

# TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

<b>Committee:</b>	Planning
<b>Date:</b>	21 June 2022
<b>Site Location:</b>	Land West Of Delavale Road Winchcombe
<b>Application No:</b>	21/00496/FUL
<b>Ward:</b>	Winchcombe
<b>Parish:</b>	Winchcombe
<b>Proposal:</b>	Proposed residential development comprising 100 dwellings (including 50 affordable dwellings), new vehicular access off Delavale Road (following the demolition of 26 Delavale Road), public open space and associated landscaping and engineering works.
<b>Report by:</b>	Paul Instone
<b>Appendices:</b>	Site Location Plan BHA06 PL10 Rev A PL001 AV Proposed Site Layout Street Scene BHA06 PL400D Street Sections PL402 C BHA06 PL003 E Tenure Plan
<b>Recommendation:</b>	Permit
<b>Reason for referral to committee:</b>	Full or outline application for the erection of 10 or more residential units

## 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site comprises of two field parcels which extend to 6.9ha located to the west of Winchcombe outside of, but adjoining the settlement boundary of Winchcombe as defined on the Proposals Map of the TLP and the Built up Area Policy in the WSNPD.
- 1.2 The majority of the site comprises of land included as a housing allocation in the TLP which is subject to site specific allocation WIN1 and an indicative capacity for 80 dwellings have been identified on the site in Policy RES1. However, the application site extends beyond the boundaries of the allocation to the west in the northern field parcel and to the north west in southern field parcel. (Maps of the application site and the WIN1 allocation boundaries will be provided in the committee presentation).
- 1.3 It is proposed upon adoption of the TLP that the settlement boundary of Winchcombe will be extended to include those parts of the application site which are located within Policy WIN1. An update on the policy status of Policy WIN1 and the Winchcombe settlement boundary will be provided in the Committee Update.

- 1.4** The application site itself is irregular in shape and comprises of two rectangular field parcels which are currently in use for both pasture and arable production. The site slopes upwards from east to west from 107 m OD in the south east corner to 124 m OD on the western boundary. The perimeter of the site, in the main, comprises of mature hedgerows and mature trees in places. The boundary in the south west corner contains a dense belt of tree coverage. A small unnamed stream/ditch flows east along the southern boundary of the site and then through Winchcombe before flowing onto the River Isbourne.
- 1.5** The site abuts the back gardens of existing dwellings on Delavale Road on its eastern boundary and includes No.26 Delavale Road in the north east corner which is proposed to be demolished in order to create a vehicular access to the site off Delavale Road. To the south east the site is abutted by dwellings on Mercia Road and whilst located outside of the application site the application proposes to create a new cycle/pedestrian link on land which is currently occupied by single storey garages. The south west of the site, west of the site and north of the site is adjoined by agricultural land/open countryside and an existing track runs along the sites northern boundary.
- 1.6** There is currently an undetermined planning application (ref:20/00892/OUT) for up to 24 dwellings and associated works on the field parcels to the north of the application site. An appeal (ref:16/00481/OUT) has previously been dismissed on this site.
- 1.7** The application site and all the adjoining land is located within the Cotswolds Area of Outstanding Natural Beauty (AONB).
- 1.8** The application site is in Flood Zone 1
- 1.9** The application is submitted in full and has been amended during the determination of the application and the number of proposed dwellings has been reduced for 110 to 100. Other amendments to the application have included:
- Redesign of layout and internal roads and built form located below the 115 metre contour.
  - Relocation of childrens play area, pumping station and sub-station.
  - Footpath/cycle connections added to Merica Road and associated southern link through open space.
  - Amendments to landscaping and provision of street trees.
  - The inclusion of 5no. category M4(2) units
- 1.10** The application now comprises the erection of 100 dwellings (including 50 affordable dwellings), a new vehicular access off Delavale Road (following the demolition of 26 Delavale Road), public open space and associated landscaping and engineering works

**1.11** The application proposes the following mix of dwellings:

50 open market dwellings

- 17 no. 3 bedroom dwellings

- 20 no. 4 bedroom dwellings

- 13 no. 5 bedroom dwellings

50 affordable dwellings

- 4 no. 1 bedroom dwellings

- 16 no. 2 bedroom dwellings

- 26 no. 3 bedroom dwellings

- 3 no. 4 bedroom dwellings

- 1 no. 5 bedroom dwelling

Nine of the units have two storey detached live/work garage units with space provided above the garage with an en-suite to provide potential home offices and encourage flexible working.

**1.12** The dwellings, garden and associated roads would be located in the eastern part of the site below the 115m contour line. The proposed LEAP is also located below the 115 m contour line. The west of the site above the 115m contour line would be informal open space with paths and additional planting. A SuDS pond and pumping station are proposed in the south east corner of the site. Vehicular access would be provided via Delavale Road following the demolition of No.26 and a further pedestrian/cycle link is provided to the south onto Mercia Drive.

**2.0 RELEVANT PLANNING HISTORY**

<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
81/00391/OUT	Outline application for residential development 12 plots on .92ha of land approx., including the construction of new estate road access.	REF	19.05.1981
Adjacent Site 16/00481/OUT	Outline application for the erection of up to 35 dwellings, vehicular access from Clarendon Road and Whitmore Road, together with public	Appeal Dismissed	05.10.2017

	open space and other associated infrastructure and engineering works. All matters reserved for future consideration except for access.		
Adjacent Site 20/00892/OUT	The erection of up to 24 dwellings (Class C3), vehicular access from Clarendon Road and Whitmore Road, public open space and associated landscaping and engineering works (reduced quantum of dwellings from 35 to 24).	Pending Consideration	

### 3.0 RELEVANT POLICY

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

#### 3.1 National guidance

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

#### 3.2 Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) – Adopted 11 December 2017

- Policy SP1 (The Need for New Development)
- Policy SP2 (The Distribution of New Development)
- Policy SD3 (Sustainable Design and Construction)
- Policy SD4 (Design Requirements)
- Policy SD6 (Landscape)
- Policy SD7 (The Cotswolds AONB)
- Policy SD8 (Historic Environment)
- Policy SD9 (Biodiversity and Geodiversity)
- Policy SD10 (Residential Development)
- Policy SD11 (Housing Mix and Standards)
- Policy SD12 (Affordable Housing)

- Policy SD14 (Health and Environmental Quality)
- Policy INF1 (Transport Network)
- Policy INF2 (Flood Risk and Management)
- Policy INF3 (Green Infrastructure)
- Policy INF4 (Social and Community Infrastructure)
- Policy INF6 (Infrastructure Delivery)
- Policy INF7 (Developer Contributions)

### **3.3 Tewkesbury Borough Plan 2011-2031 (TLP)**

- Policy RES1 (Housing Site Allocations)
- Policy WIN1 (Land off Delavale Road/Orchard Road, Winchcombe)
- Policy RES5 (New Housing Development)
- Policy RES12 (Affordable Housing)
- Policy RES13 (Housing Mix)
- Policy DES1 (Housing Space Standards)
- Policy NAT1 (Biodiversity, Geodiversity and Important Natural Features)
- Policy NAT2 (The Water Environment)
- Policy NAT3 (Green Infrastructure: Building with Nature)
- Policy ENV2 (Flood Risk and Water Management)
- Policy HEA1 (Healthy & Active Communities)
- Policy RCN1 (Public Outdoor Space, Sports Pitch and Sports Facility Provision)
- Policy RCN2 (New Sports and Recreational Facilities)
- Policy RCN3 (Allotments & Community Gardens)
- Policy COM2 (Broadband Provision)
- Policy TRAC1 (Pedestrian Accessibility)
- Policy TRAC2 (Cycle Network & Infrastructure)
- Policy TRAC9 (Parking Provision)

### **3.4 Neighbourhood Plan**

Winchcombe and Sudeley Neighbourhood Development Plan – 2011-2031 (WSNDP)

- Policy 1.1 (Protecting the Distinctive Character of the Area)
- Policy 3.2 (Meeting Local Needs for New Homes for those with Modest Incomes)
- Policy 3.3 (Bungalow Development)
- Policy 5.1 (Design of New Development)
- Policy 5.2 (Off Street Parking)
- Policy 5.6 (Gardens)

### **3.5 Other relevant policies/legislation**

- Human Rights Act 1998
- Article 8 (Right to Respect for Private and Family Life)
- The First Protocol - Article 1 (Protection of Property)
- Cotswolds AONB Management Plan 2018-2023
- Planning (Listed Buildings and Conservation Areas) Act 1990

### **4.0 CONSULTATIONS**

Full copies of all the consultation responses are available online at <https://publicaccess.tewkesbury.gov.uk/online-applications/>.

#### **4.1 Winchcombe Town Council – Object**

Comments on original submission

- Prematurity of the planning application: technically the planning application is premature, in that a decision now would pre-judge the outcome of the Borough Plan process. The Tewkesbury Borough Local Plan 2011 - 2031, is currently undergoing public examination. This was required to identify housing development land to meet the requirements of the entire borough area. This large and substantial planning application, if granted permission, could prejudice proper evidence-based decision making by predetermining a decision, especially given the oral evidence about the proposed development submitted by Councillor Richard Wakeford on behalf of Winchcombe Town Council and the follow-up oral input to the inquiry by the Borough Solicitor.
- Development Plans: as Paragraph 2 of the National Planning Policy Framework 2019 (NPPF) reminds us, applications for development must by law be determined in accordance with the local development plan unless material considerations indicate otherwise. The Development Plan for Winchcombe consists of the National Planning Policy Framework, the Joint Core Strategy, the saved policies of the

Tewkesbury Borough Local Plan to 2011, the Winchcombe and Sudeley Neighbourhood Plan made 2017 and the emerging Tewkesbury Borough Plan 2011 – 2031 which is well advanced and in the final stages of being examined by the Planning Inspectorate/ Secretary of State. Until that emerging plan is finalised by the Secretary of State, the starting point for the decision maker must be the existing development plan, which does not provide for a major development on the land concerned;

- Of particular concern, the site lies outside the currently defined settlement boundary, an important point emphasised in Councillor Wakeford's input at the Local Plan Inquiry;
- Major development in the AONB: National planning policy currently requires that planning permission for "major developments" in AONBs, the Broads and National Parks ("NPs") (together referred to as "designated areas") should be refused unless:  
  
there are "exceptional circumstances"; and  
  
it is demonstrated that they are in "the public interest".

In considering these matters regard must be had to the need for the development; the scope for meeting the development outside the designated area; and "any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated"

- National guidance makes clear that in any application for planning permission – whether major or not – in an AONB, "great weight" is to be given to "conserving and enhancing scenic beauty" because these areas have the highest status of protection. But if the proposal is for a "major development" the hurdle is much higher – and on a brief review of previous legal cases, there seems no doubt that 110 houses in an AONB would be regarded as a "major development". The tests that such an application must pass are whether there are "exceptional circumstances" and whether the development is "needed".

The term "major development" is not defined in the NPPF other than to state that it is a matter for the decision maker taking into account the nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined. By any reckoning 110 houses proposed for this site (in excess of the 80 proposed in the emerging Tewkesbury Local Plan 2011 – 2021) on the Cotswolds AONB is a major development;

In referring to the word "need", national guidance refers to:

- a) any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated."

The Town Council's view is that the applicant has not provided a convincing argument that housing on this scale is currently required in Winchcombe, at least

not so urgently as needs to demonstrate a case for pre-empting the local plan process. And the applicant has not shown that that the need for housing cannot reasonably be developed on another site not designated as AONB – for example adjacent to Bishop’s Cleeve (which shared with Winchcombe the target for delivering new homes under the current Tewkesbury Borough Plan provisions, reflecting the current Joint Core Strategy).

- Sustainability: the developer should be able to demonstrate ‘sustainability’ otherwise, under the NPPF, the presumption in favour of permit is lost. To achieve sustainability the economic, social and environmental gains should be sought simultaneously. The environmental and social dimensions cannot be demonstrated. It is accepted that the provision of affordable housing would make a contribution to the social objective. But the only housing needs survey for Winchcombe (in 2016) is out-of-date and in need of an update to assess how the local housing market has changed in the past 5 years. Housing needs are dynamic and should be reassessed regularly. In the context of community-led planning, the benefits of affordable housing should be first to the benefit of the local community ahead of the much wider Borough or County Housing needs. Recently Bromford Housing Association has been given planning permission to build six two-bedroom affordable rent dwellings on a brownfield site in Winchcombe (19/01105/FUL). The fact that this housing has yet to be started having been approved some time ago, suggests that the applicant’s judgement is that there is no immediate need;
- Impact on a designated National Landscape: due to the site’s location and rising topography, the proposed would detrimentally affect the character and appearance of the Cotswolds Area of Outstanding Natural Beauty (AONB) in conflict with the purposes of preserving and enhancing Areas of Outstanding Natural Beauty. The site will change the views from footpaths afar, such as Salter’s Hill to the east and Cleeve Hill to the south, and extending the settlement in this location would encroach on pleasant and distinct views across the AONB open space to Langley Hill beyond – not only from existing private properties but from the streets through the gaps between properties. This urbanisation will result in a loss of amenity for people in Winchcombe generally;
- Nature conservation: a bat survey has found eight species of bat, albeit, in small numbers, it appears they are foraging and feeding on the site as well as and commuting through the site making the area an important wildlife corridor and migration route to roosts nearby. Two of the eight species of bat that have been identified are listed in the top seven of the UK’s rarest bats. Other wildlife, including several species of deer (Fallow, Roe and Muntjac) and their young offspring have been witnessed regularly using this site as grazing. Fox and birds of prey have also been regularly observed on the site. The measures proposed in the application cannot mitigate against the destruction of the current wildlife habitat, dislodging the bats and other wildlife permanently;
- Highway considerations: the proposal does not reflect Policy LTP PD 6.1 of the Gloucestershire Local Transport Plan 2020-2041 and conflicts with policies Trac1 and Trac2 of the Pre-Submission Tewkesbury Borough Plan 2011 – 2031. These policies promote safe, reliable, and efficient pedestrian networks. It includes the advice that all walking infrastructure provided within the county should be designed in accordance with the “Manual for Gloucestershire Streets”. Furthermore, the lack of suitable pedestrian and cycle routes fails to promote cohesion and inclusion with the existing community, a matter that was explored at length in the Local Plan

Inquiry.

- In “Gear Change; A Bold Vision for Cycling and Walking” launched by the Prime Minister in 2020, the Government made clear that all new housing and business developments must be built around making sustainable travel, including cycling and walking, the first choice for journeys. The purpose of the planning system, they made clear, is to contribute to the achievement of sustainable development. They expect sustainable transport issues to be considered from the earliest stages of plan-making and development proposals, so that opportunities to promote cycling and walking are pursued. And they observed that while many local plans already say the right things, they are not always followed consistently in planning decisions. Planning policies should provide for high quality cycling and walking networks, green spaces and green routes, and supporting facilities such as cycle parking (drawing on Local Cycling and Walking Infrastructure Plans). New developments are to be easily and safely accessible and navigable by foot and bike, and to make existing cycling and walking provision better. The layout of the proposed development as proposed, with its single long core road leading to a point some way away from the town facilities such as the Library, Primary School, Day Centre and shopping centre will only encourage car use. Yet there are feasible points where a cycle and pedestrian access to provide exactly the walking and cycling to schools and public services that the Prime Minister has promoted.
- To sum up, the Town Council has concluded that the proposed development is contrary to the stated aims and objectives and the policies of the National Planning Policy Framework (NPPF), the Local Development Framework and the Cotswolds Area of Outstanding Natural Beauty Management Plan. It also fails to meet the requirements of the Winchcombe Town Council Neighbourhood Plan.

The proposal conflicts with:

Section 15, paragraph 172 of the NPPF 2019

Paragraphs 174 – 177 of the NPPF 2019

Policies SD6, SD7, SD8 and SD9 of the Joint Core Strategy 2017

The “saved” policy HOU4 of the Tewkesbury Borough Local Plan to 2011 (Officer Note (Policy HOU4 is not a saved policy)

Policies RES1, WIN1, RES3, RES5, NAT1, TRAC1, TRAC2 of the emerging

Tewkesbury Borough Plan 2011 – 2031

Policies 1.1 and 5.1 of the Winchcombe and Sudeley Neighbourhood Plan 2017

Policies CC3, CE1, CE3 of the Cotswolds Area of Outstanding Natural Beauty Management Plan 2018 – 2023

The Gloucestershire Local Transport Plan 2020-2041 Policy LTP PD 6.1

Gear Change; A Bold Vision for Cycling and Walking” launched by the Prime Minister in 2020

- The Council is concerned that to approve this development would prejudice proper

evidence-based decision making by predetermining a decision on the emerging Tewkesbury Borough Plan. Nor would approval be compatible with the principles of sustainable development, to which the Government is giving ever greater weight. The application should therefore be refused – at least until the Secretary of State has properly considered all the evidence submitted through the Tewkesbury Borough Development Plan process.

#### Comments on Revised Submission

Winchcombe Town Council met on Wednesday 4th June 2022 and resolved formally to maintain its OBJECTION to the proposed development 21/00496/FUL after careful and due consideration – principally because

- the number of homes exceeds the number provided for in the Main Modifications version of the Borough draft development plan; and
- the development is not sufficiently landscape led, which is essential given its location in a prominent element of the Cotswolds AONB

The Town Council recognises that progress towards a final Tewkesbury Borough Local Plan 2011 - 2031 is almost complete. The Council also appreciates that the latest application from Bromford Housing Association is for a smaller number of new homes than the application originally submitted, while still delivering a 50% proportion of “affordable” dwellings.

That number is still, however, greater than the figure of 80 homes that the Borough Council assessed the site to be capable of absorbing. And as a result, the impact of the development on the nationally designated AONB landscape would be more adverse than already conceded by the Planning Inspector on behalf of the Secretary of State in finalising the Borough development plan.

The Town Council does recognise the efforts that the developer has made to some of the very large number of concerns expressed locally. We would therefore welcome any opportunity, therefore, to meet with the developer, Borough officers and an appropriate professional expert from the Cotswolds AONB Board to consider how far potential modifications to the currently proposed development could overcome these objections.

The decision on this application needs to be considered against both the emerging Borough development plan and national policy guidance. That guidance requires planning permission for a "major development" in an AONB to be refused unless there are "exceptional circumstances"; and needed in "the public interest". In considering these matters regard must be had to:

- the need for the development;
- the scope for meeting the development outside the designated area; and
- "any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated".

There seems little doubt that 100 new homes in this prominent AONB location on the side of a hill would be a "major development". According to national guidance, such an application should be approved only if there are "exceptional circumstances" and the

development is "needed".

The Town Council acknowledges, however, that the local plan Inspector heard a great deal of evidence about this site, as well as about the need for new housing in the Borough. He concluded that, in principle, the site could accept some housing development – up to 80 homes rather than 100 – a position accepted by the Secretary of State.

Whether 80 or 100 homes, however, a key question is whether Bromford's proposed development does everything necessary to address its impact on the landscape, the environment and recreational possibilities. That means looking at the nature of the development, its scale and setting.

In the judgement of the Cotswolds AONB Board, the proposed development on this site with its rising topography would detrimentally affect the character and appearance of this part of the Cotswolds Area of Outstanding Natural Beauty (AONB). The development would therefore conflict with the nationally set purpose of preserving and enhancing Areas of Outstanding Natural Beauty. Development of the site as proposed would change the views from footpaths afar, such as Salter's Hill to the east and Cleeve Hill to the south. Extending the settlement in this location would encroach on pleasant and distinct views across the AONB open space to Langley Hill beyond – not only from existing private properties but from the streets through the gaps between properties. This urban extension would result in a loss of amenity for people in Winchcombe generally.

The element of the proposed development that creates the most adverse impact on landscape is the final element at the end of the new estate road, after crossing the planned greenspace. From distant locations, for example coming down into Winchcombe from the East at Sudeley Hill Farm, the far end of the proposed development will be seen as a triangular addition - clearly visible intruding north west into the designated hillside. From Rushley Lane, the same impact will also be visible as a potential intrusion, as well as from the popular cross-field path above Stancombe Farm. Even more significant, that aspect of the development would be significantly prominent from the designated Gloucestershire Way and Winchcombe Way footpath coming down from Abbots Leys to Enfield Farm. In short, in terms of impact it is mainly the final 20 or so homes in the new road that trigger significant landscape concerns.

Perhaps that impact is what persuaded the Borough provided for a development of only 80 homes in plan policy WIN1 – envisaging that they might be located in a way that is landscape led. While residents of the west side of Delavale Road may take a different view, the Town Council accepts that the bulk of the proposed development – the element directly behind those homes – is the element with rather less impact on the nationally designated landscape. If the development was limited to those 80 homes, set out largely behind Delavale Road rather than impinging on the higher land to the south west of the site, the impact would be very much less. Like an increasing number of towns, Winchcombe has recently launched a comprehensive local approach to sustainable development. Led by a core community group, one strand of activity focuses on nature and tree planting to lock up carbon. Winchcombe Town Council is strongly supportive of this initiative. So, instead of the extra 20 homes over the development plan provision that Bromford is seeking consent for, the Town Council would be interested in a partnership with the developer to create a community woodland on that part of the land within the planning application. It might be regarded as "biodiversity net gain".

In considering this application, the Town Council would also have welcomed some clarification of how the range of proposed affordable units would relate to local family and

individual needs in Winchcombe – and indeed, how affordable they might in fact turn out to be. Would there be a local letting policy, giving priority to Winchcombe residents in need? Concerns were also expressed about the distance between the new homes and bus stops for the service to Cheltenham – important to ensure those without access to a car will not suffer through not being able to easily reach a range of job opportunities.

## 4.2 Cotswold AONB Board – Object

### Comments on Original Submission

#### MAJOR DEVELOPMENT

##### *Context*

A key consideration is whether the proposed development constitutes ‘major development’ in the context of paragraph 172 and footnote 55 of the National Planning Policy Framework (NPPF). Major development status would fundamentally change the way in which the proposed development should be addressed.

As outlined in paragraph 172 of the NPPF, planning permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest. Relevant case law has provided some useful clarification on this issue. For example, case law states that:

o The local planning authority should not simply weigh all material considerations in a balance, but should refuse an application unless they are satisfied that: (i) there are exceptional circumstances; and (ii) it is demonstrated that, despite giving great weight to conserving the landscape and scenic beauty in the AONB, the development is in the public interest.

o No permission should be given for major development save to the extent the development was needed in the public interest, met a need that could not be addressed elsewhere or in some other way and met that need in a way that to the extent possible, moderated detrimental effect on the environment, landscape and recreational opportunities.<sup>2</sup>

Further guidance on the issue of major development is provided in Policy CE11 and Appendix 9 of the Cotswolds AONB Management Plan 2018-2023<sup>3</sup> and in the Board’s Landscape-led Development Position Statement

##### *Is it major development?*

The applicant does not appear to explicitly state whether or not they consider the proposed development to be ‘major development’. However, para 6.86 of the applicant’s Planning Statement states that ‘the Council, in their site selection criteria for the WIN1 allocation, justify the inclusion of the site on the basis that it is not considered to involve ‘major development’ within the AONB’. The inference, therefore, is that the applicant does not consider the proposed development to be major development.

The Board strongly disagrees with this inference. We consider that the proposed development does constitute ‘major development’ in the context of paragraph 172 of the NPPF, as explained below.

### *Nature / scale*

Even if one accepts that the proposed allocation of 80 dwellings on this site does not constitute major development, there are still a number of reasons why the proposed development should be considered to be major development, as outlined below.

The proposed development would include 30 more dwellings than the proposed site allocation (i.e. 110 dwellings instead of 80). This represents a 38% increase in the number of dwellings on the same area of land. As such, the quantum of development and the density of development would be significantly larger than for the proposed allocation.

The applicant asserts that they would still be able to achieve the objectives specified for this site allocation in the draft Local Plan, such as a feathered edge to the development. However, as explained later in this response, we strongly disagree with this assertion.

It is worth noting that we consider that the proposed site allocation already constitutes major development, as we have outlined in our consultation responses on the emerging Tewkesbury Borough Plan. In this context, the proposed development would constitute an even larger quantum of major development.

110 dwellings exceeds the Development Management Procedure Order (DMPO)<sup>5</sup> definition of major development:

- in terms of number of dwellings, 11 fold (i.e. 110 dwellings compared to the DMPO threshold of 10 dwellings);

- in terms of area of the development site, 7 fold (i.e. 6.9ha compared to the DMPO threshold of 1ha).

The overall area of the proposed development also exceeds the applicable thresholds and criteria for urban development projects, in Schedule 2 of the Environmental Impact Assessment (EIA) Regulations (i.e. 6.9ha compared to the Schedule 2 threshold of 5ha).

Although the DMPO and EIA Schedule 2 thresholds are not over-riding factors, they are still 'relevant considerations' in determining if the proposed development constitutes major development in the context of paragraph 172 of the NPPF.

We strongly disagree with the applicant's assertion, in paragraph 7.12 of their Planning Statement, that the scale and nature of the proposed development is 'small'. In fact, we do not consider that the proposed development would comply with the NPPF requirement for the scale and extent of development to be limited. The fact that the proposed development exceeds, by 38%, the number of dwellings proposed for the allocation in the emerging Tewkesbury Borough Plan adds further weight to this argument.

In reaching their conclusion on the scale and nature of the proposed development, the applicant has compared the scale of the proposed development with the scale of the Cotswolds National Character Area (NCA). However, the Cotswolds NCA is even larger than the Cotswolds National Landscape, which itself covers 2,000km<sup>2</sup>. We consider this to be a completely inappropriate comparison. We address this issue (of comparing the scale of a proposed development with the scale of the Cotswolds National Landscape) in Appendix 2 of our Landscape-led Development Position Statement.

The proposed development would increase the number of dwellings in Winchcombe by

approximately 5%.<sup>9</sup> As such, we acknowledge that the proposed development would not be out of proportion to the existing settlement, in terms of number of dwellings. However, it is worth noting that new housing built or permitted since 2011 has already increased the number of dwellings in Winchcombe by approximately 14%. If the proposed development is permitted, the increase in number of dwellings compared to the 2011 baseline would be 20%.

This would be a significant cumulative increase, over a period of approximately 10 years, for a settlement in an Area of Outstanding Natural Beauty (AONB). This adds further weight to it being considered major development. If the current proposal for 35 dwellings on the adjacent site to the north is factored in, these increases would be even more significant.

We acknowledge that the proposed development would lie within the settlement boundary being proposed in the emerging Tewkesbury Borough Plan. However, as this Plan has not yet been adopted, consideration also needs to be given to the fact that the site lies outside the settlement boundary identified in the Tewkesbury Borough Local Plan to 2011, adopted March 2006. The fact that the site lies outside this settlement boundary in that Plan adds weight to it being considered major development.

It is worth noting that the applicant asserts, in paragraph 6.75 of their Planning Statement, that only limited weight should be given to the emerging Tewkesbury Borough Plan at this stage. If that is the case, then the settlement boundary identified in the adopted Tewkesbury Borough Plan to 2011 is even more relevant and adds even more weight to the proposal being considered major development.

Overall, we consider that the proposed development does constitute major development in the context of paragraph 172 and footnote 55 of the NPPF in terms of its nature and its scale. In fact, given the quantum of housing being proposed (i.e. 110 dwellings), we consider that it constitutes major development regardless of the other factors that should be taken into consideration in reaching this judgement.

### *Setting*

The proposed development would be located within the Cotswolds National Landscape within Landscape Character Type (LCT) 1 (Escarpment Outliers) and, specifically, Landscape Character Area 1B (Escarpment Outliers – Langley Hill). The Cotswolds AONB Landscape Strategy & Guidelines for LCT1 states that the Escarpment Outliers are 'highly sensitive to change that would introduce built elements to otherwise agricultural landscapes'.

Further comments regarding (impacts on) the setting of the proposed development are provided later in this response, with regards to adverse impacts.

### *Potential to have significant adverse impacts on the purposes of AONB designation*

Our assessment of whether the proposed development could have significant adverse impacts on the purposes of AONB designation is provided later in this response. Overall, we consider that the proposed development would have significant adverse impacts. As such, we consider that it also constitutes major development in this regard.

### *Do exceptional circumstances apply and would it be in the public interest?*

### *Need*

The Board acknowledges that Winchcombe is one of just two Rural Service Centres (RSC) within Tewkesbury, the other RSC being Bishop's Cleeve. The two RSCs sit below Tewkesbury Town and above 12 'Service Villages' in the 'settlement hierarchy' for Tewkesbury Borough. As such, we recognise that Winchcombe is a focal point of the delivery of new housing in the Borough.

However, the majority of Winchcombe also lies within the Cotswolds National Landscape. As outlined in the Board's Landscape-led Development Position Statement, new housing in the Cotswolds National Landscape should be delivered in a way that is compatible with the purpose of designation. Also, as stated in Policy CE12 of the Cotswolds AONB Management Plan 2018-2023, development in the Cotswolds National Landscape should also be based on robust evidence of local need arising from within the National Landscape, with priority being given to the provision of affordable housing.

The applicant refers to the Winchcombe Town Housing Needs Survey Report, dated September 2016 (for example, in paragraph 11.18 of their Planning Statement). However, housing needs surveys become out of date as individuals' housing circumstances change. The rule of thumb is that the results have a shelf life of between three to five years. Given that the Winchcombe Town Housing Needs Survey Report was published nearly five years ago, it is questionable whether the data that it provides is still valid. For example, the housing need may have already been met by new housing developments - and / or the needs of local residents may have changed - within that five year period. As such, we would question the robustness of this data as evidence of affordable housing need.

The applicant also refers to data from Homeseeker Plus, Tewkesbury Borough Council's Housing Register (for example, in paragraph 11.19 of their Planning Statement). We acknowledge that Homeseeker Plus provides useful data relating to housing needs. However, as explained in our Housing Position Statement, we do not consider that this data should be used explicitly as a measure of affordable housing need. For example, households on the register can express a preference for up to three locations, which could lead to double, or even triple, counting of housing need.

The number of households on Homeseeker Plus that have both a local connection to and a preference for Winchcombe and whose data is validated is likely to be significantly less than the number of households identified in paragraph 11.19 of the applicant's Planning Statement. As such, we would question the robustness of this data as evidence of affordable housing need.

The applicant refers to other housing need assessments, such as the Gloucestershire Local Housing Needs Assessment and the Gloucestershire Strategic Housing Market Assessment. However, given the relatively small size of Winchcombe, compared to Tewkesbury Town and Bishops Cleeve, and the relatively rural nature of the rest of the Cotswolds National Landscape in Tewkesbury Borough, it is likely that the vast majority of housing need identified for Tewkesbury Borough would arise outside of the Cotswolds National Landscape.

This is an important consideration because the Government's Planning Practice Guidance (PPG) states that AONBs 'are unlikely to be suitable areas for accommodating unmet needs from adjoining (non\_designated) areas'.

As outlined previously in this consultation response, the proposed development would result in 38% more houses being built on this site than is proposed for this site in the emerging Tewkesbury Borough Plan. Presumably, Tewkesbury Borough Council considers

that the number of dwellings proposed for this site in the emerging Plan is a sufficient contribution to the overall identified housing provision for Tewkesbury Borough. As such, we would question the need for this site to provide an increased number of dwellings over and above what is already being proposed.

Finally, it is worth noting that the Government has recently stated that meeting housing need is never a reason to cause unacceptable harm to protected landscapes and that the standard method for calculating housing need does not present a 'target'.

Taking account of all of the above points we do not consider that there is an exceptional need for the proposed development or that the development would be in the public interest.

When considering whether the development is in the public interest it is important to bear in mind that AONBs are landscapes whose distinctive character and natural beauty are so outstanding that it is in the nation's interest to safeguard them.

### Alternative Options

Major development applications should include an assessment of the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way. As outlined previously, relevant case law has clarified that no permission should be granted for major development save to the extent that, inter alia, the development meets a need that could not be addressed elsewhere or in some other way.

The applicant does not appear to have explicitly addressed this requirement. In particular, there does not appear to be a clear explanation of why an additional 30 dwellings is required on this site, over and above the 80 dwellings already allocated in the emerging Tewkesbury Borough Plan, or why these additional 30 dwellings could not be accommodated elsewhere.

### Detrimental Effects

#### IMPACTS ON THE PURPOSE OF DESIGNATION

##### Landscape Character

The Board acknowledges that the Winchcombe Town Landscape Visual Sensitivity Study, undertaken by Toby Jones Associates (TJA) in 2014, concludes that the effect upon landscape character and upon local landscape features and elements in the event of development would be 'low adverse'. The study states that this relatively small impact is mainly as a consequence of the existing influence that the settlement has on the prevailing character and on the extent to which parts of the site are screened from view by topography, settlement and tree cover.

However, it is important to note that the site only adjoins the built up area of Winchcombe on its eastern boundary and along half of the southern boundary. The housing immediately to the east (Delavale Road) and to the south (Mercia Road) was built before the AONB boundary was reviewed in 1990, when the site was still considered suitable for inclusion within the Cotswolds National Landscape. In addition, the site itself has no urbanising features. As such, nothing has fundamentally changed since 1990 to suggest that the site no longer merits its AONB status.

The Guidelines for Landscape and Visual Impact Assessment (GLVIA) indicates that landscapes that are designated as AONBs should be accorded the highest value in LVIA

assessments, albeit that this high value is partly dependent on the degree to which the criteria and factors used to support the case for designation are represented in the specific study area.

In this regards, it is worth noting that the site reflects at least one of the key features of Landscape Character Type (LCT) 1 (Escarpment Outliers):

-Lower, gentler slopes cloaked in improved pastures and arable farmland, divided up by a network of hedgerows and some dry stone walls.

It is not necessary for a site to incorporate multiple LCT key features for it to be a valued component of the LCT. As such, we consider that the site merits the high value that reflects its AONB status.

For these reasons, we strongly disagree with the applicant's assertion (for example, in paragraph 10.24 of their Planning Statement) that this parcel of land holds a low landscape value.

Given that the site only has development on the eastern edge and half of the southern edge, we consider that the susceptibility to change is still potentially moderate, compared to an infill development where the susceptibility to change might be low, for example.

A housing development of 110 dwellings, occupying a site of 6.9ha on what is currently greenfield land in an AONB – and which currently reflects at least one key feature of the Escarpment Outlier LCT - represents a sizeable change in landscape character. As outlined above, in relation to the issue of major development, we strongly object to the applicant's comparison of the scale of the proposed development with the scale of the Cotswolds National Character Area, which is even bigger than the Cotswolds National Landscape – this is a completely inappropriate comparison.

The change in landscape would be experienced across a large area, including from the upper slopes of Langley Hill to the west, the northern slopes of Cleeve Hill to the south and the Cotswold escarpment to the east. The change will be permanent and irreversible.

These factors all add up to the effect on landscape character being more significant than the 'low adverse' effect identified in the TJA report.

As well as the impact of the proposed built development, we are also concerned about the proposed landscaping / tree planting, particularly to the west of the proposed housing. In-field tree planting is not characteristic of the open, agricultural fields in locality. The adverse effects of this loss of openness are recognised in the applicant's supporting information (for example, paragraph 7.12 of the Planning Statement). Bizarrely, the applicant claims that this adverse effect will be offset by the proposed mitigation planting. This cannot be the case as it is the proposed planting that is contributing to the loss of openness.

Also, the triangular wedge shape of the area of tree planting in the south west section of the shape is not characteristic of the more rectangular shape of copses and shelter belts in this locality.

It is worth noting that the area of proposed landscaping and tree planting to the west of the limit of built development does not actually lie within the proposed site allocation boundary or the proposed settlement boundary in the emerging Tewkesbury Borough Plan. The land beyond the settlement boundary should, ideally, be allowed to retain its open farmland character. As such, any proposed landscaping / tree planting mitigation should, in theory,

be within the site allocation / settlement boundary rather than extending beyond it, in line with the indicative 'screen planting' shown in Figure 4 of the TJA report.

Therefore, although the proposed landscaping and tree planting is intending to reduce adverse effects, it will actually have a long-term adverse effect on landscape character.

Part of the justification for the TJA report identifying a low adverse effect is that this conclusion is based on the requirement for any development on this site would:

- only extend up to the 115m contour line; and
- have a 'feathered settlement edge, avoiding a harsh, linear edge.

However, the applicant's Proposed Site Layout Plan shows that the limit of development at the 115m contour would primarily be a combination of either roads, garden fences or the sides of houses. The gardens of the proposed dwellings are considerably smaller / shorter than the gardens that currently form the edge of built development along Delavale Road. As a result, the proposed houses would be closer to the edge of the settlement than is currently the case.

The density of the proposed housing is considerably denser than the density of housing along Delavale Road. It is also considerably denser than is proposed in the site allocation in the emerging Tewkesbury Borough Plan (with a 38% increase in the number of houses on the same area of land).

There is only one location along the whole length of the development edge where the development could be said to be 'feathered'. This is the undeveloped strip of land that would separate the proposed housing in the south west of the site from the rest of the housing. This, on its own, does not constitute a feathered edge.

On this basis, we consider that, rather than 'softening' the settlement edge, the built development component of the proposed development would, in fact, result in a 'harder' settlement edge.

We recognise the justification for using the 115m contour line as the limit of built development (for example, the fact that there is already precedent 20th century development to this height). However, when this limit was proposed in the TJA report, the potential extent of development extended further south to Harvey's Lane. In theory, this would have resulted in a gently meandering development edge. However, the 115m contour line to the south of the site curves sharply towards the existing settlement edge. It was partly for this reason that a site was not allocated for housing on the north side of Harvey's Lane.

This has left the proposed site allocation (and the currently proposed development) with a very incongruous, triangular-shaped wedge of land that extends well beyond the limit of the adjacent built development along Mercia Road. Built development in this south west corner of the site would intrude negatively into the landscape. As such, it would be contrary to the Cotswolds AONB Landscape Strategy & Guidelines for LCT 1 and, by extension, contrary to the Cotswolds AONB Management Plan 2018-2023 and the Joint Core Strategy.

Overall, we consider that the proposed development would result in at least moderate adverse effects on landscape character, potentially increasing to significant adverse for the southern end of the site, particularly the protruding south west corner. This would be in both

the short and longer term.

It is worth noting that even if the TJA conclusion of a 'low adverse' landscape effect (or the applicant's conclusion of a slight to moderate landscape impact<sup>18</sup>) is accepted for the proposed development, the effect is still adverse and, as such, is contrary to the statutory purpose of conserving and enhancing the natural beauty of the Cotswolds National Landscape.

### Visual Impact

The TJA report concludes that development would be a moderate adverse effect upon views from:

- the Gloucestershire, Wychavon and Winchcombe Way descending towards the town from Langley Hill; and
- the Gloucestershire Way descending from Stancombe Wood to the east beyond Winchcombe.

This judgement is based upon the high sensitivity of the viewers but the low magnitude of predicted change in the views.

Even the applicant acknowledges that there would be slight / moderate adverse effects in views from Langley Hill.<sup>1</sup>

However, as outlined in relation to landscape character, above, we consider that the magnitude of change would be considerably larger than that suggested in the TJA report. For example, the proposed development would:

- have a high density of housing;
- have a relatively hard edge, rather than a feathered edge;
- intrude negatively into the landscape, particularly in the south-western corner of the site, where there would be an incongruous, triangular-shaped wedge of built development extending, diagonally, well beyond the existing, adjacent built development into open countryside.

Taking these points into account, we consider that there would be at least moderate adverse visual effects, potentially increasing to significant adverse for the southern end of the proposed development, particularly the protruding south-west corner.

Our own site visit has indicated that this triangular wedge of development would intrude negatively into views from both Langley Hill, to the west of the site, and from the Cotswold Way, on Corndean Lane, to the south of Winchcombe (albeit with the built form of Winchcombe in the foreground in this second view). See Appendix 3 for further details. From the photograph provided in the Toby Jones Statement (which forms document 'EXAM015' in the Local Plan Examination papers) it is also evident that this triangular wedge of development would be seen to intrude negatively into the open countryside, away from the existing settlement edge, when viewed from Salters Hill.

The fact that there are multiple locations where adverse visual effects would be experienced adds to the overall significance.

We consider that the proposed mitigation landscaping would have limited effect, both in the short and longer term. This is because the key viewpoints provide elevated views of the site. As such, the proposed landscaping, particularly hedgerows, would do little to screen / filter the view of the proposed two-storey houses. Also, much of the proposed landscaping is intended to screen views from Langley Hill and would do little to mitigate adverse impacts on views from south and east of Winchcombe.

### *Other 'natural beauty' factors*

#### *Tranquillity*

An important consideration for the Board is the potential increase in traffic movements on local roads, associated with the proposed development, particularly in close proximity to listed buildings.

Increases in traffic movements can potentially have an adverse impact on the tranquillity of the Cotswolds National Landscape, which is one of the area's 'special qualities'. The Board's Tranquillity Position Statement<sup>21</sup> set out a 'rule of thumb' that, within the Cotswolds National Landscape, increases in traffic movements of 10% or more are potentially significant. However, the Position Statement also indicates that a lower threshold may be appropriate in areas with a particularly high landscape – or historic – sensitivity.

The applicant's Transport Assessment (Table 6.3) indicates that the development would generate 44 two-way trips via car or van in AM peak and 56 in PM peak. Table 7.3 indicates that the majority of these trips would be on 'Route 1' (i.e. southbound out of Winchcombe via Back Lane and Malthouse Lane) - 26 at AM peak and 33 at PM peak. However, the analysis in Section 9 of the Transport Assessment doesn't include the Malthouse Lane / B4632 junction or Back Lane / Malthouse Lane. As such, the Transport Assessment fails to identify the likely percentage increase in traffic movements at these key locations.

Malthouse Lane is very narrow and the junction of Malthouse Lane and the B4632 is a very sensitive location as it is directly adjacent to the Grade II\* listed Ye Old Corner Cupboard pub and multiple other listed buildings. Similarly, Back Lane is also a very sensitive location as it is directly adjacent to Winchcombe Abbey Scheduled Monument for nearly 400m (i.e. the majority of the section of the scheduled monument between North Street and Malthouse Lane).

Given the sensitivity of these locations, the lack of data on likely % increases in traffic movements at these locations is a serious concern.

The % increase in traffic movements at other locations identified in Tables 9.2 and 9.3 is also of serious concern, with multiple locations being forecast to exceed the 'rule of thumb' threshold of a 10% increase in traffic movements (especially when the cumulative of the proposed housing development at the adjacent Land Off Kyderminster Road site is taken into account).

#### *Dark Skies*

The dark skies of the Cotswolds National Landscape are one of the area's special qualities. Development proposals in the National Landscape should seek to avoid and minimise new sources of light pollution.

We are disappointed that the applicant's Lighting Impact Assessment (LIA) does not refer to the Board's Dark Skies & Artificial Light Position Statement. However, we acknowledge that it does, at least, refer to the Institution of Lighting Professionals' (ILP) Guidance Notes for the Reduction of Obtrusive Light, which forms Appendix 2 of the Position Statement.

The ILP guidance indicates that areas within AONBs should be classed as Environment Zone E1. However, the applicant asserts that the site should be classed as a less stringent combination of Environmental Zones E1 and E2 (which applies to villages or relatively dark outer suburban locations). They indicate that this is because the site is on the edge of the Cotswolds National Landscape and on the existing village boundary where street lighting is already installed.

However, we disagree with the applicant's assertions in this regard. The site is currently undeveloped, with no lighting, and is an integral component of the AONB landscape in this locality. As such, the fact that the site is 'on the edge' of the AONB is largely irrelevant. We therefore recommend that the obtrusive light limitations that should be applied are those that the ILP guidance specifies for Environmental Zone 1.

Either way, the applicant has failed to quantify the extent to which the proposed development complies with the ILP's obtrusive light limitations for either Environmental Zone E1 or Environmental Zone E2.

The LIA acknowledges that there will be a slight increase in sky glow, site aura and light presence and a possible increase in light 'glare', albeit to a degree that is minor adverse.

The LIA's conclusion of minor adverse residual effects is partly based on the assertion that the location is of local 'geographical importance' (Table 10.2). We strongly disagree with this assertion. The Cotswolds National Landscape is, as the name suggests, a landscape of at least national importance. As a Category V landscape in the International Union for Conservation of Nature's (IUCN) international classification of protected landscapes, it is also, arguably, of international importance.

This national geographical importance potentially elevates the residual effects of the proposed lighting to major adverse.

## TILTED BALANCE

Paragraph 11 of the NPPF sets a presumption in favour of granting planning permission, known as the 'tilted balance'. Paragraph 11 also sets out the circumstances in which this tilted balance does not apply. One of these circumstances is where the application of AONB-related policies provides a clear reason for refusing the proposed development.

The applicant asserts, in paragraph 10.26 of their Planning Statement, that the tilted balance should be applied in the determination of this application. However, the Board strongly disagrees with this assertion.

As outlined above, we consider that the proposed development constitutes major development in the context of paragraph 172 and footnote 55 of the NPPF. Paragraph 172 of the NPPF sets a presumption against granting planning permission for major development. This, in itself, provides a clear reason for refusal, in the context of paragraph 11di of the NPPF.

Even if the proposed development is not considered to constitute major development, we still consider that the impact of the proposed development on the purpose of AONB designation would be significant enough to provide a clear reason for refusal.

It is important to separate the issue of the tilted balance from the issue of the overall planning balance. The decision, on whether the tilted balance should be applied, should be made before the subsequent step of deciding the overall planning balance.

In deciding the overall planning balance, there may be clear reasons for refusal and there may also be clear reasons for permitting the proposed development. If the tilted balance has been disappplied before this stage, the presumption in favour of granting planning permission is no longer relevant.

However, the great weight that should be given to conserving and enhancing landscape and scenic beauty would still be relevant.

### SCALE AND EXTENT OF POTENTIAL HOUSING PROVISION ON THIS SITE

As explained earlier in our response, we recognise Winchcombe's position as a Rural Service Centre in the settlement hierarchy for Tewkesbury Borough. As such, we also recognise that Winchcombe is a focal point for new housing delivery. Furthermore, we acknowledge that, if further new housing is to be permitted in Winchcombe, this site potentially provides one of the better options (from a landscape perspective) for this housing. The fact that the site is allocated for housing in the emerging Tewkesbury Borough Plan increases the likelihood of housing being permitted on this site at some point.

Without prejudice, if housing is going to be delivered on this site, we strongly recommend that the following points should be taken into consideration.

1. Built development along the southern boundary of the site should only extend as far west as the extent of the adjacent built development along Mercia Road. From this south west corner (Grid Reference: @ SP1932864), the limit of built development should extend directly northwards towards the corner where the field boundary turns to a north-south direction(Grid Reference: @ SP01932878), from where it should re-join the 115m contour line. Appendix 2 provides further guidance in relation to this recommendation.
2. The principle of providing a feathered edge should still be a requirement.
3. All associated mitigation measures, including a feathered edge, tree planting and other landscaping should be delivered within the limit of built development proposed in the previous recommendation.
4. The density of housing should be no greater than that proposed in the emerging Tewkesbury Borough Plan. The total number of dwellings should be reduced from that proposed in the merging Tewkesbury Borough Plan to take account of the revised limit of built development.<sup>27</sup>
5. If there would still be residual adverse effects, appropriate off-site enhancements should be implemented to off-set these adverse effects (for example, improved management of hedgerows, woodland and / or priority habitats).
6. If the site goes forward as a site allocation when the Tewkesbury Borough Plan is adopted, the percentage of affordable housing should be at least 50% (with an emphasis

on housing that is affordable in perpetuity and which genuinely meets local affordable housing needs).

7. If the site does not go forward as a site allocation when the Tewkesbury Borough Plan is adopted, any housing that is permitted on this site would presumably be a Rural Exception Site, for which the percentage of affordable housing should, ideally, be 100%.

#### Comments on Revised Submission

The Board recognises that the Cotswolds National Landscape is a living and working landscape where the provision of new housing that meets local needs can play an important role in maintaining vibrant and thriving local communities. We also note that the applicant proposes 50% affordable housing to be delivered on site. However, any major housing development on this site needs to be delivered in a way that is compatible with – and positively contributes to – the statutory purpose of conserving and enhancing the Cotswolds National Landscape.

#### *Tewkesbury Local Plan Site Allocation*

The Board continues to recognise that this site has the potential to accommodate some development without having significant adverse impacts on the Cotswolds National Landscape and fully acknowledges that this site is allocated for residential development in the emerging Tewkesbury Local Plan as part of Policy RES1, with an indicative capacity of 80 dwellings. The Local Plan is now well advanced, having been examined in public last year. The Inspector has written to the Council with his interim findings, stating that the Plan could be made sound through a number of main modifications, which the Council has since consulted upon. As such, the Board acknowledges that significant weight can now be given to the emerging Plan's policies, including Policies RES1, WIN1 and RES5, all as proposed to be modified.

At paragraph 6 of his interim findings letter, dated 16 June 2021, the Inspector gave his assessment that “the allocation of the WIN1 site is sound given the provisions of the JCS, the context of the town and the AONB designation. In relation to the precise boundaries of the allocation, these should respect the 115m contour and existing field hedgerows for landscape reasons”.

The accompanying notes to Policy RES1 are clear that all site capacities are approximate and detailed design proposals may indicate that greater or fewer dwellings can be accommodate on a site (our emphasis) and Policy WIN1 explicitly states that development on prominent slopes should be avoided. Moreover, Policy RES5 states that proposals should, in particular where an edge of settlement site is proposed, respect the form of the settlement and its landscape setting, not appear as an unacceptable intrusion into the countryside and retain a sense of transition between the settlement and the open countryside. These key policy requirements have all been taken into account in our appraisal of the revised scheme.

It is noted that the application site boundary still corresponds to neither the original nor the revised boundaries of the emerging Local Plan allocation, as consulted upon by the Council in the recent Main Modifications consultation. It continues to include land above the 115m contour, takes an access through 26 Delavale Road which is not provided for within the allocation and it does not include the land at no.2 Orchard Road, which the Local Plan Inspector specifically stated should be included within the allocation.

## *Revised scheme*

The applicant has provided a range of updated documents as part of the revised information pack including a full suite of plans, DAS addendum, drainage and transport information. However, it is noted that no revisions or addenda have been made to the applicant's Landscape and Visual Impact Assessment, despite the applicant's covering letter accompanying the latest submission stating that the [revised] design "when tested by landscape and visual impact assessment, clearly achieves its objectives". This revised proposal has not been considered by the LVIA. This reinforces our view, shared by the Council's Landscape Consultant in respect of the initial proposal, that the development is not landscape led, as required by Policy WIN1. There remains only an assessment of a 110-unit scheme, not the 100 units proposed here and there is no comparison of whether an 80 (or fewer) unit scheme would have lesser/similar/greater landscape and visual effects than the proposed 110.

Indeed, we wish to highlight a number of the comments of the Council's Landscape Consultant (undated, but added to the Council's Planning Register on 17th September 2021) which were submitted after our initial consultation response last year. The Council's Consultant assessed the proposal against the emerging Policy WIN1 and identified only partial compliance with six of the ten policy criteria and policy's landscape elements and no compliance with a further two. In our view, many of his observations still apply to this revised scheme. Whilst we would not wish to repeat the Landscape Consultant's previous comments in full, we would wish to highlight that:

- The proposals do not appear to be landscape led. The southwestern block of housing extending the built edge of Winchcombe up Langley Hill and the constrained layout cited by the Landscape Consultant as not being reflective of a landscape-led scheme remain in this iteration of the proposal;
- Development on prominent slopes is not avoided. The southwestern block, set hard up against the 115m contour, still gives the impression of development running up Langley Hill, which is considered harmful in landscape and visual terms. It would be perceived from Mercia Road and from Winchcombe Path 13 to the north of Knottes Close as extending development up the hill. We would also point to Toby Jones' Statement to the Local Plan Examination in respect of this allocation (EXAM015) where he states that "it is important that some restraint is applied to the extent to which the development extends up the lower slopes of Langley ;
- It is our view that the applicant continues to try and maximise the developable area of the site, seeking to squeeze as much development as possible within the 115m contour line, which, as has been pointed out by the Council's Consultant, is a maximum and might not be an appropriate limit for development along its entire length. In our view, the approach taken by the applicant does not achieve the required 'feathered edge'.

At a number of points along the western edge of the scheme the estate roads extend right up to the 115m contour, with only narrow 4m wide private drive roadways and narrow 2m deep front gardens separating the 115m contour line from the front elevations of imposing 4 and 5-bedroom dwellings. In some areas, slight deviations in the contour line are used to locate bin collection points, again hard up against the 115m contour.

Section 4.5 of the revised Design and Access Statement describes how the 'Rural Fringe' area in the southwestern corner features "larger dwellings creating a feathered edge to the development. Plots have been arranged with greater distance separation between them, to

ensure greater visual permeability between them". However, the vignette provided to illustrate this shows a line of substantial dwellings with large two-storey double garage units containing first floor 'live/work spaces' set between the houses, creating an almost continuous line or 'wall' of built form. This is also illustrated in the massing diagram at Section 4.7 of the revised DAS.

The layout fails to consistently use landscaping to provide a transition between countryside and built development. In line with the Landscape Consultant's previous comments, a number of properties on the western edge of the scheme of the revised scheme are not provided with large enough gardens to the open west side to accommodate significant domestic planting, which in association with planting in the public space would assist in the transition between countryside and built development sought by this part of Policy WIN1.

Plots 87 and 88 are examples of where development extends almost to the 115m contour

and where dwellings are provided with little or no usable front garden space. This is further shown in the street sections (Section 4.6), where the private driveway section C-C in the south-west corner of the site specifically highlights the "modest front gardens" (2m depth) provided for dwellings in this part of the site.

A number of the large detached units on the edge of the protruding southwestern development block (e.g. plot nos. 51, 52, 54 and 55) also feature tandem parking spaces, an arrangement which often results in on-street parking, which has not been provided for in the scheme. As such it is our view it is likely that residents and visitors will park along the private drives on the western edge of the scheme, bringing vehicles right up to the 115m contour.

The 3D model of the site shown at 4.10 also illustrates just how close the new dwellings, streets and other built elements of the scheme will come to the existing field boundary (which lies outside of the site allocation and settlement boundary) and it should be noted that this view does not show the LEAP.

The LEAP itself is also squeezed in under the 115m contour, its boundary fencing extending to roughly 114.5m, though it is notable that the applicant's 'LEAP General Arrangement' plan (dwg. no. ENG\_520) appears to show some of the profiling works outside of the perimeter fencing extending above the 115m contour.

Rather than featuring the 'natural type play equipment' stated in the applicant's covering letter, the proposals (dwg. ref. 20083.204) show a number of standard pieces of play equipment such as metal springer see-saws and basket seat swings surrounded by a metal bow-top fence; these are not in keeping with the AONB and would not integrate well in this visually sensitive development-edge location. In particular, we do not agree with the applicant's statement that the play area has been "designed to reflect the Cotswold geology", especially when this is followed immediately with a caveat that "large limestone rocks are not used as play boulders for safety reasons"!

As well as the impact of the proposed built development, we continue to be concerned about the proposed landscaping and tree planting, particularly to the west of the proposed housing.

As outlined in our previous response, in-field tree planting is not characteristic of the open, agricultural fields in locality and ironically the mitigative planting may become a factor in the adverse landscape impact of the proposal as a whole.

As outlined above, we wish to reiterate our previous point that the area of much of the proposed landscaping and tree planting to the west of the limit of built development does not actually lie within the revised site allocation boundary or the revised settlement boundary consulted upon in the recent Main Modifications consultation for the emerging Tewkesbury Borough Plan. The land beyond the settlement boundary should, ideally, be allowed to retain its open farmland character. As such, any proposed landscaping / tree planting mitigation should be within the site allocation / settlement boundary rather than extending beyond it, in line with the indicative 'screen planting' shown in Figure 4 of the TJA report.

### *Tranquillity*

The Board's concerns remain regarding the impact of the potential increase in traffic movements associated with the proposed development on the tranquillity of the Cotswolds National Landscape, which is one of the area's 'special qualities'. With regard to our previous observations on the % increase in traffic movements and their potential to be significant (as referenced within the Board's Tranquillity Position Statement), we are still concerned at the projected % increases in traffic movements at a number of locations identified in Tables 9.3 and 9.4 of the revised Transport Assessment.

### *Dark Skies*

The dark skies of the Cotswolds National Landscape are one of the area's special qualities. Development proposals in the National Landscape should seek to avoid and minimise new sources of light pollution.

It is noted that the revised information pack does not contain an updated Lighting Impact Assessment and as such, our previous comments and concerns on this issue still stand.

- 4.3 County Highways Authority** – No objection subject to conditions and planning obligations following revisions to the scheme including amendments to the internal road layout and the inclusion of a pedestrian/cycles link to the south
- 4.4 Highways England** – No objection
- 4.4 Housing Enabling Officer** – No objection - although we would prefer to see improved accessibility standards and clustering arrangements included from the outset of a scheme, the contribution of extra Social Rented units is positive and therefore we have no objection to the application
- 4.5 Lead Local Flood Authority** – No objection
- 4.6 Severn Trent** – No objection
- 4.7 Environment Agency** – No comments to make
- 4.8 County Archaeologist** – No objection subject to conditions
- 4.9 Environmental Health (Nuisance)** – No objection subject to conditions requiring the submission a detailed lighting scheme and a construction environmental management plan
- 4.10 Environmental Health (Air Quality)** – No objection subject to conditions

- 4.11 Environmental Health (Contamination)** – No objection subject to conditions
- 4.12 Gloucestershire Minerals and Waste** – No comments to make
- 4.13 Historic England** – No comments to make
- 4.14 Conservation Officer** – No objection
- 4.15 Urban Design Officer** – Objection to the application as originally submitted. Reasons for the objection include:

- The quantum of development is in excess of that proposed in the emerging policy and there is nothing in the design that justifies to me that the quantum of development can be accommodated on that site but also achieve characteristics of good design, set out in the national design guides and respecting the sensitive landscape setting.
- The proposed housing is hard up to the 115m contour line with no softening of that edge provided though open space within the development area.
- The rear gardens on the eastern boundary are very small.
- There is no tree planting within the main street.
- There is no cycle link tough the development.
- The development is very close to the southern boundary, where the land slopes down to the watercourse. This has resulted in the need for cut and fill and retaining walls within the built form. This fails to respond to the landscape or work with the topography of the site.
- The drainage pond appears over engineered and does not result in usable open space.
- The location of the pumping station and sub station is unfortunate and unsightly.
- Close board fence is not appropriate where it is visible from open space or the public realm

The revised application has responded to some of these concerns and these amendments are discussed in this Committee Report, but there has been no urban design consultation response on the revised proposals as there is currently no urban design officer at the Council.

- 4.16 Natural England** – No objection due to impact on European Protected Sites and a HRA record advised. No objection due to impact on nationally designated sites subject to mitigation measures being secured.
- 4.17 Ecology** – No objection subject to conditions
- 4.18 County Developer Contribution Team** – Financial contributions towards education and library provision required to make the development acceptable in planning terms

**4.19 Communities Team** – Financial contributions to playing pitches and built sport requested

**4.20 Landscape Advisor** – No objection (further details set out in Landscape Impact section of this report)

**4.21 CPRE** – Object

- Commend high proportion of affordable housing proposed
- Objection to allocation WIN1 in the AONB and object that the proposal provide more than the 80 dwellings in the emerging allocation
- Concerned about impact of proposal on AONB landscape and the cumulative impacts of proposals.
- A decision on this site should be delayed until examination of the Emerging Local Plan is complete
- A temporary technical shortage of housing land should not warrant housing on unallocated sites in the AONB
- Exceptional circumstances have not been demonstrated to justify the proposal

## **5.0 PUBLICITY AND REPRESENTATIONS**

Full copies of all the representation responses are available online at <https://publicaccess.tewkesbury.gov.uk/online-applications/>.

**5.1** Both the original application and the revised application have been publicised through the posting of a site notice for a period of 21 days.

**5.2** 151 representations have been submitted to the original and revised application. The comments are summarised below:

- The Tewkesbury Local Plan is still subject to review and this application is premature and presumptive of the outcome. A decision should not be made ahead of the adoption of the plan.
- The inclusion of the site in the emerging plan was against the wishes of the community and the Town Council.
- The application conflicts with the Neighbourhood Plan.
- The site lies entirely in the AONB and the NPPF states planning permission should be refused except in exceptional circumstances. The site is major development in the AONB. There are no exceptional circumstances that justify the development.
- The AONB has the highest level of landscape protection and the NPPF states that great weight should be given to conserving its landscape and scenic beauty. The

proposal would harm the landscape and scenic beauty of the AONB.

- The loss of the AONB is irrevocable and it should be preserved.
- The development will conflict with the Environment Act 2021 due to its harm to the natural environment
- The proposed development conflicts with the objectives of Cotswolds AONB Management Plan.
- There are alternative sites outside of the AONB which are available, suitable and achievable to meet housing needs. Planners should consider development in the wider area ahead preferably on previously developed land ahead of AONB sites.
- Development in the AONB should be based on robust need of local need arising from the AONB and should not meet the wider needs of the Borough. This local need has not been demonstrated. The proposal conflicts with AONB Management Plan and Planning Guidance for these reasons.
- A 5 year supply will be restored with development around Ashchurch and the development/increased development on this site isn't necessary.
- The requirement of the emerging Local Plan policy WIN1 are being disregarded by the developer.
- The site is located outside the settlement boundary of Winchcombe.
- A need has not been demonstrated for the open market or affordable housing. The affordable housing is clearly not a Winchcombe specific need.
- More sensible approaches to addressing housing needs should be considered e.g. restricting Airbnb of which Winchcombe has a considerable number.
- The development is not an appropriate scale for an already saturated town having regard to the size and function of the settlement. The population of Winchcombe has already increased significantly in recent years.
- Winchcombe is being overwhelmed by estate development which is harming the character of the town for future generations.
- The site includes land which is higher than almost all existing development in the town and its development will have a detrimental impact on the landscape and environment and is an unwelcome intrusions beyond the settlement boundary.
- The development will be harmful to the setting of Winchcombe and the setting of Langley Hill.
- The proposal is reliant on one access and a southern access should be included to encourage sustainable journeys and the connection to the town centre is poor (officer note a southern cycle/pedestrian link has been included in the revised scheme).
- The road infrastructure around Winchcombe cannot cope with the additional vehicle

movements. The roads are narrow and unsuitable.

- The site access is insufficient and close to an existing bend and the vehicle access will be nuisance to existing residents.
- Pupils will attend Gretton and Winchcombe Primary school which will exacerbate current congestion.
- The proposal will impact on road safety.
- The proposal will reduce air quality and Winchcombe already suffers from poor air quality given its position in a bowl.
- The proposal will give rise to light pollution and will harm dark skies in the AONB.
- Material growth in the population of Winchcombe will create burdens on the local road network, medical centre, primary school and they will not cope.
- The proposal will result in loss of natural habitat for wildlife which will not be replaced. The proposal will harm biodiversity and wildlife including protected species such as bats, hedgehogs, owls and birds on amber/red lists. The ecology report does not record all species (including birds) which residents know are present on site and the methodology is inadequate.
- The development will increase the risk of flooding to existing homes and the site has a number of natural springs, underground watercourses and is waterlogged
- The pond in the south east corner is impractical and will need significant earthworks to create it. The pond will also become a breeding ground for mosquitoes which will impact on residents.
- There is not enough work in Winchcombe to support new residents. It is highly likely residents will work elsewhere and Winchcombe will become a commuter town.
- The design is not sympathetic to the Cotswold town and is not in harmony with the area. The style of the new buildings do not match local buildings.
- The character of Winchcombe is being ruined by housing estate development and this would worsen the situation.
- The development of this site would diminish striking views from many footpaths above the town.
- The proposal includes development on prominent slopes contrary to Policy WIN1 of the Emerging Local Plan. Two storey dwellings on the upper reaches of the field will be prominent from the surrounding countryside. The proposal will physically alter the town in a three dimensional ways and its geographical position in a bowl and would have an unacceptable impact on the AONB.
- Traders and residents benefit from the physical appearance of the town which attracts many visitors. This proposal on high ground and erosion of the environment would be detrimental to this asset which benefits traders, residents and Gloucestershire as a whole.

- Existing dwellings will be overlooked by new dwellings impacting on privacy and amenity. Existing residents will be deprived of peace, views, privacy, security and dark skies. The slope of the site will exacerbate overlooking and the new dwellings would be overbearing and overdominating. Residents will lose views of the open countryside and Langley Hill.
- The dwellings to the west of Delevale Road have small gardens which will give rise to overlooking from both garden level and internally. There should be more a buffer for Delavale Road residents.
- The design of the dwellings are devoid of character and will detract from the AONBs special qualities.
- The ridge levels of the proposed dwellings and smaller gardens on the eastern boundary will give mean the visual impact for residents on Delavale Road will be catastrophic. The ground levels of the dwellings next to Delavale Road have been increased which give rise to unacceptable visual intrusion and overlooking. The proposal is contrary to Policy SD14 of the JCS.
- The size of the dwellings to the east are extremely small and unsuitable for future residents and would give rise to unacceptable levels of amenity.
- There will be an increase in traffic within a quiet residential area which will impact on amenity through noise and emissions.
- The Transport Assessment is based on distorted data collected through the COVID 19 pandemic and does not accurately show the traffic impacts of the proposal.
- Current bus services are inadequate and to meet the needs of residents.
- Recent planning permissions in Winchcombe are already fulfilling commitments to housing needs.
- An application for 35 dwellings at Kyderminster Road was dismissed at appeal. This proposal would be more harmful to the AONB and should similarly be dismissed.
- There has been no environmental impact assessment.
- Close neighbours of No.26 will suffer mental and economic anguish due to the dwellings being demolished.
- The design of the proposal is poor and the density is too high in a sensitive area and the proposal does not represent good design. The development is prominent and obtrusive.
- Any economic benefits in local economy would be minor and temporary in nature.
- The emerging allocation is for 80 dwellings which is a density to lessen the impact. The higher density is not justified and would cause increased harm to AONB. The design is too urban and not appropriate for the characteristics of the application site.
- It is difficult to see how a landscape led approach has been adopted and the design

is unimaginative.

- There may not be sufficient capacity in existing infrastructure to accommodate development i.e. sewerage, water, gas, electrical and digital capacity.
- Langley Hill is an escarpment outlier, building here would make it the highest line of urban development in Winchcombe and the proposal would be visually damaging. It would also set a precedent for further development and the cumulative effects of developments should be considered.
- The construction phase will cause undue stress and anguish to residents.
- The proposal would result in loss of agricultural land.
- The affordable housing is not seamlessly integrated and distributed throughout the development and is contrary to Policy SD12 of the JCS.
- The site was previously cleared of trees without the consent of authorities and this shouldn't be ignored.
- Further archaeological investigations need to be undertaken including an assessment of impacts on ridge and furrow field patterns.
- The proposals have little consideration of climate change and do not include solar panels or ground source heat pumps etc.
- The site suffers from high winds and bins, chairs etc may fly into existing homes.
- The proposal will devalue existing dwellings.
- There are inadequate play facilities for children on the site and in the wider area.

#### Specific comments on revised proposal for 100 dwellings

- The 100 dwellings scheme still represents a 25% increase in the number considered appropriate in the Local Plan.
- The parking for some dwellings are remotely located from dwellings making them unsuitable for charging electric vehicles.
- It is unclear how the cycle footpath will be maintained and it will become a magnet for rubbish and dog faeces.
- Owing to the levels of the land some of the houses will have steep retaining walls. This is not compliant with policy to have accessible houses.

1 comment has been received in support of the application

- The proposal will provide much needed affordable housing for people in Winchcombe.
- Giving housing opportunities to younger people with families is essential to maintain the balance of Winchcombe.

- Younger people who contribute to economy need houses and it is essential that the younger workforce is retained. Without affordable housing younger people will leave the area.

## **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) and a number of 'made' Neighbourhood Development Plans.
- 6.3** The Tewkesbury Borough Plan 2011-2031 (TBP) was adopted at a special meeting of full Council on 8 June 2022. It is therefore now part of the Development Plan.
- 6.4** The relevant policies are set out in the appropriate sections of this report.
- 6.5** Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2021 and its associated Planning Practice Guidance (PPG), the National Design Guide (NDG) and National Model Design Code.

## **7.0 TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (EIA) REGULATIONS 2017**

- 7.1** Under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 the proposal constitutes Schedule 2 development under Column 2 (10b) of the EIA Regulations, as the size of the application site exceeds 5 hectares. The applicant requested an EIA screening opinion in respect of the development to determine whether an EIA was required as part of the application. On the 12<sup>th</sup> February 2021, the Local Planning Authority issued an adopted screening opinion in respect of the proposed development which was that the submission of an Environmental Statement in connection with this development was not required.

## **8.0 ANALYSIS**

### ***Principle of development***

- 8.1** The majority of the built form proposed on the site is located within Housing Allocation WIN1 in the TLP. A plan of the boundary of allocation WIN1 superimposed on the proposed site layout is included in the Committee Presentation. A 0.29ha area of built form is located outside of the allocation boundary and a total of circa 1.4 ha of built form/ informal open space is outside the allocation boundary.
- 8.2** It is anticipated that WIN1 will be an adopted policy at the time of committee determination and that the settlement boundary of Winchcombe will be extended to include the WIN1 allocation in the adopted TLP. If this position changes and the TLP is not adopted prior to the planning committee determination of the proposal an update on the principle of development will be provided to committee.

- 8.3** Policy RES1 of the TLP identifies Housing Site Allocations for residential and mixed use allocations. Table 1 of the TLP identifies that Allocation WIN1 has an indicative capacity for 80 dwellings. However, the footnote to Table 1 confirms that all indicative site capacities in Table 1 are approximate and that appropriate capacities were determined as part of the Tewkesbury Borough Plan Housing Background Paper. The footnote advises that detailed design proposals for individual allocations may indicate that greater or fewer dwellings can be accommodated on a site. Upon adoption of the TLP, the principle of residential development within that part of the application site that falls within the allocation WIN1 boundary will be established, and the exact quantum of housing which will be appropriate on the site will be determined through the detailed design proposals taking account of the characteristics of the application site and its environs.
- 8.4** Policy WIN1 of the TLP provides further detailed guidance on the development of allocation WIN1 and this site specific policy forms part of Policy RES1 and should be read alongside.
- 8.5** Assuming the recommendations set out in the Inspectors Report on the Examination of Tewkesbury Borough Plan 2011-2031 are accepted, Policy WIN1 will set out the requirements that proposals within the allocation will be expected to deliver. These site specific requirements are set out below.
- 8.6** Policy WIN1 confirms that proposals within the allocation will be expected to meet the following requirements:
- The development should be landscape led. Suitable developable areas on site must be informed by a Landscape and Visual Impact Assessment. Development on prominent slopes should be avoided and, in all cases, built development, supporting infrastructure, open space and community facilities should be located below the 115 metre contour line as identified in the Winchcombe Town Landscape and Visual Sensitivity Study (Toby Jones Associates, November 2014). The development should provide a low density loose edge which incorporates open space and landscaping to aid the transition between countryside and built development. Development should front open space in order to achieve a positive relationship between the town and the surrounding landscape.
  - The proposal should contribute to the wider green infrastructure network and deliver biodiversity net gains
  - Good accessibility for pedestrians, cyclists and those with disabilities from the site to the town centre and services and facilities elsewhere in the town is important and should be secured by the proposal. Permeability within the site and connectivity with adjacent streets should therefore be provided, including a pedestrian/cycling route to the south east and/or south to facilitate easy access to the town centre
  - Proposals on this sites should address the site specific FRA requirements set out within the Level 2 Strategic Flood Risk Assessment (November 2017).
- 8.7** As site specific Policy WIN1 sets out the requirements for housing proposals within the allocation boundary, the principle of housing development within the allocation boundary is considered acceptable providing the requirements of Policy WIN1, alongside wider planning objectives and policies are met, and subject to there being no material considerations indicating that the application should be determined other than in accordance with the development plan.

- 8.8** In regard to that part of the application site outside of the boundary of allocation WIN1, the land is located outside of the settlement boundary and comprises unallocated land in the AONB. The housing which incurs into this part of the site would also conflict with the exceptions of Policy SD10 of the JCS as it would be located outside of the built up area of Winchcombe on land which is not allocated for housing. Paragraph 176 of the NPPF also states that development within designated areas (including AONBs) should be limited and great weight should be given to conserving the landscape and scenic beauty of the AONB which has the highest status of protection in relation to these issues.
- 8.9** In considering the conflict with Policy SD10 for this parcel of land outside the allocation boundary, it is material consideration to have regard to the overall layout and design of the entire application proposals and whether the inclusion of this parcel of land contributes to the development responding positively to and respecting the character of the site and its surroundings and whether the inclusion of this land would fail to conserve, and give rise to additional harm, to the landscape and scenic beauty of the AONB. This is a matter for the planning balance and is considered within this Report.
- 8.10** A number of objections have been received to this application on the basis that the site is not allocated in the WSNDP and is outside of the Built Up Area as defined in the Neighbourhood Plan. However, the development plan must be read as a whole and Policy SP2 of the JCS states that lower levels of development in Rural Services Centres will be allocated through both Neighbourhood Plans or the TLP. As the site is allocated in the TLP, the principle of housing within the WIN1 allocation boundary will be, upon adoption of the TLP, in accordance with the spatial strategy as a whole.

#### ***Five Year Housing Land Supply***

- 8.11** As set out in the latest Tewkesbury Borough Five Year Housing Land Supply Statement published in January 2021, the Council can demonstrate a 3.83 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. Paragraph 11 of the NPPF states that where policies which are most important for determining the application are out of date, permission should be granted unless: d)i. the application of policies in the Framework that protect assets of particular importance provides a clear reason for refusing the development; or ii). any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 8.12** Members will be aware that the Council's approach to calculating housing land supply has been challenged in recent appeals and the courts. Significantly, however, the Inspector who recently decided the appeal relating to land the north west of Fiddington (2nd March 2022) confirmed the Council's five year housing land supply as outlined above. Importantly, in doing so he confirmed that past 'oversupply' arising from a surplus of historic housing completions is a matter which should be factored into the Council's supply calculation, despite the appellant's contention to the contrary.

**8.13** With the adoption of the TBP there are a number of site allocations in the TBP which can be reasonably expected to deliver housing within the next five years and whilst the land supply position will need to be formally updated, officers fully expect to be able to report a housing land supply in excess of five years at that point, in compliance with NPPF paragraph 74.

**8.14** Notwithstanding this, until the position has been formally updated, the Council cannot currently demonstrate a five year supply and the titled balance is engaged in this case.

### **Principle of Development and AONB Policy**

**8.15** The application site is located within the Cotswolds AONB. Paragraph 176 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty of Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The scale and extent of development within these designated areas should be limited.

**8.16** Paragraph 177 of the NPPF states that when considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

(a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;

(b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and

(c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

**8.17** Footnote 60 of the NPPF states that for the purposes of paragraphs 176 and 177 of the NPPF, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been defined.

**8.18** At Paragraph 48 of Tewkesbury Borough Plan Inspector's Report, the Inspector considered whether the WIN1 allocation constituted 'major development' in the context of the NPPF. The Inspector considered that *'the scale and extent of the allocation is limited in relation to the existing size of the town and with the Policy WIN1 requirements for the site and minor boundary adjustments the landscape and scenic beauty of the AONB would be conserved. The proposal is therefore consistent with national policy as set out in NPPF paragraph 176. Its nature and scale and the only minor adverse impact on the purposes for which the AONB has been designated mean that the proposal does not amount to major development in the terms of NPPF paragraph 177 so the exceptional circumstances test does not apply'*.

**8.19** A number of objections have been received to this application, including from the Cotswolds AONB Board, stating that the application comprises of major development in AONB and that therefore the paragraph 177 NPPF 'major development' policy tests should be applied and that the proposal conflicts with paragraph 176 of the NPPF insofar as the scale and extent of the proposal is not 'limited'.

- 8.20** Officers have carefully considered these representations taking account of the nature, scale and setting of the application proposals in the context of the allocation WIN1 boundary. Whilst it is the case that the application proposes 20 (20%) more dwellings than was identified as the indicative site capacity in Policy RES1 of the TLP and the proposals extend beyond the WIN1 allocation boundary, officers consider the scale and extent of the proposed development is limited in relation to the existing size of the town and the proposal would not have a significant adverse impact on the purposes for which the Cotswold AONB has been defined. Officers therefore consider that the proposal does not amount to major development in the terms of NPPF paragraph 177, so the exceptional circumstances/public interest tests do not apply. In addition officers consider that within the context of the wider area, and having regard to the design approach, the scale and extent of development is limited and the application complies with paragraph 176 of the NPPF in this regard.
- 8.21** 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.
- 8.22** Whilst the proposals are not considered major development in the AONB, in accordance with paragraph 176 of the NPPF, it is still necessary to consider whether the proposals conserve and enhance the landscape and scenic beauty of the AONB. Great weight must be afforded to the impact of the proposals on the landscape and scenic beauty of the AONB in the decision making process. This is considered below.

### ***Landscape impact***

- 8.23** The application site is located in the AONB and paragraph 176 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty on the AONB. Policy SD7 of the JCS echoes this policy and states that development in the AONB will be required to conserve and where appropriate enhance its landscape, scenic beauty and other special qualities. Proposals are also required to be consistent with the Cotswolds AONB Management Plan (CMP). JCS Policy SD6 seeks to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. All applications will consider the landscape and visual sensitivity of the area in which they are to be located and which they may affect. JCS Policy SD4 (iv) requires the design of open space and landscaped areas to be of a high quality design, providing a clear structure and constitute an integral and cohesive element of the design. JCS Policy INF3 states that existing green infrastructure will be protected in a manner which reflects its contribution to ecosystem services. Policy CE1 of the CMP states that proposals that are likely to impact on, or create change in, the landscape of the Cotswolds AONB should have regard to, be compatible with and reinforce the landscape character of the location, as described by the Cotswolds Conservation Board's Landscape Character Assessment and Landscape Strategy and Guidelines. 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.

**8.24** During the determination of this application the Council has consulted a Landscape Advisor and there has been extensive liaison between officers and the applicant which have resulted in amendments to the proposals which have been negotiated to mitigate the impact of the development on the AONB landscape. Alterations to the scheme which have been negotiated include:

- Reducing the number of dwellings from 110 to 100 dwellings.
- Redesign of layout and internal roads and built form located below the 115 metre contour.
- Redesign of layout in proximity of 115 metre contour to achieve a perimeter layout with dwellings fronting onto the open space to the west to assist in providing a visual transition between the built form and the countryside providing a softer edge to the development.
- Relocation of children's play area, pumping station and sub-station.
- Amendments to landscaping and provision of street trees.
- Additional planting along the stream corridor which forms the southern boundary of the site to mitigate the visual impact of the highest south western corner of the development.

**8.25** The WIN1 allocation is included in the TLP as result of the evidence base which supports the TLP. The Council's Landscape and Visual Sensitivity Study (2014) (LVSS) identified the application site as part of a larger land parcel WIN-02. The LVSS concludes that the site has good tree cover surrounding the parcel of land and the landscape character is detracted by the existing settlement edge which is somewhat harsh with inconsistent and weak boundary treatment. It is advised that the judgement of the existing landscape sensitivity of the site is driven to a large extent by the prominence and nature of the existing settlement edge and it is concluded that landscape sensitivity of the site is low. However the LVSS points out the character of the site remains sensitive to inappropriately arranged or scaled development at odds with the existing settlement pattern.

**8.26** In regard the visibility of the site, the LVSS identifies that views of the site are extremely limited and that it is not prominent locally, nor is it prominent in distant public vantage points, where it appears foreshortened against the existing settlement edge from public vantages. In addition it is identified that there are opportunities to filter views of development on the site through existing tree covers. The LVSS identifies the visual sensitivity of the land parcel as low albeit it is noted that the sensitivity of the land parcel increases up the slope away from the existing settlement edge.

**8.27** Based on the recommendation and conclusions of the LVSS, WIN1 was included as an allocation in the TLP with an identified indicative capacity for 80 dwellings. Policy WIN1 sets out criteria which development on this site is expected to address including that the development should be landscape led, development should be avoided on prominent slopes and in all cases built development, supporting infrastructure open space and community facilities should be below the 115 metre contour. WIN1 further states that the development should provide a low density loose edge which incorporates open space and landscaping to aid the transition between countryside and built development.

- 8.28** In considering the landscape impact of the application proposals, it is an important consideration that the LVSS has identified the landscape character and visual sensitivity of the site as low and the site has been allocated for housing development as an outcome of this evidence base. However due to the sensitivities of the site, Policy WIN1 sets out a policy framework to deliver an appropriate form of development on a site which is located in the AONB.
- 8.29** Officers consider that the revised application as submitted broadly accords with the criteria in policy WIN1. Whilst there is open space that would serve the development located above the 115 contour line this comprises of grassland, native shrub planting, with occasional tree planting and swales and it is considered that this informal open space would appear as part of the rural AONB landscape to the west whilst also acting as a visual transition area between the built form and the rural landscape to the west. The applicant has indicated that the footpaths within this area would principally be mown grass or reinforced grass paths and it is recommended a condition is imposed on the permission to control the exact surface materials in this area as well as details of the swales.
- 8.30** In regard to the other criteria in WIN1, officers consider that the proposals are landscape led and development on the most prominent parts of the application site has been avoided. Whilst officers raised some concerns about the prominence of plots 46-59 in the south west corner of the site, additional planting has now been provided to the south which is considered beneficial to further create the desired visual and landscape separation between the site, the neighbouring field to the south and the PRoW.
- 8.31** Furthermore the arrangement of the built form itself is such that the density and urban form gradually gets less formal towards the west of the development where the houses are generally set behind private drives to provide a transition between built form and open space which aids the transition and creates a positive relationship between the town and the surrounding landscape.
- 8.32** The Council's Landscape Advisor has assessed the visual effect of the proposal with impacts being assessed from a number of viewpoints. The greatest visual impacts were identified from the footpaths on Langley Hill to the west, Gloucestershire Way to the east of Winchcombe and footpaths below Belas Knapp to the south where visual effects were considered to be Moderate, Adverse - reducing to Minor, Adverse with increased mitigation. Short range viewpoints were considered to be either minor adverse or negligible besides from Mercia Way where impacts were assessed as being Moderate/Minor adverse.
- 8.33** Besides limited viewpoints on Mercia Way, the Council's Landscape Advisor's review finds two Moderate, Adverse visual effects (Langley Hill near the Site and below Belas Knapp) but these reduce to Minor, Adverse on establishment of mitigation planting to the western and northern edge of the proposals. Officers have visited these viewpoints and it is the case that where viewpoints of the application site do occur, views are limited to short sections of footpath.
- 8.34** Taking account of all of the above, officers therefore consider that the proposals give rise to only a minor adverse impact on the landscape and scenic beauty of the AONB. Officers consider that the design approach within the application and broad compliance with the policy criteria in policy WIN1, limits the adverse effects of the development of this site by providing a feathered, well landscaped edge which would replace the stark, linear edge of the existing estate.

- 8.35** The Local Plan Inspector recognised that there would be a minor adverse impact on the purposes of the AONB arising from the allocation of this site in the Inspectors Report and the Inspector recommended that the TLP was sound and capable of adoption with an identified minor adverse impact on the landscape and scenic beauty of the AONB.
- 8.36** Having regard to all of the above and that the identified harm to landscape is predominantly no more than minor adverse on establishment of mitigation landscaping, and taking account that the proposal broadly accords with the site specific criteria in policy WIN1 it is considered that the impact of the proposal on landscape and scenic beauty is acceptable. Notwithstanding this matter, a minor adverse harm is identified on the landscape and scenic beauty of the AONB and great weight should be afforded to conserving and enhancing the landscape and scenic beauty of the AONB in the overall planning balance.

### ***Scale of development and social impacts***

- 8.37** 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.
- 8.38** Alongside Bishop's Cleeve, Winchcombe is defined as a Rural Service Centre within the JCS as identified in Table SP2c. Policy SP2(5) of the JCS states that the Rural Service Centres will accommodate in the order of 1860 new homes. Policy SP2(5) of the JCS also states that in Rural Service Centres development will be allocated through the TLP 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.
- 8.39** A number of objections have been received to this application raising concerns that the development is not an appropriate scale for Winchcombe having regard to the size and function of the settlement and that the population of Winchcombe has already increased significantly in recent years. Concerns have also been raised that the proposals do not meet an identified up-to-date housing need identified within a housing needs survey. The Cotswolds AONB Board have also stated that consideration should be given to paragraph 041 (Natural Environment) of PPG which states that in light of the importance of conserving and enhancing the landscape and scenic beauty of AONBS, they are unlikely to be suitable areas for accommodating the unmet housing needs of non-designated areas.
- 8.40** The Pre-submission Tewkesbury Borough Plan 2011-2031 Housing Background Paper October 2019 (HBP) advises that there are 1,931 dwellings within Winchcombe. The HBP identifies a minimum 'disaggregated housing requirement' taking account of the factors in Policy SP2(5) of the JCS (size and function and accessibility of settlement) for 597 dwellings in Winchcombe over plan period 2011-2031 representing a 31% increase in the size of the settlement.

- 8.41** At the time publication, the HBP advised that 271 dwellings have been permitted/constructed in recent years leaving a remaining requirement for 326 dwellings. However, due to the constraints of Winchcombe and its highly constrained nature surrounded by AONB and Conservation Area only one housing allocation (WIN1) was identified as suitable for housing development in the TLP.
- 8.42** The application proposes an additional 20 houses on the application site over and above the indicative housing requirement of 80 dwellings in Policy WIN1. Set against the context that due to environmental constraints, allocations and commitments in Winchcombe collectively deliver significantly less than the disaggregated housing requirement for the settlement identified in the HBP, it not considered that the current application would result in a harmful impact on the social well-being and social cohesion within Winchcombe by virtue of providing an additional 20 houses over and above the indicative site capacity identified in the TLP. It is also considered that the impact on existing infrastructure would be mitigated by appropriate S106 contributions.

#### ***Access and highway safety***

- 8.43** 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. Criterion 3 of Policy WIN1 states that good accessibility for pedestrians, cyclists and those with disabilities from the site to the town centre and services and facilities elsewhere in the town is important and should be secured by the proposal. Permeability within the site and connectivity with adjacent streets should therefore be provided, including a pedestrian/cycling route to the south east and/or south to facilitate easy access to the town centre.
- 8.44** The County Highways Authority objected to this proposal as submitted principally due to the internal road layout and the lack of a southern link for pedestrian/cyclists to facilitate good accessibility to the town centre. The proposal has been subject to several revisions in response to these comments and the County Highways Authority now raise no objection to the application.
- 8.45** Winchcombe is designated as a Rural Service Centre within the JCS and the town centre is located approximately 500 metres from the town centre which has a relatively good range of services and facilities. As required by Criterion 3 of Policy WIN1, the revised application now includes a 2 metre wide footpath connection at the south of the site with a 1 in 12 gradient providing access onto Mercia Road which will reduce journey times for non-car trips into the town centre. However, this link is not sufficiently wide or shallow enough to form a cycleway (which would need to be 5m wide with a 1 in 20 gradient) and some cyclists may choose to dismount. However the constraints of the surrounding built form do not allow for a wider and shallower cycleway and the Highways Authority have deemed the link acceptable alongside additional measures provided in the Travel Plan to provide £370 vouchers per dwellings to be spend on sustainable travel options to encourage modal shift to give residents choice and incentivise non-car trips. In addition, as the nearest bus stop is located 500 metres from the centre of the site on Gretton Road and in order to make sure public transport services are accessible, the County Highways Authority has advised that to make public transport options more attractive and to encourage modal shift, two additional

public bus stops are required which are closer to the site. The County Highways Authority have requested a £20,000 planning obligation for the provision of these bus stops.

- 8.46** As such, taking account of the location of the site, the permeability of the layout and planning obligations to secure Travel Vouchers and new bus stops, it is considered the application would allow and encourage for travel by non-car modes. It is therefore considered that the proposed development would have 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 and the proposed southern pedestrian link is considered acceptable in the context of criterion 3 of policy WIN1.
- 8.47** In terms of the design of the proposal, to create a 5 metres wide vehicular access the application proposes the demolition of No.26 Delavale Road. This will be the only vehicular access serving the development and the Highways Authority have confirmed that the access is acceptable in terms of highway safety. The internal road design achieves a design speed of 20 mph and swept path analysis has been provided and the Highways Authority have confirmed the internal road layout is acceptable subject to some minor amendments which can be secured through a planning condition.
- 8.48** In terms of car parking, all dwellings feature allocated car parking provision in accordance with Manual for Gloucestershire Streets Guidance Addendum October 2021 and the County Highways Authority have confirmed the quantum and location of car parking is acceptable. It is also recommended that condition is imposed to secure electric vehicle charging points for each dwelling.
- 8.49** 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 Assessment identifies 70 two way vehicle movements in the am peak and 81 two way vehicle movements in the pm peak. Cumulative impact assessments of recent planning commitments have also been provided. The County Highways Authority raise no objection in this regard.
- 8.50** The Highways Authority conclude that subject to appropriate conditions and planning obligations, the application would not have an unacceptable impact on highway safety or a severe impact on congestion. It is also considered the proposal is the consistent with the accessibility related provisions of the relevant transport policies. The proposal is therefore considered acceptable in regard to highway safety and accessibility.

## ***Design and layout***

- 8.51** The NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable in communities. Policy SD4 of the JCS advises that new development should respond positively to and respect the character of the site and its surroundings, enhance local distinctiveness and the grain of the locality. Policy INF3 states that where green infrastructure assets are created, retained or replaced within a scheme they should be properly integrated into the design and contribute to local character and distinctiveness. Policy RES5 of the TLP states that proposals should be of a design and layout that respects the character, appearance and amenity of the surrounding area and is capable of being integrated within it. Policy WIN1 of the TLP states that the development should be landscape led with a low density loose edge to aid the transition between countryside and built development. Policy 5.1 of the WSNP states that new development should reflect the character of its surroundings and complement and enhance, where appropriate, the prevailing size, height, scale and materials, layout, density and access of any surrounding development.
- 8.52** The Design and Access Statement which supports this application sets out the design rationale for the proposals and the design and layout has evolved through the determination of the planning application further to comments from officers. The street design and alignment has been designed with a tree-lined primary access road which enters the site from Delavale Road and runs broadly from north to south which leads to all other secondary access routes in the site and private driveways. To the east of the primary access road on the lowest part of the site there is a denser (34.3 dph) more linear form of development which echoes the linear character of the existing built form on Delavale Road. To the west of the primary access road, the scheme proposes lower density (18 dph) larger dwellings with greater separation between the plots. The overall density of the area of built form is 28 dph.
- 8.53** The dwellings fronting the open space follow a generally curved building line set back from the secondary accesses to create informality to the western edge and create and reinforce a feathered edge. Due to the perimeter layout of the development, dwellings front onto the open space to the west creating active frontages with parking to the sides of dwellings creating opportunities for active surveillance. Officers consider that this layout accords with the requirement of Policy WIN1 and that the proposal should have a low density loose edge to aid the transition between countryside and built development to achieve a positive relationship between the town and the open countryside.
- 8.54** The transition of the site between the town and the open countryside is also facilitated through a green corridor which runs from the south east corner into the open space to the west. The dedicated cycleway will start in this corridor and lead down into Mercia Road and dwellings along this corridor also front onto the green corridor, with parking located to the side which provides a positive frontage and active surveillance. Within the site itself, at the site entrance and along the primary access road there are also five visual vista points offering views into and out of the development to the countryside to the west which will increase the sense of openness in the scheme and will also aid the transition between the built form and the countryside.

- 8.55** In regard to levels, the scheme generally works with the levels of the site with levels changes predominantly incorporated within plots rather than in the public realm to ensure the public realm interface is not compromised. Development has also not been uniformly arranged along the 115 metre contour line, with variation in set back and relationship with the contour to create a more informal edge to the scheme to help facilitate the built form into the countryside. Notwithstanding this arrangement it is recommended that a condition is imposed on the planning permission to provide detailed plans of all levels and retaining walls within plots throughout the development.
- 8.56** In respect to the scale of the dwellings, all dwellings are two storey but there are variations in dwellings types with a mixture of detached and semi-detached dwellings with a mixture of single and double front-gabled dwellings, gablets as well as regular uniform eaves. The ridge heights of the dwellings vary between 8.1 and 9.4 metres with the scale of buildings varied across the development creating variety and contrast within the built form.
- 8.57** In terms of materials, the dwelling would be a mixture of buff stone, buff brick and beige render, with some of the garages/live work units having timber cladding at first floor. The material palette is interspersed throughout the scheme which it is considered will create visual interest. Moreover, it is considered that the use of materials responds to the vernacular cues and wider character of Winchcombe and is considered an appropriate design response to the site.
- 8.58** Overall officers consider that the design and layout of the application is acceptable and accords the design criteria within Policy WIN1 of the TLP and other development plan policies and is of an appropriate design.

### ***Residential amenity***

- 8.59** Policy SD4 (iii) requires that new development should enhance comfort, convenience and enjoyment through the assessment of the opportunities for light, privacy and external space, and the avoidance of mitigation of potential disturbance, including visual intrusion, noise, smell and pollution. Policy SD14 further requires that new development must cause no harm to local amenity, including the amenity of neighbouring occupiers. Policy RES5 of the TLP 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.
- 8.60** To the east of the proposed development is a row of dwellings to the west of Delavale 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.
- 8.61** The application proposes two storey dwellings along this boundary and plots 3-21 have rear facing habitable room windows facing towards the rear elevations of dwellings on Delavale Road. The application proposes to retain the existing vegetation along the eastern boundary of the site and enhance the boundary with additional native planting and tree planting which will provide some screening between the existing and proposed dwellings. The finished floor levels of plots 3-21 vary depending on the topography of the site and in places the ground level will be raised by circa 1 metre. The dwellings on Delavale Road are on lower ground than the application site, however in all instances, the separation distance between plots 3-21 and the rear elevations of dwellings on Delavale Road (including the cu-de-sac) is at least 30 metres.

- 8.62** On the side facing plots which face towards Delavale Road (plots 1, 22 and 23) the separation distance also continues to be in excess of 30 metres and only bathrooms face towards Delavale Road.
- 8.63** Officers have carefully considered this relationship and taking account of the separation distance, the levels and the boundary treatments it is considered that the proposal would cause no unacceptable harm to existing residents at Delavale 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.
- 8.64** In regards to the dwellings on Mercia Road the separation distance between the existing dwellings and the front of dwellings 38-41 is circa 30 metres and this relationship is also considered acceptable.
- 8.65** In terms of the proposed layout itself, the dwellings would all have acceptable levels of outdoor amenity space that would not be unacceptably overlooked by adjacent units. Where necessary it is recommended a condition is imposed to ensure the installation of obscure glazing in bathrooms and en-suites to prevent overlooking and maintain privacy. Furthermore, there would be sufficient back-to-back distances between the proposed units, which would ensure good standards of amenity are achieved and maintained.
- 8.66** Regarding the LEAP to the north of plot 56, the plans show that there would be a minimum distance of at least 20m between the activity zone and the habitable room façade of the nearby dwellings. This therefore complies with the Fields in Trust Guidance in this respect.
- 8.67** Overall, it is considered that subject to the imposition of appropriate conditions, the proposed development would result in acceptable levels of amenity for future residents of the development and the nearby existing residents in accordance with the relevant development plan policies.

### ***Housing mix***

- 8.68** Policy SD11 of the JCS requires all new housing development to provide an appropriate mix of dwellings 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 and should be based on the most up to date Strategic Housing Market Assessment.
- 8.69** The Gloucestershire Local Housing Needs Assessment 2019 – Final Report and Summary (September 2020) (LHNA) provides the most up to date evidence based to inform the housing mix on residential applications. This report states that in Tewkesbury circa 8% of new dwellings should be one bedroom properties, with 19% having two bedrooms, 49% containing three bedrooms and 24% having four bedrooms or more.
- 8.70** Across the scheme as a whole, the application proposes 4no. one bedroom dwellings (4%), 16no. two bedroom dwellings (16%), 43no. three bedroom dwellings (43%) and 37 no. four bedroom and more dwellings (37%).

- 8.71** On balance, whilst the mix does not accord entirely with the LHNA, and the scheme overprovides 4+ bedroom houses, given that the scheme complies with the mix requested by the Housing Enabling Officer and provides 50% affordable housing in excess of the 40% policy requirement, it is considered that the proposed mix is acceptable and this is a neutral factor in the planning balance.

***Affordable housing***

- 8.72** Policy SD12 of the JCS sets out that outside of the Strategic Allocations a minimum requirement of 40% affordable housing will be sought on developments. It follows that where possible, affordable housing should be provided on site and be seamlessly integrated and distributed throughout the development. Affordable housing must also have regard to the requirements of Policy SD11 concerning type, mix, size and tenure. The design of affordable housing should also meet required standards and be equal to that of market housing in terms of appearance, build quality and materials. Policy SD11 of the JCS requires all new housing development to provide an appropriate mix of dwellings 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 and should be based on the most up to date Strategic Housing Market Assessment.
- 8.73** The application proposes 50 affordable housing units in excess of the requirements of Policy SD12 of the JCS. The mix is as follows:

Affordable Social Rent

4no. 1 bedroom flats, 10no. 2 bedroom house, 18 no. 3 bedroom house, 3no. 4 bedroom house and 1no. 5 bedroom house

Shared Ownership

6no. 2 bedroom house and 8no. 3 bedroom house

Of these 50 affordable units, 5no. are category M4(2) units being 10% of affordable units and 5% of total site units. An M4(2) unit is an accessible and adaptable dwelling and the LHNA supports the need for a target of 67% of all housing to meet M4(2) Category 2 requirements, and preferably more to take account of the lack of provision in the existing housing stock and the provision is therefore below the mix.

- 8.74** The provision of accessible and adaptable units is therefore below the identified needs of the local area as identified in the local housing evidence base and there is a conflict with Policy SD11 of the JCS in this respect. Officer's also have some concerns about the clustering of the affordable housing within the site as the majority of affordable housing is concentrated to the east of the site and the clustering arrangement produces separation of affordable and private housing and it is considered that the affordable housing isn't seamlessly integrated and distributed throughout the scheme as required by Policy SD12 of the JCS. An affordable housing clustering plan will be displayed at planning committee.

- 8.75** In respect to affordable housing clustering, it is accepted by officers that the topography of the site and design ethos of the scheme has created design difficulties for the applicant in distributing the affordable housing throughout the scheme, given that the design approach is to create a feathered edge with lower density larger dwellings to the west to aid the transition between the urban environment and the wider countryside. The wider design objectives of Policy WIN1 and the characteristics of the site are required to be taken into account when considering the compliance of the scheme Policy SD12 and the requirement for 'where possible' affordable housing to be seamlessly integrated and distributed throughout the scheme.
- 8.76** The Council's Housing Enabling Officer (HEO) has been consulted on the application and has advised that although the HEO would prefer to see improved accessibility standards and clustering arrangements included from the outset of a scheme, the contribution of extra Social Rented units is positive and therefore there is no objection to the application.
- 8.77** Officers have carefully considered the affordable housing within the scheme and consider that the provision of 50% affordable housing, 36% of which is social rented for which there is the highest demand in the Borough, is a significant benefit arising from the proposal. Whilst the provision of accessible and adaptable M4(2) units is below the identified needs of the local area as identified in the local housing evidence base and there is a conflict with Policy SD11 of the JCS and it is considered that the affordable housing isn't seamlessly integrated and distributed throughout the scheme as required by Policy SD12 of the JCS, overall it is considered that the benefits of providing 50 affordable housing units, which is in excess of the SD12 40% policy requirements, outweighs the harms arising from the identified conflicts with policies SD11 and SD12. Whilst these benefits and harms are also taken into account in the overall planning exercise, overall the quantum, type and layout of the affordable housing provision is considered acceptable.

#### ***Drainage and flood risk***

- 8.78** 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 TBP and the NPPF. Criterion 4 of TBP policy WIN1 also states that proposals on the site should address the site specific FRA requirements set out in the Level 2 Strategic Flood Risk Assessment.
- 8.79** The Environment Agency Flood Map shows the site to be located within Flood Zone 1 (lowest risk of flooding), however there are existing watercourses running along the north and south boundaries of the site.

- 8.80** The application is supported by a Flood Risk Assessment, Drainage Strategy Plan, Drainage Note and Flood Routing Plan. Ground investigations have concluded that due to underlying clays infiltration methods will not be viable method of discharge on the application site. The application therefore proposes a sustainable drainage system incorporating an attenuation pond in the south east corner of the site and the vast majority of the surface water will be discharged into the existing watercourses on the north and south boundaries demonstrating a 20% betterment against existing greenfield run off rates. In order to ensure protection against existing watercourses the minimum finish floor levels are set no lower than 600mm above the estimated 100-year surface water flood depths within/in the immediate vicinity of the application site boundary.
- 8.81** It is proposed that foul water will discharge into the existing Severn Trent Water foul water sewer and a foul pump station is proposed in the south east corner of the site. Severn Trent have confirmed that they have no objection to the application.
- 8.82** The submitted drainage documents also demonstrate the development will meet the requirements of Policy WIN1 of the TBP through addressing the site specific FRA requirements set out within the Level 2 Strategic Flood Risk Assessment (November 2017) and its Addendum (2018).
- 8.83** The LLFA have been consulted on the application and advise that the application gives proper consideration to the drainage strategy and the development can proceed resulting in a safe environment without increasing flood risk elsewhere. As such the LLFA raise no objection to the application. In light of this, the application is considered acceptable in regard to drainage and flood risk.

### ***Biodiversity***

- 8.84** 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. Policy NAT1 of the TLP states that proposals will, where applicable, be required to deliver a biodiversity net gain across local and landscape scales, including designing wildlife into development proposals, the connection of sites and large-scale habitat restoration, enhancement, and habitat re-creation. The requirements of Policy NAT1 expects all development to deliver a minimum biodiversity net gain of 10%. Members will be provided with an update on this at Planning Committee. Site specific Policy WIN1 of the TLP states that the proposals should contribute to the wider green infrastructure network and deliver biodiversity net gains.
- 8.85** Regarding wider impacts, a Shadow Habitats Regulations Assessment has been submitted as part of the planning application. The site lies approximately 4.4km from Dixton Wood Special Area of Conservation (SAC) and 2.5km from Cleeve Common Site of Special Scientific Interest (SSSI). Natural England and the Council's Ecology Advisors have been consulted on the application and conclude that significant effects on Dixton Wood SAC are unlikely. In respect to Cleeve Common SSSI, it is considered that without appropriate mitigation the application would, in combination with other residential development in the area, lead to indirect damage or destruction of the interest features of the SSSI – specifically through the cumulative effects of additional recreational pressure.

- 8.86** In order to mitigate these pressures, Natural England advise that to help offset recreational pressure on Cleeve Common SSSI, the green infrastructure and open space forming part of the development will need to benefit from long term funding, management and monitoring and this should be secured by an appropriate legal agreement. Natural England also advise that a Homeowner Information Pack should be provided to future residents, which can be secured by planning condition. Subject to these mitigation measures Natural England and the Council's Ecological Advisors raise no objection in regard to the wider impact of the proposal.
- 8.87** In regard to the application site itself, the application is supported by an Ecological Appraisal, Ecology Technical Note and Biodiversity Net Gain Assessment. The reports conclude that there are no records of protected species on or adjacent to the site. One mature Ash tree was identified as having moderate opportunities for roosting bats and this tree is proposed to be retained. The site itself comprises of grassland with associated boundary hedgerows and tree planting present along the northern boundary. The majority of this existing boundary vegetation will be retained and enhanced as part of the application and new habitats created. The Ecological Report also identifies that there are opportunities to install bird and bat boxes which can be further explored.
- 8.88** A Biodiversity Net Gain Assessment has been submitted with a loss of -2.52%, but an increase in hedgerow units of 33.09%, and increase in river units of 15.60%. TLP policies WIN1 and NAT1 seek biodiversity net gain, however there will be minimal losses, albeit there will be gains within the linear habitats. Ecological installations for birds, bats and invertebrates have also been recommended and this is welcomed. These wider net gains in linear habitats are not captured in the Biodiversity Net Gain Assessment itself but serve as a separate indicator of loss/gain, both in isolation and in their ability to support further biodiversity.
- 8.89** Whilst policies WIN1 and NAT1 of the TLP seek to achieve biodiversity net gain (an update on which will be provided at committee). At the current time the Council's Ecological Advisor raises no objection to the application, on the basis that whilst there is a conflict with policies WIN1 and NAT1, as part of the ecological balance there are factors which contribute to biodiversity gains.
- 8.90** Overall, Natural England and the Council's Ecological Advisor raise no objection to this application, subject to the imposition of conditions to secure ecological mitigation measures, and recognising the fact that whilst policy WIN1 and NAT1 require biodiversity net gains to be achieved, the proposal has wider ecological benefits which contribute to the ecological planning balance. The conflict with policies WIN1 and NAT1 is noted, but in this instance when taking account of the advice of the Council's Ecological Advisors and the wider ecological benefits which contribute to the ecological planning balance, the ecological impact of the proposal is considered acceptable.

### ***Archaeology and Cultural Heritage***

- 8.91** 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.

- 8.92** 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.
- 8.93** The following heritage assets are in proximity of the site and/or identified as potentially having intervisibility.
- The site lies c.315m north west of the Winchcombe Conservation Area
  - The scheduled remains of Winchcombe Abbey lies c.300 south of the site
  - Grade I listed Church of St Peter lies c.420 metres to the south
  - Grade II listed Winchcombe Abbey lies c.400 metres to south
  - Grade II\* listed Abbey Old House lies c. 400 metres to the south
- 8.94** The application is supported by a Heritage Assessment which identifies that due to separation distance between these heritage assets and the application site, the lack of intervisibility and the presence of modern built form to the north of the assets, the proposal would result in no impact on the settings and significance of these heritage assets.
- 8.95** The Council's Conservation Officer has been consulted on the application and does not dispute the conclusions of the Heritage Assessment and raises no objection to the application.
- 8.96** In regard to archaeology, during 2015 - 2016 the site was the subject of an archaeological field evaluation, comprised of a programme of geophysical survey and trial-trenching. The results of the investigation was positive, since the northern portion of the proposed development area was found to contain settlement remains dating to the later prehistoric and Roman periods. In view of the results of the field evaluation it is clear that ground works and intrusions required for the proposed development may have an adverse impact on significant archaeological remains.
- 8.97** However the County Archaeologist has been consulted on the application and advises that it is clear from the results of the evaluation that much of the archaeology is not of the first order of preservation, since it has undergone erosion from later ploughing with the result that surfaces formerly associated with the remains have been removed. For that reason it is the County Archaeologist's view that the archaeology present on this site is not of the highest archaeological significance, so meriting preservation in situ. As such the County Archaeologist has no objection in principle to the development of this site, with the proviso that an appropriate programme of work to excavate and record any significant archaeological remains should be undertaken prior to the development in order to mitigate the ground impacts of this scheme. These mitigation measures can be secured via planning condition.

**8.98** In light of this, the application is considered acceptable in regard to heritage assets and archaeology subject to the imposition of appropriate conditions.

### ***Section 106 obligations***

**8.99** 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 do not meet the tests, it is 'unlawful' for those obligations to be taken into account when determining an application.

**8.100** 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 reasonable related in scale and kind to the development.

**8.101** 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

### ***Education and Library Contributions***

**8.102** Gloucestershire County Council (GCC) have been consulted on the application and have requested a contribution of **£509,488.32** to Winchcombe Abbey Primary School /Winchcombe Primary Planning Area and a contribution of **£315,171.84** to Winchcombe Secondary School/Tewkesbury Secondary Planning Area (11-16). The contribution would go towards the provision of places at these schools and the schools within the respective planning areas. The applicant has advised that they accept these contributions in principle.

**8.103** In terms of libraries, GCC have advised the nearest library to the application site is Winchcombe library and to make this development acceptable in planning terms to improve existing library provision to mitigate the impact of increasing numbers of library users a contribution of **£19,600** is required (£196 per dwelling). The applicant has advised that they accept these contributions in principle.

### ***County Highways Authority Contributions***

- 8.104** As set out above the County Highways Authority have requested **£370 vouchers per dwelling** to be spend on sustainable travel options to encourage modal shift to give residents choice and incentivise non-car trips. In addition, as the nearest bus stop is located 500 metres from the centre of the site on Gretton Road, the County Highways Authority has advised that to make public transport options more attractive and to encourage modal shift two additional public bus stops are required which are closer to the site. The County Highways Authority have requested a **£20,000** planning obligation for the provision of these bus stops. The applicant has advised that they accept these contributions in principle.

### ***Tewkesbury Borough Council Contributions***

- 8.105** Tewkesbury Borough Council have requested **£24,300** to playing pitches, **£6,152** towards Winchcombe Astro and **£39,364** towards Winchcombe Sports Hall. Discussions are ongoing with the applicant whether these requests are necessary, reasonable and directly related to the development and an update will be provided at committee.
- 8.106** The applicant has agreed a contribution of £73 per dwelling, which equates to **£7,300** based on 100 dwellings, towards recycling and waste bin facilities. Planning obligations are also required to secure the **affordable housing** and **LEAP** in perpetuity.
- 8.107** **Long term funding, management and monitoring of the green infrastructure and open space** forming part of the development to offset recreational pressure on Cleeve Common SSSI is also required through a planning obligation.
- 8.108** There is currently no signed agreement to secure these contribution requests, but they are capable of being resolved through the signing of appropriate planning obligations and an **update will be provided at committee**

## **9.0 CONCLUSION AND RECOMMENDATION**

- 9.1** 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.
- 9.2** Officers 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 significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- 9.3** The majority of the built form proposed on the site is located within Housing Allocation WIN1 in the TLP. Table 1 of the TLP identifies that Allocation WIN1 has an indicative capacity for 80 dwellings. Upon adoption of the TLP, the principle of residential development within that part of the application site that falls within the allocation WIN1 boundary will be established, and the exact quantum of housing which will be appropriate on the site will be determined through the detailed design proposals taking account of the characteristics of the application site and its environs. Policy WIN1 provides site specific policies that proposals will be expected to address.
- 9.4** This Report has identified that the proposed development accords with the site specific criteria in Policy WIN1, besides the requirement to deliver biodiversity net gains. However, in this instance, when taking account of the advice of the Council's Ecological Advisors and the wider ecological benefits which contribute to the ecological planning balance, the ecological impact of the proposal is considered acceptable. It is therefore considered that the application is in general accordance with Policy WIN1 and the principle of the proposal is acceptable.
- 9.5** In regard to that part of the application site outside of the boundary of allocation WIN1, it is located outside of the settlement boundary and comprises unallocated land in the AONB. The housing which incurs in this part of the site would conflict with the exceptions of Policy SD10 of the JCS as it would be located outside of the built up area of Winchcombe on land which is not allocated for housing. Paragraph 176 of the NPPF also states that development within designated areas (including AONBs) should be limited and great weight should be given to conserving the landscape and scenic beauty of the AONB which has the highest status of protection in relation to these issues.
- 9.6** In considering the conflict with Policy SD10 for this parcel of land outside the allocation boundary, it is a material consideration to have regard to the overall layout and design of the entire application proposals and whether the inclusion of this parcel of land contributes to the development responding positively to and respecting the character of the site and its surroundings and whether the inclusion of this land would fail to conserve, and give rise to additional harm, to the landscape and scenic beauty of the AONB.

### ***Benefits***

- 9.7** The delivery of 50 market and 50 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. The application proposes 50 affordable housing units in excess of the requirements of Policy SD12 of the JCS which also adds weight in favour of the development
- 9.8** 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 Winchcombe, 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 Winchcombe and the wider area is considered a moderate benefit.

### ***Harms***

- 9.9** Harm arises as the application site and extent of built extends beyond the WIN1 allocation boundary in the TLP. The application therefore conflicts with development plan policies and the spatial strategy relating to housing, particularly Policies SP2 and SD10 of the JCS and policies RES1 and WIN1 of the TLP. Although it is accepted that the Council's housing policies are currently out of date. However, the overall layout and design of the entire application proposals is considered acceptable and it is not considered that the inclusion of land beyond the WIN1 boundary gives rise to additional harm, to the landscape and scenic beauty of the AONB and indeed it is considered that the inclusion of this additional land aids the productive development of the allocation whilst enabling the objectives of Policy WIN1 to be met.
- 9.10** The identified harm to landscape is predominantly no more than minor adverse on establishment of mitigation landscaping, and taking account that the proposal broadly accords with the site specific criteria in policy WIN1, it is considered that the impact of the proposal on the landscape and scenic beauty of the AONB is acceptable. Notwithstanding this matter, a minor adverse harm is identified on the landscape and scenic beauty of the AONB and great weight should be afforded to conserving and enhancing the landscape and scenic beauty of the AONB in the overall planning balance.
- 9.11** The provision of accessible and adaptable M4(2) units is below the identified needs of the local area as identified in the local housing evidence base and there is a conflict with Policy SD11 of the JCS and it is considered that the affordable housing isn't seamlessly integrated and distributed throughout the scheme as required by Policy SD12 of the JCS. However, this harm must be weighed against the benefits of providing 50 affordable housing units in excess of the requirements of Policy SD12 of the JCS.

### ***Neutral***

- 9.12** Whilst the mix does not accord entirely with the LHNA and the scheme overprovides 4+ bedroom houses, given that the scheme complies with the mix requested by the Housing Enabling Officer and provides 50% affordable housing in excess of the 40% policy requirement, it is considered that the proposed mix is acceptable and this is a neutral factor in the planning balance.
- 9.13** In design terms, the layout in itself is considered acceptable. 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 The proposal is considered acceptable in regard to highway safety and accessibility. It is not considered that the application would result in a harmful impact on the social well-being and social cohesion within Winchcombe
- 9.14** The application fails to identify a bio-diversity net gain and there is a conflict with policies WIN1 and NAT1 in this regard. However, in this instance when taking account of the advice of the Council's Ecological Advisors and the wider ecological benefits which contribute to the ecological planning balance, the ecological impact of the proposal is considered acceptable.

### ***Overall conclusion***

- 9.15** In light of the above, it therefore follows that there would be no adverse impacts of approving the development proposal which would significantly and demonstrably outweigh the benefits and therefore in accordance with paragraph 11 of the NPPF, the presumption in favour of sustainable development indicates that permission should be granted.
- 9.16** It is therefore recommended that the decision is DELEGATED to the Planning Manager to permit the application subject to any additional/amended planning conditions; and the completion of section 106 legal agreements to secure the following (subject to any amendments arising from ongoing discussions):
- The provision of affordable housing in perpetuity.
  - The maintenance and provision of the LEAP in perpetuity
  - Long term funding, management and monitoring of the green infrastructure and open space forming part of the development to offset recreational pressure on Cleeve Common SSSI.
  - £509,488.32 towards Winchcombe Abbey Primary School/Winchcombe Primary Planning Area
  - £315,171.84 to Winchcombe Secondary School/Tewkesbury Secondary Planning Area (11-16).
  - £19,600 to improving existing library provision
  - £370 vouchers per dwelling to be spend on sustainable travel options to encourage model shift to give residents choice and incentivise non-car trips
  - £20,000 planning obligation for the provision of bus stops
  - £24,300 to playing pitches. £6,152 towards Winchcombe Astro and £39,364 towards Winchcombe Sports Hall. (Subject to ongoing discussions whether these requests are necessary, reasonable and directly related to the development)
  - A contribution of £7,300, towards recycling and waste bin facilities is also required and that the affordable housing.

Further, if within 6 months of the date of this decision reasonable endeavours have not been made towards the completion of the S106 agreements authority be delegated to the Planning Manager to refuse the application.

### **CONDITIONS:**

1. The works hereby permitted shall be begun before the expiration of five years from the date of this consent.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved documents:

- BHA06 PL010A Location Plan
- BHA06 PL001AV Proposed Site Layout
- BHA06 PL002 Materials & Boundary Plan – Rev K
- BHA06 PL003 Housing Tenure Plan – Rev E
- BHA06 PL004 Ridge Heights Plan – Rev E
- BHA06 PL005 EV Charging Points Plan – Rev D
- BHA06 PL006 Affordable Clustering Plan – Rev A
- BHA06 PL007 Dwellings with Open Space View Plan – Rev A
- BHA06 PL015 Refuse Strategy Plan – Rev D
- BHA06 PL100 HT973 - Plans & Elevations - Rev C
- BHA06 PL101 HT973 - Variation 1 Plans & Elevations - Rev C
- BHA06 PL102 HT1054 - Plans & Elevations - Rev B
- BHA06 PL103 HT1054 - Variation 1 Plans & Elevations - Rev B
- BHA06 PL104 HT1054 - Variation 2 Plans & Elevations - Rev C
- BHA06 PL104\_01 HT1054 - Variation 3 Plans & Elevations Rev A
- BHA06 PL105 HT1263 - Plans & Elevations - Rev D
- BHA06 PL106 HT1452 - Plans & Elevations - Rev C
- BHA06 PL107 HT1452 - Variation 1 Plans & Elevations - Rev C
- BHA06 PL107\_01 HT1452 - Variation 2 Plans & Elevations - Rev A
- BHA06 PL108 HT1490 - Plans & Elevations - Rev E
- BHA06 PL109 HT1490 - Variation 1 Plans & Elevations - Rev E
- BHA06 PL110 HT1703 - Plans & Elevations - Rev C
- BHA06 PL111 HT1872 - Plans & Elevations - Rev C
- BHA06 PL112 HT2200 - Plans & Elevations - Rev D
- BHA06 PL113 HT742 R - Plans & Elevations - Rev A
- BHA06 PL114 HT742 R - Variation 1 Plans & Elevations - Rev B
- BHA06 PL115 AF HT 800 - Plans & Elevations - Rev C
- BHA06 PL116 AF HT 800 - Variation 1 Plans & Elevations - Rev C
- BHA06 PL117 AF HT899 - Plans & Elevations - Rev B
- BHA06 PL117\_01 AF HT899 - Mid Plans & Elevations
- BHA06 PL118 AF HT899 - Variation 1 Plans & Elevations - Rev B
- BHA06 PL118\_01 HT899 - Variation 2 Plans & Elevations
- BHA06 PL119 AF HT513 - Plans & Elevations
- BHA06 PL120 AF HT1072 - Plans & Elevations
- BHA06 PL121 AF HT1072 & 1246 Plans & Elevations – Rev A
- BHA06 PL122 HT 1252 Plans & Elevations
- BHA06 PL400 - Street Scenes – Rev B
- BHA06 PL402 - Street Sections – Rev C
- BHA06 PL150 - Garage Live Work – Rev B
- BHA06 PL160 - Single Garage – Rev B
- BHA06 PL161 - Double Garage – Rev B
- BHA06 PL162 - Twin Garage – Rev B
- BHA06 PL163 - Triple Garage – Rev B
- BHA06 PL164 - Double Twin Garage
- BHA06 PL170 – Substation Plans & Elevations
- 20083.201 Rev J – Detailed Landscape Proposals 1 of 3
- 20083.202 Rev J – Detailed Landscape Proposals 2 of 3
- 20083.203 Rev J – Detailed Landscape Proposals 3 of 3
- SK03 Rev G – Proposed Site Access Layout
- Arboricultural Survey, Impact Assessment and Protection Plan prepared by MHP

Arboricultural Consultants dated 10.03.2021

Except where these may be modified by any other conditions attached to this permission.

Reason: To ensure that the development is carried out in accordance with the approved plans.

3. No development shall take place above DPC level until drainage plans for the disposal of foul and surface water flows have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

4. The windows serving en-suites and bathrooms in all the dwellings hereby permitted shall, prior to occupation of the dwelling, be fitted with obscure glazing (minimum Pilkington Level 4 or equivalent) and be non-opening, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The windows shall thereafter be retained as such and not altered without the prior consent of the Local Planning Authority.

Reason: In the interests of residential amenity

5. Notwithstanding the submitted details, prior to commencement of the development hereby permitted precise details of proposed levels, including floor slab levels and ridge heights of proposed buildings, finished ground levels and details of any retaining walls, relative to existing levels on the site and on adjoining land, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented strictly in accordance with the approved details.

Reason: In the interests of residential amenity and to protect the landscape and scenic beauty of the Cotswold Area of Outstanding Natural Beauty

6. Notwithstanding the submitted details, no works above DPC level shall take place until samples/details of all external building and boundary treatment materials to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the samples/details so approved.

Reason: To protect the landscape and scenic beauty of the Cotswold Area of Outstanding Natural Beauty

7. All planting, seeding and turfing detailed in the approved Landscaping Scheme as set out in drawing numbers:
  - 20083.201 Rev J – Detailed Landscape Proposals 1 of 3
  - 20083.202 Rev J – Detailed Landscape Proposals 2 of 3
  - 20083.203 Rev J – Detailed Landscape Proposals 3 of 3

shall be carried out in the first planting and seeding season following the first occupation of any building or in accordance with a timescale which has been agreed and approved in writing by the Local Planning Authority. Any trees or plants which, within a period of five years from completion of the development, die, are removed, or become seriously damaged or

diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual and residential amenity and to protect the landscape and scenic beauty of the Cotswold Area of Outstanding Natural Beauty.

8. The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved details specified in the Arboricultural Survey, Impact Assessment and Protection Plan prepared by MHP Arboricultural Consultants dated 10.03.2021 before any development including demolition, site clearance, materials delivery or erection of site buildings, starts on the site. The approved tree protection measures shall remain in place until the completion of development or unless otherwise agreed in writing with the Local Planning Authority. Excavations of any kind, alterations in soil levels, storage of any materials, soil, equipment, fuel, machinery or plant, site compounds, latrines, vehicle parking and delivery areas, fires and any other activities liable to be harmful to trees and hedgerows are prohibited within any area fenced, unless agreed in writing with the local planning authority.

Reason: To ensure adequate protection measures for existing trees/hedgerows to be retained, in the interests of visual amenity and the character and appearance of the area.

9. Notwithstanding the submitted details, no works above DPC level shall take place until details of all external surface materials within both public and private amenity areas, including footpaths, have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the details so approved.

Reason: In the interests of visual amenity and to protect the landscape and scenic beauty of the Cotswold Area of Outstanding Natural Beauty

10. Notwithstanding the submitted details, prior to the commencement of construction of the swales and balancing pond, precise details of the proposed engineering works, levels, geometry and surrounding planting shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented strictly in accordance with the approved details.

Reason: In the interests of visual amenity and to protect the landscape and scenic beauty of the Cotswold Area of Outstanding Natural Beauty.

11. Notwithstanding the submitted details, prior to the commencement of construction of the pumping station and surrounding compound, precise details of the proposed levels, design, materials and boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented strictly in accordance with the approved details.

Reason: In the interests of visual amenity and to protect the landscape and scenic beauty of the Cotswold Area of Outstanding Natural Beauty.

12. Notwithstanding the submitted details, prior to the commencement of construction of the Natural Play Area/Local Equipped Area for Plan precise details of the proposed play equipment, materials, levels and boundary treatments and surface materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented strictly in accordance with the approved details.

Reason: In the interests of visual and residential amenity and to protect the landscape and scenic beauty of the Cotswold Area of Outstanding Natural Beauty.

13. Notwithstanding the details submitted and prior to the commencement of the development hereby permitted, details of the internal street design and materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with those details.

Reason: To ensure the proposal addresses the needed of all road users.

14. The development hereby approved shall not be occupied until the means of access for vehicles, pedestrians and cyclists have been constructed and completed as shown on the approved drawings.

Reason: In the interest of highway safety

15. The Residential Travel Plan hereby approved, dated February 2022, shall be implemented and monitored in accordance with the regime contained within the Plan. In the event of failing to meet the targets within the Plan a revised Plan shall be submitted to and approved in writing by the Local Planning Authority to address any shortfalls, and where necessary make provision for and promote improved sustainable forms of access to and from the site. The Plan thereafter shall be implemented and updated in agreement with the Local Planning Authority and thereafter implemented as amended.

Reason: To reduce vehicle movements and promote sustainable access.

16. The Development hereby approved shall not be occupied until sheltered, secure and accessible bicycle parking has been provided in accordance with the submitted details. The storage area shall be maintained for this purpose thereafter.

Reason: To promote sustainable travel and healthy communities

17. Before first occupation, each dwelling hereby approved shall have been fitted with an Electric Vehicle Charging Point (EVCP) that complies with a technical charging performance specification, as agreed in writing by the Local Planning Authority. Each EVCP shall be installed and available for use in accordance with the agreed specification unless replaced or upgraded to an equal or higher specification.

Reason: To promote sustainable travel and healthy communities.

18. Prior to commencement of the development hereby permitted details of a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period. The plan/statement shall include but not be restricted to:

- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Advisory routes for construction traffic;
- Any temporary access to the site;
- Locations for loading/unloading and storage of plant, waste and construction materials;

- Method of preventing mud and dust being carried onto the highway;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development.

19. No works or development shall take place until full details of all proposed street tree planting, root protection systems, future management plan, and the proposed times of planting, have been approved in writing by the local planning authority, and all tree planting shall be carried out in accordance with those details and at those times.

Reason: To ensure the continued wellbeing of the trees in the interests of the amenity and environmental quality of the locality.

20. Prior to occupation of each dwelling hereby permitted, an Information Pack setting out the location and sensitivities of the Cleeve Common Site of Special Scientific Interest shall be submitted to and approved in writing by the Local Planning Authority and thereafter two copies of the approved Information Pack shall be issued to each new residential occupier prior to the occupation of each respective new dwelling hereby permitted. The Information Pack shall include reference to the Countryside Code, the sensitivities of these sites, messages to help the new homeowners and their families enjoy informal recreation at this site and how to avoid negatively affecting it, alternative locations for recreational activities and off road cycling, and recommendations to dog owners for the times of year dogs should be kept on lead when using sensitive sites (i.e. to avoid disturbance to nesting birds).

Reason: To ensure no adverse effects on the integrity of the Cleeve Common Site of Special Scientific Interest as a result of the development.

21. No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with the submitted document 'Archaeological Works, Written Scheme of Investigation' (Durham University Archaeological Services, dated March 2021).

Reason: It is important to agree a programme of archaeological work in advance of the commencement of development, so as to make provision for the investigation and recording of any archaeological remains which may be present. The archaeological programme will advance understanding of any heritage assets which will be lost, in accordance with the National Planning Policy Framework.

22. Prior to the commencement of development, a Construction Environmental Management Plan to protect residential amenity shall be submitted to and approved in writing by the Local Planning Authority. The detailed Construction Environmental Management Plan to protect residential amenity shall set out the mitigation measures to be employed, during the construction phase, in order to minimise the impact of dust, noise, vibration and lighting on the nearest sensitive receptors. The development shall be carried out in accordance with the approved details.

Reason: In the interests of residential amenity

23. Prior to the installation of any external lighting for the development hereby permitted details of the lighting shall be submitted to and approved by the Local Planning Authority. This lighting scheme shall show contour plans highlighting lux levels, specifically when spilling onto adjacent/important habitats for wildlife.

The details shall include, but not limited to, the following:

- i. A drawing showing sensitive areas and/or dark corridor safeguarding areas
- ii. Description, design or specification of external lighting to be installed including shields, cowls or blinds where appropriate.
- iii. A description of the luminosity of lights and their light colour including a lux contour map
- iv. A drawing(s) showing the location and where appropriate the elevation of the light fixings.
- v. Methods to control lighting control (e.g. timer operation, passive infrared sensor (PIR)).

The development hereby permitted shall not be carried out otherwise than in accordance with the approved lighting details and the approved lighting details shall thereafter be retained for the lifetime of the development.

Reason: In the interests of biodiversity and dark skies of the Cotswolds Area of Outstanding Natural Beauty and residential amenity

24. Work shall not start on the development hereby permitted until a Construction Ecological Management Plan (CEMP) for Ecology has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall expand on the mitigation measures and recommendations outlined in Ecological Report dated March 2021. Ecological wildlife features measures within the CEMP shall include:

- bats (both foraging and roosting – where precautionary measures should be detailed including timing of works).
- reptiles including management of the site leading up to and during works.
- great crested newts (GCN) (i.e. GCN Reasonable Avoidance Measures to form part of the CEMP and timing of works),
- hedgehogs (to include recommending installing fencing with 13x13cm hedgehog passes at base to allow hedgehogs to use area effectively),
- nesting birds (in hedgerows and trees and timing of works).

A copy of the approved CEMP shall be given to the contractors on site to ensure that everyone involved is aware of the requirements to protect wildlife and habitats. The development shall be implemented fully in accordance with the approved CEMP.

Reason: To protect biodiversity.

25. Prior to the commencement of development, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall be applicable for a minimum period of five years and include a monitoring regime to ensure habitats establish well and animal shelters remain in good state.

The LEMP shall include habitat enhancements for bats, birds, amphibians and hedgehogs (e.g. bat & bird boxes to be installed on retained trees and new buildings, amphibian shelters, separate hedgehog shelters). The LEMP shall include specification of hedgehog passes (13x13cm gaps at base of fences) to be cut into fencing across the site to make development more permeable to this species. The LEMP should also detail persons responsible and timetable of implementation.

The development shall be carried out in accordance with the approved details.

Reason: In the interests of biodiversity

26. No development shall take place until plans setting out the details of the proposed link onto Mercia Road are provided, and approved in writing by the Planning Authority. The plans shall include:

- the design of the footpath link (including details of surfacing, adjacent landscaping, shown as cross sections)

The development shall thereafter be carried out in accordance with the approved plans and retained thereafter.

Reason: In the interests of the amenity of pedestrians and other non-motorised users and to ensure permeability through the site and connectivity with adjacent streets

27. Prior to the commencement of development, a preliminary contamination risk assessment shall be carried out. This study shall take the form of a phase 1 desk study and site walk over and shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. The preliminary risk assessment report shall contain a diagrammatical representation (conceptual model) based on the information above and shall include all potential contaminants, sources and receptors to determine whether a site investigation is required and this should be detailed in a report supplied to the Local Planning Authority. The risk assessment shall be submitted to and approved in writing by the Local Planning Authority before any development takes place.

Where an unacceptable risk is identified a scheme for detailed site investigation must be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation & risk assessment scheme must be compiled by competent persons.

The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

- adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

28. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 27, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 27 and carried out in accordance with condition 27. These are subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

## **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 the 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.
2. You are advised that to facilitate the development an order must be obtained to stop up or divert the adopted highway under sections 247, 248 or 257 of the Town and Country Planning Act 1990. Contact the National Transport Casework team.

3. The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out.

Contact the Highway Authority's Legal Agreements Development Management Team at [highwaylegalagreements@gloucestershire.gov.uk](mailto:highwaylegalagreements@gloucestershire.gov.uk) allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Council's costs in undertaking the following actions:

- Drafting the Agreement
- A Monitoring Fee
- Approving the highway details
- Inspecting the highway works

Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.

4. The development hereby approved includes the construction of new highway. To be considered for adoption and ongoing maintenance at the public expense it must be constructed to the Highway Authority's standards and terms for the phasing of the development. You are advised that you must enter into a highway agreement under Section 38 of the Highways Act 1980. The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980.

Contact the Highway Authority's Legal Agreements Team at [highwaylegalagreements@gloucestershire.gov.uk](mailto:highwaylegalagreements@gloucestershire.gov.uk). You will be required to pay fees to cover the Council's costs in undertaking the following actions:

- Drafting the Agreement
- Set up costs
- Approving the highway details
- Inspecting the highway works

You should enter into discussions with statutory undertakers as soon as possible to co-ordinate the laying of services under any new highways to be adopted by the Highway Authority.

The Highway Authority's technical approval inspection fees must be paid before any drawings will be considered and approved. Once technical approval has been granted a Highway Agreement under Section 38 of the Highways Act 1980 must be completed and the bond secured.

5. All new streets must be tree lines as required in the National Planning Policy Framework. All proposed street trees must be suitable for transport corridors as defined by Trees and Design Action Group (TDAG). Details should be provided of what management systems are to be included, this includes root protections, watering and ongoing management. Street trees are likely to be subject to a commuted sum.

6. It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to 'respecting community' this says:

Constructors should give utmost consideration to their impact on neighbours and the public

- Informing, respecting and showing courtesy to those affected by the work;
- Minimising the impact of deliveries, parking and work on the public highway;
- Contributing to and supporting the local community and economy; and
- Working to create a positive and enduring impression, and promoting the Code.

7. The Construction Management Plan should clearly identify how the principal contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues.

Contractors should ensure that courtesy boards are provided, and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties. This does not offer any relief to obligations under existing Legislation