

Planning Committee

Date	19 December 2023
Case Officer	Chloe Buckingham
Application No.	22/00857/PIP
Site Location	Land to the Rear of Cleeve Road, Gretton Road, Gotherington
Proposal	Erection of between 1 and 6 dwellings.
Ward	Cleeve Hill
Parish	Gotherington
Appendices	Site Location Plan (P21-0566-02-3 Rev_1)
Reason for Referral to Committee	Parish Objection
Recommendation	Permit

Site Location



1. The Proposal

- 1.1 Full application details are available to view online at:
<https://publicaccess.tewkesbury.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RFOE1GQD0NI00>
- 1.2 The erection of between 1no. and 6no. dwellings.

2. Site Description

- 2.1 The application site is an L-shaped parcel of land to the rear of a row of existing dwellings on Cleeve Road. The site has vehicular access to the highway and shares its eastern boundary with the back gardens of the existing properties. The site lies just outside of the defined settlement boundary for the village.

3. Relevant Planning History

Application Number	Proposal	Decision	Decision Date
T.3504	Installation of two pumps and tanks for resale of petrol. (Outline application)	PERMIT	21.02.1961
T.3504/A	Outline application for the erection of a double garage and construction of a new vehicular access.	PERMIT	21.03.1973
T.3504/A/AP	Erection of a Marley Monaco double private garage and construction of a new vehicular access.	PERMIT	20.06.1973
92/00350/FUL	Erection of a detached house and garage. Alterations to access.	PERMIT	19.10.1992

4. Consultation Responses

- 4.1 Full copies of all the consultation responses are available online at
<https://publicaccess.tewkesbury.gov.uk/online-applications/>.
- 4.2 Gothington Parish Council - Objection. The main points being:
- The dwellings are too tall compared to the existing properties.
 - The dwellings would not be in-keeping with the character and appearance of the street.

4.3 County Highways Officer – No objection

4.4 Drainage Engineer - No comments received at time of writing.

4.4 Tree Officer - No objection.

5. **Third Party Comments/Observations**

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

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

5.2 Third Party Comments: 12 objection comments received. The main points being:

- Outside of the settlement boundary- conflicts with policy RES3.
- Adverse impact on gap of local importance and the Special Landscape Area.
- No direct pedestrian access to the village- no footpaths.
- Lack of visibility at the access- dangerous for traffic and pedestrians
- Gotherington has already exceeded NDP requirement of 87 dwellings by 60 and there is no requirement for further housing.
- Detrimental to social cohesion.
- Coalescence with Bishops Cleeve.
- Encroachment into countryside.
- Lack of facilities and job opportunities.
- Reliance on private car- insufficient public transport.
- Loss of green space and farmland.
- Impact on ecology.
- Village school has no capacity.
- Loss of outlook, light, privacy and an overbearing impact for existing dwellings.
- Overdevelopment
- Concerns regarding sewerage/drainage
- Development would be highly visible.
- There is a veteran oak tree on the western boundary.
- Light pollution.
- The Transport comment is now out-of-date. The recently opened cycle/footpath beside Cleeve Road, has lead to a big increase in pedestrians walking along the narrow road between The Lawns to the entrance of the new path. The addition of further vehicles would increase risk of accidents.

6. **Relevant Planning Policies and Considerations**

6.1 Statutory Duty

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

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

6.2 National guidance

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

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

SP2 (Distribution of New Development)
SD3 (Sustainable Design and Construction)
SD4 (Design Requirements)
SD6 (Landscape)
SD8 (Historic Environment)
SD9 (Biodiversity and Geodiversity)
SD10 (Residential Development)
SD11 (Housing mix and Standards)
SD14 (Health and Environmental Quality)
INF1 (Transport Network)
INF3 (Green Infrastructure)

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

Policy RES2 Settlement Boundaries
Policy RES4 New housing at other rural settlements
Policy RES5 New Housing Development
Policy DES1 Housing Space Standards
Policy ENV2 Flood Risk and Water Management
Policy NAT1 Biodiversity, Geodiversity and Important Natural Features
Policy TRAC9 Parking Provision
Policy LAN1 Special Landscape Areas
Policy LAN3 Gaps of Local Importance
Policy COM4 Neighbourhood Development Plans

6.5 Gotherington Neighbourhood Plan 2011-2031

Policy GNDP03 (New Housing Development in the Open Countryside)
Policy GNDP07 (Gotherington Design Principles)
Policy GNDP09 (Protecting and Enhancing the Local landscape)
Policy GNDP10 (Protecting Locally Significant Views)
Policy GNDP11 (Development Outside of the Defined Settlement Boundary)

7. Policy Context

7.1 This application is for a Permission in Principle (PIP), as provided for in the Town and Country Planning (Permission in Principle) Order 2017.

- 7.2 The PPG advises that this is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle from the technical detail. This consent route has two stages, the first stage establishes whether a site is suitable in principle, and the second stage, the technical details consent, is where the detailed development proposals are assessed.
- 7.3 The current application is the first stage of the process and seeks solely to establish whether the site is suitable in principle for the provision of between 1 and 6 dwellings.
- 7.4 The Government's guidance sets out that the scope of the first stage of permission in principle is limited to the location, land use and amount of development. The site layout, design, access, landscaping, drainage and any other relevant technical matters would be considered at the 'technical details' stage.

8. Evaluation

- 8.1 The guidance (Paragraph 012 of the Planning Practice Guidance) for Permission in Principle states that the scope of the PIP is limited to:
- Location
 - Land Use
 - Amount

Location: Principle of Development

- 8.2 Whilst Gotherington is identified as a service village in the JCS, the application site lies outside but adjacent to the defined development boundary for Gotherington as identified in the TBLP Proposal Map. In order to further sustainability objectives and in the interests of protecting the countryside Policy SP2 of the JCS sets out the distribution strategy for new housing across the Borough to 2031.
- 8.3 Gotherington is identified as a service village within table SP2c for the purpose of the settlement hierarchy. Criterion (vi) of Policy SP2 confirms that on sites that are not allocated within the plan for development, Policy SD10 will apply to proposals for residential development. Criterion 4 (ii) of Policy SD10 'Residential Development' of the JCS sets out that on sites that are neither allocated or previously developed land, housing development will be permitted, except where otherwise restricted by policies within district plans, where it would represent infill within the existing built up areas of Tewkesbury Borough's towns and villages. Given the specific context of the site being to the rear of existing dwellings and not located between dwellings, the scheme cannot be considered to be infill development and the proposal is contrary to JCS Policy SD10.
- 8.4 Policy RES3 states that outside of the defined settlement boundaries (identified on the Policies Map) the principle of new residential development will be considered acceptable where development being proposed consists of: 1. The reuse of a redundant or disused permanent building (subject to Policy RES7) 2. The sub-division of an existing dwelling into two or more self-contained residential units (subject to Policy RES8) 3. Very small-scale development at rural settlements in accordance with Policy RES4 4. A replacement dwelling (subject to Policy RES9) 5. A rural exception site for affordable housing (subject to Policy RES6) 6. Dwellings essential for rural workers to live permanently at or near their place of work in the countryside (subject to Policy AGR3) 7. A site that has been allocated through the Development Plan or involves development through local initiatives including Community

Right to Build Orders and Neighbourhood Development Orders.

- 8.5** Whilst the scheme is very small-scale development the site is located adjacent to the defined settlement boundary of Gotherington which is classified as a 'service village' and as such the scheme is not in accordance with policy RES4 as policy RES4 supports very small-scale residential development within and adjacent to the built-up area of other rural settlements (i.e. those not featured within the settlement hierarchy).
- 8.6** Policy GNPD03 of the adopted Gotherington Neighbourhood Plan states that for new housing development outside of the defined settlement boundary, and not on allocated sites, in the open countryside will only be permitted in the following limited circumstances: a) Retention, repair and refurbishment of existing dwellings; b) Replacement dwellings; c) Domestic extensions; d) Rural exception housing to meet an identified local need in accordance with Tewkesbury Borough Council policy; e) Agricultural and forestry dwellings; and f) Where evidenced need for additional housing in Gotherington has been established through the development plan and cannot be met within the defined settlement boundary. The scheme also does not fall under any of the exceptions listed within policy GNPD03.
- 8.7** Gotherington has provided more new housing than envisaged by the JCS and Local Plan, however, the amount is not limited directly in policy. Importantly, in this particular case, the proposed amount of housing envisaged on this site is small in number and the site relates reasonably well to the built form of the village and therefore also relates well to the services and amenities that the village provides as an identified Service Village in the Local Plan. The development would also be read against the built form of the village.
- 8.8** Notwithstanding the above there are some tensions with the Local Plan and Neighbourhood Plan policies in providing support for the development. It is considered that the development would predominantly be seen within the context of existing built form and would not appear divorced from the existing Service Village of Gotherington.

Five Year Housing Supply

- 8.9** The Council published an updated Five-Year Housing Land Supply Statement (October 2023) on 17th October 2023 which sets out the position on the five-year housing land supply for Tewkesbury Borough as of 31st March 2023 and covers the five-year period between 1st April 2023 and 31st March 2028. This demonstrates that, when set against local housing need plus a 5% buffer, Tewkesbury Borough Council can only demonstrate a 3.23 years' supply of housing land.
- 8.10** While the policies for the delivery of housing are out of date they nevertheless still remain part of the development plan albeit with reduced weight. 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.

Location: Landscape impact

- 8.11** Section 15 of the NPPF relates to "Conserving and Enhancing the Natural Environment" and, at paragraph 174, specifies that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, and by recognising the intrinsic character and beauty of the countryside.
- 8.12** Policy SD6 of the JCS 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.
- 8.13** Policy LAN1 Special Landscape Areas of the TBLP is relevant. This states that new development will be permitted within SLAs subject to the following 3 criteria:-
- The proposal would not cause harm to those features of the landscape character which are of significance;
 - The proposal maintains the quality of the natural and built environment and its visual attractiveness;
 - All reasonable opportunities for the enhancement of landscape character and the local environment are sought.
- 8.14** Policy LAN2 of the TBLP states that development must, through sensitive design, siting, and landscaping, be appropriate to, and integrated into, their existing landscape setting. In doing so, relevant landscape features and characteristics must be conserved and where possible enhanced, having regard to the Gloucestershire Landscape Character Assessment 2006 and the Cotswolds AONB Landscape Character Assessment 2003.
- 8.15** Policy LAN3 of the TBLP states that the council will protect the Gaps of local importance identified on the Policies Map to help retain the separate identity, character and/or landscape setting of settlements and prevent their coalescence. Development within Gaps of Local Importance as shown on the Policies Map will only be permitted where:
- the open or undeveloped character of the gap would not be significantly adversely affected;
 - the separate identity and character of the settlements would not be harmed; and
 - the landscape setting of the settlements would not be harmed.
- 8.16** The likely impact of the proposal in conjunction with any other developments with extant planning permission will be taken into account. Proposals in conflict with these requirements will only be permitted where the development is directly related to the essential needs of agriculture, forestry or other land-based industries.
- 8.17** Policy RES5 of the TBLP also requires proposals to consider the impact of any development on the form, character and landscape setting of the settlement which will be important considerations.
- 8.18** It is considered that the proposed development would have an impact upon the Special Landscape Area given that it is development upon currently undeveloped land. The proposal would result in a form of backland development, set behind a row of existing detached properties, and considering that the immediate character of development is that of a ribbon development fronting the road, the scheme is out-of-keeping with the local context in terms of siting.

- 8.19** The site is also allocated as a gap of local importance in the TBLP (Policy LAN3). As set out above the provision of any number of dwellings in this location would have an impact due to the current undeveloped state of the site. However, the development would be located to the west of existing development and would not extend further south. There is also a wooded area further west of the application site which creates a defined boundary and limits the open characteristics of the gap of local importance. The purpose of the gap of local importance between Bishops Cleeve and Gotherington is to restrict development that adversely effects the open character of the land and to stop the coalescence of settlements.
- 8.20** In terms of Policy LAN3, harm has been identified in that the site would lose its open characteristic if developed, however, given that it is at the edge of the existing settlement and the number of dwellings is between 1 – 6, an appropriately designed scheme could come forward to minimise the harms. This would be dealt with through the technical details stage and may include 1 or 1.5 storey buildings that are at an appropriate scale. In terms of the separate identity of settlements and coalescence with Bishops Cleeve, this site is located to the west of existing development and would not project further south towards Bishops Cleve. Whilst some of this open gap would be lost and the development does not represent the east to west nature of existing development in Gotherington, it is not considered to be of a scale that would adversely affect the purposes of Policy LAN3 in this instance and would be read between existing development and a mature wooded area.
- 8.21** It is noted that the oak to the rear has a TPO and the Tree Officer has explained that they have no objection in principle to the proposal providing the tree is a material consideration in the layout and no works take place in the root protection area. This is something that can be addressed during the submission of technical details stage.
- 8.22** Therefore, the scheme is considered to be broadly compliant with policy SD6 of the JCS and policies LAN1, LAN2, LAN3 and RES5 of the TBLP.

Location: Conclusion

- 8.23** 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.
- 8.24** The application conflicts with Policy SD10 of the JCS, Policies RES1, RES2, RES3 and RES34 of the TBP and Policy GNDP03 of the GNDP, therefore the starting point is that the proposal should be refused in accordance with the development plan unless other material planning considerations indicate otherwise.
- 8.25** However, as set out above, the Council cannot at this time demonstrate a five year supply of deliverable housing land and therefore the most important policies for determining the application are deemed out of date in accordance with footnote 8 of the NPPF. On that basis the application must be determined in accordance with paragraph 11(d)(ii) of the NPPF (the tilted balance), i.e. 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.

Land Use

- 8.26** The guidance sets out that housing led development is the accepted land use for a PIP application.
- 8.27** As discussed above, the site is also adjacent to the settlement boundary and the proposal is relatively small scale, therefore, on balance its use for housing led development is considered acceptable, subject to approval of technical details.

Amount

- 8.28** During the application the maximum number of dwellings was reduced from 9 to 6 as it was considered that 9 dwellings on this site would be over-development. The application seeks permission for between one and six dwellings on a site comprising 0.49 ha which would give rise to a maximum residential development density of approx. 12 dwellings per hectare, which is a relatively low development density but appropriate in this location.
- 8.29** Policy SD10(6) of the JCS states that residential development should seek to achieve the maximum density, which is compatible with good design and, inter alia, the character and quality of the local environment.
- 8.30** Whilst the layout is a consideration for Technical Matters stage, due to the sensitivities of the site which abuts the open countryside and is located within a Special Landscape Area and a gap of local importance, a lower density form of development with a high-quality landscaping scheme would be an appropriate form of development.
- 8.31** Therefore, as the characteristics of the site would likely give rise to a lower density form of development at Technical Matters stage it is considered that the principle of up to 6 dwellings for development on this site is acceptable having regard to the provisions of Policy SD10(6) of the JCS.

Other Matters

- 8.32** It is not within the scope of this application to determine the details of site layout, design, access, highways impact, landscaping or drainage. Permission in principle could only be refused on this basis if there were insurmountable reasons why the development as proposed would have unacceptable impacts regarding these specific details. Some of the matters raised by local residents are not matters that can be considered within the scope of the application and would be considered at the technical details stage. Any issues which may arise must be overcome through that part of the process and before development could proceed.
- 8.33** The relevant consultees have not raised any insurmountable concerns and as such there are no reasons for refusal for the principle of residential development at this stage.
- 8.34** Whilst an objection comment has said that no notices have gone up in the village, a site notice was displayed at the site for a period of 21 days and as such the Council have satisfied statutory duties.

9. Conclusion

- 9.1** 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.
- 9.2** The application conflicts with policies SP2 and SD10 of the JCS, policy RES3 of the TBLP and Policy GNDP03 of the Gotherington Neighbourhood Development Plan and therefore the starting point is that the proposal should be refused in accordance with the development plan unless other material planning considerations indicate otherwise. However, as set out above, the Council cannot at this time demonstrate a five-year supply of deliverable housing land and therefore the most important policies for determining the application are deemed out of date in accordance with footnote 8 of the NPPF.
- 9.3** On that basis the application must be determined in accordance with paragraph 11(d)(ii) of the NPPF (the tilted balance), i.e. 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 NPPF as a whole. As there are no clear reasons for refusal arising from NPPF policies for the protection of areas or assets of particular importance in this case. The decision-making process for the determination of this application is to assess whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.

Benefits

- 9.4** The development would contribute towards the supply of housing to help meet the housing need which attracts significant weight in favour of granting permission in light of the Council's housing land supply position.
- 9.5** The scale of development, its relationship with and proximity to Gotherington, a Service Village, is a benefit that, in the light of the Council's housing land supply position, would attract considerable weight in favour of granting permission.
- 9.6** In addition, in economic and social terms a number of benefits would flow from this development if permitted, including during the construction process. There would also be economic and social benefits arising from spend from future residents which would help sustain local services and facilities, which is considered a moderate benefit.

Harms

- 9.7** Harm arises from the conflict with development plan policies and the spatial strategy relating to housing, particularly policies SP2 and SD10 of the JCS, policy RES3 of the TBLP and Policy GNDP03 of the Gotherington Neighbourhood Development although it is accepted that the Council's housing policies are currently out of date.
- 9.8** There would be some harm to the landscape by reason of encroachment into the open countryside beyond the settlement boundary and to the gap of local importance. Officers consider this landscape harm could be localised, minor and adverse subject to sensitive design, layout and landscaping at Technical Matters stage. It is considered that the harm is capable of not being significant.

Overall conclusion

- 9.9** There would be some harm arising from the development, namely harm arising from conflict with development plan policies and the spatial strategy relating to housing.
- 9.10** Significant weight should be given to the provision of housing and this benefit would attract weight in favour of granting permission considering the Council's housing land supply position along with economic and environmental benefits of the scheme.
- 9.11** Taking account of all the material considerations and the weight to be attributed to each one, it is considered that the identified harms would not significantly and demonstrably outweigh the benefits in the overall planning balance.

10. Recommendation

- 10.1** The proposal accords with relevant policies as outlined above, it is therefore recommended the application be **PERMITTED**.

11. Informatives

- 1** The technical details application for the approval of matters must be made prior to commencement of development and no later than the expiration of three years from the date on this decision notice, after this period this planning permission in principle shall lapse.
- 2** 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.
- 3** CIL: IMPORTANT INFORMATION Tewkesbury Borough Council is a charging authority for the Community Infrastructure Levy (CIL). It is your responsibility to ensure that the requirements of the CIL Regulations are met. The Council will make every effort to ensure that a Liability Notice providing details of the potential charge is dispatched as soon as possible after planning permission or consent is granted. If you do not receive a Liability Notice please contact the Council. If you have been granted a Permission in Principle you will be required to submit the CIL Planning Application Additional Information Requirement form along with your Technical Details application. IMPORTANT - All CIL requirements, including assuming liability to pay the charge, claiming any exemption or relief and notifying the Council of your intention to commence development, must be met before any works begin on site - including any demolition. Further information regarding CIL can be found on our website at <https://www.tewkesbury.gov.uk/planning> or you can contact us at cil@tewkesbury.gov.uk.