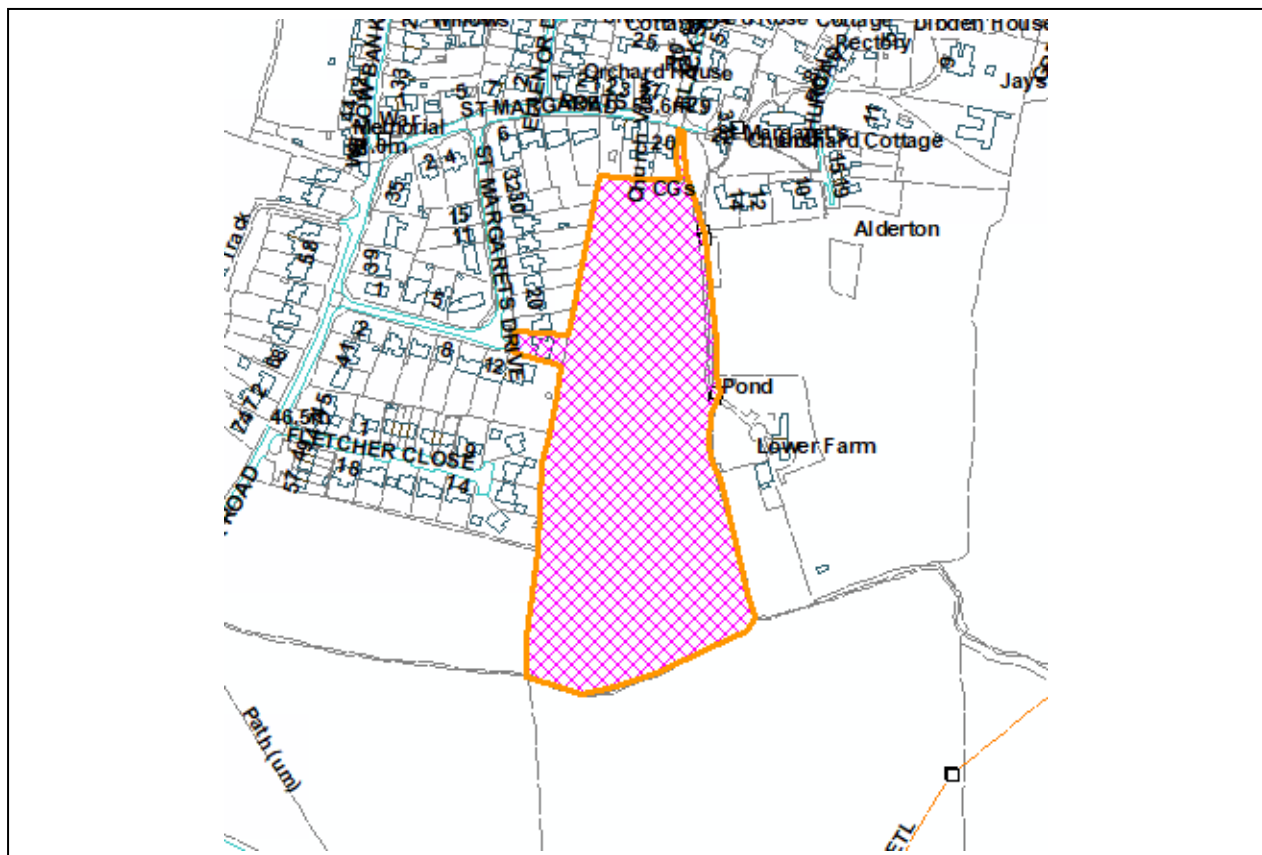


Planning Committee

Date	17 January 2023
Case Officer	Anthony Foster
Application No.	22/00624/OUT
Site Location	Land East Of St Margarets Drive, Alderton
Proposal	Outline application for the demolition of 16 St Margarets Drive and the erection of up to 55 dwellings, associated infrastructure, landscape and biodiversity enhancements, all matters reserved except for access from St Margarets Drive.
Ward	Winchcombe
Parish	Alderton
Appendices	Site location plan Illustrative Masterplan Landscape Strategy
Reason for Referral to Committee	Full or outline application for the erection of 10 or more residential units
Recommendation	Minded to refuse

Site Location



1. The Proposal

Full application details are available to view online at:

<http://publicaccess.tewkesbury.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RCCCITQDKBM00>

Purpose of this report

- 1.1 This application was made to the Council on 23 May 2022. The application determination date was 23 July 2022. On 31 October 2022 the applicant lodged an appeal against non-determination of the application to the Secretary of State. The Planning Inspectorate has confirmed that the appeal will be heard by Public Inquiry. The Council must therefore advise the Secretary of State of its views on the proposals.

Appeal Proposal

- 1.2 The Appeal scheme seeks Outline permission, with all matters reserved except for main vehicular access from St Margaret's Drive only, for up to 55 dwellings and associated infrastructure, landscape and biodiversity enhancements and demolition of existing structures and properties.
- 1.3 Vehicular access to the site is proposed from St Margaret's Drive following the demolition of the existing single residential dwelling at no 16 St Margaret's Drive.

2. Site Description

- 2.1 The site is located at the south-eastern edge of the village of Alderton and comprises approximately 3.97 hectares of agricultural land.
- 2.2 The site lies to the south of St Margarets Road along which lie existing residential properties, the gardens of which adjoin the site. Blacksmith Road and an existing dwelling known as Lower Farm are located along the site's eastern boundary.
- 2.3 An existing water course runs along the site's southern boundary. Residential properties off Fletcher Close and St Margaret's Drive are located to the west.
- 2.4 The site is outside of the defined settlement boundary and has not been allocated for development in existing or emerging local planning policy. A small area of the site, along the southern boundary is within Flood Zone 2 and 3.
- 2.5 The Site is part of the Special Landscape Area (SLA) defined for areas of high-quality countryside which sometimes coincides as the foreground setting to the Cotswolds AONB.
- 2.6 The Site and Alderton as a whole forms part of the wider foreground of the Cotswolds AONB, a nationally important landscape when viewed from the B4077. The AONB boundary is located to the north side of the village.

3. Relevant Planning History

Application Number	Proposal	Decision	Decision Date
14/00414/FUL	Development of 24 dwellings, access, landscaping and other associated works at land adjoining Willow Bank Road.	Allowed at Appeal	17.05.2015
19/00772/FUL	Residential development up to 28 units, including means of access and landscaping.	Allowed at Appeal	21.09.2021
22/00242/ADV	Installation of 2 non-illuminated V-Board Advertisement signs.	CONSEN	22.06.2022

4. Consultation Responses

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

4.1 Alderton Parish Council – object as summarised below:

- It would lead to a further 55 houses in the village on top of the 105 new houses built in the last few years. This is completely disproportionate for a rural village.
- It is not provided for in the agreed Neighbourhood Plan.
- It is outside the village settlement boundary.
- It is not provided for in the recently Adopted Tewkesbury Borough Plan.
- It is purely speculative and not plan led.
- It would further damage social cohesion.
- It would significantly damage the landscape in a Special Landscape Area.
- It significantly adversely affects the character and appearance of the village.
- It will affect the setting of the AONB
- It will affect the setting of both Locally Listed and Statutorily listed buildings
- It is wholly unsustainable and will add further car borne traffic into this rural village – adding further to climate change

4.2 Historic England – No Objection

Natural England – No Objection

Lead Local Flood Authority – No Objection

County Archaeologist – No Objection

Drainage Engineer – No Objection

CPRE – Object on the following grounds

The proposed development is contrary to both the recently adopted Tewkesbury Borough Plan (TBP) and the Alderton Neighbourhood Development Plan (ANDP). The TBP defines Alderton as one of 12 service villages in the Borough.

A large new development “bolted on” to a village already accommodating significant expansion would bring anonymity and suburbanisation to village life, harming social cohesion and community spirit. This is a concern highlighted by Inspectors who have considered past applications in Alderton.

The proposed development would do further harm to sensitive local landscapes. The proposed development appears to do little to help sustainable transport targets as in JCS strategic objective 7.

Severn Trent – No objection

Housing Strategy and Enabling Officer – A s.106 agreement will be required to secure the affordable housing scheme. Unit number and tenure to be agreed

Landscape Visual Impact Advisor – Objection

The proposals as presented do not appear to comply with any of the landscape planning policies identified above. The landscape mitigation proposals will soften the eastern edge of the development where the scheme would abut the open countryside but do not remove the adverse sense of landscape and visual change or improve upon the village's current southern edge.

Ecological Advisor – Comments

The details of a biodiversity offsetting scheme should be submitted to provide certainty to the LPA that the minimum 10% net gain would be achieved

A shadow HRA is required to assess whether the proposals would impact upon Bredon Hill SAC

Heritage Specialist – Objection

The proposed development would be prominent in relation to the setting of the village and views towards the village. Due to the scale and location of the development it would cause a moderate to low harmful impact upon the setting of the Grade II Listed No 19 Church Road and Church Cottage and Lower Farmhouse (a non-designated Heritage Asset).

5. Third Party Comments/Observations

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

5.1 The application has been publicised through the posting of a site notice for a period of 21 days.

5.2 A total of 151 letters have been received by the LPA objection to the scheme as summarised below:

- The village has already grown significantly over the last few years and the balance will be completely wrong with more new properties.
- The proposed development projects fully and as such encroaches on the open countryside in a manner that would, by implication, have been rejected by the appeals officer.
- Planning applications for other sites have been rejected under appeal and substantial emphasis has been placed on the only housing requirement acceptable is for infill properties within the boundaries of the village.
- Any more new houses will begin to spoil the rural character of the village; one of its major attractions.
- It is no good having a robust Neighbourhood Plan if it can be set aside by the first Planning Application

- The increased traffic movements that would be generated will jeopardise road safety and tranquillity of the rural lanes around Alderton. On-street parking is already a problem and additional traffic would add to this.
- The recent increase in housing has had no impact on the falling roll of the village school or the footfall in the village shop.
- I am concerned that with the extra houses built there will be increased vehicular traffic throughout the village which will also be exacerbated at the junction of Willow Bank Road and B4077.
- The area for proposed development has already suffered flooding/drainage problems, and I am concerned that the development will be built on this flood plain, not only causing problems for the houses to be built but also for residents in the nearby area.
- A large cul-de-sac development like this will create an estate separate from the village. The presence of disconnected housing estates undermines the natural community cohesion of a village as currently exists. A large influx of people will increase the number of children/teenagers/young adults. Activities for people in these age groups is very limited in a semi-rural community like Alderton and typically they have to travel to large towns for most activities. A sudden rise in numbers of people in these age groups will lead to an increase in the potential for crime, vandalism and general anti-social behaviour and will make Alderton a less safe and cohesive community that it has been previously.
- Village services simply don't support Alderton growing any more than it has in

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise

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

6.2 National guidance

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

Planning and Listed Building Act 1990

6.3 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 SD4 (Design Requirements)
- Policy SD6 (Landscape)
- Policy SD8 (Historic Environment)
- Policy SD9 (Biodiversity and Geodiversity)
- Policy SD10 (Residential Development)
- Policy SD14 (Health and Environmental Quality)
- Policy INF1 (Transport Network)
- Policy INF2 (Flood Risk and Management)
- Policy INF4 (Social and Community Infrastructure)
- Policy INF6 (Infrastructure Delivery)

- Policy INF7 (Developer Contributions)

6.4 Tewkesbury Borough Local Plan to 2011-2031 (TBLP) – Adopted 8 June 2022

- Policy RES3 (New Housing Outside Settlement Boundaries)
- Policy RES5 (New Housing Development)
- Policy NAT1 (Biodiversity, Geodiversity and Important Natural Features)
- Policy ENV2 (Flood Risk and Water Management)
- Policy TRAC1 (Pedestrian Accessibility)

6.5 Neighbourhood Plan

Alderton Neighbourhood Development Plan – 2011-2031

7. Policy Context

- 7.1** 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.
- 7.2** The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), saved policies of the Tewkesbury Borough Local Plan to 2011-2031 (June 2022) (TBLP), and a number of 'made' Neighbourhood Development Plans.
- 7.3** The relevant policies are set out in the appropriate sections of this report.
- 7.4** 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.

8. Evaluation

Five Year Housing Land Supply

- 8.1** The adopted JCS became five years old on 11th December 2022, therefore as required by para 74 of the NPPF Tewkesbury Borough Council's (TBC) 5 year housing land supply position has to be reconsidered, based on the standard method of calculation.
- 8.2** As a result of the move to the standard method TBC moved to a single district approach. This has resulted in the addition of the JCS allocations within the boundary of Tewkesbury Borough, where deemed deliverable, which had previously been attributed to meet the housing needs of Gloucester City Council under Policy SP2 of the JCS. Therefore, as at 11th December 2022, the Council can demonstrate a five year housing land supply of 6.16 years.
- 8.3** It is therefore advised that, as the Council can demonstrate a five-year supply of deliverable housing sites, the presumption in favour of sustainable development (or "tilted balance") is not engaged in this case

Principle of development

- 8.4** Policy SD10 of the JCS states that within the JCS area new housing will be planned in order to deliver the scale and distribution of housing development set out in Policies SP1 and SP2. Housing development will be permitted at sites allocated for housing through the development plan, including Strategic Allocations and allocations in district and neighbourhood plans. On sites that are not allocated, housing development and conversions to dwellings will be permitted on previously-developed land in the existing built-up areas of Gloucester City, the Principal Urban Area of Cheltenham and Tewkesbury town, rural service centres and service villages except where otherwise restricted by policies within District plans. Policy SD10 follows that housing development on other sites will only be permitted where:
- i. It is for affordable housing on a rural exception site in accordance with Policy SD12, or;
 - ii. It is infilling within the existing built up areas of the City of Gloucester, the Principal Urban Area of Cheltenham or Tewkesbury Borough's towns and villages except where otherwise restricted by policies within District plans, or;
 - iii. It is brought forward through Community Right to Build Orders, or;
 - iv. There are other specific exceptions / circumstances defined in district or neighbourhood plans.
- 8.5** At a local level, Policy H1 of the Alderton Neighbourhood Development Plan (ANDP) states:
'Within the settlement boundary of Alderton village, as shown on Map 4 Alderton NDP Policies Map, small windfall development will be supported together with infill housing development of 1 – 2 dwellings within existing built-up frontages when it is consistent with the scale, proportion and density of existing houses and gardens in the adjacent area. Proposed development of residential gardens for new housing units should demonstrate that:
- 1. Any loss of garden space of existing properties is proportionate and acceptable; and*
 - 2. Any adverse impacts on residential amenity are minimised. Proposals for accessible, single storey dwellings on infill sites and small windfall sites will be encouraged to meet the needs of older persons or those with limited mobility.*
- Proposals for new housing brought forward under a Community Right to Build Order will be supported subject to other policies in the Plan.*
In the event that a future development plan identifies an additional need for further housing development in Alderton (as a service village), beyond what is being accommodated within the settlement boundary, then sites outside of the boundary will be considered in line with the other policies of the plan.
- 8.6** The application site is greenfield land that lies outside of the defined settlement boundary for Alderton as defined in the Alderton Neighbourhood Development Plan and is not allocated for housing development. The site does not represent previously developed land within the built up areas of a service village; is not a rural exception scheme; and does not represent 'infilling'. It has not been brought forward for development through a Community Right to Build Order and there are no policies in the existing Tewkesbury Borough Local Plan to 2011 which allow for the type of development proposed here.
- 8.7** The proposal therefore conflicts with Policies SP2 and SD10 of the JCS and Policy H1 of the ANDP.

Community Cohesion

- 8.8** The Framework recognises that sustainable development includes a social objective and how healthy communities can be promoted. Indeed, the ANDP throughout explicitly refers to social cohesion in the village. The ANDP states that it is important that its policies seek to conserve the active, cohesive nature of the Parish community into the future by enabling sustainable growth that does not compromise existing social bonds or overwhelm the Parish's rural infrastructure.
- 8.9** Furthermore, one of the objectives of the ANDP seeks to ensure that any development in Alderton Parish makes a positive contribution to enriching the vitality, health, wellbeing and social cohesion of its communities. The ANDP also points out that concerns over the potential loss of the Parish's rural character and the impact on social cohesion arising from rapid change in Alderton village are evident in all consultations undertaken for the Plan between 2013 and 2015.
- 8.10** It is clear from the Parish Council's consultation response and the numerous representations received by local residents during the application that the social well-being of Alderton and community cohesion remains a serious and ongoing concern.
- 8.11** The JCS recognises that the retention of services within rural service centres is intrinsically linked to the size and distribution of the resident population and it is important that these services remain viable, although more development will be accommodated at the rural service centres than at the service villages. In response to this, Policy SP2 of the JCS sets out that rural service centres and service villages will accommodate lower levels of development to be allocated through the Tewkesbury Borough Plan and Neighbourhood Plans, proportionate to their size and function, and also reflecting their proximity and accessibility to Cheltenham and Gloucester and taking into account the environmental, economic and social impacts, including existing levels of growth over the plan period
- 8.12** The Council's approach to the disaggregation of the residual housing requirement to the rural service centres and service villages is explained in the housing background paper (October 2019), which formed part of the evidence base for the emerging Borough Plan to 2031 and which is now adopted.
- 8.13** The paper stresses that the disaggregation process is only the starting point for considering an appropriate level of development for each rural settlement. It follows that in addition to the 'top down' approach of the disaggregation process, there should also be a 'bottom up' element whereby the availability of sustainable sites at each settlement will also be a factor in determining the most appropriate distribution of development. For example, there may be situations where a settlement is unable to achieve its disaggregated requirement due to a lack of suitable, sustainable sites or due to constraints such as the Green Belt and AONB.
- 8.14** Conversely, there may also be situations where a settlement can exceed its disaggregated requirement due to suitable, sustainable sites being available at the settlement. This will however need to be balanced alongside the size, function and accessibility of the settlement in order to achieve a sustainable pattern of development and avoid issues associated with social cohesion.

- 8.15** The paper goes on to state that there will also be positive and negative social impacts from new development. Positive effects include meeting people's housing needs, supporting village services and shops and improving physical and mental health through creating a high quality built environment. Negative social impacts can however result where the number of dwellings in a settlement is substantially increased without proportionate increases in infrastructure, employment opportunities and other local services. This risks eroding community cohesion.
- 8.16** As far as Alderton is concerned, the disaggregated indicative housing requirement set out in the housing background paper is 53 dwellings. However, given the number of recent developments within Alderton the Borough Plan to 2031 does not allocate any further development at Alderton during the plan period.. However, that is not to say that no further development will be provided at Alderton. On the contrary, the ANDP does and has allowed for further growth within the defined settlement boundary, albeit in a more organic and managed way.
- 8.17** The Council is of the firm view that the cumulative growth in Alderton in such a relatively short period of time would have a negative impact on social wellbeing and social cohesion within Alderton

Landscape impact

- 8.18** JCS Policy SD6 states that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. Proposals will have regard to local distinctiveness and historic character of different landscapes and proposals are required to demonstrate how the development will protect landscape character and avoid detrimental effects on types, patterns and features which make a significant contribution to the character, history and setting of a settlement area.
- 8.19** Policies LAN1 and LAN2 of the TBP along with Policy LC2 of the ANDP states that proposals should demonstrate how they will integrate into the SLA and AONB by submitting a Landscape Visual Impact Assessment to enable their impact on the landscape to be assessed. It follows that special attention should be paid to preserving significant views in or out of the settlement or including mitigation measures that ensure such views are maintained as fully as possible.
- 8.20** The application is supported by a Landscape and Visual Appraisal (LVA), which considers the impact of the proposed development on the landscape and has been reviewed by the Landscape Advisor.
- 8.21** The site lies within the eastern edge of the central part of the National Character Area 106: Severn and Avon Vales and within the Gloucester Landscape Character Study (2006) 'Teddington and Greet Vale' area, which is set out as an 'Unwooded Vale'. The key characteristics of this 'Unwooded Vale' landscape type include medium to large scale hedged fields with a combination of both regular and irregular field patterns, and a relatively sparsely settled landscape with rural villages and scattered farms and dwellings. It notes that the escarpment and outliers create a sense of enclosure within the Teddington and Greet Vale and provide a backdrop to many views across it. At a local level, the site is located within parcel Ald-01 as defined in the Landscape and Visual Sensitivity Study - Rural Service Centres and Service Villages (November 2014). Parcel Ald-01 is defined as have having a 'medium' landscape sensitivity and a 'high' visual sensitivity. The study comments further on the characteristic sense of separation between Alderton and the B4077 and notes that this feature of the local landscape is vulnerable to

insensitive development.

- 8.22** In light of the Landscape Advisers comments on the submitted LVA, the Council is of the view that the appeal proposal would contribute to the incremental increase in the prominence of Alderton within the distinctive Vale landscape within the setting of the AONB. The appeal proposal would also represent a further incremental expansion of Alderton south, beyond the established and defined settlement boundary. This expansion is in contrast to the traditional settlement pattern of a nucleated village at the base of Alderton Hill. It represents an expansion out onto the Vale towards the B4077 into land that has traditionally served to provide a distinctive foreground setting between the village and the road. Alderton has traditionally been perceived from the B4077 as a nucleated village set back from the road within a well-treed roofscape with the ancient church tower beyond meadows. This proposal would further erode that character by significantly reducing the remaining space between the road and the village and would occupy a prominent sloping site.
- 8.23** In light of the above, the Council is of the view that the appeal proposal would have a harmful impact on the landscape within a Special Landscape Area, contrary to Policy SD6 of the JCS, Policies LAN1 and LAN2 of the TBP and Policy LC2 of the ANDP.

Access and highway safety

- 8.24** 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. NDP Policy TP1 sets out that development will only be permitted where it will not cause a severe adverse traffic impact upon the highway network.
- 8.25** The proposed development would be accessed via a single access point from within St Margaret's Road.
- 8.26** The proposal has been assessed by the Highways Authority who is satisfied with the proposed access arrangement from Greenacres and advises that the level of trips resulting from the proposed development would not result in any safety or capacity issues upon the highway.
- 8.27** The Highways Officer has recommended a condition for the provision of electric vehicle charging points and this is considered appropriate to promote sustainability.
- 8.28** While an indicative site plan has been provided showing a possible roadway route through the site, this has not been considered at this time as layout is reserved for future consideration. Any subsequent reserved matters application would need to demonstrate at that time that the proposed development would be served with appropriate manoeuvring space and parking provision.

Design and layout

- 8.29** JCS Policy SD4 provides that new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. It should be of a scale, type, density and materials appropriate to the site and its setting. Criterion 6 of Policy SD10 of the JCS states that residential development should seek to achieve maximum density compatible with good design, the protection of heritage assets, local amenity, the character and quality of the local environment, and the safety and convenience of the local and strategic road network.
- 8.30** While the application has been accompanied by illustrative plans, Appearance, Layout and Scale remain reserved matters and would require further consideration to secure an acceptable high-quality development.

Drainage and flood risk

- 8.31** 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.
- 8.32** The application has been accompanied by a Flood Risk Assessment, and while the site lies outside of a defined Flood Zone the submitted report identifies and acknowledges the fact that the site is heavily influenced by its geology and topography and this is also reflected in representations from residents who have highlighted issues with regards to surface water runoff and pooling water.
- 8.33** The LLFA indicates that the drainage strategy proposed shows there is space on site to attenuate required volumes of surface water to ensure it can be discharged to the adjacent watercourse and the site development would not increase flood risk to other property. The LLFA therefore have no objection to this proposal.

Biodiversity

- 8.34** The NPPF sets out, inter alia, that when determining planning applications, Local Planning Authorities should aim to conserve and enhance biodiversity by encouraging opportunities to incorporate biodiversity in and around developments, especially where this can secure measurable gains for biodiversity. Policy SD9 of the JCS seeks to protect and, wherever possible enhance biodiversity, including wildlife and habitats. Policy NAT1 of the TBP states that development proposals that will conserve, and where possible restore and/or enhance, biodiversity will be permitted.
- 8.35** The Ecology Specialist requested further information to be provided in respect of a suitable biodiversity offsetting scheme providing a minimum of 10% net gain, and the potential impact of the scheme upon Bredon Hill SAC.
- 8.36** This information was submitted prior to notification of the appeal however no formal comments have been sought due to notification of the appeal. As such the scheme currently fails to demonstrate that it would have an acceptable impact upon Bredon Hill SAC or provide a minimum 10% net biodiversity gain.

8.37 Whilst these matters may be capable of resolution the applicants' proposal is currently deficient and at this stage there is no signed s106 obligation. On that basis the proposed development does not adequately provide for net biodiversity gain and ecological impact upon Bredon Hill SAC in conflict with Local Plan JCS policy SD9, Policy NAT1 of the TBP and the NPPF.

Heritage assets

8.38 The site is adjacent to Lower Farmhouse, a historic house which appears to contain a number of phases including an early timber framed section and later Cotswold stone additions. The building is not listed but appears on the first edition Ordnance Survey map and is considered to be of local heritage interest. As such the building is considered to be a non-designated heritage asset.

8.39 The proposed development represents a substantial extension to the East adjacent to the historic core of the village. Due to topography and scale this proposal would have far reaching impacts similar or greater to that of Fletchers Close and Alder Green and would be much closer to the historic core of the village. As a result the cumulative visual impact upon the sense and character of the approach to the village from the East would be detrimental to its setting and historic rural character. This application is in outline only but it is unlikely that the design and details of the buildings and landscaping could mitigate the harm. As such it is identified that due to its location and scale the proposed development would have a general cumulative negative impact upon the setting of the historic core of the village as a non-designated heritage asset.

8.40 The scale of the harm would be medium to low and should be taken into account in determining the application. For clarity and in regard to weighing up the balance of harm against any public benefit generated by the development it is considered that the historic core of the village has medium significance as a non-designated heritage asset.

8.41 The proposed development would be prominent in relation to the setting of the village and views towards the village. Due to the scale and location of the development it would cause a moderate to low harmful impact upon the setting of the Grade II Listed No 19 Church Road and Church Cottage and Lower Farmhouse. In all cases the harm is assessed as less than significant.

8.42 In terms of the Planning (Listed Buildings and Conservation Areas) Act 1990 the proposed development would fail to preserve the setting of the designated heritage assets and the decision maker should have special regard to the desirability of preserving that setting when arriving at the decision. In terms of the Framework, that harm would be less than substantial. Nonetheless, the harm to the listed buildings is a matter of considerable importance and weight for the planning balance. Moreover, it would result in conflict with Policy SD9 of the JCS.

Section 106 obligations

8.43 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.

8.44 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.

8.45 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.

8.46 Requests have been made by consultees to secure the following contributions:

- Affordable housing at 40% including appropriate mix and tenure
- £10,584 Contribution towards libraries provision
- Secure onsite public open space provision
- Biodiversity and Ecological enhancements to secure a minimum 10% net biodiversity gain/ mitigate impact upon Bredon Hill SAC

8.47 Within the application submission the applicant has agreed to these general heads of terms and it is anticipated that these matters would be subject to further discussion with the applicant with the objective of finalising S106 agreements prior to the Public Inquiry. Whilst these matters may be capable of resolution the applicants' proposal is currently deficient and at this stage there is no signed s106 obligation. On that basis the proposed development does not adequately provide for affordable housing, public open space, library facilities and biodiversity net gain in conflict with JCS policies SD9, SD12, INF6 and INF7, TBP Policy NAT1 and the NPPF.

9. Conclusion

9.1 The application site lies outside of the defined settlement boundary for Alderton and is not allocated for housing development. The site does not represent previously developed land within the built-up areas of a service village; is not a rural exception scheme; and does not represent 'infilling'. It has not been brought forward for development through a Community Right to Build Order and there are no policies in the existing Tewkesbury Borough Local Plan to 2011 – 2031 which allow for the type of development proposed here. The proposal therefore conflicts with Policies SP2 and SD10 of the JCS and Policy H1 of the ANDP.

Benefits

9.2 The delivery of market and affordable housing would provide a significant social benefit. Furthermore, there would be economic benefits both during and post construction through the creation of new jobs and the support to existing local services and the local economy.

Harms

- 9.3 Harm arises from the conflict with development plan policies relating to housing, particularly JCS Policies SP2, SD10 and Policy H1 of the ANDP. Harm would also arise from the cumulative growth in Alderton in such a relatively short period of time, which would have a negative impact on social cohesion and social well-being. There would be a harmful impact on the landscape within a Special Landscape Area, harm to designated and undesignated heritage assets and biodiversity impacts.

Neutral

- 9.4 The proposed access to the development and drainage strategy is otherwise considered acceptable and would not result in any adverse highways impacts

Heritage Balance

- 9.5 The proposal would result in harm to the significance of designated heritage assets through development in their setting. This level of harm is considered “less than substantial” in the terms set out in the NPPF. The NPPF requires that great weight should be given to the conservation of designated heritage assets. The public benefits of the proposal relate to, amongst others, the delivery of up to 55 dwellings and the associated social and economic benefits. The delivery of housing is afforded significant weight notwithstanding that the Council can demonstrate a 5 year housing land supply. The associated economic and social benefits are afforded moderate weight. However, officers consider that the public benefits would not outweigh the identified heritage harms. As such, the proposal would conflict with those policies of the NPPF relating to the historic environment and designated heritage assets as defined in Annex 2 of the Framework. The proposal also conflicts with Policy SD8 of the JCS

10. Recommendation

- 10.1 In view of the foregoing report and in the context of the current Appeal Members are requested to consider a recommendation of **Minded to Refuse** which, along with this report, will be submitted to the Planning Inspectorate to inform the Appeal.

11. Reasons for Refusal

- 1 The proposed development conflicts with Policies SP2 and SP10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017) and Policy H1 of the Alderton Neighbourhood Development Plan (July 2018) in that the proposed development does not meet the strategy for the distribution of new development in Tewkesbury Borough and the application site is not an appropriate location for new residential development.
- 2 The proposed addition of up to 55 dwellings at Alderton, would result in cumulative development, which would be of a scale disproportionate to the existing settlement. As such the proposed development would fail to maintain or enhance the vitality of Alderton and would have a harmful impact on the social wellbeing of the local community, risking the erosion of community cohesion. As such, the proposal conflicts with Policy SP2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017), Policy H1 of Alderton Neighbourhood Development Plan (July 2018) and the National Planning Policy Framework.

- 3 The proposal, by virtue of its prominent open location to the south of Alderton, would represent a significant encroachment into the surrounding rural landscape. This encroachment would have a harmful impact upon the character and appearance of the landscape within a Special Landscape Area, which serves to protect the foreground setting of the nearby Area of Outstanding Natural Beauty. As such, the proposal conflicts with Policy SD6 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017), Policies LAN1 and LAN2 of the Tewkesbury Borough Local Plan to 2011 – 2031 (June 2022), Policy LC2 of Alderton Neighbourhood Development Plan (July 2018) and the National Planning Policy Framework.
- 4 The proposal would alter the character of Alderton causing harm to the setting of designated and undesignated heritage assets. The harm to designated heritage assets represents a less than substantial harm, which is not outweighed by public benefits. The proposal fails to accord with policy SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017) as well as guidance contained in Section 16 of National Planning Policy Framework.
- 5 The proposed development does not adequately provide a minimum 10% biodiversity net gain or provide for the potential impacts upon Bredon Hill SAC. The proposed development is therefore contrary to Policy SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017), Policy NAT1 of the Tewkesbury Borough Local Plan to 2011 – 2031 (June 2022) and advice set out in the National Planning Policy Framework.
- 6 The proposed development does not demonstrate how it would adequately provide for housing that would be available to households who cannot afford to rent or buy houses available on the existing housing market contrary to Policy SD11 and Policy SD12 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031 (December 2017) and the National Planning Policy Framework.
- 7 The proposed development does not adequately provide for open space, outdoor recreation and library facilities and conflicts with Policies INF4, INF6 and INF7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031 (December 2017) and the National Planning Policy Framework.

12. 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.