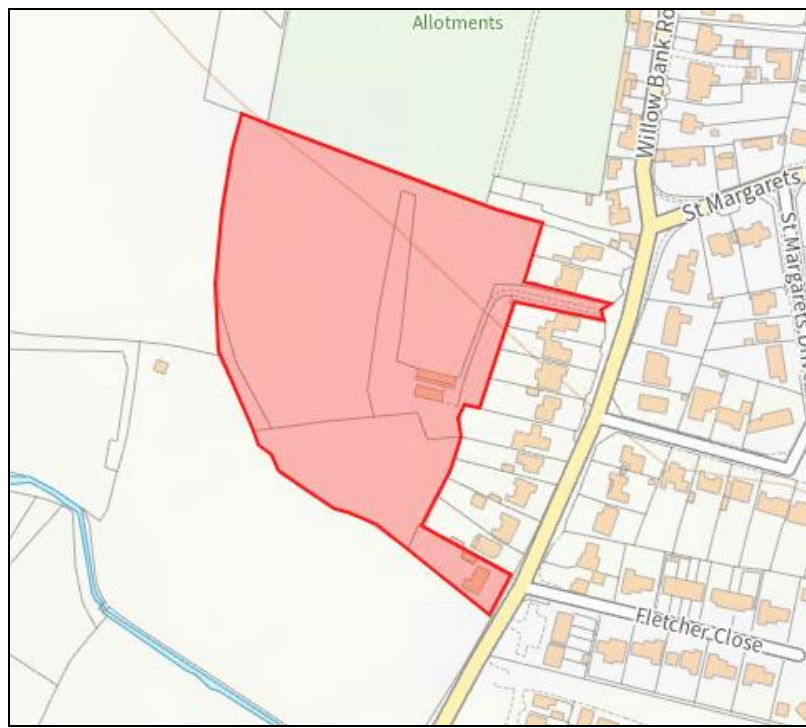


## Planning Committee

<b>Date</b>	21 November 2023
<b>Case Officer</b>	Paul Instone
<b>Application No.</b>	22/00998/FUL
<b>Site Location</b>	Land Behind 52 To 74 Willow Bank Road Alderton
<b>Proposal</b>	Erection of 48 dwellings with associated infrastructure and amenities along with demolition of an existing dwelling on land to the west of Willow Bank Road, Alderton
<b>Ward</b>	Winchcombe
<b>Parish</b>	Alderton Parish Council
<b>Appendices</b>	Site location plan Proposed Site layout plan Materials Strategy Plan Tenure Plan Floor Plans and Elevations x 8
<b>Reason for Referral to Committee</b>	Erection of 10 or more residential units
<b>Recommendation</b>	Delegated Permit subject to completion of S106 agreement

### Site Location



## 1. The Proposal

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Full application details are available to view online at:

<http://publicaccess.tewkesbury.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R13R4EQDLNS00>

- 1.1 The application is submitted in full and has been revised during the determination of the application and the number of proposed dwellings has been reduced from 56 to 48. The application now proposes the erection of 48 dwellings, including 40% affordable housing provision. Vehicular access to the development would be achieved via a new vehicular access off Willow Bank Road following the demolition of no.74 Willow Bank Road. A secondary pedestrian access to the site is proposed via the existing farm track located between no.56 and no.54 Willow Bank Road

- 1.2 The application proposes the following mix of dwellings:

29 open market dwellings

- 2 no. 2 bedroom dwellings
- 10 no. 3 bedroom dwellings
- 16 no. 4 bedroom dwellings
- 1 no. 5 bedroom dwelling

19 affordable dwellings

- 4 no. 1 bedroom dwelling
- 8 no. 2 bedroom dwellings
- 5 no. 3 bedroom dwellings
- 2 no 4 bedroom dwellings

- 1.3 The dwellings would be located throughout the site, with the majority of the existing vegetation belt running north/south within the northern part of the site being retained. A LEAP, a proposed orchard as well as informal open space is proposed either side of the retained vegetation creating a communal open space in the centre of the proposed development. Existing hedgerows bounding the site to the south, west and north are to be retained and enhanced and a SuDS attenuation pond is proposed in the south west corner of the site.

## 2. Site Description

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- 2.1 The application site comprises two agricultural fields to the west of Willow Bank Road and to the south of Alderton Community Allotments. The site extends to 2.62 hectares and is currently used for grazing horses. Two farm/equestrian buildings are located centrally within the site, which are accessed via the existing farm track from Willow Bank Road. A belt of dense scrub runs through the centre of the northern part of the site in a north/south direction. Overhead power line also diagonally cross the site running from the southeast to the northwest. The site also includes the existing property and curtilage of No.74 Willow Bank Road which is proposed to be demolished.

- 2.2 The Site is bound to the north and west by existing hedgerow and to the south by a mixture of both hedgerow and trees. The eastern boundary is formed by the backs of residential gardens associated with properties along Willow Bank Road (Nos. 52-72 (evens)). The back gardens of these dwellings face onto the application site and the rear boundary treatments are relatively open and generally comprises a mixture of post and rail fencing and low level hedgerows. To the north lies the Alderton Community Allotments and to the west and south

lies open countryside.

- 2.3** The site is located within the Special Landscape Area (SLA) as designated within the Tewkesbury Borough Plan (TBLP). The site is located outside of, but immediately adjacent to, the Residential Development Boundary of Alderton as defined in the TBLP and ANDP.

### 3. Relevant Planning History

Application Number	Proposal	Decision	Decision Date
90/93294/FUL	Erection of 4 stables and tack room. New access.	PER	08.05.1990
93/00055/FUL	Retention of stables and tack room	PER	04.05.1993
14/00747/OUT	Outline application for the erection of up to 53 dwellings and associated works including means of access.	REFUSED AND DISMISSED AT APPEAL	10.12.2014 & 17.07.2015

### 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, at different consultation stages, summarised below:

- principle of development is not acceptable, with site located outside the settlement boundary and is not allocated in the TBLP or ANDP.
- significant damage to the landscape in a Special Landscape Area.
- affect the setting of the AONB to the north of the site.
- negative effect on users of the Winchcombe Way.
- significant adverse affect on the character of Alderton which is losing its identify and become a sprawling urban settlement.
- cumulative impacts of recent housing developments have harmed social cohesion and this proposal will exacerbate these harms.
- Alderton is not a sustainable location for another housing estate and lacks service infrastructure and public transport connections.
- future residents would be reliant on cars which shouldn't be happening in a time of climate crisis.
- ecological analysis lacks details, relies on old survey works and ignores the sighting of a Great Crested Newt close to the site.
- pedestrian traffic along the track would impact on the residential amenity of occupiers of No 54 and 56 Willow Bank Road.
- new vehicular access will impact on the residential amenity of occupiers of No.72 Willow Bank Road.
- headlights from vehicles will impact on the amenity of No.s 59 and 51 Willow Bank Road.
- increase risk of flooding off site and inadequate capacity in the gully system off Willow Bank Road.
- will result in tree and hedgerow removal.
- increase pressure on local services such as Winchcombe Surgery.

- no local employment opportunities for future residents and they would be reliant on cars.
- increase traffic and congestion in the village.
- proposed access is dangerous and the visibility splay is inadequate and falls below required standards.
- two storey dwellings backing onto bungalows will have an overbearing impact.
- highest buildings on the site are on the sensitive edges which would have a significant impact on landscape and character and these should be redesigned.
- materials, fenestration and elevational treatments are incongruous and do not accord with the character of the village against the backdrop of the AONB.
- dwellings are cramped and have inadequate private amenity areas.
- limited visitor parking on site.
- design of the proposal lacks natural surveillance.
- affordable housing is clustered together and isn't tenure blind.

**4.2 Urban Design** – The application provides a positive environment. The scheme has evolved further to a number of urban design comments including reducing the number of units from 56 to 48 and the revised proposals have made key improvements through amendments to the layout and design approach.

**4.3 Landscape** – The proposal has been amended in response to comments received from the Council's Landscape Advisor. The Advisor considers that the amended scheme has improved its relationship with the open countryside and how it is perceived in the immediate locality as well as offering up improvements within the development itself through the creation of additional open space in the centre of the site. The Advisor concludes that the proposal will result in a major/moderate, negative and permanent change of the land use and overall character of the site itself. The Advisor also identified that there will be moderate adverse visual effects from Winchcombe Way but these will be reduced once trees and mitigation boundary planting is established.

**4.4 Historic England** – No comments to make.

**4.5 Natural England** – No objection.

**4.6 National Highways** – No objection.

**4.7 County Highways Authority** – No objection subject to conditions and planning obligations.

**4.8 County Archaeologist** – No objection subject to conditions.

**4.9 Conservation Officer** – No objection.

**4.10 Housing Enabling Officer** – No objection - further to revisions to mix and clustering being secured.

**4.11 Lead Local Flood Authority** – No objection.

**4.12 Severn Trent** – No objection subject to conditions.

**4.13 Communities Team** – Planning obligations requested for community facilities.

**4.14 Gloucestershire Development Contributions** – No objection subject to planning obligations.

- 4.15 Ecology Advisors** – No objections subject to conditions.
- 4.16 Tree Officer** – No objection subject to conditions.
- 4.17 Public Rights of Way Officer** – No objection – the proposal doesn't directly affect any Public Rights of Way.
- 4.18 Environmental Health** – No objection subject to conditions.
- 4.19 Gloucestershire Minerals and Waste** – No objection subject to conditions.
- 4.20 CPRE-** Object – There is no justification for the development, the proposal will impact on community cohesion, cause harm to sensitive landscapes, and future residents would be reliant on private transport.
- 4.21 Laurence Robertson M.P.** – Object – the application is contrary to the development plan, outside the settlement boundary and will increase congestion

## **5. Third Party Comments/Observations**

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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 two site notices, two press notices and two neighbour notification letters for a period of 21 days (for the application as submitted and the revised scheme). 134 objections have been received to the proposals. The comments are summarised as follows:
- principle of development - not allocated in the TBLP or the ANDP and outside the settlement boundary
  - no need for housing in this location
  - not sustainable development
  - out of proportion to the village
  - Brownfield sites should be developed before the open countryside
  - Alderton NDP shouldn't be ignored
  - design of housing is poor and urban in character and will harm the rural character of Alderton and turn it into a sprawling suburban estate
  - cumulative impact of recent development/permissions have harmed social cohesion and social well-being and this proposal will exacerbate the situation
  - loss of agricultural land
  - roads in village cannot cope and increase in traffic will, cause congestion and be a safety risk for cyclists, horse riders, pedestrians and playing children
  - loss of habitat and native flora and fauna.
  - insufficient capacity at Winchcombe Surgery
  - inadequate amenities in the village
  - perfectly good dwellings shouldn't be destroyed to create the access
  - inadequate bus service in the village
  - impact on dark skies
  - visibility splay for the site access is inadequate and dangerous
  - access is too narrow and two cars will be unable to pass
  - harm to the landscape in a Special Landscape Area, and views from the B4077 and

- from the Winchcombe Way
- harm views from the AONB
- access road will diminish the character of the village as you enter
- impact on residential amenity through overlooking, overbearing impact and a loss of sunlight from residents to the west of Willow Bank Road
- construction phase will impact on the amenity and health of residents
- no employment opportunities in the village and this is an unsustainable location
- inadequate sewage capacity to accommodate additional development
- increase in the risk of flooding off site
- removal of overhead electricity cabling which will interrupt the supply of electricity to residents
- permission already been dismissed at appeal on this site and it should be again
- no self build or custom plots
- New housing is increasing crime in the village and this may contribute
- The village store, shop and school have limited support and are struggling and new developments have not been of benefit to existing service infrastructure
- Alderton is an inappropriate location for affordable housing and there are a lack of service and employment opportunities
- substantial removal of trees and vegetation and this will impact on biodiversity
- insufficient car parking and the road will be cluttered with parked vehicles
- design and use of materials is poor and isn't beautiful as advised by Government
- proposes heat pumps which are noisy and will impact on residential amenity
- housing mix of the development does not meet the needs of the village
- footpath will impact on the amenity of No. 54 & 56 Willow Bank Road and impact on privacy in ground floor bedrooms
- flats are out of character with Alderton
- archaeological remains which should be protected
- Vehicles accessing the site via a weak bridge which should be protected
- scale is excessive given that Willow Bank Road is characterised by bungalows and dormer bungalows

## **6. Relevant Planning Policies and Considerations**

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### **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 (TBLP) – 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 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     Neighbourhood Plan**

##### **Alderton Neighbourhood Development Plan – 2011-2031 (ANDP)**

- Policy H1 (New Housing on Infill and Windfall Sites within the Settlement Boundary of Alderton)
- Policy H3 (Affordable Homes)
- Policy H4 (Housing Mix)
- Policy LC1 (Promoting Local Distinctiveness in Built Form)
- Policy LC2 (Integrating Development into the Landscape)
- Policy LE1 (Biodiversity and Geodiversity)
- Policy LE2 (Protecting the Environment through Sustainable Design)
- Policy RP1 (Improving Opportunities for Healthy Lifestyles and Safer Roads)
- Policy RP2 (Parking Standards in New Developments)

### **7.     Policy Context**

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- 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), 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**

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

- 8.1 The NPPF requires local planning authorities to demonstrate an up-to-date five year supply of deliverable housing sites. Where local authorities cannot demonstrate a five year supply of deliverable housing sites, paragraph 11 of the NPPF sets out that housing policies contained within development plans should not be considered up-to-date.
- 8.2 Further to the recent Trumans Farm, Gotherington Appeal decision (ref. 22/00650/FUL), and subsequently published Tewkesbury Borough Five Year Housing Land Supply Statement October 2023, the Council's position is that it cannot at this time demonstrate a five year supply of deliverable housing land. The published position is that the Council's five year supply of deliverable housing sites is 3.24 years supply of housing land. Officers consider this shortfall is significant. The Council's policies for the provision of housing are therefore out of date in accordance with footnote 8 of the NPPF.
- 8.3 Paragraph 11(d) of the NPPF therefore applies and states that where policies which are most important for determining the application are out of date, permission should be granted unless: i) the application of policies in the Framework that protect assets of particular importance provides a clear reason for refusing the development; or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole

### ***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. 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:
- 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** Policy RES3 of the TBLP also sets out the circumstances where new housing development will be considered acceptable in principle outside of settlement boundaries.
- 8.6** At the neighbourhood level, Policy H1 of the ANDP states that small infill development and windfall development in the settlement boundary is acceptable in principle and states that 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.
- 8.7** The application site is open countryside that lies outside of, but adjacent to the settlement boundary for Alderton as defined in the TBLP and ANDP and is not allocated for housing development. The site does not represent previously developed land within the built-up area of a service village; is not a rural exception scheme; and does not represent 'infilling'. It has not been brought forward for development through a Community Right to Build Order and there are no policies in the existing TBLP (including Policy RES3) or the ANDP which allow for the type of development proposed here.
- 8.8** In respect of the principle of development therefore, it is the case that the proposed development conflicts with Policies SP2 and SD10 of the JCS, Policy RES3 of the TBP and Policy H1 of the ANDP.
- 8.9** However, the application is being determined in a situation where the Council cannot demonstrate a five year supply of deliverable housing sites. It is the case that policies SP2, SD10, RES3 and H1 comprise some of the most important policies for determining the appeal proposal. Therefore in accordance with paragraph 11d and footnote 8 of the NPPF these policies are treated as out-of-date.
- 8.10** 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. 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.
- 8.11** It is a significant material consideration that the Council cannot demonstrate a five year supply of deliverable housing sites and that Policies SP2, SD10, RES3 and H1 are out-of-date. These spatial policies should therefore not be afforded full weight in the decision-making process.
- 8.12** In the circumstances of this application, the appeal site is immediately adjacent to Alderton settlement boundary which is defined as a Service Village in Table SP2c, page 26 of the JCS. Taking account of the proximity of the site to Alderton settlement boundary, and the quantum of dwellings proposed, the Council do not consider that the harms arising from the conflict with the spatial strategy amount to an adverse impact that would significantly and demonstrably outweigh the benefits of the development (considered further below), when assessed against the policies of the NPPF as a whole.

### ***Scale of Development and Social Impacts***

- 8.13** 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 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.
- 8.14** The ANDP explicitly refers to social cohesion in the village. The ANDP states that it is important that its policies seek to conserve the active, cohesive nature of the Parish community into the future by enabling sustainable growth that does not compromise existing social bonds or overwhelm the Parish's rural infrastructure. Furthermore, one of the objectives of the ANDP seeks to ensure that any development in Alderton Parish makes a positive contribution to enriching the vitality, health, wellbeing and social cohesion of its communities. The ANDP also points out that concerns over the potential loss of the Parish's rural character and the impact on social cohesion arising from rapid change in Alderton village are evident in all consultations undertaken for the Plan between 2013 and 2015.
- 8.15** It is clear from the Parish Council's consultation response and representations made that the level of residential permissions in Alderton and the issue of social well-being of Alderton and community cohesion remains a serious and ongoing local concern.
- 8.16** 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 TBLP and Neighbourhood Plans, proportional to their size and function, and also reflecting their proximity and accessibility to Cheltenham and Gloucester, also taking into account environmental, economic and social impacts. Policy RES5 of the TBLP also states that new housing development should be an appropriate scale having regard to the size, function and accessibility of the settlement.
- 8.17** 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 53 dwellings in Alderton in the plan period 2011-2031 above the 277 dwellings in the Village 'prior to commitments' i.e. the JCS baseline year; representing a 19% increase in the size of the settlement.
- 8.18** During the plan period to date, a number of notable residential planning permissions have been allowed at appeal as follows:
- 47 dwellings at Land to the South of Beckford Road, Alderton (ref:13/00114/FUL). Allowed at appeal and completed 2015.
  - 24 dwellings at Land East of Willow Bank Road, Alderton (ref: 14/00414/FUL). Allowed at appeal and completed 2017.
  - 28 dwellings at Land south of Fletchers Close, Alderton (ref: 19/00772/FUL). Allowed at appeal and development recently completed.
  - 47 dwellings (net increase), Land East of St Margarets Drive, Alderton (ref: 22/00624/OUT). Allowed at appeal in June 2023.

- 8.19** These planning permissions will (assuming 47 dwellings come forward in the reserved matters pursuant to planning permission 22/00624/OUT) amount to 146 dwellings being brought forward in Alderton in the plan period to date, representing a 53% increase in the size of the settlement during the plan period. Should this current planning permission be granted, an additional 47 dwellings (net) would have permission in Alderton which would amount to an additional 193 dwellings with permissions/being brought forward in the plan period to date. This would amount of a 69% increase in size of Alderton Village in that period.
- 8.20** Planning permissions 19/00772/FUL and 22/00624/OUT were both allowed at appeal, and in both cases Officers and Members were of the 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, and the Local Planning Authority made the case that the appeals should be dismissed for this reason alongside other reason for refusals.
- 8.21** For the allowed planning appeal pursuant to application 19/00772/FUL in September 2021, Inspector Porter considered the submissions of Tewkesbury Borough Council and Alderton Parish Council on the harm arising from the cumulative impact of development on community cohesion and social well-being and concluded:

*'31. I note the misgivings of some residents about whether an influx of new households could be successfully integrated into the village without harming this social well-being and community cohesion. It may well be that newer residential populations take longer to become socially active or engaged in community life compared with more well-established residents from the central core of the village. However, from the evidence I have read and heard, the close-knit community and active village life in Alderton continues to thrive. Ostensibly, the village offer has remained diverse in its range of social and community-led activities, and the strong local community spirit has been maintained despite the new residential populations from the Beckford Road and Fletchers Close estates. I also understand that at least some of these new residents walk their dogs in the village, have children in the local school, use the shop and have become involved in the local gardening club.*

*32. There may be a sense of disappointment that there has not been a greater take-up of village life by some residents. That is not to say, however, that there has been no interaction; nor that integration will not grow over time. Following its construction, I see no reason why the new residential population the appeal scheme would introduce should not eventually become established and absorbed into the village community.*

*34. There is no suggestion from the Council that the existing infrastructure or local services in Alderton could not accommodate the increase in the number of dwellings proposed. Rather, I heard evidence that the local shop is in want of additional custom, the local primary school is undersubscribed, and a variety of community clubs and social activities are encouraging new members. While the appeal site would be a discrete housing estate beyond Fletchers Close, to my mind nothing about its location or layout suggests that future social interactions might be hindered, or the vitality of the rural community not be maintained or enhanced.*

*35. Taking this all into account, and considered cumulatively with other development in Alderton, I do not find that the proposal would represent a disproportionate increase in the size of Alderton as a Service Village. With time, I believe that perceptions of negative social impacts associated with a new residential population at the village edge will dissipate. The proposed development would consequently not irreversibly undermine the social well-being and community cohesion of Alderton and conflict with policies SP2 of the JCS and H1 of the ANP does not arise.'*

- 8.23** The matter of the cumulative impact of housing development and the impact on social well-being and community cohesion in Alderton was also considered by Inspector Dillon in June 2023 in allowing the planning appeal pursuant to planning application 22/00624/OUT. In respect to this matter, Inspector Dillon concluded:

*'63. There is an insufficient evidential basis to persuade me that, as a consequence of the appeal proposal, the existing community would be overwhelmed and would not have a reasonable prospect of continuing to function as it has.'*

*65. Overall, the evidence leads me to conclude that any adverse impacts that do arise would not be of a nature or level which would constitute unacceptable harm to the vitality, cohesiveness, and well-being of the village community, having regard to the scale and location of this particular appeal proposal. My assessment is based on the existing baseline position and the evidence as presented and cross-examined. The facts and components of this particular scheme are good reasons to justify my departure from the Inspectors' findings for the previous appeals cited. However, in doing so I do attach limited weight to the apparent fear of the community that such harm would manifest.'*

- 8.24** It is the case that historically the impact of cumulative development on social well-being and community cohesion has been a factor in the planning balance when appeals have been dismissed in Alderton. However, the more recent conclusions of Inspector Porter and Inspector Dillon are significant material considerations on this matter with regard to assessing the current proposal.
- 8.25** This current application is of course now considered in the context that the cumulative quantum of development is now higher than when the impact of additional housing numbers was considered in the previous appeals. As such, during the determination of this application officers have liaised with the Council's Communities Team and agreed a package of planning obligations to mitigate the impact of the development on community infrastructure. These planning obligations have been agreed in principle with the applicant and include contributions towards improving existing facilities at Alderton Community Centre, as well as improving existing facilities at Beckford Road Playing Fields, Alderton Community Allotments and Alderton Village Hall. The details of these contributions are set out in the S106 Obligations section of this report below.
- 8.26** Whilst these contributions are directly related to the anticipated increase in residential population from the proposed development and are necessary to make the development acceptable in planning terms, it is also the case that the wider community would benefit from the enhanced facilities arising from the secured planning obligations. The enhancement of the existing community infrastructure to accommodate the increased population would assist in mitigating the impact of the development with regard to community cohesion and social well-being.

- 8.27** In light of the above, and having regard to both the very recent conclusions drawn by independent Planning Inspectors considering the impact of major category housing proposal on the outskirts of the village on community cohesion and social well-being, and having carefully considered this issue in light of the significant local concerns raised by this application proposal, officers consider that there would be a moderate harmful impact on the social well-being and social cohesion within Alderton arising from this proposed development. This matter weighs against the proposal and must be considered in the overall planning balance.

***Landscape impact***

- 8.28** Paragraph 174a of the NPPF sets out that the planning system should contribute to and enhance the local environment by, inter alia, recognising the intrinsic value and beauty countryside, and the wider benefits from natural capital and ecosystem services. Whilst the application site is located within a Special Landscape Area as defined in the TBLP Proposals Map, the Council's Landscape Advisor has advised that it is not considered that the site is a 'Valued Landscape' in terms of the NPPF and the provisions of paragraph 174b do not apply.
- 8.29** 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.
- 8.30** 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.
- 8.31** Policy RES5 bullet point 3 of the TBP states that new housing development should – where an edge of settlement location is proposed – respect the form of the settlement and its landscape setting, not appear as an unacceptable intrusion into the countryside and retain a sense of transition between the settlement and the countryside.
- 8.32** 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.

- 8.33** 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.
- 8.34** 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.
- 8.35** In regard to the ANDP, Policy LC2 states that development proposals, other than for small infill or minor domestic extensions, will be required to show how design and siting have taken into consideration any adverse impacts on areas of landscape and visual sensitivity. Proposals are required to demonstrate how they will integrate into the SLA by submitting a Landscape and Visual Impact Assessment, ensuring attention is paid to significant views, and providing landscaping to enable new development to integrate into and enhance its surrounding.
- 8.36** The site is comprised of two fields set to the west side of Willow Bank Road and to the general west side of the wider village and it is the hedges and boundary trees to the south west that are the site's most significant landscape characteristic. There is currently no public access to the site itself.
- 8.37** The Council's Landscape and Visual Sensitivity Study of Rural Service Centres and Rural Villages, 2014 places this plot of land in the Ald-02 land parcel and rated it as having Medium landscape sensitivity.
- 8.38** The application is supported by a Landscape and Visual Impact Assessment (LVIA), which considers the impact of the proposed development on the landscape and has been reviewed by the Landscape Advisor. The LVIA identifies a number of potential viewpoints of the application site (which will be shown in the committee presentation), the most pertinent of which are summarised below:
- View from Willow Bank Road, South of Alderton looking north-west to the application site. The LVIA identifies a minor-negligible negative visual effect for vehicle users noting that most of the boundary vegetation as currently seen in this view would be retained.
  - View from B4077 near petrol station from vehicles looking north towards the site. The LVIA identifies a minor-negligible negative visual effect for vehicle users noting that the dwellings would be set back from the site boundary behind the retained boundary vegetation and would also be largely screened by intervening hedgerow.
  - View from B4077 by Alderton Nurseries and intersection with PRow identified as Significant View in ANDP. The LVIA identifies a minor negative visual effect for walkers and noting the existing boundary vegetation and proposed enhanced boundary planting would filter the views. The LVIA also advises the proposals would not interrupt the view of the Cotswolds AONB hillside on the skyline.

- View from Alderton Community Allotments looking south. The LVIA identifies a minor-negligible visual effect in the short term which would be mitigated in the longer term. The LVIA noting that the site boundary to the north is screened by existing vegetation and enhanced boundary planting will further filter these views
- View from Winchcombe Way to the west of site. The LVIA identifies moderate-minor negative visual effects for walkers looking south east towards the site. It is noted that rooflines of new housing will be visible through existing vegetation, but the architectural approach and variation in rooflines will break up the built form which will also be screened by existing and proposed vegetation.
- Views from AONB from Alderton Hill to north and Dixon Hill to the south. The LVIA identifies minor visual effects for walkers from both of these viewpoints.

- 8.39** Taking all of the above into account the LVIA concludes that there would be moderately significant negative effects on the change in land use and rural character and perceptual connectivity with the countryside, in the short term, which would reduce to neutral in the long term as the proposed planting within the site and on the boundary of the site matures.
- 8.40** The Council's Landscape Advisor has reviewed the LVIA and agrees that the viewpoints are largely appropriate and concurs that the site is visually not prominent in views from the B4077 given intervening field boundary and riparian vegetation. The Advisor also considers that there would be negligible visual effects from the AONB because of the presence of the northern side of the village effectively screening the site and providing a built visual context to it. Overall, the Advisor considers that there will be little sense of encroachment given the limited viewing opportunities to see the site and judge it against the remainder of the village.
- 8.41** However, the Advisor does raise concerns that the applicant's LVIA places considerable reliance on the existing outgrown hedgerows to mitigate visual impacts and no indication is provided of their future management and maintenance to keep them as a sustainable and effective separating feature between the housing and countryside. The Advisor notes that agricultural hedgerows without regular management (including laying) deteriorate, become gappy and lose their landscape and visual value as well as effectiveness as a screen. Taking this detailed analysis into account, officers consider it would be necessary to impose a planning condition to secure the long term management arrangements of the retained hedgerows. This suggested approach would mitigate the visual impact of the development as set out in the LVIA.
- 8.42** Officers have carefully considered the comments from the Landscape Advisor and the content of the applicant's LVIA. There would be inevitable landscape harms from the development of the site itself and wider moderately significant negative effects on views from some localised vantage points.
- 8.43** Taking into account all of the above, by virtue of the landscape harms to the site itself and the wider localised visual harms, the application would result in a conflict with Policy SD6 of the JCS as the proposal would not protect landscape character for own its own intrinsic beauty. The proposal would also cause some harm to the landscape character of the SLA which is of local significance. 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.

- 8.44** Overall officers consider that the landscape impact of the proposal is a matter which weighs moderately against the proposals in the overall planning balance.

### ***Design and Layout***

- 8.45** 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.
- 8.46** 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. This is reflected in Policy LC1 of the ANDP, which seeks to promote local distinctiveness in built form and sets out a number of way this can be achieved.
- 8.47** Officers have liaised with the applicant and secured a number of design changes during the determination of the application which have responded positively to officer concerns and have resulted in a reduction in the number of dwellings numbers and the overall density of the site, to 18 dwellings per hectare, and has allowed for the creation of the central open space.
- 8.48** The proposed residential layout is relatively uniform with a block structure of back-to-back units allowing for a permeable and legible environment, as well as attractive spaces, served by active frontages, natural surveillance and streets/spaces framed by buildings. Officers consider that the layout engages positively with retained trees and hedgerows within the site. This results in the central retained hedgerow/vegetation, alongside the proposed orchard, providing a positive central focal point within the development, adding quality to the character of the development. The layout also includes open space to the south of the site providing a sense of transition between the built form and the rural edge.
- 8.49** The architecture of the proposal is considered strong. It takes a contemporary approach whilst ensuring that the elevations remain contextual to the built form of the wider area. It also offers strong and attractive architectural details such as generous windows, porches, and stone sills. During the determination process of the application, officers have engaged with the applicant to simplify the palette of materials proposed, removing red brick buildings. The application submissions now propose a mixture of buff brick, yellow brick and white brick dwellings. This is considered to respond positively to local vernacular and is considered acceptable.
- 8.50** In terms of scale, the dwellings would be primarily two storeys with a mix of roof types and gable features to break up the built form. In the north west corner of the site 1.5 storey dwellings are proposed in this relatively sensitive location.



**8.51** Overall the layout and design approach is considered to be 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.

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

### **Residential Amenity**

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

**8.54** Policy RES5 of the TBP states that proposals for new housing development should, amongst other things, provide an acceptable level of amenity for future occupiers and cause no unacceptable harm to the amenity of existing dwellings.

**8.55** To the east of the proposed development is a row of houses to the west of Willow Bank Road. A number of representations 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.

**8.56** The application proposes 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. Officers have carefully considered this relationship and taking account of the separation distance and the scale of existing and proposed dwellings, it is considered that the proposal would cause no unacceptable harm to existing residents of Willow Bank Road by reasons of overlooking, overbearing or over-dominating impact. It is noted that the proposal would give rise to a detrimental impact on private views over rural landscape from the existing dwellings. However the impacts of a development on a private view is not a material planning consideration.

**8.57** Objections have also been raised to this application on the basis that the pedestrian access would impact on the residential amenity of No. 54 & 56 Willow Bank Road. Officers have carefully considered this relationship and it is the case that the existing vegetation and boundary treatments in front of the side-facing, habitable room windows are to be retained, and additional planting is proposed. On balance, officers consider that the proposals for retaining vegetation and the proposed planting will adequately screen these dwellings. It is also recommended that a condition is imposed to provide detailed plans of the boundary planting treatments in this location. Subject to the imposition of a condition to secure these planting details, it is considered that the application would not give rise to an unacceptable impact on the amenity of No's 54 & 56 Willow Bank Road. Given the separation distance between existing dwellings and the proposed vehicular access, it is also considered that the vehicle movements would not unacceptably impact on the amenity of existing residents through noise and headlights.

- 8.58** With regard to the residential amenity of future residents, the site layout has been carefully considered by officers to ensure that the development can achieve acceptable levels of amenity. 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 respect of 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.
- 8.59** Overall, and subject to the imposition of conditions, it is considered that the proposed development would result in acceptable levels of amenity for existing and future residents in accordance with JCS policies and the NPPF.

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

- 8.60** The NPPF confirms 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.
- 8.61** Vehicular access to the site is proposed to the southeast in the position of No. 74 Willow Bank Road, which will be demolished as part of the development proposal. The junction is proposed with a 5.5 metre wide carriageway, with a 2 metre wide footway on the northern side, connecting to a new informal pedestrian crossing with dropped kerbs and tactile paving. The applicant has submitted a swept path analysis of an 11-metre-long refuse vehicle which confirms the suitability of the access design.
- 8.62** In respect of the vehicular access visibility splay, an ATC survey was carried out in the vicinity of the site, and the outputs demonstrate 7 day average 85th%ile recorded speeds of 33.8mph northeast bound and 36mph southwest bound. The resulting necessary visibility splays equate to 54 metres to the south and 60 metres to the north measured from a point 2.4 metres back the centre of the access. The County Highways Authority have advised that the necessary visibility can be achieved with a 0.6m offset from the edge of the carriageway.
- 8.63** Regarding vehicle movements, the application is supported by a Transport Assessment which uses the TRICS database to predict the trip generations of the proposed development. This is the industry recognised tool for predicting trip generations, and its use is accepted. The Highway Authority has reviewed the site selection criteria used in the assessment and are satisfied that a robust assessment has been completed. The outputs of the assessment forecast a likely 29 and 27 two-way vehicle movements in the AM and PM peak hours, respectively.

- 8.64** A further cumulative junction capacity assessment has also been carried out to ascertain the combined effects of the proposal with the recently approved application 22/00624/OUT for 48 dwellings. The assessments confirm all junctions will operate within capacity in all assessment scenarios during the AM and PM peak times. The Highway Authority has advised that the level of new trips (when considered individually and cumulatively) in terms of queue lengths or delays would not be noticeable to other road users, nor result in a severe impact on the local road network.
- 8.65** 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 is acceptable.
- 8.66** The Highways Authority has requested a planning obligation contribution of £33,600 towards the diversion of an existing bus service in the area to provide an effective transport solution for secondary students travelling to Tewkesbury School (6.3 miles) and Cleeve School (6.8 miles). This is necessary as the nearest secondary schools are beyond the statutory walking and cycling distances and a contribution is required to manage the impact of the proposed housing development on the transport network.
- 8.67** The Highway Authority concludes 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 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***

- 8.68** 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 TBLP and the NPPF.
- 8.69** The Environment Agency Flood Map shows the site to be located within Flood Zone 1 (lowest risk of flooding) and there are no watercourses close to the site with the closest unnamed watercourse being located approximately 100 metres to the south west.
- 8.70** The application is supported by a Flood Risk Assessment and Drainage Strategy and it is proposed that all surface water runoff will be collected by a traditional gravity fed drainage systems for the proposed dwellings and tarmacked carriageway / driveways. The surface water will go into an attenuation basin on the south west corner of the site and allowed to disperse via a filter drain across the fields to the south. The water flows from the attenuation basin will mimic the existing greenfield condition of the site.
- 8.71** In respect to foul water, there is an existing foul water sewer crossing the site access, to the south-eastern corner of the site. The proposed foul network will fall via gravity to the outfall and therefore a pumping station is not required. Any connection to the existing sewer is subject to approval from the local water authority and Severn Trent Water has been consulted on the application and raises no objection subject to the imposition of a planning condition requiring the submission of foul drainage details.

**8.72** The LLFA have been consulted on the application and raise no objection and advises that the drainage strategy identifies surface water attenuation facilities to accommodate a suitable volume of surface water to control discharge from the site to acceptable, greenfield equivalent levels. Severn Trent

**8.73** In light of this, the application is considered acceptable in regard to drainage and flood risk.

### ***Housing Mix and Affordable Housing***

**8.74** JCS Policy SD11 states that housing development will be required to provide an appropriate mix of dwelling sizes, types and tenures in order to contribute to mixed and balanced communities and a balanced housing market. Development should address the needs of the local area, including the needs of older people as set out in the local housing evidence base, including the most up to date Strategic Housing Market Assessment (SHMA). This is further reflected in Policy H4 of the ANDP, which requires new housing in Alderton to include small and medium sized houses (with 1 to 3 bedrooms).

**8.75** 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 H3 of the ANDP supports new affordable housing in new developments through the allocations set by the local planning authority.

**8.76** In regard to affordable housing, the application proposes 19 (40%) affordable dwellings being:

11 no. social rent units (58% of 19 units)

- 2 no. 1 bed units (18.2% of 11 no. units)
- 4 no. 2 bed units (36.3% of 11 no. units)
- 3 no. 3 bed units (27.3% of 11 no. units)
- 2 no. 4 bed units (18.2% of 11 no. units)

8 no. Shared Ownership units (42% of 19 units)

- 2 no. 1 bed units (25% of 8 no. units)
- 4 no. 2 bed units (50% of 8 no. units)
- 2 no. 3 bed units (25% of 8 no. units)

**8.77** At the request of officers, the distribution of the affordable dwellings across the development has been amended, such that they are now proposed to be located in groups of separate clusters, whereas as submitted the affordable housing was all concentrated in the northern part of the proposed development. The Council's Housing Enabling Officer has been consulted on the application and raises no objection.

**8.78** In regard to overall 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). (LHNA). The housing requirements of the LHNA relative to the proposed development are set out below:

- 4no. 1 bedroom dwelling (LHNA Requirement 7.6%) (Application scheme 8.8%)
- 10no. 2 bedroom dwelling (LHNA requirement 18.8%) (Application scheme 20.8%)
- 15no. 3 bedroom dwelling (LHNA requirement 49.1%) (Application scheme 31.3%)
- 19no. 4+ bedroom house (LHNA requirement 24.4%) (Application Scheme 39.5%)

**8.79** On balance, whilst the mix does not accord entirely with the LHNA, and the scheme underprovides 3 bedroom houses and overprovides 4+ bedroom houses, given that the scheme complies with the mix requested by the Housing Enabling Officer, it is considered on balance that this mix is acceptable and this is a neutral factor in the planning balance.

**8.80** The applicant has indicated that the affordable housing would be secured through a S106 Agreement.

### ***Biodiversity***

**8.81** 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, be adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

**8.82** 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.

**8.83** 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.

**8.84** Policy LE1 of the ANDP requires development proposals to assess the impact of new development or changes in land use on internationally and nationally recognised biodiversity and geodiversity sites in the Parish. It also requires development proposals to provide a full ecological survey to accompany any planning applications that seek to change, remove or in any way affect Priority Habitats such as brooks, ponds, hedgerows, old woodland or orchards.

**8.85** 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.

**8.86** The application is supported by an Ecological Impact Assessment dated July 2023, a Phase 1 Habitat Survey and Building Inspection Survey undertaken in April 2022 and surveys for reptiles and bats were carried out between May and October 2022.

- 8.87** The Studies identify that the site comprises closely grazed horse paddocks along with a stable block and an agricultural barn surrounded by scrub and tall ruderals. Hedgerows and trees bound the site and an area of dense mixed scrub is present in the centre of the site. The surveys identify that the site was found to be used for foraging and commuting by at least eight bat species, including lesser horseshoe and barbastelle bats. Bat emergence surveys confirmed the likely absence of bat roosts within the site. The reptile survey recorded no reptiles, and they are considered likely absent from the site.
- 8.88** The site falls within an amber risk zone for great crested newt which means that suitable habitat to support great crested newts is present. A single great crested newt record was returned in 2021, 410 metres west of the site. A single pond is present within the site. However it is ruled out as being suitable to support great crested newts due to the steep concrete sides and the presence of fish. Natural England's rapid risk assessment confirms that an offence is highly unlikely. However it is recommended that a planning condition is imposed to require a method statement for precautionary site clearance, within a Construction Environment Management Plan, to ensure protection of protected species.
- 8.89** The Ecological Assessment identifies that the proposals will retain and protect key habitats for bats including the boundary hedgerows and central mixed scrub. The Assessment also identifies a mitigation strategy to protect biodiversity including ensuring that the retained trees and hedgerows on the boundary of the site are retained outside private ownership and covered under the site management regime to protect long term management. New planting on site will also include native, nectar-rich species to attract invertebrates and increase a feeding resource for bat populations to mitigate for the loss of grassland foraging habitat
- 8.90** Overall, the scheme will result in a 6.94% net gain in habitat units and a net gain of 48.95% in hedgerow units within the red line boundary. The original application submission identified a net loss of biodiversity. The biodiversity net gain has been negotiated and secured during the assessment and improvement of the application proposals. Although the development does not achieve a 10% net gain in habitat units, the Government advised in September 2023 that mandatory 10% biodiversity net gain will only apply to new applications for planning permission for major development made after January 2024 and under the transitional arrangements the requirement for 10% biodiversity net gain is not applied retrospectively to planning applications that have been submitted or have already been granted permission before the implementation date.
- 8.91** The Council's Ecological Advisors have been consulted on the application and raised no objection subject to conditions to secure a lighting design strategy for biodiversity, to protect foraging bats, as well as planning conditions to secure a Construction Environment Management Plan, a Landscape Ecological Management Plan and to secure the mitigation measures set out in the applicant's Ecological Appraisal.
- 8.92** Overall, and subject to the imposition of appropriate 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.

### ***Arboriculture***

- 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 LE2 of the ANDP states that new development of all kinds should seek to minimise environmental harm and encourages tree and hedgerow planting to replace any such features lost through development.
- 8.96** The application is supported by an Arboricultural Impact Assessment which identifies that the site consists of mature well established boundary hedges. In the centre of the site is a dense hedge line that divides the site. Overall 19 trees, 8 groups of trees and 9 hedgerows were recorded in the survey. The majority of the trees are categorised as Category C (low quality) and B (moderate quality) following the BS5837:2012 categorisation process. There are no Category A trees or Tree Preservation Orders within the application site.
- 8.97** The application proposes the retention of all the Category B trees/tree groups, which are located on either the southern boundary or eastern boundary of the site. The existing hedgerow/shrub features running north/south in the northern part of the site are also to be retained.
- 8.98** The application proposes the removal of 12 trees and 2 tree groups to facilitate the development. All removals are classified as Category C (low quality). The Council's Tree Officer has confirmed that none of the trees are of significant amenity value. However, the officer notes that taken as a whole, this is a substantial amount of tree removal and mitigation for the loss should be agreed.
- 8.99** In terms of replacement planting, a total of 75 new trees are proposed to be planted across the site. This significant replacement planting includes street trees, boundary planting, and a new orchard to the east of the centrally retained hedgerow/scrub. Officers consider that this replacement planting will enhance the visual amenity of the development proposals and adequately mitigates the loss of trees, such loss being necessary to facilitate the development.
- 8.100** The Council's Tree Officer has raised some issues with regard to the proposed species planting and the diversity of new planting within the orchard. Similarly issues have also been raised about the proposed root protection measures for some of the retained trees. To address these issues, it is recommended that planning conditions are imposed requiring further details of species (notwithstanding the submitted details), and an Arboricultural Method Statement to control works within the root protection areas.
- 8.101** Subject to the imposition of appropriate conditions to protect retained trees and to secure mitigation planting, the application is considered acceptable with regard to arboricultural impacts.

### ***Heritage Assets***

- 8.102** 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.

- 8.103** 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.
- 8.104** The Council's Conservation Officer has been consulted on the application and advises that there are no known heritage assets that would be affected by this proposal and raises no objection.
- 8.105** With regard to archaeology, the County Archaeologist has been consulted on the application and advises that the site was subject to an archaeological desk-based assessment, geophysical survey and trial trenching in 2014. The investigations identified a settlement enclosure of the later prehistoric period in one part of the site and post-settings indicate that archaeological remains relating to structures will be present. In addition, a pit was found of a type commonly associated with grain storage in the Iron Age. To the south of the enclosure a ditch of the Roman period may indicate activity of that date.
- 8.106** The County Archaeologist has advised that it is clear from the results of the evaluation that the archaeological remains present within the application site are not of the first order of preservation. The prehistoric and Roman archaeology has been subjected to later ploughing, with the result that all surfaces formerly associated with the remains have been destroyed. As such the County Archaeologist has no objection to the principle of development of this site, subject to the imposition of a condition requiring the implementation of an appropriate programme of work to excavate and record any significant archaeological remains prior to the commencement of development in order to mitigate the ground impacts of this scheme.
- 8.107** In light of this, the application is considered acceptable in regard to heritage assets and archaeology.

### ***Open Space, Outdoor Recreation and Sports Facilities***

- 8.108** 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.
- 8.109** 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.
- 8.110** 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.



- 8.111** The proposed site layout incorporates approximately 0.55 hectares of formal and informal public outdoor space, excluding the SuDS pond. The specification of the LEAP can be secured by planning condition. The on-site formal and informal open space provision is considered acceptable.
- 8.112** In terms of off-site provision, the Council's Communities Team have requested the following contributions for outdoor sports and community facilities based on the most up to date evidence base.
- Artificial Grass Pitches Contribution - £3,354 (Winchcombe Sports Hub being the closest 3G pitch to this development).
  - Indoor Bowls Contribution - £877 (Alderton Village Hall).
  - Sports Halls Contribution - £22,136 (Alderton Village Hall towards resurfacing the flooring to play sports).
  - Swimming Pools Contribution - £24,568.
  - Community Centre Contribution - £21,826 (Alderton Village Hall improvements to reconfigure the village hall to enable more than one group/hirer to use the facility at the same time).
  - Playing Pitches and Associated Infrastructure Contribution - £20,619 (towards pitch maintenance at existing playing pitches due ongoing mole problem and creating parking).
  - Improvements to facilities at Alderton Community Allotments - £10,332 (towards compostable toilet and/or creation/sub-division of the plots).
- 8.113** The applicant has confirmed that they are agreeable to these planning obligations in principle and they are capable of being resolved and secured through the signing of an appropriate S106 legal agreement.

### ***Education and Libraries***

- 8.114** 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.
- 8.115** Gloucestershire County Council as Local Education Authority (LEA) has been consulted on the application and has not requested contributions to primary and secondary school places as there is adequate capacity in Oak Hill Primary School/Winchcombe Primary School and Cleeve/Tewkesbury Secondary Schools. However, as set out above, due to the distance of the schools from the application site, Gloucestershire County Council is seeking transport contributions towards the secondary age establishments with spare capacity rather than contributions towards providing additional places arising from this development at the closest school (Winchcombe).

- 8.116** In terms of libraries, Gloucestershire County Council has 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 Winchcombe Library. As such a contribution of £9,408 is required to make the application acceptable in planning terms.
- 8.117** The applicant has confirmed that these contributions are acceptable in principle and although there is currently no signed agreement to secure these contribution requests, they are capable of being resolved through the signing of an appropriate planning obligation.

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

- 8.118** 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.
- 8.119** 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.
- 8.120** 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.
- 8.121** Requests have been made by consultees to secure the following contributions:
- 40% affordable housing
  - £33,600 towards the diversion of an existing bus service in the area to provide an effective transport solution for secondary students
  - £3,354 Artificial Grass Pitches Contribution
  - £877 Indoor Bowls Contribution
  - £22,136 Sports Halls Contribution
  - £24,568 Swimming Pools Contribution
  - £21,826 - Community Centre Contribution
  - £20,619 - Playing Pitches and Associated Infrastructure Contribution
  - £10,332 – towards improvements to facilities at Alderton Community Allotments (compostable toilet and/or creation/sub-division of the plots)
  - £9,408 contribution to Winchcombe Library
  - A contribution of £73 per dwelling, which equates to £3,504 towards recycling and waste bin facilities is also required.

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 and legal agreement.

## **9. Conclusion**

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- 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 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 TBLP 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 RES3 of the TBLP and Policy H1 of the ANDP.
- 9.3** The proposed development does not meet the strategy for the distribution of new housing in Tewkesbury Borough and the scheme conflicts with the development plan when read as whole. This is the starting point for decision making.
- 9.4** However, on the basis that the Council cannot at this time demonstrate a five-year supply of deliverable housing sites, having a significant shortfall at 3.24 years of deliverable supply, the most important policies for determining the application are deemed to be out of date and less weight can be given to them. Paragraph 11(d) of the NPPF therefore applies.
- 9.5** Paragraph 11(d)(i) relating to protecting areas or assets of particular importance is not engaged in this case. On that basis, planning permission should be granted unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF as a whole.

### ***Benefits***

- 9.6** The delivery of 48 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.
- 9.7** The applicant has also agreed to a planning condition which would allow for the delivery of housing within a short timeframe (commencement of development with two years rather than three years) which would mean that the proposal would deliver housing in the shorter term and contribute to a deliverable five-year housing land supply. This adds further positive weight in favour of the development.
- 9.8** There are also benefits arising directly from the proposals including the provision of a LEAP, publicly accessible open space and off-site planning obligations. Given that these benefits are directly related to the development, to make the proposal acceptable in planning terms, officers afford these benefits limited weight.

### ***Harms***

- 9.9** Harm arises from the conflict with development plan policies relating to the strategy for distribution of housing, namely policies SP2 and SD10 of the JCS, Policy RES3 of the TBLP and Policy H1 of the ANDP. However, it is recognised that these policies are deemed to be out of date as the Council cannot demonstrate a 5-year housing supply. However, Officers afford at least moderate weight to this harm and the conflict with the plan-led approach.
- 9.10** Harm also arises due to the impact of the proposal on the landscape within a designated Special Landscape Area. Overall, officers consider that the landscape impact of the proposal is a matter which weighs moderately against the proposals in the planning balance and the proposal conflicts with Policy SD6 of the JCS. As part of the separate balancing exercise, officers consider that the benefits of the development clearly and demonstrably outweigh the harm arising to the Special Landscape Area and the proposal does not give rise to a conflict with Policy LAN1 of the TBP.
- 9.11** Having regard to the conclusions of recent appeal decisions for residential development in Alderton and the detailed assessment of the issues raised by this proposal, officers consider that there would be a moderate harmful impact on social well-being and social cohesion within Alderton arising from this proposed development taking account of the cumulative impact of residential development.
- 9.12** The proposal would also result in loss of agricultural (grade 3)/equine land and this is a modest harm arising from the proposal.

### ***Neutral***

- 9.13** In design terms, the layout in itself is considered to be acceptable and the proposal also does not give rise to any unacceptable impacts on residential amenity. 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 archaeological remains would not be adversely affected by this development proposal subject to the imposition of appropriate conditions. The proposal is considered acceptable with regard to highway safety and accessibility. The proposal also provides an acceptable housing mix and does not have an unacceptable impact on trees or biodiversity once mitigation measures are secured and implemented.

### ***Overall Conclusion***

- 9.14** This is a case where the 'tilted balance' is engaged through the provisions of the NPPF. Having carefully considered all of the submitted comments and representations, and reviewed the relevant policy and material planning considerations, officers consider that whilst planning harms have been identified, as set out above, these harms, would not significantly and demonstrably outweigh the benefits of the proposed development in the overall planning balance.
- 9.15** For these reasons officers recommend that planning permission is granted subject to appropriate conditions and planning obligations.

## **10. Recommendation**

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**10.1** This is a case where the 'tilted balance' set out in the NPPF is engaged. Officers consider that whilst planning harms are identified, these harms, would not significantly and demonstrably outweigh the benefits of the proposed development in the overall planning balance and assessment.

**10.2** It is therefore recommended:

A. That the Associate Director of Planning is delegated authority to GRANT planning permission subject to the conditions set out below, and any additional or amended conditions, and subject to completion of S106 legal agreements securing the requirements specified in the S106 Obligations section of the report (subject to any amendments arising from ongoing discussions). Where the S106 agreements have not been concluded prior to the Committee, a period not exceeding twelve weeks after the date of the Committee shall be set for the completion of the obligations.

B. In the event that the agreement has not been concluded within the twelve-week period and where, in the opinion of the Associate Director of Planning, there are no extenuating circumstances which would justify a further extension of time, the Assistant Director of Planning is Delegated Authority to REFUSE planning permission for the following reason on the basis that the necessary criteria essential to make what would otherwise be unacceptable development acceptable have not been forthcoming:

1. The applicant has failed to agree to planning obligations to secure the necessary infrastructure contributions and required open space contrary to JCS Policies INF4, INF6 and INF 7 and TBLP Policy RCN1.

## **11. Conditions**

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

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 and in order to contribute to the Council's five year housing land supply

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

- 220609 L 02 01 - Proposed Site Layout Rev L
- 220609 L 02 02 - Boundary Treatments Rev G
- 220609 L 02 03 - House Types Rev H
- 220609 L 02 04 - Car Parking Layout Rev G
- 220609 L 02 05 - Bin and Bike Storage Rev H
- 220609 L 02 06 - EVCP Rev H
- 220609 L 02 07 - Materials Strategy Plan Rev F
- 220609 L 02 09 - Tenure Plan Rev G
- 220609 R 04 01 - Proposed Softworks Schedule Rev C
- 220609 SE 02 01 - Site Elevations
- 220609 GT 01 01 - Single Garage Attached Plans and Elevations
- 220609 GT 02 01 - Single Garage Detached Plans and Elevations
- 220609 GT 03 01 - Double Garage Plans and Elevations
- 220609 GT 01 01 - Twin Garage Plans and Elevations

- 220609 HT A AS 01 01 - HT A AS Floor Plans Rev C
- 220609 HT A AS 02 01 - HT A AS Elevations Rev B
- 220609 HT A OPP 01 01 - HT A OPP Floor Plans Rev A
- 220609 HT A AS 02 01 - HT A OPP Elevations Rev A
- 220609 HT B T1 01 01 - HT B T1 AS Floor Plans Rev B
- 220609 HT B T1 02 01 - HT B T1 AS Elevations Rev A
- 220609 HT B T2 01 01 - HT B T2 AS Floor Plans Rev B
- 220609 HT B T2 02 01 - HT B T2 AS Elevations Rev A
- 220609 HT B T2 01 02 - HT B T2 OPP Floor Plans Rev B
- 220609 HT B T2 02 02 - HT B T2 OPP Elevations Rev A
- 220609 HT C T1 01 01 - HT C T1 AS Floor Plans Rev C
- 220609 HT C T1 02 01 - HT C T1 AS Elevations Rev B
- 220609 HT C T2 01 01 - HT C T2 Floor Plans Rev C
- 220609 HT C T2 02 01 - HT C T2 Elevations Rev B
- 220609 HT D T1 01 01 - HT D T1 Floor Plans Rev B
- 220609 HT D T1 02 01 - HT D T1 Elevations Rev A
- 220609 HT D T2 01 02 - HT D T2 Floor Plans
- 220609 HT D T2 02 02 - HT D T2 Elevations
- 220609 HT E T1 01 01 - HT E T1 AS Floor Plans Rev B
- 220609 HT E T1 02 01 - HT E T1 AS Elevations Rev A
- 220609 HT E T2 01 02 - HT E T2 AS Floor Plans Rev B
- 220609 HT E T2 02 02 - HT E T2 AS Elevations Rev B
- 220609 HT E T2 01 03 - HT E T2 OPP Floor Plans Rev A
- 220609 HT E T2 02 03 - HT E T2 OPP Elevations Rev A
- 220609 HT F T1 01 01 - HT F T1 Floor Plans Rev D
- 220609 HT F T1 02 01 - HT F T1 Elevations Rev B
- 220609 HT F T2 01 01 - HT F T2 Floor Plans Rev A
- 220609 HT F T2 02 01 - HT F T2 Elevations Rev A
- 220609 HT G T1 01 01 - HT G T1 AS Floor Plans Rev D
- 220609 HT G T1 02 01 - HT G T1 AS Elevations Rev B
- 220609 HT G T1 01 02 - HT G T1 OPP Floor Plans Rev C
- 220609 HT G T1 02 02 - HT G T1 OPP Elevations 1 of 2 Rev C
- 220609 HT G T1 02 04 - HT G T1 OPP Elevations 2 of 2 Rev A
- 220609 HT G T2 01 03 - HT G T2 Floor Plans Rev B
- 220609 HT G T2 02 03 - HT G T2 Elevations Rev B
- 220609 HT M T1 01 01 - HT M T1 Floor Plans Rev C
- 220609 HT M T1 02 01 - HT M T1 Elevations Rev B
- 220609 HT M T2 01 01 - HT M T2 OPP Floor Plans Rev B
- 220609 HT M T2 02 01 - HT M T2 OPP Elevations Rev B
- 220609 HT R T1 01 01 - HT R T1 Floor Plans Rev E
- 220609 HT R T1 02 01 - HT R T1 Elevations Rev E
- 220609 HT T1 01 01 - HT T T1 Floor Plans Rev A
- 220609 HT T1 02 01 - HT T T1 Elevations Rev A
- 220609 HT T2 01 02 - HT T T2 Floor Plans Rev A
- 220609 HT T2 02 02 - HT T T2 Elevations Rev A
- 220609 HT V 01 01 - HT V T2 Floor Plans
- 220609 HT V 02 01 - HT V T2 Elevations
- P22-2013-PEG-XX-XX-DR-C-001-S2-P5 - Drainage Strategy

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

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

- 3 Prior to any works comprising the erection of a building drainage plans for the disposal of foul water flows shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of foul drainage.

- 4 The windows serving en-suites and bathrooms in all the dwellings hereby permitted shall, prior to occupation of the dwelling, be fitted with obscure glazing (minimum Pilkington Level 4 or equivalent). The windows shall thereafter be retained as such and not altered without the prior consent of the Local Planning Authority. **(Officer note: Officers are liaising with the applicant regarding this condition and an update will be provided at committee).**

Reason: In the interests of residential amenity

- 5 Notwithstanding the submitted details, no works above DPC level shall take place until precise details of proposed levels, including floor slab levels and ridge heights of proposed buildings, finished ground levels and details of any retaining walls, relative to existing levels on the site and floor levels and ridge levels on adjacent dwellings on Willow Bank Road, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented strictly in accordance with the approved details.

Reason: In the interests of residential and visual amenity

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

Reason: In the interests of residential and visual amenity

- 7 Notwithstanding the submitted landscaping details, no works above DPC level shall take place until details of the size and species of planting have been submitted to and approved in writing by the Local Planning Authority. The submitted landscaping details shall include details of species adjacent to the proposed pedestrian access to provide screening and protect the residential amenity of existing residents.

The planting shall be carried out in accordance with a phasing plan/timescales which has been submitted to and approved in writing by the Local Planning Authority. Any trees or plants which, within a period of ten years from completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of residential and visual amenity.

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

Reason: In the interests of visual amenity

9. Notwithstanding the submitted details, prior to the commencement of construction of the attenuation basin, precise details of the proposed engineering works, levels and geometry shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented strictly in accordance with the approved details.

Reason: In the interests of visual amenity

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

Reason: In the interests of visual and residential amenity

11. Notwithstanding the submitted details, prior to the installation of any street furniture including benches, precise details of the proposed street furniture shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented strictly in accordance with the approved details.

Reason: In the interests of visual amenity

12. The development hereby approved shall not be occupied until visibility splays are provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 54 metres to the south and 60 metres to the north measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6 metres from the edge of the carriageway. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above carriageway level.

Reason: In the interests of highway safety.

13. The Development hereby approved shall not be occupied until the access, parking and turning facilities that that individual building to the nearest public highway has been provided as shown on drawing 220609 L 02 01.

Reason: To ensure conformity with submitted details.

14. The development hereby approved shall not be occupied until the offsite works comprising:  
- Uncontrolled pedestrian crossing on Willow Bank Road  
Have been constructed and completed.

Reason: To ensure the safe and free flow of traffic onto the highway.



15. The Development hereby approved shall not be occupied until the applicant has submitted to and had approval in writing from the Local Planning Authority a residential welcome pack promoting sustainable forms of access to the development. The pack shall be provided to each resident at the point of the first occupation of the dwelling.

Reason: To reduce vehicle movements and promote sustainable access.

16. Prior to commencement of the development hereby permitted details of a highways construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period. The plan/statement shall include but not be restricted to:
- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
  - Advisory routes for construction traffic;
  - Any temporary access to the site;
  - Locations for loading/unloading and storage of plant, waste and construction materials;
  - Method of preventing mud and dust being carried onto the highway;
  - Arrangements for turning vehicles;
  - Arrangements to receive abnormal loads or unusually large vehicles;
  - Highway Condition survey;
  - Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

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

17. No development shall take place within the application site until the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

Reason: It is important to agree a programme of archaeological work in advance of the commencement of development, so as to make provision for the investigation and recording of any archaeological remains that may be destroyed by ground works required for the scheme. The archaeological programme will advance understanding of any heritage assets which will be lost, in accordance with paragraph 205 of the National Planning Policy Framework

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

Reason: In the interests of residential amenity

- 19.** If, during the course of development, any contamination is found which has not been identified in the site investigation, measures for the remediation of this source of contamination shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved measures.

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

- 20.** The development shall proceed in strict accordance with the Mitigation Measures provided in the Ecological Impact Assessment (Clarkson&Woods, July 2023) and Ecological response letter (Clarkson & Woods, July 2023).

Reason: In the interests of biodiversity

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

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

- i. A drawing showing sensitive areas and/or dark corridor safeguarding areas;
- ii. Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging;
- iii. Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species;
- iv. Description, design or specification of external lighting to be installed including shields, cowls or blinds where appropriate.;
- v. A description of the luminosity of lights and their light colour including a lux contour map;
- vi. A drawing(s) showing the location and where appropriate the elevation of the light fixings; and
- vii. Methods to control lighting control (e.g. timer operation, passive infrared sensor (PIR)).

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

Reason: In the interests of biodiversity, dark skies and residential amenity

- 22.** Work shall not start on the development hereby permitted until a Construction Ecological Management Plan (CEMP Biodiversity) for Ecology has been submitted to and approved in writing by the Local Planning Authority. The CEMP Biodiversity shall expand on the mitigation measures and recommendations outlined in the Ecological Impact Assessment (Clarkson & Woods, July 2023) and Ecological response letter (Clarkson & Woods, July 2023). The CEMP (Biodiversity) shall be written in accordance with BS42020, and include mitigation measures for the protection of bats, birds, great crested newt, reptiles, hedgehog and badger, as well as any pollution prevention measures

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

Reason: To protect biodiversity.

- 23.** Prior to the commencement of development, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall be written in accordance with BS42020 and shall expand on the mitigation measures and recommendations outlined in the Ecological Impact Assessment (Clarkson & Woods, July 2023) and Ecological response letter (Clarkson & Woods, July 2023). The LEMP should also detail persons responsible and timetable of implementation. The development shall be carried out in accordance with the approved details.

Reason: In the interests of biodiversity.

- 24.** Notwithstanding the submitted details, no works above DPC level shall take place until details of the long term management of the retained boundary hedgerows to the north, west and south of the site, as well as the hedgerow/vegetation to the east of the LEAP have been submitted to and approved in writing by the Local Planning Authority

Reason: In the interests of biodiversity and visual amenity

- 25.** Prior to the commencement of development, including all preparatory ground work, a scheme for the protection of the retained trees, as identified in the Arboricultural Impact Assessment prepared by Treework Environmental Practice dated September 2022, in accordance with BS 5837:2012, including a Tree Protection Plan(s) (TPP) and an Arboricultural Method Statement (AMS), shall be submitted to and approved in writing by the Local Planning Authority. The TPP and AMS should include details of the following:
- i. location and installation of services/ utilities/ drainage;
  - ii. details of construction within the root protection areas that may impact on the retained trees;
  - iii. a full specification for the installation of boundary treatment works;
  - iv. a specification for protective fencing to safeguard trees during construction phases and a plan indicating the alignment of the protective fencing;
  - v. a specification for scaffolding and ground protection within tree protection zones;
  - vi. tree protection during construction indicated on a TPP and construction plan and construction activities clearly identified as prohibited in this area; and,
  - vii. details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires.

All works shall be carried out in accordance with the approved details.

Reason: To protect retained trees

- 26.** No below or above ground development shall commence on any phase of development until a detailed Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The detailed Site waste management plan must identify: -
- the specific types and amount of waste materials forecast to be generated from the development during Site preparation & demolition and construction phases; and the specific measures that will be employed for dealing with this material so as to: -
  - minimise its creation, maximise the amount of re-use and recycling on-Site;
  - maximise the amount of off-Site recycling of any wastes that are unusable on-Site;
  - and reduce the overall amount of waste sent to landfill. In addition, the detailed Site waste management plan must also set out the proposed proportions of recycled content that will be used in construction materials.
- 
- The detailed Site waste management plan shall be fully implemented as approved.

Reason: To ensure the effective implementation of waste minimisation and resource efficiency measures.

- 27.** No works above DPC level shall take place until full details of the provision made for facilitating the management and recycling of waste generated during occupation for that specific phase has been submitted to and approved in writing by the Local Planning Authority. This must include details of the appropriate and adequate space and infrastructure to allow for the separate storage of recyclable waste materials. The management of waste during occupation must be aligned with the principles of the waste hierarchy and not prejudice the local collection authority's ability to meet its waste management targets. All details shall be fully implemented as approved.

Reason: To ensure the effective implementation of waste minimisation and resource efficiency measures.

## **12. Informatives**

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- 1** In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing the to the Council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.
- 2** The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out.

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

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

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

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

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

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

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

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

- 4** The development hereby approved and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authorities Network Management Team at [Network&TrafficManagement@gloucestershire.gov.uk](mailto:Network&TrafficManagement@gloucestershire.gov.uk) before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.
- 5** Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

- 6 It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to “respecting the community” this says: Constructors should give utmost consideration to their impact on neighbours and the public
- Informing, respecting and showing courtesy to those affected by the work;
  - Minimising the impact of deliveries, parking and work on the public highway;
  - Contributing to and supporting the local community and economy; and
  - Working to create a positive and enduring impression, and promoting the Code.

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

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

- 7 Although forming part of the planning application, this Decision Notice does not approve the following plans:
- 220609 L 03 01 - Hardworks Plan Rev E
  - 220609 L 04 01 - Softworks Plan Rev F
  - 220609 L 04 02 - Softworks Plan Rev F
  - 220609 L 04 03 - Softworks Plan Rev F
  - 220609 L 04 04 - Softworks Plan Rev F
  - 220609 R 04 01 - Proposed Softworks Schedule Rev C

Details of surface treatment and paving materials as shown on the Hardworks Plan Rev E are various shades of grey which does not reflect the warmer buff colour of Cotswold stone. These details are unacceptable and details of surface treatments are required to be submitted in accordance with condition 8. The submitted softworks details are also not approved documents and in accordance with the requirements of condition 7 revised details of species, hedgerow and grass mixes are required to be submitted to and approved in writing by the Local Planning Authority.