhood Plan which passed by referendum and the views of the community are being ignored
 - The fields which make up this proposal are part of a Special Landscape Area serving to protect the foreground setting of the Area of Outstanding Natural Beauty of Nottingham Hill. The proposal would harm this setting.
 - The houses on Manor Lane provide a soft but definite edge to the built form of Gotherington. The proposal would harm the settlement character and create a harsh end to the village, incongruous and out of character in this location.
 - The proposal would be harmful to the settlement form of Gotherington and its character as a village and would result in urban sprawl.

- The proposal would diminish the experience of users of the GWR Railway.
- The revised proposal does not mitigate the harms identified by the previous Inspector and the reasons for dismissal remain.
- Gotherington has more than fulfilled its share of new housing in recent years exceeding the Neighbourhood Plan requirements. There have been no significant associated increases in infrastructure and community facilities cannot cope with the additional capacity
- The significant increase in housing is harmful to social cohesion.
- The school is at maximum capacity meaning children from the age of four will have to travel outside the village
- The proposal does not provide provision for children's play facilities
- The site is isolated from the village, people will be reliant on cars and those without cars will be isolated
- The main road through Gotherington has many blind bends and narrow pavements and there is a risk of accidents
- The village has a restricted bus service and future residents will be reliant on cars
- The proposal will give rise to additional congestion which will cause health and safety issues
- No more affordable housing is required in Alderton – there has already been significant provision
- The proposal would be harmful to the amenity of residents on Manor Lane due to the proximity of the dwellings
- The field where the application is located is always in flood after heavy rain and the dwelling would be at risk of flooding
- The development would also destroy farmland which is needed for food production
- The water pressure, internet and mobile phone signals are already inadequate in Gotherington
- The construction phase will give rise to noise and pollution
- The proposal will impact local wildlife including deer, bats, and varying species of bird
- Truman's Farm in Manor Lane, is a listed building, and the proposal will cause harm to its setting
- The slopes of Nottingham Hill, with its Ancient Iron Age Hill Fortress site, should be protected from further developments 'creeping' uphill.

5.4 There have been no letters of support for the proposals

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.
- 6.3. The Tewkesbury Borough Plan (TBP) has reached an advanced stage. The Examination in Public was held in February/March 2021 and the Inspector's post hearings Main Modifications letter was received on 16th June 2021. In this letter the Inspector provided his current view as to what modifications are required to make the Plan 'sound'. Those policies in the Pre-submission version of the TBP which are not listed as requiring main modifications may now attract more weight in the consideration of applications, with those policies which do in the Inspector's view require main modifications attracting less weight depending on the extent of the changes required. The TBP remains an emerging plan and the weight that may be attributed to individual policies will still be subject to the extent to which there are unresolved objections (the less significant the unresolved objections, the greater the weight that may be given) and the degree of consistency with the NPPF (the closer the policies to those in the NPPF the greater the weight that may be given).
- 6.4. 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. In the remainder of the rural area Policy SD10 will apply for proposals for residential development. With relevance to the application Policy SD10 follows that housing development on other sites will only be permitted where it is previously developed land in the existing built up areas of Service Villages, or it is:
 - 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 GNDP01 of the GNP supports small infill housing development within existing built-up frontages when it is consistent with the scale and proportion of existing houses and gardens in the adjacent area. Outside of the defined settlement boundary, Policies GNDP03 and GNDP11 of the GNP only permits, inter alia, replacement dwelling; rural

exception housing to meet an identified local need; agricultural and forestry dwellings; and additional housing where evidenced need has been established through the development plan and cannot be met within the defined settlement boundary for Gotherington.

- 7.3. The application site is open countryside that lies outside of the defined settlement boundary for Gotherington as defined in the GNP 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 TBLP or the GNP which allow for the type of development proposed here. Moreover, additional housing need for Gotherington has not been established within the Emerging TBP.
- 7.4. The proposal therefore conflicts with Policies SP2 and SD10 of the JCS and Policies GNPD01, GNPD03 and GNPD11 of the GNP and 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.

Five Year Housing Supply

- 7.5. As set out in the latest Tewkesbury Borough Five Year Housing Land Supply Statement published in December 2020, the Council can demonstrate a 4.35 year supply of deliverable housing sites. On the basis therefore that the Council cannot at this time demonstrate a five year supply of deliverable housing land, the Council's policies for the provision of housing should not be considered up-to-date in accordance with footnote 7 of the NPPF and in accordance with paragraph 11 of the NPPF the presumption in favour of sustainable development (the 'tilted balance') applies. The presumption is therefore that permission should be granted unless policies for protecting assets of particular importance provides a clear reason for refusing the development or any adverse impacts of permitting the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This will be assessed below.
- 7.6. Members will be aware of the recent appeal decision at Ashmead Drive in which the Inspector concluded that the Council can demonstrate a 1.82 year supply. This is principally because the Council includes advanced delivery (or 'oversupply') against annual housing requirements in its five-year supply calculations. Appeal decisions are not binding precedents, however. Officers consider that, on the context of the plan-led system, it is wrong not to take into account houses that have already been delivered during the plan period, essentially ahead of schedule, and which meet the needs being planned for in the area. Officer's advice is therefore that a 4.35 year supply can be demonstrated at this time.
- 7.7. Nevertheless, as set out above, as the Council cannot demonstrate a five year supply of deliverable housing sites, the presumption in favour of sustainable development is engaged in this case.
- 7.8. Members are advised that the Cotswolds AONB Board considers that the significant adverse impact of the proposal on the AONB provides a clear reason for refusal and that in accordance with footnote 7 of the NPPF the presumption in favour of granting planning permission (i.e. the 'tilted balance'), which would normally apply in these circumstances, due to the absence of a five year housing supply, should be disapplied.
- 7.9. Whilst the comments of the Cotswolds AONB Board are noted, officers consider on balance that the proposal would not give rise to a significant adverse impact on views from the AONB, or indeed to the setting of the AONB, and for these reasons it is not considered that the impact on the AONB gives rise to a clear reason to refuse the application. Officers therefore consider that paragraph 11d(ii) of the NPPF remains engaged and that planning permission should be

granted unless any adverse impacts of doing so would demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Gotherington Neighbourhood Development Plan (GNP)

- 7.10. 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.
- 7.11. The GNP was adopted as part of the development plan on the 19th September 2017. Whilst the GNP does contain policies and allocations to meet its identified housing requirement, the Plan is now over two years old. As such, paragraph 14 of the Framework is not engaged.

Landscape Impact

- 7.12. Paragraph 174 of the NPPF sets out that the planning system should contribute to and enhance the local environment by, inter alia, protecting and enhancing valued landscapes. Paragraph 176 of the NPPF states that the scale and extent of development within the setting of AONBs should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.
- 7.13. 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. Policy SD7 of the JCS states that all development proposals within the setting of the AONB will be required to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities. Proposals are required to be consistent with the Cotswolds AONB Management Plan.
- 7.14. Policy RES5 bullet point 3 of the Emerging TBP states that new housing development should – where an edge of settlement is proposed – respect the form of the settlement and its landscape setting, not appear as unacceptable intrusion in to the countryside and retain a sense of transition between the settlement and the countryside.
- 7.15. The appeal site is located within open countryside within a Special Landscape Area (SLA) as designated in Saved Policy LND2 and the Proposals Map of the TBLP. The SLA designation has been carried forward into the Emerging TBP as Policy LAN1.

- 7.16. Saved Policy LND2 of the TBLP requires special attention to be paid to the protection and enhancement of the special landscape character of the SLA, which is of local significance. This is further reflected in Policy LAN1 of the Emerging TBP which also sets out that where a proposal would result in harm to the SLA, this harm should be weighed against the need for, and benefits from, the proposed development. The reasoned justification for Emerging Policy LAN1 re-confirms that the SLA is defined as an area of high quality countryside of local significance which is a quality worthy of protection in its own right. The SLA also plays a role in protecting the foreground setting of the adjacent AONB and is defined where the topography is a continuation of the adjacent AONB and/or where the vegetation and associated features are characteristic of the AONB
- 7.17. Policy GNPD09 of the GNP states that to protect and enhance the landscape of the Gotherington neighbourhood development plan area, where appropriate, development proposals will have to demonstrate, inter alia, that they would not have a detrimental impact on the views to and from surrounding hills (e.g. Crane Hill, Nottingham Hill, Prescott Hill and Cleeve Hill), or the Area of Outstanding Natural Beauty, and views of the Vale of Gloucester. The sense of enclosure found in Gotherington village should also be maintained along with the strong separation of Gotherington village from Bishop's Cleeve, Woolstone and the A435. It also states that existing settlement patterns should be preserved, including the strong east-west form of Gotherington, particularly by avoiding encroachment into open countryside ridgeline development, or development that intrudes into the foreground of surrounding features such as hills, and the Area of Outstanding Natural Beauty.
- 7.18. Policy GNP10 of the GNDP follows and sets out a number of significant views that will be given special consideration when assessing planning applications. Of particular relevance to this application are the views from Nottingham Hill.
- 7.19. Policy CE1 of the AONB Management Plan 2018 – 2023 states that proposals that are likely to impact on, or create change in, the landscape of the Cotswolds AONB, should have regard to the scenic quality of the location and its setting and ensure that views – including those into and out of the AONB – and visual amenity are conserved and enhanced.
- 7.20. The effect on the character and appearance of the landscape was a key consideration in the previous appeal on this site and the findings of the Inspector are a material consideration (**the indicative site layout for application ref: 16/00539/OUT is included in the Committee Presentation**). The Inspector noted that in his opinion 'by extending built development as far to the south-east as is suggested on the illustrative layout plan, the appeal proposal would result in an appreciable amount of new, urban development encroaching close to the Gloucestershire Warwickshire railway and the AONB, where currently there is only the sporadic, rural type development in the form of the Trumans Farm complex. Furthermore, by seeking to develop so close to the AONB, and by reducing the SLA to just a relatively thin sliver at this point, the proposed development would have a noticeable and harmful impact on the setting of the AONB as it would appear as an incongruous intrusion into this largely undeveloped edge-of-settlement location. The new housing would be clearly visible in views from footpaths and bridleways within the AONB, especially from such locations in the south-east which I visited at my site visit'
- 7.21. The application is supported by a LVIA which states that the applicant considered that the reduction in the number of dwellings (from 65 to 45) has allowed for the development footprint to be pulled back further from the south-eastern portion of the site. The applicant considers that this has resulted in the following positive outcomes. Firstly, the applicant considers that the current proposal does not encroach close to the Gloucestershire Warwickshire railway and the AONB. Secondly the applicant considers that the proposal is seen directly against the backdrop context of the settlement edge to the west and north and is not an incongruous extension. Thirdly they consider it ensures that an appreciable spaciousness within the SLA is maintained and the gap within the SLA is not significantly reduced; and fourthly, they consider the proposal

follows historical linear growth along Gretton Road, whilst also being consistent with larger infill development south of the road and that the settlement is 'rounded off' by the proposed development, and softened by the creation of a positive frontage to the new public open space. In conclusion the applicant's LVIA considers that the proposed mitigation is entirely appropriate for the locality and provides a range of justified measurements to avoid or reduce harm through protection of existing highest quality landscape features; conserves the character of the site and the adjoining designations through planting of similar features and that this landscape-led approach is an appropriate response to the receiving landscape. The applicant considers the proposal will have a beneficial impact on the current poorer quality countryside, local designations and setting of the AONB.

- 7.22. In terms of layout and landscape, the primary difference between the two proposals, is the removal of the eastern block of development in the current scheme which then results in a larger area of green space to the eastern side of the current proposals. There is also an increased indication of separation in the current proposals with the new hedgerows and tree planting to the east side of the site. This is in comparison to the previous proposals that appeared to treat the whole site as a single entity leaving a lesser area of open space that would be visually associated as a setting to the indicated housing units. The previous proposals also proposed more 'puncturing' with accesses through the hedgerow to Gretton Road.
- 7.23. The Local Planning Authority has commissioned a Landscape Advisor to review the proposal and the applicant's LVIA. The Landscape Advisor has advised that the site and its contextual surroundings has a Medium degree of sensitivity in both landscape and visual terms given its proximity to and role as part of the AONB. The Landscape Advisor judges the site to be a Valued Landscape in the context of paragraph 174 of NPPF given it is part of the natural heritage feature that is the Cotswold Escarpment, the general good condition of the site and its surroundings, its distinctiveness as part of the lower slopes of the escarpment, the area's scenic quality and the function it plays in the setting of the designated AONB landscape.
- 7.24. In regard to viewpoints of the site, the Landscape Advisor identifies effect from near views, mid-distance and distant views. These include, but are not limited to, views from hedgerows on Gretton Road, loss of views from properties and gardens from Manor Road, views from the GWR railway, views from users of Gotherington Footpath 43 and Gotherington Bridleway 33 as they descend from Nottingham Hill within the AONB, and views from Nottingham Hill within the AONB on Footpath Gotherington 38. Generally, the above visual effects are considered adverse and do not add to the scenic quality of Gotherington itself or views out from the AONB. Of these it is the views from the Cotswolds AONB that will experience the greater adverse effects given the sensitivity of the visual receptors receiving them. The more local views to the north are at a lesser level as the visual receptors have a lower sensitivity and there is increased screening from the existing roadside hedge. Taken as a whole it is advised that there appears to be greater and more numerous adverse visual effects than positive visual effects meaning there would be an overall adverse visual change caused by these proposals. This visual change is not just constrained to the immediate local area but is also visible from the AONB in mid and long distance views. Overall, it is advised that the visual effects are adverse and the proposed planting to the east will not prevent the development reducing the quality of the view from the AONB.
- 7.25. In regard to the impact of the proposal on the setting of the AONB, the Landscape Advisor states in summary that the current Manor Lane edge is neither notably attractive nor notably unattractive in the landscape setting to the AONB. If considered in detail there is mix of residential property styles and angles with rear elevations facing out to the adjacent open landscape. The collection of mature garden trees along the rear boundary to the current Manor Lane properties adds to its sense of being established. There is also the form and larger buildings of Truman's Farm adding to the visual character of working farmland

7.26. The proposals effectively halve the open landscape between the current settlement edge and the AONB giving rise to a loss of open space and rural land that acts as setting to the AONB. The proposed layout would also allow sight of a road which increases the sense of roads and vehicle movement where currently the existing houses screen Manor Lane and the only vehicles visible are taller ones on Gretton Road. Car parking would also be set adjacent to the fronts of properties facing out towards the AONB where none exist at the moment. The mitigation hedgerow will screen these to a certain extent (when viewed from the AONB) but not remove them entirely from the view. Furthermore, it is advised that where Truman's Farm can currently be seen and understood in the landscape as a working farm it will become more physically associated with residential development to the north. This is a further loss of rural character in the setting to the AONB. In considering the positive landscape treatment to the east of the site the appreciation of the AONB setting only comes about from being within it. Taken as a whole it is advised that considering the undeveloped setting, the proposal does not enhance but rather reduces the AONB setting in quality and scale.

7.27. In summary it is advised that the development would have the following adverse landscape effects:

- Changing half the rural site into a developed one.
- Increasing the quantum of development in proximity to the Cotswolds AONB's most prominent feature, namely its escarpment
- Reducing the quality of the landscape setting to the AONB.
- Creating smaller enclosures than the nearby field pattern which will appear different in scale and function particularly with the tree planting set centrally to them.
- Reducing the rural context of Truman's Farm by setting an estate styled housing arrangement to its immediate north
- Changing the rural character of Gretton Road with the new accesses through the mature hedgerow
- Cutting off the remainder of the SLA to the east of the Site.

7.28. With regard to this last point the Landscape Advisor recognises that the 10 unit development to the north of Gretton Road is also changing Gretton Road in this area extending the presence of built-form approximately 120m to the east and forming a new eastern entrance point to Gotherington. The proposals will be seen as introducing further built form with an appreciation of the developed depth of housing gained down the proposed main access road and partially above the Gretton Road hedgerow.

7.29. With regard to positive landscape effects, it is advised in summary that there would be:

- An increase in hedgerow planting to the east nearer the AONB.
- Increased tree planting again predominately to the east.
- A diversification of grass sward to a possibly wildflower rich sward.

7.30. The Cotswolds AONB Board have also been consulted on the application and advise that the proposed development would be located in the setting of- and adjacent to - the AONB. The AONB Board advise that the proposed development would result in the built development of Gotherington encroaching towards the AONB. This would be particularly noticeable when

viewed from the more elevated viewpoints on Nottingham Hill. Even with the proposed mitigation in place, they consider that the magnitude of change in these views would still be moderate. When this moderate magnitude of change is combined with the very high sensitivity of visual receptors at these viewpoints, they consider that the visual impact would be major adverse (i.e. significant).

- 7.31. The Board recognises the importance of meeting local housing requirements. However, they advise this should be delivered in a way that is compatible with the statutory purpose of AONB designation, which is to conserve and enhance the natural beauty of the AONB. In this instance, the Board consider that the proposed development would have a significant adverse impact on the natural beauty of the AONB particularly with regards to the impact on views from Nottingham Hill.
- 7.32. In these circumstances the AONB Board considers that this significant adverse impact provides a clear reason for refusal and that in accordance with footnote 7 the presumption in favour of granting planning permission (i.e. the 'tilted balance'), which would normally apply in these circumstances, due to the absence of a five year housing supply, should be disapplied.
- 7.33. Officers have carefully considered the comments from the Landscape Advisor and the AONB Board. Whilst the comments from the AONB Board are noted, it is considered on balance that the proposal would not give rise to a significant adverse impact on views from the AONB, or indeed to the setting of the AONB, and for these reasons it is not considered that the impact on the AONB gives rise to a clear reason to refuse the application. Officers therefore consider that paragraph 11d(ii) of the NPPF remains engaged and that the proposal should still be determined in accordance with the tilted balance.
- 7.34. However, officers do consider that the proposal would cause harm to a Valued Landscape and fails to protect and enhance the Valued Landscape as required by paragraph 174 of the NPPF. In addition, the development is not sensitively located and designed to avoid or minimise adverse impact on the AONB; the actual physical landscape attributes of the AONB are not altered but the scenic beauty of views out of the AONB from Nottingham Hill are adversely affected and the proposal reduces the AONB setting in quality and scale. Paragraph 176 of the NPPF states that great weight should be given to conserving and enhancing the landscape and beauty of the AONB and the proposal fails to conserve and enhance the AONB contrary to paragraph 176. The proposal conflicts with Policy SD7 of the JCS for the same reasons. The proposal would also fail to protect and enhance the landscape character of the SLA which is of local significance and would cause harm to the SLA contrary to saved Policy LND2 of the TBLP and Policy LAN1 of the Emerging TBP and is harmful to locally significant views contrary to GNDP9 and GNDP10 of the GNP.
- 7.35. Overall officers consider that the detrimental impact of the proposal on the AONB (views from the AONB and the setting of the AONB), the SLA and on significant views are matters which weigh heavily against the proposals in the planning balance.

Scale of development and social impacts

- 7.36. The NPPF recognises that sustainable development includes a social objective and how healthy communities can be supported. Paragraph 9 of the NPPF states that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. Paragraph 78 of the NPPF states that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing development that reflects local needs. Paragraph 79 of the NPPF states that to promote sustainable development in rural areas, housing development should be located where it will enhance or maintain local communities.

- 7.37. Paragraph 3.2.14 of the JCS identifies that there are a number of freestanding villages within Tewkesbury Borough which are considered suitable for some limited residential development. However, the level of residential development should be limited and the appropriate quantum of development within these Service Villages is a matter for the plan making process. Accordingly, Policy SP2(5) of the JCS states that in Service Villages lower levels of development will be allocated through the Emerging TBP 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.
- 7.38. The Pre-submission Tewkesbury Borough Plan 2011-2031 Housing Background Paper October 2019 (HBP) identified a 'disaggregated housing requirement' taking account of the factors in Policy SP2(5) for 86 dwellings in Gotherington in the plan period 2011-2031 representing a 19% increase in the size of the settlement. Against this evidence base, the GNDP proposes three allocated sites with a minimum of 66 dwellings and three ensuing planning permissions granted 69 dwellings, and when the 26 dwellings completed prior to the GNDP being made are taken into account this identifies 92 dwellings. In addition, 50 dwelling have recently been granted at Ashmead Drive (TBC ref: 19/01071/OUT) on appeal although this decision is currently been challenged in the High Court. This equates to a total of 142 dwellings (30% increase in the size of the settlement). If the current application is approved this would equate to an additional 187 dwellings so far during the plan, being a 40% increase in the size of the settlement.
- 7.39. In previous appeals in Gotherington, Inspectors have reached different conclusions on the impact of development on the social well-being of Gotherington. In the most recent appeal at Ashmead Drive, the Inspector concluded 'whilst the proposal is not anticipated by the NDP, the cumulative development of the village would not be overly disproportionate, and there is no tangible evidence before me that village has reached capacity. Furthermore, I gauged a strong sense of community from the interested parties such that I see no reason why the new residents would find it difficult to assimilate into the village'.
- 7.40. Officers consider it is appropriate that the cumulative impact of housing development within the plan period should be considered in the decision making process, and should this application be permitted, the housing would likely be delivered within a similar timeframe as the 50 dwellings at Ashmead Drive which would give rise to a substantial increase in the population and number of dwellings in Gotherington within a relatively short time frame. Whilst the Ashmead Drive decision is being challenged in the High Court at the time of preparing this Report it remains an extant planning permission, if the situation changes **an update will be provided at Committee.**
- 7.41. There has been a considerable level of local objection to this application, including objections that make reference to matters of social cohesion and concerns over the level of facilities and services available in Gotherington, and to some extent Bishops Cleeve, and their ability to accommodate the increased population that would arise from this development.
- 7.42. Whilst the impact on existing infrastructure would be mitigated to a degree by appropriate S106 contributions, officers consider that the further increase in population and settlement size would give rise to harm to social cohesion. In addition, as identified by the significant number of objections on this topic, a further negative impact on social cohesion could also result from the local resentment arising from the perception that their recently adopted GNP has been ignored.
- 7.43. In light of the above, it is considered that the application would result in a harmful impact on the social well-being and social cohesion within Gotherington. This matter weighs against the proposal and must be considered in the overall planning balance in the context of the presumption in favour of sustainable development.

Design and Layout

- 7.44. The NPPF sets out that the creation of high quality, beautiful and sustainable buildings and places fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development. This is now reflected in the National Design Guide, which provides planning practice guidance for beautiful, enduring and successful places.
- 7.45. JCS Policy SD4 provides 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. Criterion 6 of Policy SD10 of the JCS states that residential development should seek to achieve maximum density compatible with good design, the protection of heritage assets, local amenity, the character and quality of the local environment, and the safety and convenience of the local and strategic road network.
- 7.46. Policy GNPD07 of the GNP sets out a number of design principles for development within Gotherington, which include:
- a) Preservation of the setting and separate identity of the village;
 - b) New boundary treatments should be appropriate to their immediate surroundings;
 - c) Existing routes including roads, lanes and footpaths should be retained and new links provided where appropriate and reasonable;
 - d) New buildings, by way of design, materials, height and layout should seek to enhance the distinctive village character of Gotherington;
 - e) Use of features to minimise light pollution and maintain the area's dark skies; and
 - f) All new development, where appropriate, should provide off-road car parking.
- 7.47. The application has been amended during the determination of the application and a cluster of dwellings to the east of the principal access road have been removed from the scheme further to comments from the Urban Design Officer who, subsequent to these changes, raises no objection to the application.
- 7.48. The proposed layout is a relatively informal layout principally served by a circular access road with three dwellings also being served by a secondary access. The layout would provide for an outward facing development, with dwellings fronting the open space to the east and Gretton Road to the north. This would provide for active street scenes and good levels of natural surveillance
- 7.49. In terms of the scale, the dwellings would be a mix of 1, 1 1/2 or 2 storeys with lower storey dwellings to the east and two storey dwellings to the west providing some transition between the rural and urban edge.
- 7.50. In regard to appearance and architectural approach, the Design and Access Statement advises that there is no one period, style or design which is dominant in Gotherington village but there are variations and repetitions of recurring local themes that underpin the distinctive characteristic of the village. In response to this varied character the application proposes a mix of traditional pitched roof detached, semi-detached and terrace dwellings including bungalows and the external materials of the walls of the dwellings would comprise of stone interspersed with render dwellings. Roof tiles would either be Cotswold Stone tiles or

blue/black slate, albeit the exact material details would be secured by condition. The boundary treatments at the most prominent viewpoints would comprise of a dry stone wall at the site entrance and brick walls in the most prominent external viewpoints on the internal estate road. Overall, the use of materials and architectural approach is considered acceptable.

7.51. In conclusion, notwithstanding the concerns raised in respect of landscape impact, the layout in itself is considered to be generally acceptable. 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 house types, the proposed materials reflect that of the surrounding area, and are considered acceptable subject to conditions requiring the submission of materials and detailed design.

7.52. In light of the above, the design of the proposal is considered acceptable.

Effect on the Living Conditions of Neighbouring Dwellings

7.53. Paragraph 130 of the NPPF states that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible which promote health and well-being, with a high standard of amenity for existing and future users. JCS policies SD4 and SD14 require development to enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space. Development should have no detrimental impact on the amenity of existing or new residents or occupants.

7.54. Policy RES5 of the Emerging TBP states that proposals for new housing development should, inter alia, provide an acceptable level of amenity for future occupiers of the proposed dwellings and cause no unacceptable harm to the amenity of existing dwellings.

7.55. To the west of the proposed development is a row of dwellings to the east of Manor Lane, as well as dwellings which front onto Gretton Road. A number of objections have been received from residents raising concerns that the proposals will impact on residential amenity by reason of overlooking, overbearing impact and loss of views.

7.56. The application proposed two storey dwellings along this boundary and the minimum separation distance between the windows of the existing and proposed dwellings is at least 25 metres in all instances (taking account of the extensions to the Manor Road dwellings). Officers have carefully considered this relationship and taking account of the separation distance, it is considered that the proposal would cause no unacceptable harm to existing residents at Manor Road by reasons of overlooking, overbearing or over-dominating impact. It is noted that proposal would give rise to a detrimental impact on private views over rural landscape from these dwellings however the impacts of a development on a private view is not a planning consideration.

7.57. The other dwelling most affected by the proposal is No.44 Gretton Road and the side elevation of this property which contains a number of windows faces towards the application site and the nearest proposed dwelling is a 'Walnut' Type Dwelling located approximately 12 metres to the east. Officers have also considered this relationship and given that the only side facing window in the 'Walnut' Type Dwelling serves an en-suite and could be obscure glazed, it is also considered the proposal would cause no unacceptable harm to existing residents at No.44 Gretton Road by reasons of overlooking, overbearing or over-dominating impact.

7.58. In regard to the residential amenity of future residents, the site layout has carefully been considered to ensure that the development can achieve acceptable levels of amenity for the proposed new dwellings. The separation distance between rear facing habitable room windows is at least 20 metres in all instances, and in terms of external amenity space, each dwelling would be provided with adequate garden amenity area and the internal arrangements

and room sizes provide adequate amenity, In regard to the arrangement of windows, the orientation and layout is such that there would be no unacceptable overlooking between the proposed dwellings, subject to the imposition of planning conditions where necessary requiring the installation in perpetuity of obscure glazing in non-habitable room windows to prevent overlooking.

7.59. Overall, and subject to the imposition of conditions, it is considered that the proposed development would result in acceptable levels of amenity for existing and future residents in accordance with JCS policies and the NPPF.

Housing Mix and Affordable Housing

7.60. 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 GNDP04 of the GNP which states that on sites of 5 or more dwellings a range of tenures, house types and sizes of dwellings will be required, including where the viability of development allows, a proportion of affordable housing.

7.61. 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. Similarly, Policy GNP04 of the GNDP requires a proportion of affordable housing where the viability of development allows.

7.62. The most up to date local housing evidence base for the area is the Gloucestershire Housing Local Housing Needs Assessment 2019 – Final Report Summary (September 2020). (HLNA). In regard to open market housing the requirements of the HLNA relative to the proposed development are set out below

Open Market Housing

- 1 bedroom house (HLNA Requirement 3.5%) (Application scheme 0%)
- 2 bedroom house (HLNA requirement 13.2%) (Application scheme 22%)
- 3 bedroom house (HLNA requirement 54.4%) (Application scheme 33%)
- 4+ bedroom house (HLNA requirement 28.9%) (Application Scheme 44%)

7.63. In regard to affordable housing, the following mix and tenure are proposed which has been agreed with the Council's Housing Enabling officer, of these units 12no. are social rented and 6no. are shared ownership.

Affordable Housing

- 1 bedroom house (HLNA Requirement 3.5%) (Application scheme 22%)
- 2 bedroom house (HLNA requirement 13.2%) (Application scheme 50%)
- 3 bedroom house (HLNA requirement 54.4%) (Application scheme 22%)
- 4+ bedroom house (HLNA requirement 28.9%) (Application Scheme 6%)

7.64. Taken as a whole the application proposes:

- 1 bedroom house (HLNA Requirement 7.6%) (Application scheme 8.8%)
- 2 bedroom house (HLNA requirement 18.8%) (Application scheme 33.3%)
- 3 bedroom house (HLNA requirement 49.1%) (Application scheme 20%)
- 4+ bedroom house (HLNA requirement 24.4%) (Application Scheme 37.7%)

7.65. On balance, whilst the mix does not accord entirely with the HLNA, and the scheme underprovides 3 bedroom houses and overprovides 2 and 4+ bedroom houses, given that the scheme complies with the mix requested by the affordable housing officer and provides bungalows to meet the needs of older people, it is considered that the proposed mix is acceptable and this is a neutral factor in the planning balance.

7.66. The applicant has indicated that the affordable housing would be secured through a S106 Agreement, albeit there is currently no signed planning obligation. In light of the Council's housing land supply position, the provision of affordable housing should be seen as a significant benefit in the planning balance.

Biodiversity

7.67. Government Circular 06/05 states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. When determining planning applications, Paragraph 180 of the NPPF states if significant harm to biodiversity resulting from a development cannot be avoided through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

7.68. 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.

7.69. Policy GNDP12 of the GNP states that development that is likely to have either a direct or indirect adverse impact upon areas of local biodiversity should be avoided. Where this is not possible adequate mitigation should be proposed or, as a last resort, compensation should be provided at a suitable location within the Parish. The protection and enhancement of biodiversity by enhancing or creating new wildlife corridors and stepping stones, including hedgerows, ditches, strips of tree planting, green open spaces with trees and grass verges to roads, both within and adjacent to the borders of Gotherington parish will be supported.

7.70. Policy NAT5 of the Emerging TBP states that development likely to result in the loss, deterioration or harm to features, habitats or species of importance to biodiversity, environmental quality or geological conservation, either directly or indirectly, will not be permitted unless: a) the need for, and benefits of the development clearly outweigh its likely impact on the local environment, or the nature conservation value or scientific interest of the site; b) it can be demonstrated that the development could not reasonably be located on an alternative site with less harmful impacts; and c) measures can be provided (and secured through planning conditions or legal agreements), that would avoid, mitigate against or, as a last resort, compensate for the adverse effects likely to result from development. The policy also states that proposals, where applicable, will be required to deliver a biodiversity net gain.

- 7.71. Regarding wider impacts Natural England have been consulted on the application and taking account of the type, scale and location of the proposal do not consider significant effects on the Dixton Wood Special Area of Conservation which is located within 2.5km of the site are likely. However, it is advised that a Habitat Regulations Assessment record should be created. In addition, Natural England advise that a planning condition would need to be imposed to ensure new homeowners visiting the Cleeve Common Site of Special Scientific Interest are aware of need to keep dogs under control. Therefore, subject to the imposition of appropriate conditions the wider ecological impacts of the proposal are considered acceptable.
- 7.72. The application is supported by an Ecological Appraisal that considers the impact proposed development in terms of biodiversity. The Appraisal advises that the site comprises of two fields of arable and improved grassland of negligible ecological importance; dense scrub, species-poor hedgerows, poor semi-improved grassland and tall ruderal vegetation of site ecological importance; and species-rich hedgerows and scattered trees of local ecological importance. The site is not covered by any statutory or non-statutory sites designated for nature conservation importance
- 7.73. The Ecological Assessments and Surveys submitted with the application confirm the presence of a number of animal species protected under UK and European Law. Bat activity has been confirmed on the site. The hedgerow supports foraging bats including lesser horseshoe and barbastelle bats and there are four trees in the north east of the site and two trees in the east of the site (within the open space) with potential bat roost features identified. These trees will be retained. Reptile surveys in 2016 and 2020 found a low population of slow worms, and there are several areas suitable for reptiles. Dormice have been confirmed to be present on the site. The most important hedgerow for dormouse is the eastern hedgerow which would be retained and enhanced with infill, native species planting. It is assumed that dormice have the potential to use the northern and eastern hedgerows. Whilst connectivity to the northern hedgerow will be retained, there will be areas of loss to accommodate the access onto the site which would also reduce the connectivity to the hedgerow to the west. There is also potential for common and widespread bird species to utilise the hedgerows, scattered trees and dense scrub across the site including some declining species, such as house sparrows would be expected. There is no potential for ground nesting birds. The site also provides cover and foraging opportunities for hedgehogs which have been recorded 630 metres from the site. Surveys in 2016 and 2021 have also identified a low population of Great Crested Newts in waterbodies located 115 metres to the west and 28 metres to the north of the site.
- 7.74. The Council's Ecological Advisors have been consulted on the application and have requested additional information during the determination of the application. An outline dormouse mitigation strategy has been submitted by the applicant and it has been advised by the Council's Ecologists that additional information is required prior to determination including details of a dormouse habitat planting plan. Similarly, an Outline Great Crested Newts Mitigation Strategy has been submitted and it is advised that further information is required including prior to determination including details of habitat planting for Great Crested Newts to be detailed within the Great Crested Newts mitigation.
- 7.75. It is also advised that a dormouse EPS Mitigation license which includes a dormouse mitigation strategy, will be required for the works to proceed due to disturbance to hedgerows including the creation of access routes, as well as a precautionary working method statement has been recommended for reptiles.
- 7.76. Setting these matters aside, the Council's ecologist has advised that positive biodiversity net gain has been demonstrated (subject to errors in the applicant's calculations being amended) through habitat creation and enhancement of retained habitats.

7.77. The Council's Ecologists have advised that subject to appropriate conditions and Natural England European Protected Species mitigation licences being provided for dormice and Great Crested Newts the development is capable of being undertaken without detrimental impact on species. However, at the present time all the requested information has not been provided. Planning Officers will provide an update at planning committee setting out whether ecological considerations have been satisfactorily resolved.

Access and highway safety

7.78. The NPPF 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.

7.79. The application site is approximately 600m to the west of the centre of the village. There are a number of day to day facilities within Gotherington, which includes a village store, post office and cafe. Furthermore, there is a primary school approximately 350 metres from the site. Manual for Gloucestershire Streets states that walkable neighbourhoods should include a range of facilities within an 800 metre walking distance, which equates to an approximate 10 minute walking time. In this instance the site has a number of facilities which are within a comfortable walking distance of the site. Furthermore, the nearest bus stop is located approximately 90 metres from the site. As such, it is considered that the location of the site would allow for travel by non-car modes. It is therefore considered that the proposed development would have reasonably good access to local services and facilities proportional to its rural location. The proposal is therefore considered to be consistent with the accessibility related provisions of the relevant transport policies.

7.80. Vehicular access to the development is proposed via the creation of two access points on Gretton Road. The first is to the east and will serve the majority of the development, with a secondary more western access serving three dwellings. Tracking for refuse vehicles has been completed which shows the junction would operate without any safety implications. Appropriate visibility splays are achievable at both access points. The Highways Authority has been consulted on the application and are satisfied that the proposed access is both suitable and safe.

7.81. In terms of pedestrian accessibility, the proposal includes a pedestrian footpath within the site towards the west and would include a new uncontrolled crossing across Gretton Road. This would tie in with the consented pedestrian improvements for the new development on the opposite side of Gretton Road. This effectively means that any pedestrians leaving the development site will be required to cross the road to access facilities within Gotherington. The preference from the Highway Authority would be for facilities to be available on the southern side of Gretton Road, however there are space constraints which means this is not a viable option. The Highways Authority advise that whilst the proposal does not represent an ideal solution, the proposals would provide appropriate pedestrian facilities should future occupiers wish to walk along Gretton Road. There is no objection from the Highways Authority regarding pedestrian accessibility and the proposals are considered acceptable in this regard.

7.82. Regarding vehicle movements, the application is supported by a Transport Assessment which uses the TRICS database to predict the trip generations of the proposed development. This is the industry recognised tool for predicting trip generations, and its use is accepted. The Highway Authority has reviewed the site selection criteria used in the assessment and are content with the assessment. The proposed development will generate approximately 31 trips in

the morning peak (08:00-09:00) and 30 trips in the evening peak (17:00-18:00). This equates to approximately one additional vehicle on the highway network every 2 minutes. The Highways Authority have advised that this level of new trips would not result in any safety or capacity concerns on the highway network.

- 7.83. In terms of parking the required standards are set out within the Manual for Gloucestershire streets. The development broadly accords with these standards, although several of the four bedroom properties are deficient by 1 parking space. However, given the proposed layout and small deficiency against the standards, and the low likelihood of vehicles being displaced onto the highway, in this instance the Highways Authority considered that the parking provision is acceptable.
- 7.84. The Highways Authority conclude that subject to appropriate conditions the application would not have an unacceptable impact on highway safety or a severe impact on congestion. It is also considered the proposal is consistent with the accessibility related provisions of the relevant transport policies. The proposal is therefore considered acceptable in regard to highway safety and accessibility.

Drainage and Flood Risk

- 7.85. 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 Policy ENV2 of the Emerging TBP and the NPPF.
- 7.86. The Environment Agency Flood Map shows the site to be located within Flood Zone 1 (lowest risk of flooding), however there is a watercourse running along its eastern boundary. The Environment Agency Flood Map only includes watercourses with a catchment area greater than 3km². The watercourse that runs immediately adjacent to the eastern boundary of the site has a catchment smaller than this hence no indication is provided of its likely floodplain.
- 7.87. The application is supported by a Flood Risk Assessment and Drainage Strategy, which for the reasons set out above includes modelling of this watercourse to determine the existing floodplain extents. The model results demonstrate that the proposed development will not be at risk of flooding from the adjacent watercourse for all events and the topography of the site is such that the extents of flooding are constrained and do not encroach into the area that is proposed for development.
- 7.88. In terms of the Drainage Strategy, the ground conditions are considered to have limited permeability hence the use of infiltration for surface water disposal is limited. It is proposed that the surface water drainage system will primarily comprise a conventional pipe network draining towards a retention basin located in the north-eastern corner of the site. The proposed surface water drainage system will discharge flows into the existing watercourse on the northern boundary of the site adjacent to Gretton Road.
- 7.89. The LLFA have been consulted on the application and advise that the FRA demonstrates that the proposed development can be built in a way to keep properties safe from flooding without increasing flood risk elsewhere. The Drainage Strategy defines surface water drainage rates that are acceptable to the LLFA with the discharge rate being managed by the attenuation basin.
- 7.90. As such, the LLFA raise no objection to the application subject to the imposition of conditions to secure the details and implementation of the drainage works in accordance with the

principles of the Drainage Strategy. In light of this, the application is considered acceptable in regard to drainage and flood risk.

Archaeology and Cultural Heritage

- 7.91. 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.
- 7.92. Paragraph 194 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.
- 7.93. In this instance there is a Grade II Listed Building located approximately 35 metres to the south-west of the site (Trumans Farmhouse) and a Grade II Listed Building located approximately 85 metres to the west of the site (Willow Cottage, 53 Gretton Road). The effect of the proposed development on the setting of these designated heritage assets has been considered in consultation with the Council's Conservation Officer. The Conservation Officer has advised that the proposal would not have an adverse impact upon the setting of any of the listed Buildings including the closest building which is Grade II Listed Truman's Farmhouse. This is because the listed building is largely screened from the development by intervening buildings.
- 7.94. In regard to archaeology, the application is supported by a heritage statement (Worcestershire Archaeology, dated 18 December 2020) which correctly points out that the proposed development site was previously subject to geophysical survey and archaeological trial trenching (in relation to application 16/00539/OUT), with negative results.
- 7.95. The County Archaeologist has been consulted on the application and advises that in light of this there is a low risk that archaeological remains will be adversely affected by this development proposal. The Archaeologist recommends that no archaeological investigation or recording need be undertaken in connection with this scheme.
- 7.96. In light of this, the application is considered acceptable in regard to heritage assets and archaeology.

Arboricultural Impacts

- 7.97. Paragraph 131 of the NPPF states that trees make an important contribution to the character and quality of urban environments and can also mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree lined and that opportunities are taken to incorporate tree elsewhere in developments.
- 7.98. Policy INF3 of the JCS states that existing green infrastructure will be protected in a manner that reflects its contribution to ecosystem services including biodiversity, landscape/townscape quality and the connectivity of the green infrastructure network. Development proposals that will have an impact on hedges and trees need to include a justification for why this impact cannot be avoided and should incorporate measures acceptable to the Local Planning Authority to mitigate the loss.

- 7.99. Policy GNDP09 of the GNDP sets out that to protect and enhance the landscape, where appropriate, development proposal will have to demonstrate, inter alia, that they preserve and enhance areas of woodland, hedgerows, mature trees, and the differing types of field patterns found across the area.
- 7.100. The application is supported by an Arboricultural Impact Assessment and the tree survey identifies one tree of high arboricultural value a Category A Oak Tree, four trees of moderate value (Category B) being two Ash Trees and a White Willow Tree in the north east corner of the site and a further Ash Tree to the west of the Oak Tree. There are also two groups of trees of moderate value trees being the hedgerows to the north and east of the site. All of these trees are proposed to be retained, besides the removal of sections of the hedgerow in four locations along Gretton Road to facilitate the proposed vehicular and pedestrian accesses into site. This equates to 35 metres of hedgerow loss. All other trees are shown to be retained besides a low quality Category C off-site Elder Tree.
- 7.101. The Council's Tree Officer has been consulted on the application and has some concerns regarding the removal of dense good quality hedgerow along Gretton Road and also advises that additional information is required on planting specifications and that further tree planting is required within the scheme including around the attenuation pond. Furthermore, the Officer advises that there is currently little tree planting in the residential area as required by paragraph 131 of the NPPF and further tree planting should be provided.
- 7.102. The applicant has been advised of these comments and an **update will be provided at Committee.**

Community Infrastructure Levy/Section 106 obligations

- 7.103. The Community Infrastructure Levy (CIL) Regulations allow local authorities to raise funds from developers undertaking new building projects in their area. Whilst the Council does have a CIL in place, infrastructure requirements specifically related to the impact of the development will continue to be secured via a Section 106 legal agreement. The CIL regulations stipulate that, where planning obligations are sought, they must comply with the tests set out in the CIL regulations. Where planning obligations do not meet the tests, it is 'unlawful' for those obligations to be taken into account when determining an application.
- 7.104. 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.
- 7.105. JCS Policy INF6 relates directly to infrastructure delivery and states that any infrastructure requirements generated as a result of individual site proposals and/or having regard to the cumulative impacts, should be served and supported by adequate and appropriate on/off-site infrastructure and services. The Local Planning Authority will seek to secure appropriate infrastructure which is necessary, directly related, and fairly and reasonably related to the scale and kind of the development proposal. Policy INF4 of the JCS requires appropriate social and community infrastructure to be delivered where development creates a need for it. JCS Policy INF7 states the arrangements for direct implementation or financial contributions towards the provision of infrastructure and services should be negotiated with developers before the grant of planning permission. Financial contributions will be sought through S106 and CIL mechanisms as appropriate

Open Space, Outdoor Recreation and Sports Facilities

- 7.106. The NPPF sets out that planning decisions should aim to achieve healthy inclusive and safe communities including promoting social interaction and creating healthy, inclusive communities. Planning decisions should enable and support healthy lifestyles including through the provision of safe and accessible green infrastructure and sports facilities.
- 7.107. JCS Policy INF4 provides where new residential 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. Assuming that the 45 dwellings would have an average 2.32 persons per dwelling, the population increase would be 105 persons. As such, there would be a resulting requirement for the provision of 0.255 hectares.
- 7.108. The proposed site layout incorporates approximately 2 hectare hectares of appropriate informal public outdoor space, excluding the SuDS pond and pumping station. This exceeds the requirements of saved Local Plan Policy RCN1 and is acceptable.
- 7.109. In terms of formal play space, the site is more than 5 minutes / 400m away from the nearest LEAP (Local Equipped Area for Play) which is circa 800 metres away, then a LEAP would be required on site in accordance with Fields in Trust guidance. The applicant has been advised of this requirement and **an update will provided at Committee.**
- 7.110. In terms of playing pitches the Council's Sports, Social and Open Spaces Study outlines the need for improvement in the quality of the pitches at Gotherington Playing Field. The value of this being either **£25,000** off-site contribution based on Sport England figures for junior pitch of 43x35m. At the time of writing this report ongoing discussions are taking place in respect to whether the requested contribution would meet the prescribed tests set out in paragraph 57 of the NPPF and Regulation 122(2) of the Community Infrastructure Levy Regulations. **Members will be provided with an update at Committee.**
- 7.111. There is currently no signed agreement to secure these contribution requests, but they are capable of being resolved through the signing of an appropriate planning obligation.

Education and Library Contributions

- 7.112. Gloucestershire County Council (GCC) have been consulted on the application, but at the time of writing this report have not provided their consultation response for the revised 45 unit scheme. The requested contributions also need to be reviewed by GCC in light of their Interim Position Statement on Pupil Product Ratios from New Housing Developments (June 2021). However, at the time of writing this Report in order to mitigate the impact of the development GCC have advised the following.
- 7.113. The forecast data for early years/pre-school shows that there are 1247 children aged 0-4 years old and 797 2-4 year olds in the Primary Planning Area and a total of 576 childcare places. As such the current population is significantly higher than the number of places available. GCC therefore seek a pre-school/EY places contribution of **£208,255.80** towards the provision of additional places. **An update on the requested contribution will be provided at Committee.**
- 7.114. The forecast data for Primary shows that this development will give rise to the need for an additional 18.86 primary places which cannot be accommodated unless provision is addressed. GCC therefore seeks a primary places contribution of **£284,616.26** towards the provision of additional places. **An update on the requested contribution will be provided at Committee**

- 7.115. The forecast data for Secondary shows that this development will give rise to a total of 12.42 additional secondary places covering both 11-16 and post 16 settings. As evidenced in the Education Assessment, Cleeve School will serve this development and it has enough surplus capacity to accommodate children arising from this development and no contribution is therefore requested.
- 7.116. In terms of libraries GCC have advised that the new development will generate a need for additional resources at Bishops Cleeve Library which is the nearest library, and this is costed at **£9,604** based on the original 49 unit scheme. **An update on the requested contribution will be provided at Committee**
- 7.117. A contribution of **£73** per dwellings, which equates to **£3,285** based on 45 dwellings, towards recycling and waste bin facilities is also required.
- 7.118. There is currently no signed agreement to secure these contribution requests, but they are capable of being resolved through the signing of an appropriate planning obligation.

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 Gotherington 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 TBLP which allow for the type of development proposed here. The proposal therefore conflicts with Policies SP2 and SD10 of the JCS and Policies GNDP01, GNDP03 and GNDP11 of the GNP. 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. Notwithstanding the consultation response of the AONB Board, officers consider that there are no policies in the Framework that protect assets of particular importance which provide a clear reason for refusing the development in this instance and the 'tilted balance' applies.

Benefits

- 8.3. The delivery of 45 market and affordable housing would provide a significant social benefit; especially in the context of a housing supply shortfall. 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.
- 8.4. In economic and social terms, it is clear that a number of benefits would flow from this development if permitted, including during the construction process. There would also be economic and social benefits arising from spend from future residents which would help sustain the local facilities at Gotherington, as well as in the wider area. The social and economic benefits through employment during the construction phase and spend from future residents which would help services in Gotherington and the wider area is considered a moderate benefit.

Harms

- 8.5. Harm arises from the conflict with development plan policies and the spatial strategy relating to housing, particularly Policies SP2 and SD10 of the JCS and Policies GNDP01, GNDP03 and GNDP11 of the GNP, although it is accepted that the Council's housing policies are currently out of date.
- 8.6. Harm would also arise from the cumulative growth in Gotherington in such a relatively short period of time, which would have a negative impact on social cohesion and social well-being.
- 8.7. Harm also arises due to the harmful impact of the proposal on the landscape including detrimental impact of the proposal on the AONB (views from the AONB and the setting of the AONB), the SLA and on significant views.
- 8.8. At this stage there is no signed S106 Agreement to secure affordable housing; nor is there a signed Agreement to provide for financial contributions required towards education, libraries, off-site recreational facilities or recycling facilities. Albeit these matters are capable of being resolved in terms of the planning balance

Neutral

- 8.9 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 unacceptable risk of flooding and appropriate drainage infrastructure can be provided. The proposal would not have an adverse impact on designated heritage assets and there is a low risk that archaeological remains will be adversely affected by this development proposal. The proposal is considered acceptable in regard to highway safety and accessibility. The proposal also provides an acceptable housing mix.

Unresolved

- 8.10 Planning Officers will provide an update at planning committee setting out whether ecological considerations have been satisfactorily resolved, whether the applicant proposes to provide a LEAP on the site and whether the net arboricultural impacts are acceptable.

Conclusion

- 8.11 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 Policies of GNDP01, GNDP02, GNDP03 and GNDP11 of the Gotherington Neighbourhood Development Plan 2011-2031 (September 2017) 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 45 dwellings at Gotherington, in addition to the dwellings recently permitted at Ashmead Drive, Gotherington alongside other housing developments during the plan period, 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 Gotherington 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) and the National Planning Policy Framework.
3. The proposal, by virtue of its land use, character and prominent location would represent a significant encroachment into the surrounding rural landscape and which would be unsympathetic to the settlement edge of Gotherington village. The proposal would have a harmful impact upon the character and appearance of the landscape within a Special Landscape Area which is a Valued Landscape that serves to protect the foreground setting of the adjacent Area of Outstanding Natural Beauty. The proposal would adversely affect the scenic beauty of views out of the Cotswold Area of Outstanding Natural Beauty and reduce the setting of the Cotswold Area of Natural Beauty in quality and scale. The proposal would also cause harm to significant views identified in the Gotherington Neighbourhood Development Plan 2011-2031. As such, the proposal conflicts with Policies SD6 and SD7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017), Policy LND2 of the Tewkesbury Borough Local Plan to 2011 (March 2006), Policies GNDP02, GNDP09 and GNDP10 of the Gotherington Neighbourhood Plan (September 2017), Policies RES5 and LAN1 of the Tewkesbury Borough Plan 2011-2031 Pre-Submission Version (October 2019) and the National Planning Policy Framework.
4. 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 Policy SD12 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017) and the National Planning Policy Framework.
5. In the absence of appropriate planning obligations, the proposed development does not adequately provide for community and education facilities contrary to Policies INF4, INF6 and INF7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031 (December 2017) and the National Planning Policy Framework.
6. In the absence of appropriate planning obligations, the proposed development does not adequately provide for open space, outdoor recreation and sports facilities and the proposal conflicts with 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.

INFORMATIVES:

1. In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.