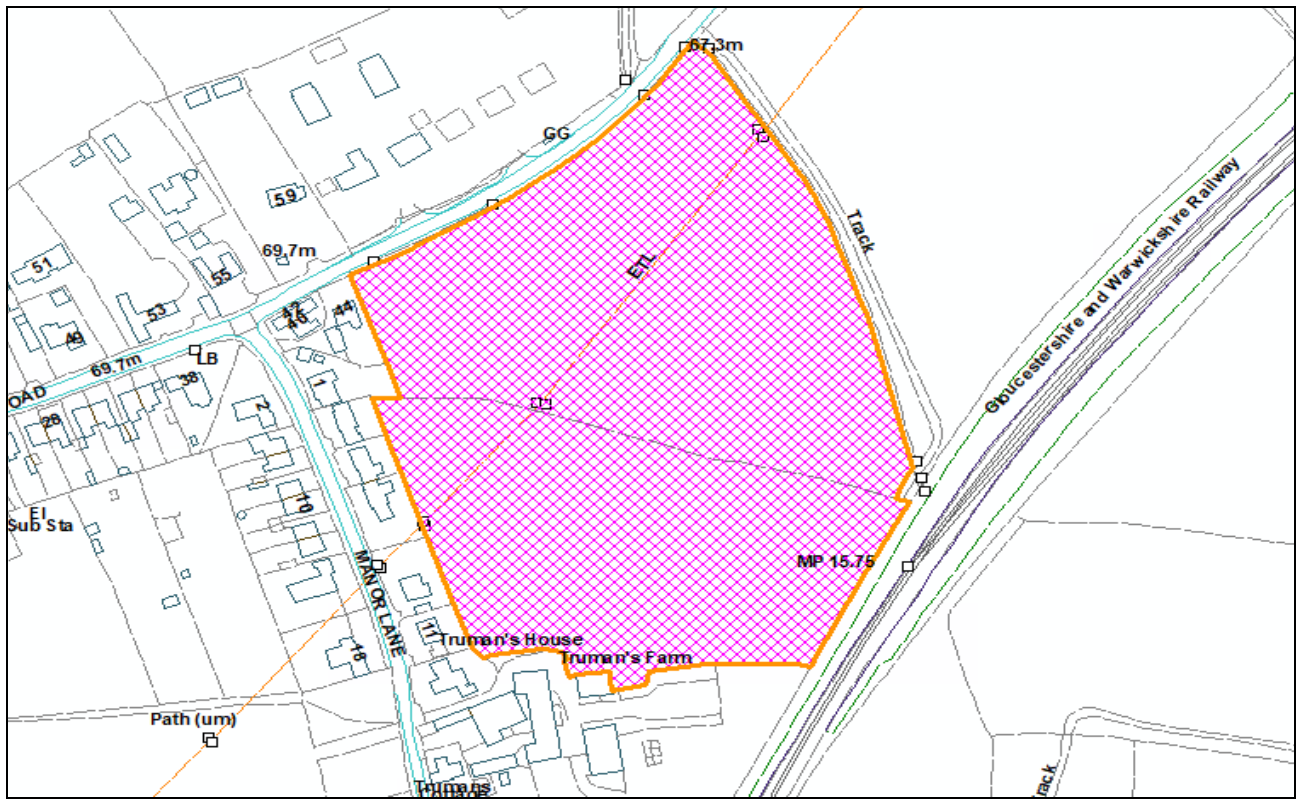


Planning Committee

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| Date | 21 March 2023 |
| Case Officer | Paul Instone |
| Application No. | 22/00650/FUL |
| Site Location | Trumans Farm, Manor Lane Gotherington |
| Proposal | Residential development comprising 45 dwellings, creation of new access, public open space and other associated ancillary works. |
| Ward | Cleeve Hill |
| Parish | Gotherington |
| Appendices | Site location plan Planning Layout Materials Plan Affordable Housing Plan Storey Heights Plan Street Scenes |
| 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=RCOM3QQDKEK00>

Purpose of this report

- 1.1 This application was validated by the Council on 10th June 2022. The application determination date was 9th September 2022 and revised plans were submitted on 28th November 2022. On 18th January 2023 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 a Hearing in June 2023. The Council must advise the Secretary of State of its views on the proposals by 4th April 2023.

Application Proposal

- 1.2 The application is submitted in full and proposes the erection of 45 dwellings, including 40% affordable housing provision. The application proposes the following mix of dwellings:
- 1.3 27 open market dwellings
- 6 no. 2 bedroom dwellings
 - 8 no. 3 bedroom dwellings
 - 10 no. 4 bedroom dwellings
 - 3 no. 5 bedroom dwelling
- 1.4 18 affordable dwellings
- 4 no. 1 bedroom dwelling
 - 9 no. 2 bedroom dwellings
 - 4 no. 3 bedroom dwellings
 - 1 no 4 bedroom dwellings
- 1.5 The dwellings would be located in the western part of the site with informal open space, a LEAP and a SuDS pond located in the eastern portion. It is proposed that new native species hedgerows and trees and informal mown paths would be located in the eastern portion of the site. The site would be accessed/egressed from via two vehicular accesses and pedestrian accesses off Gretton Road.

2. Site Description

- 2.1 The application site comprises two agricultural fields located at the eastern end of Gotherington on the southern side of Gretton Road and to the east of Manor Lane. The site is 4.15ha in area and comprises a mixture of grassland and arable agriculture. The site is enclosed by mature trees and a hedgerow to its north boundary with Gretton Road and to its east boundary with the open countryside beyond. There is also a minor watercourse running adjacent to the east boundary. There is a Category A High Quality Oak Tree in the eastern part of the site. The site is adjoined to the west by the existing residential development along Manor Lane, to the south by the Truman's Farm building complex and to the south-east by the Gloucestershire Warwickshire railway (GWR) line.

2.2 The site is located within the Special Landscape Area (SLA) as designated within the Tewkesbury Borough Plan to (TBP) with the Cotswolds Area of Outstanding Natural Beauty (AONB) located on the other side of the railway embankment. The site is located outside of, but immediately adjacent to, the Residential Development Boundary of Gotherington as defined in the TBP. Trumans Farmhouse is a Grade II Listed Building and is located approximately 35 metres to the south-west of the site beyond the farm building complex.

2.3 The application site is in Flood Zone 1.

3. Relevant Planning History

| Application Number | Proposal | Decision | Decision Date |
|---------------------------|---|---------------------|----------------------|
| 16/00539/OUT | Outline application with all matters reserved except for access for the development of up to 65 dwellings (inc. 26 affordable homes) including access, landscaping and other associated works | DISMISSED AT APPEAL | 15.08.2017 |
| 21/00019/FUL | Residential development comprising 45 dwellings, creation of new access, public open space and other associated ancillary works | REFUSED | 18.08.2021 |

4. Consultation Responses

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

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

- The proposal conflicts with the spatial strategy and is outside the settlement boundary and is not allocated for development in the JCS and does not meet any of the exception criteria in Policy SD10. The site is not allocated for development in GNDP.
- The NDP identified that Gotherington should provide around 86 homes between 2011-2031. These numbers have now been exceeded based on the Council's evidence documents. If this permission were allowed it would result in an addition 194 dwellings which is totally unreasonable.
- The site is within the SLA and makes a valuable contribution to the AONB and the proposal would cause harm to the landscape.
- The number of new houses is impacting on social cohesion in Gotherington, there are limited facilities, and the proposal adds nothing to quality of life.
- The proposal fails to reduce reliance on cars and will worsen congestion.
- The site is under for wheat crops and sheep farming and agricultural land and food supply should be protected.
- The population figures deriving housing land supply should be revisited following the UK's exit from the EU and the implications that this has had for demographic trends.

- Brownfield land should be prioritised before release of land from the countryside.

4.2 Cotswold AONB Board - Consider the proposal will have a significant adverse impact on the natural beauty of the Cotswolds National Landscape, particularly with regard to the impacts on views from Nottingham Hill. The Board consider this impact provide a clear reason for refusal and that the tilted balance does not apply.

4.3 Council's Landscape Advisor – Summarised below

- It is judged that the site is a Valued Landscape given it is part of the natural heritage feature that is the Cotswold Escarpment, the general good condition of the Site and its surroundings, its distinctiveness as part of the lower slopes of the escarpment, the area's scenic quality and the function it plays in the setting of the designated AONB landscape. The local landscape designation of Special Landscape Area (SLA) also marks the landscape as being of higher value than ordinary landscapes in the borough and the now adopted LAN1 Special Landscape Area policy is such that it treats all SLA as valued landscape requiring protection and enhancement in line with the NPPF.
- However it is also recognised that there are levels of sensitivity across the Site with regard to the susceptibility to a residential development of this sort. The further to the west and north on the Site and nearer to existing housing the less sensitive the valued landscape becomes.
- The Landscape Advisor consider the proposal would have the following adverse landscape effects:
 - o Changing half the rural site into a developed one.
 - o Increasing the quantum of development in proximity to the Cotswolds AONB feature, namely its escarpment.
 - o Reducing the quality of the landscape setting to the AONB.
 - o Creating smaller enclosures than the nearby field pattern which will appear different in scale and function particularly with the tree planting set centrally to them.
 - o Reducing the rural context of Truman's Farm by setting an estate styled housing arrangement to its immediate north
 - o Continuing the change to the rural character of Gretton Road with the new accesses through the mature hedgerow
- With regard to positive landscape effects there would be:
 - o An increase in hedgerow planting to the east nearer the AONB.
 - o Increased tree planting again predominately to the east.
 - o A diversification of grass sward to a possibly wildflower rich sward
- Overall, the Landscape Advisor considers that the positive landscape effects do not outweigh the adverse ones and that the proposals will not only alter the fundamental rural character of the site itself but alter the overall landscape setting to the AONB for the worse/
- The Landscape Advisor also identified adverse visual effects that do not add to the scenic quality of Gotherington itself or views out from the AONB. Of these it is the views from the Cotswolds AONB (including from Nottingham Hill) that will

experience the greater adverse effects given the sensitivity of the visual receptors receiving them. The more local views to the north are at a lesser level as the visual receptors have a lower sensitivity and there is increased screening from the existing roadside hedge.

- 4.4 **National Highways** – No objection
- 4.5 **County Highways Authority** – No objections subject to conditions and planning obligations
- 4.6 **Housing Enabling Officer** – No objection
- 4.7 **Lead Local Flood Authority** – No objection
- 4.8 **Drainage Advisor** – No objection
- 4.9 **Severn Trent** – No objection
- 4.10 **Ecology** – No objection
- 4.11 **Natural England** – No objection
- 4.12 **Conservation Officer** – No objection. it is not considered that the proposal would cause harm to the significance of heritage assets
- 4.13 **Historic England** – No comments to make
- 4.14 **County Archaeologist** – No objection
- 4.15 **Gloucestershire County Council Community Infrastructure** - S106 requests for primary and library provision
- 4.16 **County Minerals and Waste** – No objection
- 4.17 **Environmental Health (Noise)** – No objection
- 4.18 **Communities Team** – Further to amendments to the scheme to secure a LEAP on site, no objection subject to securing planning obligations.
- 4.19 **Campaign to Protect Rural England** – Objection on basis of non-compliance with the development plan, cumulative development and social well-being, landscape impact and planning balance.

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. 151 objections have been received to the proposals. The comments are summarised as follows:

- The application is contrary to the spatial strategy including the Gotherington Neighbourhood Plan and the JCS and also conflicts with the plan-led approach.
- Gotherington has also already over-delivered on its housing requirements in the adopted development plan.
- There is harm due to conflict with the Neighbourhood Plan which passed by referendum and the views of the community are being ignored.
- Brownfield sites should be developed before greenfield sites in the countryside.
- The fields which make up this proposal are part of a Special Landscape Area serving to protect the foreground setting of the Area of Outstanding Natural Beauty of Nottingham Hill and Dixon Hill. The proposal would harm the setting of the AONB and this is a significant and demonstrable harm.
- The houses on Manor Lane provide a soft but definite edge to the built form of Gotherington. The proposal would harm the settlement character and create a harsh end to the village, incongruous and out of character in this location.
- The proposal would be harmful to the settlement form of Gotherington and its character as a village and would result in urban sprawl.
- Wildlife, biodiversity and countryside must be protected for future generations.
- The design of the new build estates is poor and the continued development of modern housing is ruining the character of the village.
- The proposal would diminish the experience of users of the GWR Railway.
- The revised proposal does not mitigate the harms identified by the previous Inspector and the reasons for dismissal remain.
- Gotherington has more than fulfilled its share of new housing in recent years exceeding the Neighbourhood Plan requirements and has accommodated an unprecedented number of houses. There have been no significant associated increases in infrastructure and community facilities cannot cope with the additional capacity.
- There are already four new major housing developments to meet housing needs in Gotherington. Further development is inappropriate and out of scale with the size of the village

- The significant increase in housing is harmful to social cohesion.
- The school is at maximum capacity and oversubscribed meaning children from the age of four will have to travel outside the village
- The nearest doctors surgery is at Cleavelands on the outskirts of Bishops Cleeve and is easily accessible by public transport.
- The site is isolated from the village, people will be reliant on cars and those without cars will be isolated.
- The main road through Gotherington has many blind bends and narrow pavements and there is a risk of accidents. The proposal will worsen congestion at the A46 junction.
- The village has a restricted bus service and future residents will be reliant on cars
- The proposal will give rise to additional congestion which will cause health and safety issues.
- No more affordable housing is required in Alderton – there has already been significant provision and additional affordable housing will have social impacts.
- Gotherington is not a suitable location for affordable housing and they should be located in a more sustainable location which has access to services.
- The proposal would be harmful to the amenity of residents on Manor Lane due to the proximity of the dwellings.
- The development would also destroy farmland which is needed for food production.
- The water pressure, internet and mobile phone signals are already inadequate in Gotherington.
- The construction phase will give rise to noise and pollution and residents are being affected by the constant development in the village.
- The proposal will impact local wildlife.
- Truman's Farm in Manor Lane, is a listed building, and the proposal will cause harm to its setting.
- The slopes of Nottingham Hill, with its Ancient Iron Age Hill Fortress site, should be protected from further developments 'creeping' uphill.
- The proposal will increase risk of flooding on the site and off site and the submitted Drainage Strategy isn't robust.

5.2 There have been no letters of support for the proposals.

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)

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

- Policy SP1 (The Need for New Development)
- Policy SP2 (Distribution of New Development)
- Policy SD3 (Sustainable Design and Construction)
- Policy SD4 (Design Requirements)
- Policy SD6 (Landscape)
- Policy SD7 (The Cotswolds Area of Outstanding Natural Beauty)
- Policy SD8 (Historic Environment)
- Policy SD9 (Biodiversity and Geodiversity)
- Policy SD10 (Housing 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 Management)
- Policy INF3 (Green Infrastructure)
- Policy INF4 (Social Community Infrastructure)
- Policy INF6 (Infrastructure Delivery)
- Policy INF7 (Development Contributions)

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

- Policy RES3 (New Housing Outside Settlement Boundaries)
- Policy RES5 (New Housing Development)
- Policy RES12 (Affordable Housing)
- Policy RES13 (Housing Mix)
- Policy TOR5 (Gloucestershire Warwickshire Railway)
- Policy DES1 (Housing Space Standards)
- Policy HER2 (Listed Buildings)
- Policy NAT1 (Biodiversity, Geodiversity and Important Natural Features)
- Policy LAN1 (Special Landscape Areas)
- Policy LAN2 (Landscape Character)
- Policy NAT3 (Green Infrastructure: Building with Nature)
- Policy ENV2 (Flood Risk and Water Management)
- Policy TRAC1 (Pedestrian Accessibility)
- Policy TRAC2 (Cycle Network and Infrastructure)
- Policy TRAC3 (Bus Infrastructure)
- Policy TRAC9 (Parking Provision)

6.5 Gotherington Neighbourhood Development Plan – 2011-2031 (GNP) – Made November 2017

- GNDP01 (New Housing Development within Gotherington Service Village)
- GNDP02 (Meeting Strategic Development Needs in Gotherington as a Service Village)
- GNDP03 (New Housing Development in Open Countryside)
- GNDP04 (Securing a Suitable Mix of House Types and Sizes in New Development)
- GNDP05 (Protecting Existing and Developing New Community Assets)
- GNDP07 (Gotherington Design Principles)
- GNDP09 (Protecting and Enhancing the Local Landscape)
- GNDP10 (Protecting Locally Significant Views)
- GNDP11 (Development Outside the Settlement Boundary)
- GNDP12 (Biodiversity)

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) (TBP), and a number of 'made' Neighbourhood Development Plans. Of relevance to this application is the Gotherington Neighbourhood Development Plan 2022-2031 (GNP).
- 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 paragraph 74 of the NPPF the Council's 5 year housing land supply position was 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.

- 8.3** On 7 March 2023, the Council's Interim Five Year Housing Land Supply Statement was published which sets out the position on the five-year housing land supply for Tewkesbury Borough as of 11th December 2022 (five years since the adoption of the JCS) and covers the five-year period between 1 April 2022 and 31 March 2027. The Interim Statement confirms that, when set against local housing need for Tewkesbury Borough calculated by the standard method, plus a 5% buffer, the Council can demonstrate a five year housing land supply of 6.68 years.
- 8.4** 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

- 8.5** Policy SD10 of the JCS states that within the JCS area new housing will be planned in order to deliver the scale and distribution of housing development set out in Policies SP1 and SP2. Housing development will be permitted at sites allocated for housing through the development plan, including Strategic Allocations and allocations in district and neighbourhood plans. In the remainder of the rural area Policy SD10 will apply for proposals for residential development. With relevance to the application Policy SD10 follows that housing development on other sites will only be permitted where it is previously developed land in the existing built up areas of Service Villages, or it is:
- 8.6**
- 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.
- 8.7** Policy RES3 of the TBP sets out the circumstances where the principle of new housing development will be considered acceptable in principle outside of settlement boundaries and the proposed development does not accord with any of these criteria.
- 8.8** At the neighbourhood level, Policy GNDP01 of the GNP supports small infill housing development within existing built-up frontages when it is consistent with the scale and proportion of existing houses and gardens in the adjacent area. Outside of the defined settlement boundary, Policies GNDP03 and GNDP11 of the GNP only permits, inter alia, replacement dwelling; rural exception housing to meet an identified local need; agricultural and forestry dwellings; and additional housing where evidenced need has been established through the development plan and cannot be met within the defined settlement boundary for Gotherington.
- 8.9** The application site is open countryside that lies outside of the defined settlement boundary for Gotherington as defined in the GNP and TBP 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 TBP (including Policy RES3) or the GNP which allow for the type of development proposed here.

- 8.10** The proposal therefore conflicts with Policies SP2 and SD10 of the JCS, Policy RES3 of the TBP and Policies GNDP01, GNDP03 and GNDP11 of the GNP and does not meet the strategy for the distribution of new development in Tewkesbury Borough and the application site is not an appropriate location for new residential development.

Landscape impact

- 8.11** Paragraph 174 of the NPPF sets out that the planning system should contribute to and enhance the local environment by, inter alia, protecting and enhancing Valued Landscapes in a manner commensurate with their statutory status or identified quality in the Development Plan. Paragraph 176 of the NPPF states that the scale and extent of development within the setting of AONBs should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

- 8.12** 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.

- 8.13** Policy SD7 of the JCS states that all development proposals within the setting of the AONB will be required to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities. Proposals are required to be consistent with the Cotswolds AONB Management Plan.

- 8.14** Policy RES5 bullet point 3 of the TBP states that new housing development should – where an edge of settlement is proposed – respect the form of the settlement and its landscape setting, not appear as unacceptable intrusion into the countryside and retain a sense of transition between the settlement and the countryside.

- 8.15** The application site is located within open countryside within a Special Landscape Area (SLA) as designated in Policy LAN1 of the TBP. SLAs are a local landscape designation and are defined as areas of high quality countryside of local significance. The Reasoned Justification for Policy LAN1 states that while SLAs are of a quality worthy of protection in their own right, they also play a role in protecting the foreground setting for the adjacent Cotswolds AONB. The SLA is defined where the topography is a continuation of the adjacent AONB and/or where the vegetation and associated features are characteristic of the AONB. For the above reasons the Council considers the SLA to be a valued landscape having regard to paragraph 170 of the NPPF.

- 8.16** Policy LAN1 of the TBP states that proposals within the SLA will be permitted providing that the proposal would not cause harm to those features of the landscape character which are of significance; and the proposal maintains the quality of the natural and built environment and its visual attractiveness; and all reasonable opportunities for the enhancement of landscape character and the local environment are sought. Policy LAN1 goes on to state that where a proposal would result in harm to the SLA having regard to the above criteria, this harm should be weighed against the need for, and benefits from, the proposed development. Proposals causing harm to the SLA will only be permitted where the benefits from the development would clearly and demonstrably outweigh the identified harm.

- 8.17** Policy LAN2 of the TBP states that all development must, through sensitive design, siting, and landscaping, be appropriate to, and integrated into, their existing landscape setting.
- 8.18** Policy GNDP09 of the GNP states that to protect and enhance the landscape of the Gotherington neighbourhood development plan area, where appropriate, development proposals will have to demonstrate, inter alia, that they would not have a detrimental impact on the views to and from surrounding hills (e.g. Crane Hill, Nottingham Hill, Prescott Hill and Cleeve Hill), or the Area of Outstanding Natural Beauty, and views of the Vale of Gloucester. The sense of enclosure found in Gotherington village should also be maintained along with the strong separation of Gotherington village from Bishop's Cleeve, Woolstone and the A435. It also states that existing settlement patterns should be preserved, including the strong east-west form of Gotherington, particularly by avoiding encroachment into open countryside ridgeline development, or development that intrudes into the foreground of surrounding features such as hills, and the Area of Outstanding Natural Beauty.
- 8.19** Policy GNP10 of the GNDP follows and sets out a number of significant views that will be given special consideration when assessing planning applications. Of particular relevance to this application are the views from Nottingham Hill.
- 8.20** Policy CE1 of the AONB Management Plan 2018 – 2023 states that proposals that are likely to impact on, or create change in, the landscape of the Cotswolds AONB, should have regard to the scenic quality of the location and its setting and ensure that views – including those into and out of the AONB – and visual amenity are conserved and enhanced.
- 8.21** The effect on the character and appearance of the landscape was a key consideration in the previous appeal on this site and the findings of the Inspector are a material consideration (the indicative site layout for application ref: 16/00539/OUT is included in the Committee Presentation). The Inspector noted that in his opinion *'by extending built development as far to the south-east as is suggested on the illustrative layout plan, the appeal proposal would result in an appreciable amount of new, urban development encroaching close to the Gloucestershire Warwickshire railway and the AONB, where currently there is only the sporadic, rural type development in the form of the Trumans Farm complex. Furthermore, by seeking to develop so close to the AONB, and by reducing the SLA to just a relatively thin sliver at this point, the proposed development would have a noticeable and harmful impact on the setting of the AONB as it would appear as an incongruous intrusion into this largely undeveloped edge-of-settlement location. The new housing would be clearly visible in views from footpaths and bridleways within the AONB, especially from such locations in the south-east which I visited at my site visit'*
- 8.22** In terms of layout and landscape impact, the primary difference between the two proposals, is the removal of the eastern block of development in the current scheme which then results in a larger area of green space to the eastern side of the current proposals. There is also an increased indication of separation in the current proposals with the new hedgerows and tree planting to the east side of the site. This is in comparison to the previous proposals that appeared to treat the whole site as a single entity leaving a lesser area of open space that would be visually associated as a setting to the indicated housing units. The previous proposals also proposed more 'puncturing' with accesses through the hedgerow to Gretton Road.

- 8.23** Since the previous appeal decision, the context of the application site has also altered to some degree, further to the construction of 9 dwellings to the north of the application site at land adjoining 59 Gretton Road (17/00992/APP), albeit outline permission (16/00336/OUT) for up to 10 dwellings at this site was granted in November 2016 and the principle of development on the land to north of Gretton Road was a known factor when appeal 16/00539/OUT was dismissed in August 2017.
- 8.24** The Local Planning Authority has commissioned a Landscape Advisor to review the proposal and the applicant's LVIA. The Landscape Advisor advises that the development would have the following adverse landscape effects;
- Changing half the rural site into a developed one.
 - Increasing the quantum of development in proximity to the Cotswolds AONB feature, namely its escarpment.
 - Reducing the quality of the landscape setting to the AONB.
 - Creating smaller enclosures than the nearby field pattern which will appear different in scale and function particularly with the tree planting set centrally to them.
 - Reducing the rural context of Truman's Farm by setting and estate styled housing arrangement to its immediate north.
 - Continuing the change to the rural character of Gretton Road with the new accesses through the mature hedgerow
- 8.25** With regard to positive landscape effects there would be:
- An increase in hedgerow planting to the east nearer the AONB.
 - Increased tree planting again predominately to the east.
 - A diversification of grass sward to a possibly wildflower rich sward.
- 8.26** The Landscape Advisor judges the site to be a Valued Landscape in the context of paragraph 174 of NPPF given its value as the setting to the AONB but also by virtue of its local landscape designation as SLA that Tewkesbury consider to be Valued Landscape. The Landscape Advisor considers that the proposals do not conserve or enhance the overall landscape character of the site but the proposed public open space can be considered an enhanced landscape treatment of that part of the site. It however does not mitigate the loss of Valued Landscape to the west of the site therefore the proposals when considered as a whole do not protect and enhance Valued Landscape as required by paragraph 174 of the NPPF.
- 8.27** The Landscape Advisor has advised that the site and its contextual surroundings has a Medium degree of landscape sensitivity, however the further to the west and north of the site and nearer to existing housing the less sensitive the Valued Landscape becomes. The current application is supported by Verified Visual Images (VVIs) (**displayed in the Committee Presentation**). The Landscape Advisor has reviewed these VVI's and advises that visually a change to existing views to the AONB will be evident from Gretton Road and especially down the new access road, there will however be opportunities to look at the AONB from the new POS but overall the visual effects looking towards the AONB are adverse. Visual effects would also arise for users of paths and bridleways on Nottingham Hill as they walk or look towards Gotherington. The submitted VVI s illustrate that the proposed planting in the eastern POS will partially mitigate the adverse visual effects on the views back to the settlement from the AONB. In the application LVIA this change in views (after mitigation has established) is assessed as a Major/Moderate Adverse effect from lower down the escarpment with a Moderate, Adverse effect from higher up escarpment. Other harms to view are identified along Gretton Road (albeit existing view are restricted by the tall roadside hedgerow), for users of the GWR railway, and visitors to Gotherington

Nursery.

- 8.28** The above visual effects are considered adverse and do not add to the scenic quality of Gotherington itself or views out from the AONB. Of these it is the views from the Cotswolds AONB that will experience the greater adverse effects given the sensitivity of the visual receptors receiving them. The more local views to the north are at a lesser level as the visual receptors have a lower sensitivity and there is increased screening from the existing roadside hedge.
- 8.29** The Cotswolds AONB Board have also been consulted on the application and advise that the proposed development would be located in the setting of- and adjacent to - the AONB. The AONB Board advise that the proposed development would result in the built development of Gotherington encroaching towards the AONB. This would be particularly noticeable when viewed from the more elevated viewpoints on Nottingham Hill. The AONB Board consider that even with the proposed mitigation in place, that given the magnitude of change combined with the very high sensitivity of visual receptors at these viewpoints, the resultant visual impact would be major adverse (i.e. significant). The AONB Board consider that this significant adverse impact should be given great weight by Tewkesbury Borough Council in the decision making process.
- 8.30** Officers have carefully considered the comments from the Landscape Advisor and the AONB Board. Officers consider that the proposal would cause harm to a Valued Landscape and fails to protect and enhance the Valued Landscape as required by paragraph 174 of the NPPF. In addition, the development is not sensitively located and designed to avoid or minimise adverse impact on the AONB; the actual physical landscape attributes of the AONB are not altered but the scenic beauty of views out of the AONB from Nottingham Hill are adversely affected and the proposal reduces the AONB setting in quality and scale. Paragraph 176 of the NPPF states that great weight should to be given to conserving and enhancing the landscape and beauty of the AONB and the proposal fails to conserve and enhance the AONB contrary to paragraph 176. The proposal conflicts with Policy SD7 of the JCS for the same reasons.
- 8.31** The proposal would also fail to protect and enhance the landscape character of the SLA which is of local significance and would fail to maintain the quality of the natural and built environment of the AONB and its visual attractiveness contrary to criteria 1 and 2 of Policy LAN1. These harms identified to SLA must be weighed against the need for, and benefits from, the proposed development as part of the overall planning balance to identify whether the proposal conflicts with Policy LAN1 of the TBP.
- 8.32** It is also considered that the proposal does not protect and enhance the local landscape and is harmful to locally significant views (including from Nottingham Hill) and is contrary to GNDP9 and GNDP10 of the GNP.
- 8.33** Overall officers consider that the detrimental impact of the proposal on the AONB (views from the AONB and the setting of the AONB), the SLA and on significant views are matters which weigh heavily against the proposals in the planning balance.

Scale of Development and Social Impacts

- 8.34** 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.
- 8.35** Paragraph 3.2.14 of the JCS identifies that there are a number of freestanding villages within Tewkesbury Borough which are considered suitable for some limited residential development. However, the level of residential development should be limited and the appropriate quantum of development within these Service Villages is a matter for the plan making process. Accordingly, Policy SP2(5) of the JCS states that in Service Villages lower levels of development will be allocated through the TBP and Neighbourhood Plans, proportional to their size and function, and also reflecting their proximity and accessibility to Cheltenham and Gloucester and taking into account the environmental, economic and social impacts. In addition Policy RES5 of the TBP states that new housing development should be an appropriate scale having regard to the size, function and accessibility of the settlement.
- 8.36** The Pre-submission Tewkesbury Borough Plan 2011-2031 Housing Background Paper October 2019 (HBP) identified a 'disaggregated housing requirement' taking account of the factors in Policy SP2(5) for 86 dwellings in Gotherington in the plan period 2011-2031 representing a 19% increase in the size of the settlement. Against this evidence base, the GNDP proposes three allocated sites with a minimum of 66 dwellings and the three ensuing planning permissions granted 69 dwellings, and when the 26 dwellings completed prior to the GNDP being Made are taken into account this identifies 95 dwellings. In addition 50 dwellings have recently been granted at Ashmead Drive (TBC ref: 19/01071/OUT) on appeal. This equates to a total of 145 dwellings (being a circa 30% increase in the size of the settlement). If the current application is approved this would equate to an additional 190 dwellings so far during the plan, being a circa 40% increase in the size of the settlement.
- 8.37** In previous appeals in Gotherington, Inspectors have reached different conclusions on the impact of development on the social well-being of Gotherington. In the most recent appeal at Ashmead Drive, the Inspector concluded '*whilst the proposal is not anticipated by the NDP, the cumulative development of the village would not be overly disproportionate, and there is no tangible evidence before me that village has reached capacity. Furthermore, I gauged a strong sense of community from the interested parties such that I see no reason why the new residents would find it difficult to assimilate into the village*'.
- 8.38** Officers consider it is appropriate that the cumulative impact of housing development within the plan period should be considered in the decision making process. There has been a considerable level of local objection to this application, including objections that make reference to matters of social cohesion and concerns over the level of facilities and services available in Gotherington, and to some extent Bishops Cleeve, and their ability to accommodate the increased population that would arise from this development.

- 8.39** Whilst the impact on existing infrastructure would be mitigated to a degree by appropriate S106 contributions, officers consider that the further increase in population and settlement size would give rise to harm to social cohesion.
- 8.40** In light of the above, it is considered that the application would result in a harmful impact on the social well-being and social cohesion within Gotherington. This matter weighs against the proposal and must be considered in the overall planning balance.

Design and Layout

- 8.41** The NPPF sets out that the creation of high quality, beautiful and sustainable buildings and places fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development. This is now reflected in the National Design Guide, which provides planning practice guidance for beautiful, enduring and successful places.
- 8.42** 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.
- 8.43** Policy GNPD07 of the GNP sets out a number of design principles for development within Gotherington, which include:
- a) Preservation of the setting and separate identity of the village;
 - b) New boundary treatments should be appropriate to their immediate surroundings;
 - c) Existing routes including roads, lanes and footpaths should be retained and new links provided where appropriate and reasonable;
 - d) New buildings, by way of design, materials, height and layout should seek to enhance the distinctive village character of Gotherington;
 - e) Use of features to minimise light pollution and maintain the area's dark skies; and
 - f) All new development, where appropriate, should provide off-road car parking.
- 8.44** The proposed layout is a relatively informal principally served by a circular access road with three dwellings also being served by a secondary access. The layout would provide for an outward facing development, with dwellings fronting the open space to the east and Gretton Road to the north. This would provide for active street scenes and good levels of natural surveillance.
- 8.45** In terms of the scale, the dwellings would be a mix of 1, 1 1/2 or 2 storeys with lower storey dwellings to the east and two storey dwellings to the west providing some transition between the rural and urban edge.
- 8.46** In regard to appearance and architectural approach, the Design and Access Statement advises that there is no one period, style or design which is dominant in Gotherington village but there are variations and repetitions of recurring local themes that underpin the distinctive characteristic of the village. In response to this varied character the application proposes a mix of traditional pitched roof detached, semi-detached and terrace dwellings including bungalows and the external materials of the walls of the dwellings would comprise of stone interspersed with render dwellings. Roof tiles would either be Cotswold Stone tiles

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

- 8.47** In conclusion, notwithstanding the concerns raised in respect of landscape impact, the layout in itself is considered to be generally acceptable. The layout would provide for active frontages and good levels of natural surveillance. The development would provide good levels of amenity space and landscaping, whilst accommodating the necessary drainage infrastructure. In terms of the proposed house types, the proposed materials reflect that of the surrounding area, and are considered acceptable subject to conditions requiring the submission of materials and detailed design.
- 8.48** In light of the above, the design of the proposal is considered acceptable.

Effect of the Living Conditions of Neighbouring Dwellings

- 8.49** Paragraph 130 of the NPPF states that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible which promote health and well-being, with a high standard of amenity for existing and future users. JCS policies SD4 and SD14 require development to enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space. Development should have no detrimental impact on the amenity of existing or new residents or occupants.
- 8.50** Policy RES5 of the TBP states that proposals for new housing development should, inter alia, provide an acceptable level of amenity for future occupiers of the proposed dwellings and cause no unacceptable harm to the amenity of existing dwellings.

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

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

- 8.52** The other dwelling most affected by the proposal is No.44 Gretton Road and the side elevation of this property which contains a number of windows faces towards the application site and the nearest proposed dwelling is a 'Walnut' Type Dwelling located approximately 12 metres to the east. Officers have also considered this relationship and given that the only side facing window in the 'Walnut' Type Dwelling serves an en-suite and could be obscure glazed, it is also considered the proposal would cause no unacceptable harm to existing residents at No.44 Gretton Road by reasons of overlooking, overbearing or over-dominating impact.
- 8.53** In regard to the residential amenity of future residents, the site layout has carefully been considered by officers to ensure that the development can achieve acceptable levels of amenity for the proposed new dwellings. The separation distance between rear facing habitable room windows is at least 20 metres in all instances, and in terms of external amenity space, each dwelling would be provided with adequate garden amenity area and the internal arrangements and room sizes provide adequate amenity, In regard to the arrangement of windows, the orientation and layout is such that there would be no unacceptable overlooking between the proposed dwellings, subject to the imposition of planning conditions where necessary requiring the installation in perpetuity of obscure glazing in non-habitable room windows to prevent overlooking.
- 8.54** Overall, and subject to the imposition of conditions, it is considered that the proposed development would result in acceptable levels of amenity for existing and future residents in accordance with JCS policies and the NPPF.

Housing Mix and Affordable Housing

- 8.55** JCS Policy SD11 states that housing development will be required to provide an appropriate mix of dwelling sizes, types and tenures in order to contribute to mixed and balanced communities and a balanced housing market. Development should address the needs of the local area, including the needs of older people as set out in the local housing evidence base, including the most up to date Strategic Housing Market Assessment (SHMA). This is further reflected in Policy GNDP04 of the GNP which states that on sites of 5 or more dwellings a range of tenures, house types and sizes of dwellings will be required, including where the viability of development allows, a proportion of affordable housing.
- 8.56** JCS Policy SD12 sets out that on sites outside of strategic allocations, a minimum of 40% affordable housing will be sought. It follows that they should be provided on site and should be seamlessly integrated and distributed throughout the development scheme. Similarly, Policy GNP04 of the GNDP requires a proportion of affordable housing where the viability of development allows.
- 8.57** In regard to affordable housing, the application proposed 18 affordable dwellings being:
- 4 no. 1 bedroom dwelling
 - 9 no. 2 bedroom dwellings
 - 4 no. 3 bedroom dwellings
 - 1 no 4 bedroom dwellings
- 8.58** 6no. of these dwellings are shared ownership and 12no. are social rented, including 4no. social rented bungalows. All of the houses would be M4(2) dwellings (accessible and adaptable dwellings) and all the bungalows would be either M4(3) (wheel chair user dwelling) accessible or adaptable. The Council's Housing Enabling Officer has been consulted on the application and raises no objection.

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

- 4no. 1 bedroom dwelling (HLNA Requirement 7.6%) (Application scheme 8.8%)
- 15no. 2 bedroom dwelling (HLNA requirement 18.8%) (Application scheme 33.3%)
- 12no. 3 bedroom dwelling (HLNA requirement 49.1%) (Application scheme 26.6%)
- 14no. 4+ bedroom house (HLNA requirement 24.4%) (Application Scheme 31.1%)

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

8.61 The applicant has indicated that the affordable housing would be secured through a S106 Agreement, albeit there is currently no signed planning obligation.

Biodiversity

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

8.63 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.

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

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

states that proposals, where applicable, will be required to deliver a biodiversity net gain and the Reasoned Justification confirms that a minimum of 10% biodiversity net gain will be expected.

- 8.66** Regarding wider impacts Natural England have been consulted on the application and consider that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.
- 8.67** The application is supported by an Ecological Appraisal that considers the impact of the proposed development in terms of biodiversity. The Appraisal advises that the site comprises of two fields of arable and improved grassland of negligible ecological importance; tall ruderal vegetation of negligible ecological importance; and species-rich hedgerows and scattered trees of local ecological importance. The site is not covered by any statutory or non-statutory sites designated for nature conservation importance.
- 8.68** The Ecological Assessments and Surveys submitted with the application confirm the presence of a number of animal species protected under UK and European Law. Bat activity has been confirmed on the site. The hedgerow supports foraging bats and trees in the east of the site (within the open space) with potential bat roost features identified. These trees will be retained. Reptile surveys in 2016, 2020 and 2022 found a low population of slow worms. Dormice were confirmed to be present on the site in 2016. The most important hedgerow for dormouse is the eastern hedgerow which would be retained and enhanced with infill, native species planting. Compensation for the loss of hedgerow elsewhere includes compensation planning of approximately 400 metres of hedgerow in the open space and the installation of dormouse nest boxes.
- 8.69** Surveys have also identified a low population of Great Crested Newts (GCN) in waterbodies located within 100 metres of the site. Given the potential for GCN to be impacted as a result of the proposed development, the applicant's have advised that a Natural England EPS mitigation licence will be applied for and implemented to ensure the development can proceed lawfully and maintain the GCN population at a favourable conservation status. The EPS mitigation licence would be applied for once planning permission is granted and all relevant pre-commencement conditions have been discharged.
- 8.70** The Appraisal also identifies that the proposal will deliver approximately a 130% habitat gain and a 29% hedgerow gain in excess of the 10% biodiversity net gain requirements.
- 8.71** The Council's Ecological Advisors have been consulted on the application and advise that the development would result in the loss of arable, improved grassland, tall ruderal, poor semi-improved grassland and discrete areas of species-poor hedgerow all of negligible ecological importance. The seven trees with bat roosting potential would be retained. It is also advised that the mitigation measures outlined in the GCN and Dormouse Mitigation Strategy documents are satisfactory and the mitigation and enhancements proposed to be incorporated into the new development are appropriate. It is also advised that the development as indicated in the Landscape Masterplan would meet biodiversity net gain requirements.
- 8.72** Overall, and subject to the imposition of conditions, it is considered that the proposed development would be acceptable in terms of ecological and biodiversity matters and is in accordance with development plan policies and the NPPF.

Access and highway safety

- 8.73** 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.
- 8.74** The application site is approximately 600m to the west of the centre of the village. There are a number of day to day facilities within Gotherington, which includes a village store, post office and cafe. Furthermore, there is a primary school approximately 350 metres from the site. Manual for Gloucestershire Streets states that walkable neighbourhoods should include a range of facilities within an 800 metre walking distance, which equates to an approximate 10 minute walking time. In this instance the site has a number of facilities which are within a comfortable walking distance of the site. Furthermore, the nearest bus stop is located approximately 90 metres from the site. As such, it is considered that the location of the site would allow for travel by non-car modes. It is therefore considered that the proposed development would have reasonably good access to local services and facilities proportional to its rural location. The proposal is therefore considered to be consistent with the accessibility related provisions of the relevant transport policies.
- 8.75** Vehicular access to the development is proposed via the creation of two access points on Gretton Road. The first is to the east and will serve the majority of the development, with a secondary more western access serving three dwellings. Tracking for refuse vehicles has been completed which shows the junction would operate without any safety implications. Appropriate visibility splays are achievable at both access points. The Highways Authority has been consulted on the application and are satisfied that the proposed access is both suitable and safe.
- 8.76** In terms of pedestrian accessibility, the proposal includes a pedestrian footpath within the site towards the west, and would include a new uncontrolled crossing across Gretton Road. This would tie in with the consented pedestrian improvements for the new development on the opposite side of Gretton Road. The Highways Authority consider that this is a suitable arrangement should future occupiers wish to walk along Gretton Road.
- 8.77** 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 forecasts a likely 34 and 30 two-way movements in the AM and PM peak respectively which equates to a one additional movement in the network every 2 minutes. The Highways Authority have advised that this level of new trips would not result in any safety or capacity concerns on the highway network.
- 8.78** In terms of parking standards, the Highways Authority consider that the level of parking is sufficient and accords with the required standards are set out within the Manual for Gloucestershire streets and it is not perceived that the proposed level of parking would result in any detriment to future occupiers nor displacement onto the adjacent network.

- 8.79** The Highways Authority have requested a planning obligation contribution of £29,400 towards a minibus service to provide an effective transport solution for secondary students travelling to Winchcombe School (5.4 miles) and Tewkesbury School (6 miles). This is necessary in order to management the impact of the proposed housing development on the transport network.
- 8.80** 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.

Drainage and Flood Risk

- 8.81** 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.
- 8.82** The Environment Agency Flood Map shows the site to be located within Flood Zone 1 (lowest risk of flooding), however there is a watercourse running along its eastern boundary. The Environment Agency Flood Map only includes watercourses with a catchment area greater than 3km². The watercourse that runs immediately adjacent to the eastern boundary of the site has a catchment smaller than this hence no indication is provided of its likely floodplain.
- 8.83** The application is supported by a Flood Risk Assessment and Drainage Strategy, which for the reasons set out above includes modelling of this watercourse to determine the existing floodplain extents. The model results demonstrate that the proposed development will not be at risk of flooding from the adjacent watercourse for all events and the topography of the site is such that the extents of flooding are constrained and do not encroach into the area that is proposed for development.
- 8.84** In terms of the Drainage Strategy, it is proposed that the surface water drainage system will primarily comprise a conventional pipe network draining towards a retention basin located in the north-eastern corner of the site. The proposed surface water drainage system will discharge flows into the existing watercourse on the northern boundary of the site adjacent to Gretton Road.
- 8.85** The LLFA have been consulted on the application and advise that the FRA demonstrates that the flood risk on the site is minimal and that the site can be developed to ensure flood risk is not increased elsewhere. Severn Trent have also been consulted on the application and raise no objection subject to the imposition of conditions.
- 8.86** In light of this, the application is considered acceptable in regard to drainage and flood risk.

Archaeology and Cultural Heritage

- 8.87** 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.
- 8.88** 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.
- 8.89** In this instance there are a Grade II Listed Building located approximately 35 metres to the south-west of the site (Trumans Farmhouse and associated barn). The effect of the proposed development on the setting of these designated heritage assets has been considered in consultation with the Council's Conservation Officer. The Conservation Officer has advised that the proposal would not have an adverse impact upon the setting of any of the listed buildings as the listed buildings address Manor Lane and have little interaction with the land to rear in terms of their significance.
- 8.90** In regard to archaeology, the application is supported by a heritage statement which identified that the proposed development site was previously subject to geophysical survey and archaeological trial trenching (in relation to application 16/00539/OUT), with negative results.
- 8.91** The County Archaeologist has been consulted on the application and advises that in light of this there is a low risk that archaeological remains will be adversely affected by this development proposal. The Archaeologist recommends that no archaeological investigation or recording need be undertaken in connection with this scheme.
- 8.92** In light of this, the application is considered acceptable in regard to heritage assets and archaeology.

Arboricultural Impacts

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

- 8.95** Policy GNDP09 of the GNDP sets out that to protect and enhance the landscape, where appropriate, development proposal will have to demonstrate, inter alia, that they preserve and enhance areas of woodland, hedgerows, mature trees, and the differing types of field patterns found across the area.
- 8.96** The application is supported by an Arboricultural Impact Assessment and the tree survey identifies one tree of high arboricultural value a Category A Oak Tree, and four trees and two groups of trees moderate value (Category B). All of these trees are proposed to be retained with suitable buffers from development proposals.
- 8.97** However, the application does propose the removal of sections of the hedgerow in four locations along Gretton Road to facilitate the proposed vehicular and pedestrian accesses into site. This equates to 35 metres of hedgerow loss, but suitable mitigation planting is proposed elsewhere in scheme.
- 8.98** Subject to the imposition of appropriate conditions to protect retained trees and to secure mitigation planting, the application is considered acceptable in regard to arboricultural impacts.

Open Space, Outdoor Recreation and Sports Facilities

- 8.99** The NPPF sets out that planning decisions should aim to achieve healthy inclusive and safe communities including promoting social interaction and creating healthy, inclusive communities. Planning decisions should enable and support healthy lifestyles including through the provision of safe and accessible green infrastructure and sports facilities.
- 8.100** JCS Policy INF4 provides where new residential will create or add to, a need for community facilities, it will be fully met as on site provision and/or as a contribution to facilities or services off-site. JCS Policies INF6 and INF7 support this requirement.
- 8.101** Policy RCN1 of the TBP requires that new development shall provide appropriate public open space, sports pitches and built sports facilities to meet the needs of local communities and that provision should be informed by the most up to date evidence base.
- 8.102** The proposed site layout incorporates approximately 2 hectare hectares of appropriate informal public outdoor space, excluding the SuDS pond and pumping station as well as an on-site LEAP, and the specification of the LEAP can be secured by planning condition. The on-site formal and informal open space provision is considered acceptable.
- 8.103** In terms of off-site provision, the Council's Communities Team have requested a contribution of £19,811 for off-site playing pitches based on the requirements of the most up to date evidence base.
- 8.104** The applicant has confirmed that they do not intend to contest these contributions subject to detailed justification in a CIL Statement. However, there is currently no signed planning obligation to secure these contribution requests, but they are capable of being resolved through the signing of an appropriate planning obligation.

Education and Library Contributions

- 8.105** JCS Policy INF6 relates directly to infrastructure delivery and states that any infrastructure requirements generated as a result of individual site proposals and/or having regard to the cumulative impacts, should be served and supported by adequate and appropriate on/off-site infrastructure and services. The Local Planning Authority will seek to secure appropriate infrastructure, which is necessary, directly related, and fairly and reasonably related to the scale and kind of the development proposal. Policy INF4 of the JCS requires appropriate social and community infrastructure to be delivered where development creates a need for it. JCS Policy INF7 states the arrangements for direct implementation or financial contributions towards the provision of infrastructure and services should be negotiated with developers before the grant of planning permission. Financial contributions will be sought through S106 and CIL mechanisms as appropriate
- 8.106** Gloucestershire County Council as Local Education Authority (LEA) have been Consulted on the application and have requested £286,229.41 to the provision of primary school places arising from this development as circa 16 primary school places which would be expected to be generated by this development cannot currently be accommodated in the closest schools.
- 8.107** In terms of libraries, Gloucestershire County Council have advised that the scheme would generate a need to improving customer access to services through refurbishment and upgrades, improvements to stock, IT and digital technology and increased services at Bishops Cleeve Library. As such a contribution of £8,820 is therefore required to make the application acceptable in planning terms.
- 8.108** The applicant has confirmed that they do not intend to contest these contributions subject to detailed justification in a CIL Statement. However, there is currently no signed agreement to secure these contribution requests, but they are capable of being resolved through the signing of an appropriate planning obligation.

Section 106 obligations

- 8.109** 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.
- 8.110** 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.
- 8.111** 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.

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

- 40% affordable housing
- £286,229.41 towards primary education provision
- £8,820 towards improving customer access to services through refurbishment and upgrades, improvements to stock, IT and digital technology and increased services at Bishops Cleeve Library.
- £29,400 towards a minibus service to provide an effective transport solution for secondary students
- £19,811 contribution towards off-site playing pitches
- A contribution of £73 per dwellings, which equates to £3,285 based on 45 dwellings, towards recycling and waste bin facilities is also required.

8.113 There is currently no signed agreement to secure these contribution requests, but they are capable of being resolved through the signing of an appropriate planning obligation.

9. Conclusion

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 The application site lies outside of the defined settlement boundary for Gotherington and is not allocated for housing development. The site does not represent previously developed land within the built up areas of a service village; is not a rural exception scheme; and does not represent 'infilling'. It has not been brought forward for development through a Community Right to Build Order and there are no policies in the existing TBP which allow for the type of development proposed here. The proposal therefore conflicts with the spatial strategy and Policies SP2 and SD10 of the JCS, Policy RES 3 of the TBP and Policies GNDP01, GNDP03 and GNDP11 of the GNP.

Benefits

9.3 The delivery of 45 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

9.4 Harm arises from the conflict with development plan policies and the spatial strategy relating to housing, particularly Policies SP2 and SD10 of the JCS, Policy RES of the TBP and Policies GNDP01, GNDP03 and GNDP11 of the GNP.

- 9.5 Harm would also arise from the cumulative growth in Gotherington in such a relatively short period of time, which would have a negative impact on social cohesion and social well-being.
- 9.6 Harm also arises due to the harmful impact of the proposal on the landscape including detrimental impact of the proposal on the AONB (views from the AONB and the setting of the AONB), the SLA and on significant views. Officers do not consider that the need for and benefits of the development as outlined above clearly and demonstrably outweigh the identified harm to SLA. The application therefore also conflicts with Policy LAN2 of the TBP.
- 9.7 At this stage there is no signed S106 Agreement to secure affordable housing; nor is there a signed Agreement to provide for financial contributions required towards education, libraries, off-site recreational facilities or recycling facilities. Albeit these matters are capable of being resolved in terms of the planning balance

Neutral

- 9.8 In design terms, notwithstanding the concerns raised in respect of landscape impact, the layout in itself is considered to be generally acceptable given the constraints of the site. The proposal also does not raise any residential amenity issues in terms of a loss of light, outlook and privacy. The development would not be at an unacceptable risk of flooding and appropriate drainage infrastructure can be provided. The proposal would not have an adverse impact on designated heritage assets and there is a low risk that archaeological remains will be adversely affected by this development proposal. The proposal is considered acceptable in regard to highway safety and accessibility. The proposal also provides an acceptable housing mix.

Overall Conclusion

- 9.9 Officers acknowledge the benefits of the scheme that include its contribution towards the supply of both market and affordable housing and economic benefits that would arise from the proposal both during and post construction, including the economic benefits arising from additional residents supporting local businesses. However, there are no material considerations which outweigh the s.38 (6) presumption that the scheme should be determined in accordance with the Development Plan.

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), Policy RES3 of the Tewkesbury Borough Plan 2011-2031 (June 2022) and Policies of GNDP01, GNDP02, GNDP03 and GNDP11 of the Gotherington Neighbourhood Development Plan 2011-2031 (September 2017) in that the proposed development does not meet the strategy for the distribution of new development in Tewkesbury Borough and the application site is not an appropriate location for new residential development.

- 2** The proposed addition of 45 dwellings at Gotherington, would result in cumulative development, which would be of a scale disproportionate to the existing settlement. As such the proposed development would fail to maintain or enhance the vitality of Gotherington and would have a harmful impact on the social wellbeing of the local community, risking the erosion of community cohesion. As such, the proposal conflicts with Policy SP2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017), Policy RES5 of the Tewkesbury Borough Plan 2011-2031 (June 2022) and the National Planning Policy Framework.
- 3** The proposal, by virtue of its land use, character and prominent location would represent a significant encroachment into the surrounding rural landscape and which would be unsympathetic to the settlement edge of Gotherington village. The proposal would have a harmful impact upon the character and appearance of the landscape within a Special Landscape Area which is a Valued Landscape that serves to protect the foreground setting of the adjacent Cotswold Area of Outstanding Natural Beauty. The harms to the character and appearance of the landscape character of the SLA are not outweighed by the need for, and benefits from, the proposed development. The proposal would adversely affect the scenic beauty of views out of the Cotswold Area of Outstanding Natural Beauty and reduce the setting of the Cotswold Area of Natural Beauty in quality and scale. The proposal would also cause harm to significant views identified in the Gotherington Neighbourhood Development Plan 2011-2031. As such, the proposal conflicts with Policies SD6 and SD7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017), Policies RES5, LAN1 and LAN2 of the Tewkesbury Borough Plan 2011-2031 (June 2022), Policies GNDP02, GNDP09 and GNDP10 of the Gotherington Neighbourhood Plan (September 2017) and the National Planning Policy Framework.
- 4** In the absence of an appropriate planning obligation, the application does not provide housing that would be available to households who cannot afford to rent or buy houses available on the existing housing market. As such, the proposed development conflicts with Policy SD11 and Policy SD12 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017) and the National Planning Policy Framework.
- 5** In the absence of a completed planning obligation the proposed development does not adequately provide for community, outdoor recreation and sports facilities, and refuse and recycling 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.
- 6** In the absence of a completed planning obligation to secure Home to School Transport contributions, the development fails to provide appropriate provisions towards access to education. This is contrary to Policies INF4, INF6 and INF7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017) and the National Planning Policy Framework.
- 7** In the absence of a completed planning obligation to secure a library contribution, the development fails to provide appropriate provisions towards libraries infrastructure. This is contrary to Policies INF4, INF6 and INF7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2013 (2017), the Gloucestershire County Council's Library Strategy 2012 and the National Planning Policy Framework.

- 8 In the absence of a completed planning obligation to secure education contributions, the development fails to provide appropriate provisions towards education school places. This is contrary to Policies INF4, INF6 and INF7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2013 (2017), Gloucestershire's School Places Strategy 2021-2026 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.