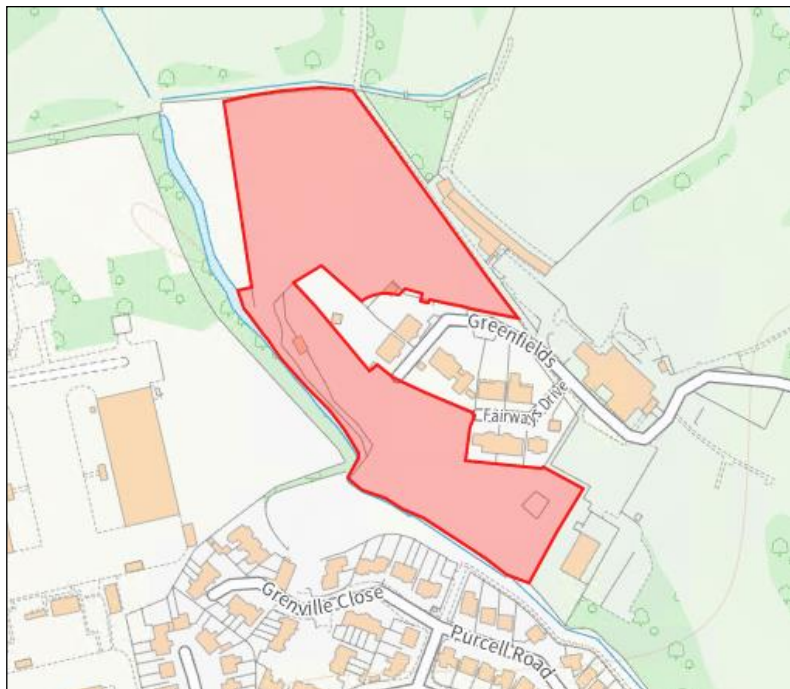


## Planning Committee

<b>Date</b>	20 February 2024
<b>Case Officer</b>	Jonny Martin
<b>Application No.</b>	22/00898/OUT
<b>Site Location</b>	Retained Land At Brickhampton Court, Greenfields, Churchdown
<b>Proposal</b>	Hybrid planning application seeking;  A. Full permission for the use of land as public amenity space (Including community woodland, pedestrian access, play space and biodiversity enhancements).  B. Outline planning permission for seven affordable (discounted market) dwellings with all matters reserved for future consideration.  C. Outline planning permission for eight market dwellings with all matters reserved for future consideration.
<b>Ward</b>	Churchdown St Johns
<b>Parish</b>	Churchdown
<b>Appendices</b>	Site Location Plan received by the LPA on 8 <sup>th</sup> August 2022 Proposed Site Plan 4171-001 Rev L Proposed Arrangement Plan 003 Rev C
<b>Reason for Referral to Committee</b>	Full or outline application for the erection of 10 or more dwellings in accordance with the TBC Scheme of Delegation. Parish objection.
<b>Recommendation</b>	Refuse

### Site Location



## 1. The Proposal

---

Full application details are available to view online at:

<http://publicaccess.tewkesbury.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=REJZ8KQDKU200>

1.1 The application is a Hybrid planning application seeking;

*A. **Full permission** for the use of land as public amenity space (Including community woodland, pedestrian access, play space and biodiversity enhancements).*

*B. **Outline planning permission** for 7 affordable (discounted market) dwellings with all matters reserved for future consideration.*

*C. **Outline planning permission** for 8 market dwellings with all matters reserved for future consideration.*

1.2 The applicant has provided an arrangement plan (003 Rev C) which defines the parts of the site as follows:

- Part A Public amenity space - shown with a green wash;
- Part B Affordable housing - shown with a yellow wash;
- Part C Market housing - shown with a blue wash.

1.3 In relation to access it is envisaged that vehicular access to the site will be provided from Greenways pertaining to Parts B and C relating to the dwellings. For Part A, the public amenity space, the Site Plan (Drawing 4171-001 Rev L) (herein referred to as concept plan) shows new pedestrian connectivity through links between the existing PROW ECN to the north east and east.

1.4 The concept plan shows the 8 market dwellings being located in the southern portion of the site, footpaths linked these houses to the public open space along the western boundary, the majority of the public open space with the play area and attenuation pond being located in the northern portion of the site and the 7 Affordable Housing (AH) units being located on the eastern portion of the site adjacent to the driving range associated with Brickhampton Golf Club.

1.5 The proposals are for 8 market homes and 7 affordable homes achieving 47% as affordable units. Although all matters of detail are reserved for subsequent approval (and therefore under the LPA's control), an indicative layout has been prepared to demonstrate the general form and layout that is envisaged. It is envisaged that the dwellings will not exceed 2 storeys in height and all units would be detached dwellings.

## 2. Site Description

---

2.1 The application site comprises 2.4 hectares of land retained by the applicants after the farm was developed into Brickhampton Golf Club, club house and driving range in 1990. In 1994, 8 new houses were built on the original footprint of the farm house and buildings at Greenfields and Fairways Drive. A stable block and field shelter for equine use form the bulk of the remaining built structures on the site's 2.4 hectares.

- 2.2** The site is not located within the settlement boundary of Churchdown and Innsworth but the settlement boundary runs along the southern boundary of the site. To the west, the site is bound by the Nato Allied Force Base. The majority of the site is bound to the north and east by Brickhampton Golf Club with the middle portion of the site bound by the residential development at Greenfields and Fairways Drive.
- 2.3** The site is located within the Green Belt, a Public Right of Way (PROW) runs along the eastern boundary and is located within Flood Zone 1. There are no other environmental or landscape constraints relating to the site.

### **3. Relevant Planning History**

---

<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
87/00161/OUT	Outline application for residential development on 2.63ha of land. Alteration of existing vehicular and pedestrian access.	REF	25.11.1987
89/90847/OUT	Outline application for golf course, including clubhouse with hotel accommodation (32 bedrooms) small swimming pool & fitness centre	REF	14.03.1990
90/94176/OUT	Extension to permitted area of golf course, clubhouse with hotel (26 beds), leisure facilities, parking & improved access	PER	30.08.1990
94/01231/OUT	Outline application for alterations to two existing farm buildings to form three dwellings and alterations to existing farmhouse to form two dwellings. Erection of three detached dwellings.	PER	13.12.1994
95/00841/OUT	Outline application for the erection of eight dwellings.	REF	14.11.1995
98/00275/APP	Erection of 8 dwellings (Approval of reserved matters).	APPROV	26.05.1998
98/00911/APP	Erection of 8 dwellings (approval of reserved matters landscaping).	APPROV	06.11.1998

### **4. Consultation Responses**

---

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

**Churchdown Parish Council** – Objection: The development is on Green Belt land and there are concerns over highways safety due to proposed access along the existing narrow private road.

**Ecology** – No objection subject to conditions.

**Archaeology** – No objection subject to conditions.

**County Highways** – No objection subject to conditions.

**S106** – The applicant is agreeable to paying planning obligations via a S106 Agreement

if the application is permitted.

**Tree Officer** – No objection to principle but full details required via condition/reserved matters.

**Tree Warden** – neither objects or supports but welcomes the biodiversity enhancements.

**Landscape Officer** – No comment received but full landscaping details would be provided via condition/reserved matters.

**Lead Local Flood Authority** – No objection subject to compliance condition.

**Severn Trent** – No objection subject to condition.

**Environmental Health Officer** – No objection subject to conditions relating to contaminated land, noise assessment, CEMP and construction hours.

**Economic Development** – No comment received.

**Minerals and Waste** – No objection subject to conditions.

**Wildlife Trust** – Welcomes the proposal but request further information through a LEMP.

**Campaign to Protect Rural England (CPRE)** – Objection as the development does not provide very special circumstances to outweigh the harm to the Green Belt.

**Affordable Housing Officer** – Objection due to the physical separation of the affordable units from the market sale units and the proposed tenure type does not meet the identified need for the borough.

## **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** The application has also been publicised through the posting of neighbour notifications for a period of 21 days and 16 letters of objection, including a signed petition from 12 members of Brockhampton Golf Club and an objection letter from PJS Development Solutions on behalf of 7 properties at Greenfields and Fairfields have been received. 12 letters of support, including a signed letter from 60 residents from Highgrove Estate, have also been received.
- 5.3** The objection comments are summarised as follows:
- The development would impinge on existing wildlife on the green fields;
  - Impact on traffic congestion;
  - Inappropriate development for the Green Belt;
  - Increase in noise and disturbance to existing residents;
  - Impact on flooding;
  - No parking facilities for the play area and amenity space;

- Impact on highway safety due to increase in cars using narrow lanes;
- Play park not in a sustainable location;
- Conflict with Neighbourhood Plan in relation to public amenity space provision;
- The development as a whole is not located within a sustainable location;

**5.4** The support comments are summarised as follows:

- The woodland, play area and improved public access complements the existing golf infrastructure;
- Highgrove Estate Residents – 52 residential homes and 60 residents living adjacent to the application support the scheme;
- Provision of facilities for young children;
- Provision of affordable and market homes;

## **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

- SP1 (The Need for New Development)
- SP2 (Distribution of New Development)
- SD3 (Sustainable Design and Construction)
- SD4 (Design Requirements)
- SD5 (Green Belt)
- SD6 (Landscape)
- SD9 (Biodiversity)
- SD10 (Residential Development)
- SD11 (Housing mix and Standards)
- SD14 (Health and Environmental Quality)
- INF1 (Transport Network)
- INF2 (Flood Risk Management)
- INF3 (Green Infrastructure)
- INF4 (Social and Community Infrastructure)
- INF6 (Infrastructure Delivery)
- INF7 (Developer Contributions)

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

- RES2 (Settlement Boundaries)
- RES3 (New Housing Outside Settlement Boundaries)
- RES5 (New Housing Development)
- RES12 (Affordable Housing)
- RES13 (Housing Mix)
- GRB4 (Green Belt)
- DES1 (Housing Space Standards)
- LAN2 (Landscape Character)
- NAT1 (Biodiversity)
- RCN1 (Public Outdoor Space)
- ENV2 (Flood Risk and Water Management)
- TRAC9 (Parking Provision)

#### **6.5** Neighbourhood Plan

Churchdown and Innsworth Neighbourhood Development Plan – 2011-2031

- Policy CHIN1: Parking To Support Residential Development
- Policy CHIN2: Layout And Appearance Of Residential Development
- Policy CHIN3: Environmental Considerations In The Design Of Residential Development
- Policy CHIN5: Provision of Play Facilities
- Policy CHIN 11: Blue Infrastructure
- Policy CHIN12: Flood Mitigation
- Policy CHIN14: Pedestrian and Cycle Movement Routes

### **7. Policy Context**

---

**7.1** Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the Development Plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.

**7.2** The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), saved policies of the Tewkesbury Borough Local Plan to 2011-2031 (June 2022) (TBLP), and a number of 'made' Neighbourhood Development Plans.

**7.3** The relevant policies are set out in the appropriate sections of this report.

**7.4** Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2023 and its associated Planning Practice Guidance (PPG), the National Design Guide (NDG) and National Model Design Code.

## **8. Evaluation**

---

### ***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 (or a four year supply if applicable). 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** In order to further sustainability objectives and in the interests of protecting the countryside, the housing policies of the JCS set out a development strategy for the Borough. Strategic Policies SP1 and SP2 of the JCS set out the scale and distribution of development to be delivered across the JCS area in the period to 2031.
- 8.5** The application site is located outside of any defined settlement boundary as identified on the Tewkesbury Borough Local Plan (TBLP) adopted policies map. The site is located on land adjacent, to the north, of the settlement boundary relating to Churchdown. The proposed site plan shows how there are 8 existing properties located in the middle of the application site and that the 7 AH units would be located to the north of these properties and the 8 market units would be located to the south. However, it remains that the site is not located within any defined settlement boundary.
- 8.6** TBLP Policy RES3 states that outside of the defined settlement boundaries, the principle of new residential development will only be considered acceptable where development being proposed consists of one of the exceptions. None of the exceptions apply to the proposed development.

**8.7** Policy SD10 of the JCS confirms that housing development on other sites will only be permitted where it is previously developed land in the existing built-up areas of Tewkesbury town, service centres and service villages, or it is:

*“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.”*

**8.8** The application site is not allocated for housing development and does not meet any of the exceptions of Policy SD10 of the JCS or Policy RES3 of the TBLP. The site is separated from the settlement boundary on the adopted plans and policies map but it is also physically separated from the settlement boundary by a small water course which runs along the southern boundary. Coupled with the existing hedgerows and tree planting to the southern boundary, the site is not considered to be infill development. The application therefore conflicts with Policy SP2 and SD10 of the JCS and Policy RES3 of the TBLP and the conflict with these adopted development plan policies are the starting point for decision making.

**8.9** The proposal is therefore unacceptable in principle due to its location outside of any defined settlement boundaries on undeveloped land. However, it is also the case that a 5-year supply of deliverable housing sites cannot currently be demonstrated. The NPPF states at paragraph 11 and footnote 8, that if a local authority cannot demonstrate that a 5-year housing land supply exists, then the policies which are most important for determining the application are deemed out of date.

**8.10** Consequently, paragraph 11d of the NPPF sets out that in circumstances where the most important policies for determining an application are out of date (and this includes circumstances where the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites, as is the case here) there is a presumption that planning permission be granted unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

**8.11** The protected areas or assets of particular importance referred to at (i) above are defined in footnote 7 of the NPPF and include 'land designated as Green Belt'

**8.12** Therefore, as a starting point, the tilted balance and paragraph 11d of the NPPF would be engaged and the conflict with policies SP2, SD10 and RES3 must be weighed in the planning balance. However, careful consideration must also be given to whether the 'tilted balance' is disapplied insofar as paragraph 11di of the NPPF is engaged.

**8.13** It is still necessary for the decision maker to have regard to all other relevant considerations which must be weighed in the overall planning balance.



## **Green Belt Assessment**

**8.14**

Policy SD5 of the JCS says that: *“To ensure the green belt continues to serve its key functions, it will be protected from harmful development. Within its boundaries, development will be restricted to those limited types of development which are deemed appropriate by the NPPF, unless very special circumstances can be demonstrated.”*

**8.15**

Paragraph 142 of the NPPF 2023 states: *“The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”*

**8.16**

Paragraph 143 of the NPPF 2023 explains that the Green Belt serves five purposes which are:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

**8.17**

Paragraph 152 of the NPPF 2023 states: *“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”*

**8.18**

Paragraph 153 of the NPPF 2023 states: *“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”*

**8.19**

Paragraph 154 of the NPPF 2023 provides a number of exceptions to the construction of new buildings in the Green Belt as stated below:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: – not have a greater impact on the openness of the Green Belt than the existing development; or

*– not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority*

- 8.20** Given this application is a hybrid application with parts, A, B and C, the Council will need to make an assessment on each element individually in relation to the exemptions set out under Paragraph 154 of the NPPF 2023 and then on all parts combined cumulatively.

#### Assessment on Part A – Public Open Space

- 8.21** Part A of the proposal seeks full planning permission for the change of use of existing paddock land to Public Open Space (POS) for community and educational use for local residents of Churchdown and Innsworth. The POS would comprise a community woodland, pedestrian access, play space and biodiversity enhancements. However, within the proposal for Part A, an attenuation pond would be constructed but this attenuation ponds primary use would be to serve the 15 dwellings proposed within Parts B and C. The attenuation pond would not primarily serve outdoor recreation or the change of use of the land but would primarily serve the residential dwellings which are not considered to be an exception to Green Belt policy under paragraph 154(b) of the NPPF 2023. Therefore, given the attenuation pond is central to Part A of the development, Part A as a whole would not meet the exception under paragraph 154 (b) of the NPPF 2023 for outdoor recreation.
- 8.22** Furthermore, while the principle of a play park is likely to meet exception 154(b) an assessment would need to be made on the facilities, in particular the size and scale of the playpark, to ensure the play provision preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

#### Assessment on Part B – 7 Affordable Units

- 8.23** Part B seeks outline planning permission for the erection of 7 AH units. An exception under paragraph 154 (f) does not consider affordable housing as inappropriate development provided that the affordable housing is for local community needs under policies set out in the development plan including policies for rural exception sites. The proposal would not be compliant with local policy RES6 Rural Exception Sites of the TBLP and therefore the proposal would not meet exception (f) and this element of the proposal is considered to be inappropriate development in the Green Belt.

#### Assessment on Part C – 8 Market Units

- 8.24** Part C seeks outline planning permission for the erection of 8 market dwellings. The applicant, as set out within the Planning Statement, believes that this element of the scheme meets exception 154 (e) is that it would be limited infilling in villages. The Council do not consider this element to be limited infilling in a village given the proposal would not be located within a defined settlement boundary, it conflicts with policy RES3 of the TBLP and Policy SD10 of the JCS. This parcel of land is physically separated from the existing settlement of Churchdown by a strong line of trees and hedges which provides a high degree of visual separation between the application site and the settlement boundary. Furthermore, the application site is separated from the settlement to the south by a small watercourse. PROW ECN runs along the eastern boundary of the site and then runs parallel to the watercourse until the PROW meets Cheltenham Road East (B4063). Despite the proposal seeking footpath connections to the existing PROW, the PROW does not connect into the settlement boundary at Grenville Close or Purcel Road and therefore there is no connection to the settlement boundary. Given the physical separation by mature

hedgerows, trees and small watercourse the site cannot be considered to be infill development. The proposed development would represent inappropriate development in the Green Belt, which by definition, is harmful to the Green Belt and should not be approved except in very special circumstances.

#### Cumulative Assessment on Exceptions

- 8.25** This application before the Council has been submitted as a Hybrid application with 3 elements, 1 seeking full planning permission and the other 2 elements seeking outline consent. When assessing the scheme as a whole, it would not meet the exceptions set out under Paragraph 154 of the NPPF 2023 and therefore the development is considered to be inappropriate development and should not be approved except in very special circumstances.

#### ***Openness of the Green Belt***

- 8.26** Openness, as highlighted in the NPPF, is an essential characteristic of Green Belts which is a separate issue from the character and appearance of an area. It is a matter of its physical presence rather than its visual qualities. The Planning Practice Guidance (PPG) advises that openness is capable of having both spatial and visual aspects.
- 8.27** The application site comprises open pasture land contained by hedgerows and lines of trees. The undeveloped and agricultural nature of the site contributes significantly to the openness.
- 8.28** Despite the proposed public open space and landscaping, the combined presence of the buildings erected as part of Part B and C, associated domestic paraphernalia, areas of hardstanding (roads and parking areas) and vehicles at the site would result in a considerable loss of openness. Moreover, given the open character of the application site and its location beyond the edge of the settlement, the development would run counter to two of the five purposes of the Green Belt that is to check the unrestricted sprawl of large built-up areas and assist in safeguarding the countryside from encroachment.
- 8.29** In relation to Part A, the applicant has provided no details on the type and size of play facilities to be used. This element of the proposal is for full planning permission and therefore without the details of the play facilities the Council cannot assess the impact this element of the proposal would have on the openness of the Green Belt. Due to the lack of information provided, Part A of the proposal would not be acceptable.
- 8.30** Accordingly, the proposal would cause a permanent reduction in openness which, because of the site's location and appearance, coupled with the degree of built form, would have an adverse spatial and visual impact on the openness of the Green Belt. The degree of harm would be significant. The cumulative features of the development would result in a clear loss of openness to the Green Belt which would be in conflict with the fundamental aims of green belt policy.

#### ***Applicant's Very Special Circumstances***

- 8.31** As set out above, planning policy provides that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The applicant has advanced several considerations they believe constitute very special circumstances which would clearly outweigh the harm to the Green Belt. These are summarised below (see the submitted

Planning Statement for full details):

1. Provision of housing where there is a lack of local housing supply in Tewkesbury;
2. Provision of affordable housing above the recognised 40% standard figure (at 47% for the Proposed Scheme);
3. Provision of community woodland;
4. Provision of a play area;
5. Provision of new footpaths and improved connectivity;
6. Provision of landscaping and screening;
7. Consideration of the development as infilling of existing development;
8. Previous consideration of the site for removal from the Green Belt; and
9. Meeting specific identified local housing need.

### ***Analysis of Very Special Circumstances***

- 8.32** The Framework (NPPF) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework also indicates that substantial weight should be given to any harm identified to the Green Belt.
- 8.33** The applicant has put forward a number of benefits which they consider to amount to very special circumstances. The Council do not consider a number of the arguments put forward to amount to benefits but see them as policy compliant matters. Points 1 and 9 are a duplication of each other in relation to contributing to the local housing need and therefore the number of benefits are reduced to 8.
- 8.34** Point 6 relates to the provision of landscaping and screening which the Council believe is a requirement of policy for any type of development to be acceptable and therefore the Council do not consider this to be a benefit.
- 8.35** Point 7 relates to the consideration of the development as infilling and as set out in the section above, the local policy directs housing development to the settlement boundaries first and then considers infill development. The Council do not consider the site to be infill development and therefore this is not a benefit.
- 8.36** Point 8 relates to the site being previously considered for removal from the Green Belt. This infers to the Tewkesbury Green Belt Review which was undertaken in July 2017. This document reviewed areas within the Borough against the five nationally defined purposes of the Green Belt as set out in the NPPF. The Conclusion on this parcel of land was "*The principal harm resulting from release of the parcel would be the perceived sprawl of Churchdown into an area of Green Belt land, with the formation of a less coherent and uneven settlement edge. Its release would lead to a slight weakening of the existing Green Belt boundary, defined by a stream along the inset settlement edge, and would mean the neighbouring parcel P01 being more vulnerable to urban sprawl.*" The Council do not consider this point to be a benefit just because the site has previously been considered for Green Belt release.
- 8.37** Therefore, the Council only consider points 1,2,3,4 and 5 to be benefits which have the potential to amount to very special circumstances. The scheme will provide 7% over the policy requirement of 40% for affordable units as part of housing schemes. It is recognised that there is a Borough wide need for affordable housing and therefore the proposed development would contribute to this need. It would also contribute to the lack of local housing supply within Tewkesbury.

- 8.38** The provision of a community woodland, play area and new footpaths and connectivity to the wider area are considered to be benefits for the local community and biodiversity enhancements would be provided.
- 8.39** Having considered the ‘very special circumstances’ case advanced, whilst appreciating there would be clear benefits to the proposed development, the very special circumstances necessary to justify the proposal as inappropriate development in the Green Belt do not exist.

### ***Conclusion on Green Belt Matters***

- 8.40** The proposed development would cause harm by reason of inappropriateness, loss of openness and conflict with the Green Belt purposes. In line with the NPPF, this harm attracts significant weight.
- 8.41** In this particular case, the applicant has advanced a range of benefits as very special circumstances. The development would contribute to future housing land supply and affordable housing delivery, provide a community woodland, play area, these benefits are not underestimated. These are material considerations that weigh in favour of the development and must be weighed against the harms that would be caused by the development.
- 8.42** However, officers do not consider the ‘very special circumstances’ case advanced by the applicant would amount to ‘very special circumstances.’
- 8.43** In summary, there are no very special circumstances which exist that would outweigh the harm to the Green Belt and as such the proposed development represents inappropriate development in the Green Belt and would unacceptably reduce its openness and conflict with the purposes of the Green Belt. Consequently, the development would be contrary to advice set out in the National Planning Policy Framework, Policy SD5 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017) and Policy GRB4 of the Tewkesbury Borough Plan 2011-2031 (June 2022).
- 8.44** It will be necessary to weigh all material considerations in the overall balance to decide whether very special circumstances exist which clearly outweigh the harm to the Green Belt.

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

- 8.45** Section 12 of the NPPF sets out that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. It continues by stating that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Planning decisions should, amongst other things, ensure that developments will function well and add to the overall quality of the area and should be sympathetic to the local character, including the surrounding built environment. Paragraph 139 of the NPPF makes it clear that planning permission should be refused for development of poor design that fails to reflect local design policies and government guidance on design contained in the National Design Guide and National Model Design Code.

- 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.
- 8.47** Criterion 6 of Policy SD10 'Residential Development' of the JCS states the residential development should seek to achieve maximum density compatible with good design, the protection of heritage assets, local amenity, the character and quality of the local environment, and the safety and convenience of the local and strategic road network.
- 8.48** Policy RES5 of the TBP states proposals for new housing development should, inter alia, be of a design and layout that respects the character, appearance and amenity of the surrounding area and is capable of being well integrated within it and be of an appropriate scale having regard to the size, function and accessibility of the settlement and its character and amenity, unless otherwise directed by policies within the Development Plan.
- 8.49** Policy CHIN2 of the adopted Churchdown and Innsworth Neighbourhood Development Plan 2018-2031 (NDP) concerns the layout and appearance of residential development and requires development to contribute to the local distinctiveness of Churchdown and Innsworth demonstrating high quality, sustainable and inclusive design and architecture.
- 8.50** Part A of the scheme seeks full permission for POS which will include a community woodland, play area and improved connectivity. Further assessment on the woodland and public open space will be assessed in the Ecology and Landscape sections below but in relation to design and layout, the details are considered to be acceptable.
- 8.51** The concept plan shows a play area will be provided in the northern section of the site to serve the development and existing housing on the adjacent Highgrove estate at Innsworth. The play space is to be equipped to the required standards, according to policy and best practice. Limited details on the play provision have been provided but the applicant is willing to provide further details via condition. The play area would not be considered harmful to the character and appearance of the area and would create a better place in which to live and work and helps make development acceptable to communities. However, questions remain around the connectivity of this proposed POS to the wider community as there is no guarantee that public footpaths could be re-directed over the water course to allow access. Further analysis on the proposed footpaths is set out in a footpath section below.
- 8.52** In relation to the housing provision under Parts B and C all matters relating to the design and layout are reserved for future consideration. However, the application includes a concept plan which indicates how the site could be developed. In addition, the submitted Design and Access Statement (DAS) sets out the development objectives. The purpose of the concept plan is to provide guidance for the detailed stage of future reserved matters applications. The DAS aims to detail how the proposal evolved, including an assessment of the site and its context, identification of the constraints and opportunities which lead to the key urban design principles for the development and an explanation of how the site is proposed to be developed in design terms. The following design principles are set out within the DAS:

- It is envisaged that the dwellings will not exceed 2 storeys in height, and could, as necessary incorporate elements at single storey or one and half storey;
- Detached dwellings are proposed to reflect the local character of Greenfields and Fairways Drive;
- The new homes will be designed to both reflect and respect the traditional character of Churchdown and the character of important individual buildings, styles and features, as guided by the CHINDP;
- traditional materials are intended to be used, and the overall flavour of the development is expected to be traditional, the approach is not at the expense of good design and the design can incorporate elements appropriate to 21st century needs, (mindful of climate change), without adverse impact.

**8.53** The surrounding area is characterised by a mix of semi-detached and detached two-storey residential development. The subsequent reserved matters application would need to show that the scale, form and external materials of the proposed dwelling and its architectural appearance would be in-keeping with the local vernacular and would be of an appropriate quality taking account of the design of existing adjacent dwellings.

**8.54** It is recommended that any approval of outline planning permission is subject to conditions requiring details of existing and proposed levels, including finished floor levels, a plan indicating the positions, design, materials and type of boundary treatments to be erected, precise details or samples of the external walling and roofing materials and hard surfacing materials proposed to be used, as well as a landscape scheme for the whole site to be submitted as part of the Reserved Matters application, in the interests of the visual amenity of the area.

**8.55** Following a review of the submitted reports and concept plan, the dwellings at two storeys in height, being detached with good levels of private amenity space could be accommodated on the application site in accordance with local/national design policies. Whilst the proposed dwellings may be of good design, the scheme has the potential to cause unacceptable harm upon the character and appearance of the existing rural setting. Further analysis on this will be discussed in the Landscape and Visual Amenity Section below.

### ***Landscape and Visual Amenity***

**8.56** The NPPF sets out that planning decisions should contribute to and enhance the natural and local environment by, inter alia, protecting and enhancing valued landscapes, and by recognising the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystem service.

**8.57** 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. 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.

**8.58** Policy LAN2 of the TBP sets out that all development must, through sensitive design, siting, and landscaping, be appropriate to, and integrated into, their existing landscape setting.

- 8.59** Policy RES5 bullet point 3 of the TBLP states that new housing development should – where an edge of settlement is proposed – respect the form of the settlement and its landscape setting, not appear as unacceptable intrusion in to the countryside and retain a sense of transition between the settlement and the countryside.
- 8.60** The site is located within the Green Belt but it is not located within a Special Landscape Area or a National Landscape Area (formerly AONB). The site currently forms part of a field in pastoral use that is bound by large mature trees and understorey vegetation. The site is private land with no public access through it, but it is next to an established Public Rights of Way network running north to south through the golf course, the club house, driving range and car parking areas. The applicant seeks to open up the land to for public access and the concept plan shows new pedestrian connectivity through links between the existing PROWs ECN and ECN2 to the north east and east, and with the Highgrove Estate to the south west, providing enhanced public access to the footpath network and to the extensive public parts of the site. The introduction of new footpaths and footbridges will be discussed in a separate section below but the Council have fundamental concerns with some of the proposed footpaths as they are for development outside the red line and cannot be relied upon.
- 8.61** A Landscape and Visual Assessment (LVA) prepared by LVIA Ltd accompanies the application. The appraisal concluded that the proposed development would have a minor effect on the landscape sensitivity. This conclusion has been reached by the applicant due in most part to the residential dwellings at Fairways Drive and Greenfields and mature vegetation that sits between the viewer and site, the topography in the area and the similar setting of the proposed scheme. The viewpoints assessed showed that the site is at least partly visible from three of the five assessed. The majority of receptors in the local area can be considered of a high or medium sensitivity (users of PROW and road users). The visual impact of the development on the open countryside has been assessed, at worst case scenario, as moderate (i.e. not a material change) from viewpoint 1 that sits close to the sites southern boundary.
- 8.62** The LVA contains a number of mitigation measures including native tree and hedgerow planning around the site boundary, ornamental planting within residential frontages, heights of built form reflecting that of its surroundings and the use of materials for the external envelope of the buildings which minimise potential visual intrusion and follow the local vernacular to aid visual blending. With these mitigation measure, the LVA concludes that the development will have a minor visual impact and minor/negligible landscape impact.
- 8.63** In respect of the impact upon the character and appearance of the site, the application comprises pasture land in agricultural use, enclosed by hedgerows and trees on all sides. The parcel is located on the eastern settlement edge of Churchdown, however a degree of visual separation is provided by strong hedgerows and a shelter belt of trees which run along a small stream forming the western boundary. The parcel forms a small part of the settlement gap between Churchdown and Cheltenham. It also forms part of the gap between Churchdown, the Golf Club and the Nato Base. Furthermore, the application site is separated from the settlement to the south by a small watercourse. PROW ECN runs along the eastern boundary of the site and then runs parallel to the watercourse until the PROW meets Cheltenham Road East (B4063). Despite the proposal seeking footpath connections to the existing PROW, the PROW does not connect into the settlement boundary at Grenville Close or Purcel Road and therefore there is no connection to the settlement boundary.



- 8.64** The Council acknowledges that the site is split in the middle by 8 residential dwellings. However, the introduction of 15 residential dwellings to this location would significantly increase the built form in the open countryside and as a result, the proposed development would encroach beyond the village edge, creating an urbanising effect which would not be in keeping with the character and appearance of the site.
- 8.65** The existing site provides a sense of transition beyond the settlement boundary and the Golf Club and the development would appear as a visual intrusion into the countryside. Furthermore, the development would fail to respond to its rural landscape context and the delivery of 15 dwellings in this location, however well designed, would considerably change the rural character of the area.
- 8.66** In conclusion, the introduction of the proposed development in this location would not respond positively to and respect the character of the site and its surroundings and would fail to add to the overall quality of the area. As such the proposal would harm the character and appearance of the area. This counts against the proposal.

### ***Housing Mix***

- 8.67** Policy SD11 of the JCS and RES13 of the TBLP requires all new housing development to provide an appropriate mix of dwellings sizes, types and tenures in order to contribute to mixed and balanced communities and a balanced housing market. Housing mix should be based on the most up to date evidence of local housing need and market demand.
- 8.68** The Gloucestershire Local Housing Needs Assessment 2019 – Final Report and Summary (September 2020) (LHNA) provides the most up to date evidence based to inform the housing mix on residential applications. This report states that in Tewkesbury 3% of new market dwellings should be one bedroom properties, with 13% having two bedrooms, 54% containing three bedrooms and 29% having four bedrooms or more.
- 8.69** The Planning Statement explains that detailed dwelling size within the market scheme will be subject to the further detail to be agreed with the LPA via reserved matters. Given the proposal is in outline, should planning permission be granted, a condition is recommended to secure the market housing mix so that the schedule of accommodation would be in broad accordance with the most up to date evidence of the local housing market need and market demand at the time the first reserved matters application for the residential development is submitted.

### ***Affordable Housing***

- 8.70** Paragraph 8 of the NPPF states that the planning system needs to perform a number of roles, including a social role in supporting strong, vibrant and healthy communities, by providing a supply of housing required to meet the needs of present and future generations.
- 8.71** Policy SD12 of the JCS and Policy RES12 of the TBLP requires 40% of the proposed houses to be secured as affordable housing. Policy SD12 of the JCS requires affordable housing to be provided on site and to be seamlessly integrated and distributed throughout the development scheme.

- 8.72** The proposal would provide 7 AH units to north east portion of the site and then 8 market dwellings would be provided in the southern portion of the site. This is confirmed on the concept plan which shows the physical separation of AH units from market sale units. The description of development states that the AH units would be for discounted sale as the tenure type.
- 8.73** JCS Policy SD12 aims to integrate housing of all tenures to such a degree that it ensures that affordable housing tenants are part of an inclusive community, thereby promoting a strong sense of belonging amongst all residents. Affordable housing to be located fairly in terms of access and proximity to on-site community facilities and amenities. Affordable Housing developers will be expected to disperse affordable units evenly across and throughout the development scheme amongst open market homes to encourage the formation of mixed, balanced and sustainable communities. Developers should also avoid creating clusters of affordable homes that are likely to undermine community sustainability and the sense of belonging.
- 8.74** The Council's Housing Enabling Officers has reviewed the proposed AH provision and confirmed that the proposal does not meet the policy requirements as Policy SD 11 together with the LHNA identifies Social rent as a priority housing need for the Borough and Discount Sale Homes do not meet this need. Therefore, the Housing Enabling Officers object to the scheme and do not consider it to be acceptable in its current format.
- 8.75** The proposed development does not demonstrate how it would result in affordable housing being provided in a seamless and integrated manner, due to its uneven distribution contrary to Policy SD12 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017). The proposed tenure type do not meet the identified need for the borough and as such the proposal is contrary to Policy SD11 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017).

### ***Archaeology***

- 8.76** Paragraph 200 of the NPPF states that 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.
- 8.77** The application is accompanied by an Outline Written Scheme of Investigation (WSI) for Archaeological Evaluation (Wessex Archaeology, July 2023). This report confirms the presence of archaeological features in the northern part of the site, likely to be related to the known medieval settlement. The southern half of the site was subject to significant magnetic disturbance which prevented the survey from being successful. The County Archaeologist has been in discussion with the applicant's archaeological advisors at Wessex Archaeology and has agreed that the submitted WSI outlines an appropriate sequence of works to fully identify the nature and extent of archaeological remains in the northern part of the site and a process by which subsequent details can be agreed in respect of the southern part of the site. These further evaluations should be followed by appropriate mitigation excavation or agreements to preserve archaeological remains in situ through the avoidance of ground disturbance in defined areas. The applicant has requested that detailed WSIs shall be submitted and agreed for each phase of the development.

- 8.78** The County Archaeologist has no objection in principle to the proposed development. However, it is recommended that a programme of investigation is undertaken to identify and record any archaeological remains which may be adversely affected by ground works required for the construction of this scheme. This work will be secured prior to the commencement of any development relating to any phase of the development.
- 8.79** In light of this, the application is considered acceptable in regard to archaeology.

### ***Residential Amenity***

- 8.80** In respect of the impact of the development upon residential amenity, paragraph 135 of the NPPF specifies that planning decisions should ensure development creates places with a high standard of amenity for existing and future users. This advice is reflected in JCS policies SD4 and SD14 which 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. Policy RES5 of the TBLP also sets out the proposals should provide an acceptable level of amenity for the future occupiers of the proposed dwellings and cause no unacceptable harm to the amenity of existing dwellings.
- 8.81** The NDP does not contain specific guidance on residential amenity but requires new development to integrate positively and respond to local character. Whilst limited details have been provided on the play equipment, the position of the play area is considered acceptable to residential amenity as it would be positioned far enough from the AH units to ensure there would be no adverse noise impacts but it is also located close enough to allow for natural surveillance of the play park.
- 8.82** Policy DES1 (Housing Space Standards) of the TBP requires all new residential development to meet the Government's national space standards as a minimum, to ensure that high quality homes are delivered that provide a sufficient amount of internal space appropriate for occupancy of the dwelling. These space standards will be secured as part of any future reserved matters application.
- 8.83** In relation to the proposed dwellings the proposal is an outline application and therefore the specific internal relationship of the dwellings, as well as the relationship of the proposed development with the surrounding built form will need careful consideration as part of any future reserved matters application.
- 8.84** The Environmental Health Officer (EHO) has reviewed the scheme and has no objections to the development but would require a number of prior to commencement conditions to provide further information to ensure the development would be acceptable. Firstly, the proposed site has been identified to be within 250 meters of historic gassing landfill. A condition would be required to ensure that no development would start until a site investigation of the nature and extent of contamination has been carried out. Secondly, further information would be required prior to the commencement of the development to allow a noise assessment to be undertaken to ascertain any potential impact in relation to noise from the adjacent barracks and noise associated with nearby businesses. Finally a Construction (and demolition) Environmental Management Plan (CEMP) would be required.

- 8.85** It is recommended that any approval of outline planning permission is subject to condition requiring details of existing and proposed levels, including finished floor levels, as well as a plan indicating the positions, design, materials and type of boundary treatments to be erected, to be submitted as part of the Reserved Matters application, in order to ensure the amenities of the occupiers of neighbouring properties would be protected.

### ***Arboricultural Impacts***

- 8.86** Paragraph 136 of the NPPF states that trees make an important contribution to the character and quality of urban environment and can also mitigate and adapt to climate change.
- 8.87** 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.
- 8.88** As detailed within the ecology section, the proposal has been designed to provide sufficient compensation for the loss of semi-improved grassland. The loss of the semi-improved grassland will be compensated by planting of a new green open space with wildflower areas using native species which will create species rich wildflower areas. In addition, a community woodland area will be created using native trees & shrubs & the ground will be sown with a shade tolerant Emorsgate mix to create a diverse ground flora beneath the developing woods which will provide both landscape & wildlife enhancements.
- 8.89** The application has been accompanied by a Preliminary Arboricultural Report prepared by Arboricultural Association (August 2021). This report has been reviewed by the Council's Tree Officer who has no objections to its findings.
- 8.90** While the POS element of the scheme seeks full planning permission, limited details have been provided for the detailed tree planting bar the details shown on the concept plan. The Tree Officer is content with the indicative plans and has requested a number of documents be provided via condition. The Tree Officer would also like to see more of a woodland walk feeling to be created throughout the site.
- 8.91** In light of this, the application is considered acceptable in relation to trees subject to conditions.

### ***Footpaths***

- 8.92** Paragraph 104 of the NPPF 2023 requires planning decisions to protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks. Paragraph 108 and 110 of the NPPF 2023 encourages development proposals to promote walking and provide for attractive and well-designed walking networks.
- 8.93** Policy INF1 of the JCS requires developers to provide connections to existing walking networks and where appropriate to extend and/or modify existing walking networks.

- 8.94** Policy SD4 of the JCS requires new development to be designated to integrate with the movement network within and beyond the development itself and provide safe and legible connections to the existing walking networks.
- 8.95** Policy TRAC1 of the TBP explains that proposals that reduce pedestrian connectivity, or fail to optimise it, will be resisted. Pedestrian connectivity should be a fundamental consideration in a design-led process for new major development and proposals will be expected to demonstrate this proportionate to the scale of development, including through any Design and Access Statements. New development should, through its design and layout, encourage walking by providing good quality permeable and legible routes both through the development, to local services and to the surrounding area.
- 8.96** As detailed above, a PROW runs along the eastern boundary of the site, Churchdown Footpath ECN. The PROW runs along the narrow access path adjacent to the driving range down to the clubhouse. The PROW that heads south towards the green keepers store until it meets the small watercourse. From this watercourse the PROW heads eastwards down to the Cheltenham Road East (B4063). It should be made clear that the PROW provides no direct access to the streets within the settlement boundary such as Purcell Road and Grenville Close.
- 8.97** As shown on the concept plan, the proposal seeks to provide the following footpath connections:
1. A new footpath link at the most northern section of the site. This link would connect the site to the existing PROW and all work would be within the red line boundary;
  2. A new footpath link would be installed in the northern section of the site, just north of the proposed AH units. This link would connect the site to the existing PROW and all work would be within the red line boundary;
  3. A new footpath link would be installed in the south eastern corner of the site, adjacent to the green keepers store. The PROW does not abut the red line as per the two footpath links above and therefore works to make a connection to the PROW would not be within the red line boundary.
  4. A new footpath link will be created via a new bridge from the application site to the rear of the properties along Purcell Drive. The details for this bridge have not been provided and the bridge would be located outside the red line boundary.
  5. The final footpath link would be to the west of the site and would also require a bridge and gate to be created. The details for this bridge have not been provided and the bridge would be located outside the red line boundary.
- 8.98** The Council have reviewed the proposed footpath connections and have no objections to the footpaths described in points 1 and 2 above as they connect to the existing PROW and provide safe and legible connections to the existing walking networks. These footpath links would allow residents to use the PROW to walk to the bus stops on Cheltenham Road East.

- 8.99** The Council have concerns about the third footpath link and have fundamental concerns about the footpath links that require bridges. The third footpath link requires additional work outside the red line plan in order to connect the site to the PROW. The applicant has stated that a "Grampian" style condition, or alternatively a S106 obligation could be secured in order to provide the details required for this footpath link.
- 8.100** The Council are of the opinion that the two footpath links that require bridges are of no benefit to the connectivity of the site to the wider development. It is proposed that the southern footbridge be installed to provide access to Purcell Drive. This footpath link does not connect to an existing PROW like the first three footpath links, the bridge is outside the red line plan and no details have been provided on how this bridge would be installed or built.
- 8.101** The footpath bridge link on the western boundary seeks access to the Nato Allied Force Base, which is the Council's opinion would provide very little benefit to the connectivity of the area. Likewise, this footpath link does not connect to an existing PROW like the first three footpath links, the bridge is outside the red line plan and no details have been provided on how this bridge would be installed or built.
- 8.102** The Council have fundamental concerns over the footpath bridges given the bridges would require construction over a watercourse and no details have been provided on what impact this would have on the watercourse and the wildlife that live in and around the watercourse. Furthermore, the footpath links and bridges are associated with Part A of the development which seeks full planning permission. Insufficient information has been provided by the applicant for the Council to determine this element of the proposal
- 8.103** The applicant has failed to provide sufficient information in relation to development outside the red line boundary and what impact the potential development would have on the watercourse and local wildlife environment. In light of this the proposed development would not provide a well-designed walking network and the proposal would not integrate with the movement network within and beyond the development itself and provide safe and legible connections to the existing walking networks. Accordingly, the proposal is contrary to Paragraphs 104, 108 and 110 of the NPPF 2023, Policy INF 1 and SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017) and Policy TRAC1 of the Tewkesbury Borough Local Plan 2011-2031 (2022).

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

- 8.104** The NPPF sets out that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making. Further, 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.
- 8.105** JCS Policy INF1 states that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters. All proposals required to ensure safe and efficient access to the highway network.
- 8.106** Policy CHIN1 of the Churchdown and Innsworth Neighbourhood Plan sets out parking standards for the provision of off-road parking for new residential development, where possible; 1-bed dwellings should provide 1 off-road car parking space; 2-bed dwellings should provide 2 off-road car parking spaces. It also encourages the provision of off plot visitor parking at a ratio of 0.25 per dwelling.

### *Sustainability*

- 8.107** Manual for Streets (MfS) states that walkable neighbourhoods are characterised by having a range of facilities within 10 minutes' walk, which is approximately 800 metres. However, this is not an upper limit and industry practice considers that 2km is a maximum walking distance door to door. Whilst it is recognised that the nearest bus stops are located in excess of the otherwise desirable 400 metres distance, as per the guidance set out in 'Planning for Walking' by the Chartered Institution of Highways and Transportation, the application site is situated within the 2km catchment area set out above to numerous services and facilities such as superstore, nursery, primary school, community centre, etc. and as such, it is considered that a number of trips could be made within Churchdown without resorting to a private vehicle.

### *Access*

- 8.108** Vehicular access to the site will be made via the existing B4063 Cheltenham Road East priority junction. There are 2no. Personal Injury Collisions (PIC's) recorded in the most recent 5no. years within a 500m radius from the priority junction, one serious and one slight in severity, occurred in January and November 2017, respectively. Thus, it is safe to conclude that there are no existing patterns indicative of problems in relation to the operation and safety of the local highways.
- 8.109** The vehicular access through the golf complex, whilst narrow, does provide for considerable levels of forward visibility and several passing places which allow for the free flow of traffic. It is however recognised that the narrowness of the access will present challenges at construction stage, and as a result, a condition for a Construction Management Plan is recommended in order to ascertain and mitigate the impacts of construction.

### *Traffic generation and Impact*

- 8.110** The applicant has carried out a TRICS assessment to ascertain the likely number of trips rising from this development, and its use is accepted. The outputs of the appraisal demonstrate that the proposal is forecast to generate some 6 and 7 two-way vehicle movements in the AM and PM Peak times, respectively.
- 8.111** The NPPF is clear that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."
- 8.112** Whilst no appraisal of the current traffic demands of the golf complex has been carried out, it is clear that a considerable number of daily movements occur, and as a result, the impact of this development would not be considered severe.
- 8.113** In relation to waste collection, discussions have been ongoing with the Council's Waste Services Department and Highways. The Applicant has agreed to an indemnity to allow TBC and its waste collection team to enter and operate within the private access road for the Retained Land at Brickhampton Court in order to access the properties adjoining the road to collect residents waste and recycling containers. These details would be secured through the signing of a S106 Agreement.

- 8.114** Gloucestershire County Council, as Local Highway Authority (LHA) have assessed the proposed development in terms of location, access, highway impact and the LHA conclude that, based on the analysis of the information submitted, there would not be an unacceptable impact on highway safety or a severe impact on congestion and therefore there are no justifiable grounds on which an objection could be maintained.
- 8.115** The Highway Authority has not objected to the proposals and as such the scheme is considered acceptable with regards to highway safety considerations and complies with Policy INF1 of the JCS and CHIN1 of the NDP.

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

- 8.116** Policy INF2 of the JCS seeks to minimise the risk of flooding from development and to provide resilience to flooding. ENV2 of the TBLP outlines a series of principles in order to avoid and manage the risk of flooding to and from new development. Policy CHIN1 of the NDP – Blue Infrastructure – states that new development should adopt a blue infrastructure approach to the design of water and flood management and Policy CHIN 12 states that proposals are expected to demonstrate that they will not worsen the existing risks to the drainage network.
- 8.117** The proposed development is located within Flood Zone 1 as defined by the most up-to-date Environment Agency flood risk maps. The application is accompanied by a Flood Risk Assessment (FRA) and surface water drainage strategy prepared by Cole Easdon dated May 2022.
- 8.118** In order to mitigate flood risk posed by post development runoff, adequate control measures will be provided within the site. This will ensure that flood risk is not increased elsewhere as a result of the development. On site storage will provided within a pond, to be located within the northern portion of the site outside of the 1:100 year + climate change flood extent. Preliminary calculations indicate that a volume of 324m<sup>3</sup> will be required to accommodate runoff from the proposed development, at the proposed discharge rate. The pond has been designed to accommodate the extreme 1 in 100 year + 40% storm event, with an additional 0.5m depth surplus freeboard, therefore design exceedance is unlikely to occur. If design exceedance were to occur, flows would follow the existing site topography and enter Watercourse 2. The pond and associated drainage network will be maintained privately, by a management company, as part of the site's overall management programme.
- 8.119** The surface water details have been reviewed by the Lead Local Flood Authority (LLFA) who confirm that the drainage strategy will ensure the development is safe from flood risk and that no increased flood risk will occur elsewhere as a result of the development. The LLFA has no objections to the proposal and do not require any further details via condition.
- 8.120** In relation to foul water, the submitted FRA shows all foul sewage is proposed to discharge to the existing PDaS foul sewer. Severn Trent have reviewed this proposal and do not have any objection to the details provided.
- 8.121** In light of the above, it is considered that the site is at a low risk of flooding and would not increase the risk of flooding to third parties. A compliance condition will be added to ensure the development is carried out in accordance with the approved details.



## ***Biodiversity***

- 8.122** The NPPF sets out, inter alia, that when determining planning applications, Local Planning Authorities should aim to conserve and enhance biodiversity by encouraging opportunities to incorporate biodiversity in and around developments, especially where this can secure measurable gains for biodiversity. Policy SD9 of the JCS seeks to protect and, wherever possible enhance biodiversity, including wildlife and habitats. Policy NAT1 of the TBLP states that development proposals that will conserve, and where possible restore and/or enhance, biodiversity will be permitted.
- 8.123** The application was originally submitted with a Preliminary Ecological Assessment (PEA) (Willder Ecology, July 2022). Following discussions with the Council's Ecologist and updated PEA has been provided which is supported by a desk study of local species records from the local record centre.
- 8.124** The site contains existing stables and a field shelter which are proposed to be removed to facilitate the development. Further information has been provided to confirm that the stable building has been relocated off-site and the shed building was assessed as having negligible potential to support roosting bats.
- 8.125** Further information was requested in relation to Great Crested Newts (GCN) as there are ponds which do not have significant dispersal barriers that could support GCN, one is 210m south-east of the site and another is 165m north-west from the site. The site is also adjacent to a drain which has not been detailed within the report and a full assessment is to be submitted detailing potential for protected species supported by appropriate survey effort and suitable avoidance measures / mitigation. Further information was submitted and the Ecologist has confirmed that the proposal would not have a harmful impact on GCN.
- 8.126** The Biodiversity Net Gain (BNG) calculation identifies that there would be a 14.91% increase in total biodiversity change which is considered to be acceptable.
- 8.127** The Council's Ecologist have reviewed the scheme and the submitted reports and has no objection to the proposal subject to conditions relating to a Construction Environmental Management Plan (CEMP), ecological enhancements plan and a Landscape and Ecological Management Plan (LEMP).
- 8.128** Overall, and subject to the imposition of conditions to secure ecological mitigation strategies, it is considered that the proposed development is acceptable in terms of ecological and biodiversity matters and is in accordance with development plan policies and the NPPF.

## ***Minerals and Waste***

- 8.129** One of the key sustainable development objectives of the NPPF is the prudent use of natural resources, including minimising waste and pollution. The NPPF also advises on the sustainable use of minerals and resources and states that policies as far as practicable should take account of the contribution that substitute or secondary and recycled materials and minerals would make to the supply of materials, before considering extraction of primary materials. It further confirms that locations of specific minerals resources of local and national significance should be safeguarded, and development avoided in such areas. Policy SD3 of the JCS, Policy WCS2 of the Gloucestershire Waste

Core Strategy (GWCS) and Policy MS01 of the Minerals Local Plan for Gloucestershire (MLPG) accord with these objectives.

- 8.130** The application is supported by a Waste Minimisation Statement (WMS). The application is supported by a Waste Minimisation Statement which has been reviewed by officers of Gloucestershire County Council Strategic Infrastructure (Minerals and Waste) Team in their capacity as Mineral and Waste Planning Authority (MWPA). The MWPA acknowledged the details submitted and notes it does not raise any fundamental issues that demand an immediate response prior to a decision being made. Consequently, planning conditions are recommended to ensure the matter is afforded appropriate consideration at the reserved matters stage.

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

- 8.131** 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.

These tests are as follows:

- necessary to make the development acceptable in planning terms.
- directly related to the development; and
- fairly and reasonable related in scale and kind to the development.

- 8.132** JCS Policy INF6 relates directly to infrastructure delivery and states that any infrastructure requirements generated as a result of individual site proposals and/or having regard to the cumulative impacts, should be served and supported by adequate and appropriate on/off-site infrastructure and services. The Local Planning Authority will seek to secure appropriate infrastructure which is necessary, directly related, and fairly and reasonably related to the scale and kind of the development proposal. Policy INF4 of the JCS requires appropriate social and community infrastructure to be delivered where development creates a need for it. JCS Policy INF7 states the arrangements for direct implementation or financial contributions towards the provision of infrastructure and services should be negotiated with developers before the grant of planning permission. Financial contributions will be sought through S106 and CIL mechanisms as appropriate.

### **Education, Library and Community Provision**

- 8.133** Gloucestershire County Council as Local Education Authority (LEA) has been consulted on the application and advise that the proposal would equate to 15 'qualifying' dwellings that would be expected to generate an additional demand for 0 primary places, 2.55 secondary places (11-16 years) and 0.90 secondary (16-18 years). GCC is therefore requesting the following contributions:

- Primary - £0.00
- Secondary (11-16) - £60,626.25
- Secondary (16-18) - £21,397.50

- 8.134** These contributions are based on an updated assessment that was provided by the LEA on 1<sup>st</sup> February 2024 and they supersede the previous figures provided in December 2022.

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

- 8.135** The applicant has agreed a contribution of £73 per dwelling, which equates to £1,095 based on 15 dwellings, towards recycling and waste bin facilities.
- 8.136** The application proposes 7 AH units which equates to a 47% Affordable Housing Contribution which would be secured through a signed S106 Agreement.
- 8.137** The applicant has advised that they accept these contributions.
- 8.138** There is currently no signed agreement to secure these contribution requests, but they are capable of being resolved through the signing of appropriate planning obligations.

## **9. Conclusion**

---

- 9.1** Section 38(6) of the Town and Country Planning Act 1990 provides that, if regard is to be had to the development plan, the determination must be made in accordance with the development plan unless other material circumstances indicate otherwise. Section 70(2) of the Act provides that the Local Planning Authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.
- 9.2** The application site is not allocated for housing development and does not meet any of the exceptions of Policy SD10 of the JCS or Policy RES3 of the TBLP. The application therefore conflicts with Policy SP2 and SD10 of the JCS and Policy RES3 of the TBLP and the conflict with these adopted development plan policies is the starting point for decision making.
- 9.3** 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.
- 9.4** Paragraph 11 of the NPPF, the presumption in favour of sustainable development indicates that permission should be granted unless policies for protecting areas or assets of particular importance in the NPPF provide a clear reason for refusing the development proposed, or any adverse impacts of permitting the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.
- 9.5** Footnote 7 of the NPPF confirms that policies in the Framework that protect areas or assets of particular importance includes land designated as Green Belt.

### ***Green Belt***

- 9.6** The proposed development is considered to inappropriate development in the Green Belt and would result in the loss of openness and conflict with the Green Belt purposes. In line with the NPPF, this harm attracts significant weight.

- 9.7** In this particular case, the applicant has advanced a range of benefits as very special circumstances. However, officers do not consider the 'very special circumstances' case advanced by the applicant would amount to 'very special circumstances.'
- 9.8** This is considered a clear reason to refuse the application in accordance with paragraph 11di and footnote 7 of the NPPF. The tilted balance is therefore not engaged.

### ***Benefits***

- 9.9** The public benefits of the proposal relate to, amongst others, the delivery of up to 15 dwellings houses, new pedestrian and cycle links, new public open space, new construction jobs, increased economically active population, and the associated social and economic benefits, bio-diversity net gain and tree planting.
- 9.10** 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***

- 9.11** Harm arises from the conflict with development plan policies and the spatial strategy relating to housing, particularly Policies SP2 and SD10 of the JCS and Policy RES3 of the TBLP.
- 9.12** The proposed development represents inappropriate development in the Green Belt and would unacceptably reduce its openness and conflict with the purposes of the Green Belt. Consequently, the development would be contrary to advice set out in the National Planning Policy Framework, Policy SD5 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017) and Policy GRB4 of the Tewkesbury Borough Plan 2011-2031 (June 2022).
- 9.13** The proposed development does not demonstrate how it would result in affordable housing being provided in a seamless and integrated manner, due to its uneven distribution contrary to Policy SD12 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017). The proposed tenure type does not meet the identified need for the borough and as such the proposal is contrary to Policy SD11 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017).
- 9.14** At this stage there is no signed S106 Agreement to secure affordable housing; nor is there a signed Agreement to provide for financial contributions required towards education or recycling facilities. Albeit these matters are capable of being resolved in terms of the planning balance.

### ***Neutral***

- 9.15** It has been established through the submission documents that subject to securing satisfactory measures as part of any future reserved matters, and the imposition of appropriate planning conditions, the development would not give rise to unacceptable impacts in terms of, design, highway safety, ecology, residential amenity and archaeology.

## **Overall Conclusion**

- 9.16** As the Council cannot demonstrate a 5-year housing land supply as such the approach to decision making, the ‘tilted balance’ set out in paragraph 11 of the Framework would be engaged as a starting point. However, this is a case where the policies of the Framework relating to land designated as Green Belt provide clear reasons for refusing the proposal. It would therefore follow that paragraph 11 of the Framework would not weigh in favour of the proposal.
- 9.17** Having regard to paragraph 11(d)(i) of the NPPF and having applied the policies in the NPPF that protect areas or assets of particular importance, there is a clear reason for refusing the development. The ‘tilted balance’ is not therefore engaged. However, even if paragraph 11(d)(i) was considered not to apply in this instance, it has been demonstrated that the adverse impacts of granting planning permission would significantly outweigh the benefits, in accordance with paragraph 11(d)(ii).
- 9.18** For the above reasons, the proposal would not accord with the development plan when considered as a whole and, having regard to all material considerations including the NPPF, there are clear reasons for refusing the development proposed, and as such it would not constitute sustainable development and is therefore recommended for refusal.

## **10. Recommendation**

---

- 10.1** It is recommended that the application should be **REFUSED**.

## **11. Reasons for Refusal**

---

- 1** The proposed development conflicts with Policies SP2 and SD10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 and Policy RES3 of the Tewkesbury Borough Plan 2011-2031 in that the proposed development does not meet the strategy for the distribution of new development in Tewkesbury Borough and the application site is not an appropriate location for new residential development.
- 2** Whilst all matters relating to design, layout and landscaping are reserved for future consideration, the proposal would result in harmful encroachment into open countryside and would appear as an unacceptable intrusion into the countryside diminishing the existing sense of transition between the settlement and the open countryside. As such, the proposal conflicts with Policies SD4 and SD6 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031, policies RES5 and LAN2 of the Tewkesbury Borough Plan 2011-2031 and the National Planning Policy Framework.
- 3** The proposed development represents inappropriate development in the Green Belt and would unacceptably reduce its openness and conflict with the purposes of the Green Belt. Consequently, the development would be contrary to advice set out in the National Planning Policy Framework, Policy SD5 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017) and Policy GRB4 of the Tewkesbury Borough Plan 2011-2031 (June 2022).

- 4 The applicant has failed to demonstrate how the affordable housing would be provided in a seamless and integrated manner, due to its uneven distribution contrary to Policy SD12 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017). The proposed tenure type does not meet the identified need for the borough and as such the proposal is contrary to Policy SD11 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017).
- 5 The applicant has failed to demonstrate that the pedestrian connections shown on the illustrative masterplan could be achieved due to topography and land ownerships. As a result it has not been demonstrated that the proposed development would provide good quality permeable walking and cycling routes to local services and the surrounding area and connections into the existing networks. Accordingly, the proposal is contrary to Paragraphs 104, 108 and 110 of the NPPF 2023, Policy INF 1 and SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017) and Policy TRAC1 of the Tewkesbury Borough Local Plan 2011-2031 (2022).
- 6 In the absence of a completed planning obligation the proposed development does not adequately provide for Education Contributions and refuse and recycling facilities and conflicts with Policies INF4, INF6 and INF7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031 and the National Planning Policy Framework.

## **12. Informatives**

---

- 1 In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing the to the Council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.
- 2 For avoidance of doubt the submitted Site Plan has been treated as being for illustrative purposes only.