
Land off Ashmead Drive, Gotherington

Planning Statement

October 2019

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Planning Statement**

Submitted on Behalf of L&Q Estates Limited

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CONTENTS

Page

0.0	Executive Summary	1
1.0	Introduction.....	4
2.0	Site and Surrounding Area	6
3.0	Planning History	9
4.0	Statement of Community Involvement.....	12
5.0	The Development Proposal	13
6.0	The Development Plan	14
7.0	Other Material Planning Considerations	24
8.0	Five Year Housing Land Supply Position	311
9.0	Affordable Housing Statement.....	322
10.0	Planning Issues.....	333
11.0	Vitality and Social wellbeing of Gotherington	433
12.0	Planning Obligations	477
13.0	Summary and Planning Balance.....	48

Tables

7.1	Extract from Tewkesbury Borough Landscape and Visual Sensitivity Study: Gotherington Summary
10.1	Breakdown of Open Space
11.1	Housing Trajectory within Gotherington
13.1	Key Economic, Social and Environmental Gains of the Proposed Development
13.2	Planning Balance

Appendices

1	Site Location Plan
2	Appeal Decision, dated 27 th April 2018 (Appeal Ref: APP/G1630/W/17/3175559)
3	Economic Benefits Infographic, prepared by Barton Willmore
4	Illustrative Layout (Ref: 16/00901/OUT) – 90 dwellings
5	Report to Planning Committee (Ref: 16/00901/OUT)
6	Extract from Update to Planning Committee (Ref: 16/00901/OUT)
7	TBC Five Year Housing Land Supply Position Statement (August 2019)

0.0 EXECUTIVE SUMMARY

0.1 Barton Willmore LLP are instructed by L&Q Estates Limited (hereafter referred to as 'L&Q Estates' or 'the Applicant') to prepare and submit an outline planning application to Tewkesbury Borough Council ('TBC') for the construction of up to 50 dwellings, public open space and other associated uses at land off Ashmead Drive, Gotherington (the 'Site'). All matters are to be reserved except for access. A Site Location Plan has been provided at **Appendix 1**.

0.2 For ease of reference, planning permission is sought for the following works:

"Outline planning application with means of access from Ashmead Drive to be determined (all other matters reserved for subsequent approval), for the erection of up to 50 dwellings (Class C3); earthworks; drainage works; structural landscaping; formal and informal open space; car parking; site remediation; and all other ancillary and enabling works."

0.3 In April 2018, an outline planning application for residential development at the Site was dismissed at Appeal (Appeal Reference: APP/G1630/W/17/3175559) – **Appendix 2**. However, since the determination of this appeal, the Applicant has sought to make a number of material changes to the development proposal. Coupled with changes to the Development Plan and other material planning considerations, it is considered that the submitted scheme should be determined favourably by the Council and granted outline planning position.

0.4 As will be outlined in greater detail within this Planning Statement, the material changes since the determination of the previous appeal are as follows:

- i. **Amendments to the Proposed Development** – L&Q Estates aspire to deliver sustainable residential developments that maximise the benefits for both the existing community as well as incoming residents. Whilst the Appeal Scheme included an area of Public Open Space significantly in excess of local standards, this has now been re-envisaged to include a Multi-Use Games Areas ('MUGA'), Children's Playspace and Multi-Purpose Community Area. The delivery of these facilities on-site will help facilitate cohesion between the proposed development and the existing community.
- ii. **Housing Land Supply Shortfall** – as confirmed by the Council's Five-Year Housing Land Supply Statement (August 2019), there is currently a shortfall in the supply of housing within Tewkesbury Borough. Whilst the exact position is considered by L&Q Estates to be worse than the Council's calculation of 4.33 years (5% buffer), it demonstrates that the delivery of allocations contained within the Joint Core Strategy ('JCS') and Gotherington Neighbourhood Plan ('GNP') are insufficient to demonstrate a five year supply of housing. In order to assist the Borough Council meet its five year housing land supply

requirements, the NPPF (February 2019) allows for sustainable, non-allocated sites to come forward.

- iii. **Weight to be attributed to the Gotherington Neighbourhood Plan (GNP)** – in the determination of the Appeal Scheme, full weight was attributed to the housing policies contained within the GNP. However, the GNP is now over two years old and the Borough Council is in a position whereby it cannot demonstrate a five-year supply of housing. As such, in accordance with paragraph 14 of the NPPF (February 2019), the presumption in favour of sustainable development should apply in the determination of this application.
- iv. **Timing of other developments within Gotherington** – in considering the Appeal Scheme, the Inspector noted that as a result of developments around Gotherington, the provision of an additional 50 dwellings at the Site would be hard to assimilate within the existing community. Whilst the overall quantum of development coming forward within Gotherington has remained largely unchanged since the determination of the appeal, the alternative sites have all continued to progress. Indeed, the Shutter Lane scheme (17 dwellings) has since been completed whilst the Charles Church development on Malleson Road (50 dwellings) is in the process of being built-out. Subject to the approval of outline planning permission, it is anticipated that dwellings could be delivered within the 2022/23 and 2023/24 monitoring years. This will ensure that the scheme fully contributes to the Council's five-year housing land supply position but will also provide a gradual introduction of residents over nine years from sites across Gotherington.
- v. **Community Infrastructure Levy** – given that the Gotherington Neighbourhood Plan has been formerly 'made', the Borough Council must pass 25% of the relevant CIL receipts on to the Parish Council. As such, in addition to the on-site facilities that will be provided as part of the proposed development, the Parish Council will receive a direct financial contribution to fund other infrastructure projects within the Parish. Whilst the exact amount will not be calculated until the reserved matters stage, **Appendix 3** confirms that the Parish Council can expect a financial contribution of approximately £131,000 as a result of the development.

0.5 The Inspector outlined no 'technical' reasons for refusing the provision of 50 dwellings on the Site. Indeed, the Inspector confirmed that the proposal "*would not cause significant harm to the intrinsic character of the countryside, and would not harm the character and appearance of the surrounding area within the SLA, including the gap between Gotherington and Bishop's Cleeve*" (Paragraph 28 – **Appendix 2**). Furthermore, the scheme was considered acceptable

in terms of highways impact, access and heritage. For the reasons outlined within this submission, it is considered that these matters remain unchanged.

- 0.6 An Economic Benefits Infographic has however been provided in support of the development proposals (**Appendix 3**) to further demonstrate the significant benefits the proposal will provide.
- 0.7 L&Q Estates fully appreciate the community's hard work in preparing the Gotherington Neighbourhood Plan, which was 'made' on 17th September 2019. However, Gotherington can no longer be considered in isolation to the remainder of the Borough in respect of housing land supply matters given the critical need for market and affordable housing. Therefore, whilst the Site has not been allocated for residential development as part of the Neighbourhood Plan, it is considered to represent a suitable and sustainable location for a proportion of this unmet need to be accommodated.
- 0.8 L&Q Estates have sought to ensure that the scheme accords with all relevant design, highways and landscape guidance contained within the Neighbourhood Plan and other Development Plan documents. The scheme will deliver significant benefits to the local community as well as the wider Borough, and it is respectfully requested that outline planning permission is approved.

1.0 INTRODUCTION

- 1.1 Barton Willmore LLP has been instructed by L&Q Estates Limited ('the Applicant') to prepare and submit an outline planning application to Tewkesbury Borough Council ('TBC') for the construction of up to 50 dwellings at Land off Ashmead Drive, Gotherington (the 'Site') with all matters reserved except for access.
- 1.2 For ease of reference, planning permission is sought for the following works:
- "Outline planning application with means of access from Ashmead Drive to be determined (all other matters reserved for subsequent approval), for the erection of up to 50 dwellings (Class C3); earthworks; drainage works; structural landscaping; formal and informal open space; car parking; site remediation; and all other ancillary and enabling works."**
- 1.3 The proposed development is for up to 50 residential dwellings and is located to the south of Gotherington, on a site measuring 6.28ha (**Appendix 1**). The Site will be accessed via Ashmead Drive to the north-east.
- 1.4 The proposals as a whole will provide a mix of housing, including a proportion of affordable housing (40% provision), to meet local housing need. In addition to the aforementioned access, the scheme will also incorporate structural, formal and informal open space, including the retention and enhancement of the Public Right of Way ('PRoW') within the Site; drainage infrastructure, including drainage attenuation basin; and vehicular and pedestrian access routes. The Public Open Space will include a 'Community Hub', delivering a Multi-Use Games Area (MUGA), Multi-Purpose Community Area and Children's Playspace.
- 1.5 In Section 2.0 of this statement (Site and Surrounding Area) the physical characteristics of the application site and its immediate surroundings are discussed.
- 1.6 Section 3.0 (Planning History) explains the history to the application site, detailing previous planning records.
- 1.7 Section 4.0 (Statement of Community Involvement) outlines details of the consultation which took place prior to submission of the application.
- 1.8 Section 5.0 (The Development Proposals) provides details of the proposal.
- 1.9 Section 6.0 (The Development Plan) makes reference to the relevant policies contained within the Development Plan which directly relate to the proposed development.
- 1.10 Section 7.0 (Other Material Planning Considerations) sets out all other planning considerations that are material to the determination of this outline planning application.

- 1.11 Section 8.0 (Five Year Housing Land Supply) sets out Tewkesbury Borough Council's current Five-Year Housing Land Supply position against the Development Plan and national guidance.
- 1.12 Section 9.0 (Affordable Housing Statement) provides details on the affordable housing which will be provided as part of the application.
- 1.13 Section 10.0 (Planning Issues) provides a response to the Development Plan policies, which directly relate to the Site and the development proposal.
- 1.14 Section 11.0 (Vitality and Social Wellbeing of Gotherington) confirms the social benefits resulting from the proposed development.
- 1.15 Section 12.0 (Planning Obligations) sets out the obligations which may be required through a Section 106 Agreement – noting that the Council has an adopted Community Infrastructure Levy (CIL) Charging Schedule.
- 1.16 Section 13.0 (Summary and Planning Balance) states that the application should be approved on the grounds that the development is in accordance with national and local planning policies.

2.0 SITE AND SURROUNDING AREA

The Application Site

- 2.1. The Site is located to the south of Gotherington, and measures 6.28ha. Vehicular access into the Site is to be provided from Ashmead Drive.
- 2.2. The Site is currently utilised as agricultural land with trees and hedgerows primarily limited to the boundaries. There is no existing built-form contained within the Site. A number of Public Rights of Way (PRoW) extend across the Site which are to be retained and enhanced as part of the development proposal.
- 2.3. The Site is enclosed by the existing built-form of Gotherington along the northern, western and eastern boundaries. The western boundary is enclosed by a residential caravan park accessed from Long Furlong Park and a completed residential development along Shutter Lane.
- 2.4. To the north, the Site is partially bordered by a parcel of land to the rear of 2-8 Lawrence's Meadow. The parcel of land previously formed an area of orchard but was granted planning permission for a change of use to residential garden space for properties 2-8 Lawrence's Meadow on 13th March 2012 (Ref: 12/00018/FUL). Alongside the plot of land are a number of residential properties located along Aggs Lane and Ashmead Drive. The existing agricultural access is located along the northern boundary of the Site off Ashmead Drive.
- 2.5. The eastern boundary of the Site is enclosed by the rear gardens of the properties located along Cleeve Road.
- 2.6. Agricultural fields extend to the south of the Site; however, a strong landscape buffer is to be provided along the southern boundary as part of the proposed development to retain the identity of Gotherington and maintain its separation from Bishop's Cleeve.
- 2.7. As set out on Historic England's online register and confirmed within the submitted Heritage Assessment, there are no Listed buildings located within the Site. The Holt, a Grade II listed building, immediately adjoins the Site to the east. The Malt Shovel, White's Farm, the Homestead and the Shady Nook are all located within 0.1km of the Site and have been designated by Historic England as Grade II listed.
- 2.8. The historic and modern settings of each of the designated assets within the Site's wider zone of influence have been assessed as part of the submitted Heritage Statement, which confirms that the significance of these assets would not be adversely affected by the development proposals, either in terms of an effect on their physical form/fabric or through changes to their setting.

- 2.9. The proposed residential dwellings are located within Flood Zone 1, an area which has the lowest possible risk from flooding (i.e. less than a 0.1% chance). The submitted Drainage Strategy explains that new surface and foul water networks will be constructed to service the development. This includes the disposal of surface water via an infiltration basin located along the south-west corner of the Site.
- 2.10. It is noted that the Site is located wholly outside an Area of Outstanding Natural Beauty (AONB). The Cotswold AONB extends to the north and east of Gotherington. The Site falls within the locally designated, Special Landscape Area (SLA). The SLA is however a policy that is permissive of development that does not detract from the character of the AONB. As such, it is noted that the submitted Landscape and Visual Appraisal confirms that the development proposal represents an appropriately scaled and relatively discrete visual feature which is designed to be in-keeping with the local landscape character.

Surrounding Area

- 2.11. The surrounding area is predominately residential in character, with residential dwellings adjoining the Site to the north, west and east. Agricultural fields extend beyond the Site to the south.
- 2.12. In terms of local facilities, Gotherington Village Store is located along Cleeve Road approximately 0.1km east of the Site, which also includes a Post Office. Gotherington Primary School, which provides school places for 4 to 11-year olds, is located approximately 0.4km east of the Site and is accessed from The Lawns. Gotherington Village Hall, situated on Malleson Road, is located approximately 0.2 km north of the Site.
- 2.13. The submitted Transport Assessment explains that the nearest bus stop is located along Malleson Road, within a 400m walk of the Site. The bus stop is served by two bus services, the 'W1' and 'M14'. The 'W1' service runs hourly on weekdays and Saturdays, providing a circular route to and from Cheltenham, Bishops Cleeve and Winchcombe. The M14 bus service provides a daily connection from Gotherington to a range of schools, such as Kingsholm High School, Sir Thomas Richs High School and Cleeve School, tying in with school hours comprising a service to the school in the morning and a return service in the afternoon.
- 2.14. As part of the previous Appeal Scheme, it was understood that secondary school pupils would fall within the catchment of Cleeve School. The M14 service provides a 10-minute journey time from Gotherington to Cleeve School.
- 2.15. The nearest railway station is located within Cheltenham Spa, located approximately 9km south of Gotherington. From Cheltenham Spa railway station, onward connections can be made to Gloucester, Chepstow, Bristol, Cardiff, London and Birmingham.

2.16. In light of the above, it is considered that the Site's location within the heart of the village provides convenient access to each of the services available within Gotherington. For further details, please refer to the Facilities Plan contained within the submitted Design and Access Statement.

3.0 PLANNING HISTORY

- 3.1. An outline planning application was submitted to TBC in August 2016 for the construction of up to 90 dwellings at the Site (Ref: 16/00901/OUT). For ease of reference a copy of the submitted Illustrative Layout has been provided at **Appendix 4**, which included additional land to the west of the existing Site boundary.
- 3.2. During the determination of the application, it was agreed with Officers that the quantum of development should be reduced to 50 dwellings. Whilst the Applicant maintained the Site represented a suitable and sustainable location to deliver up to 90 dwellings, the scheme was reduced to take into account other developments coming forward within Gotherington at the time. Notably, Officers referred to a scheme for up to 50 dwellings along Malleson Road that was also awaiting determination (Ref: 16/00965/OUT). As will be outlined in greater detail below, the scheme along Malleson Road received a resolution to grant outline planning permission by Tewkesbury Planning Committee, with a formal decision notice issued on 25th October 2017. An application for Reserved Matters approval has since been granted with the development in the process of being built-out.
- 3.3. In revising the scheme, the Applicant proposed to include an extended area of Public Open Space to the north of the Site. At the time of determining the application, the Gotherington Neighbourhood Plan proposed to designate this area of the Site as a Local Green Space (LGS). Whilst this designation was subsequently removed and forms no part of the 'made' Neighbourhood Plan, the proposed development sought to facilitate and formalise the aspirations of the local community with providing this area of land as public open space – which is currently private agricultural land.
- 3.4. In determining the application, TBC recommended the application for approval subject to conditions and contributions. A copy of the Report to Committee is provided at **Appendix 5**, in which it confirms that a five-year housing land supply could not be demonstrated at that time. Prior to Planning Committee, the Council issued an update to their housing land supply position in which Officers considered that a five-year supply could be demonstrated. Despite this change in position, Officer's maintained that the application should be recommended for approval (Extract of the Committee Report Update is provided at **Appendix 6**).
- 3.5. However, against the Officer's recommendation, Member's refused outline planning permission for the construction of up to 50 dwellings with a decision notice issued on 22nd November 2016.
- 3.6. An appeal was subsequently submitted to PINS and was determined via an Informal Hearing (Appeal Reference: APP/G1630/W/17/3175559). In a decision dated 27th April 2018, the appeal was dismissed (**Appendix 2**).

- 3.7. In determining the appeal, the Inspector confirmed that the Development Plan comprised of saved policies from the Tewkesbury Borough Local Plan 2006, the Joint Core Strategy (JCS) and the Gotherington Neighbourhood Plan (GNP). Due to the stage of the Borough Plan's preparation, it was afforded no weight as part of the determination of the appeal.
- 3.8. The appeal decision explains that the Inspector considered the proposed development to conflict with the locational policies contained within the Development Plan. As set out in paragraph 15 of the appeal decision, the Inspector concluded:

"In conclusion, the Site is outside the settlement boundary and none of the exceptional circumstance in the JCS or GNDP apply or are argued. For that reason, the appeal scheme would conflict with the locational policies in the development plan and is not suitable for development at this time. This weighs heavily against the proposal". (*Our emphasis*)

- 3.9. Furthermore, the Inspector considered that the appeal scheme would harm the vitality and social well-being of Gotherington given the extent of approved and potential development around the settlement. However, did not provide any proper justification or explanation of how it would harm the vitality and social well-being of the settlement.
- 3.10. For the reasons outlined within this Planning Statement, it is considered that through the amendments which have been made to the proposed development, coupled with the changes in planning policy guidance as well as other material considerations, the planning balance has changed since the determination of the appeal scheme. As such, it is considered that the proposed development should be considered favourably.
- 3.11. Indeed, the Inspector confirmed that development in this location would have a number of benefits which we would consider to be equally applicable in respect of the current proposal. This includes the provision of both market and affordable housing. In addition, it was acknowledged that the scheme would also bring economic benefits during the construction phase through additional employment as well as when the development is completed through additional expenditure (paragraph 51).
- 3.12. In terms of the scheme's impact on the surrounding landscape, it is noted that the Inspector had the following comments:

"Overall, the proposal would not cause significant harm to the intrinsic character of the countryside and would not harm the character and appearance of the surrounding area within the SLA, including the gap between Gotherington and Bishop's Cleeve. It would therefore not conflict with TBLP policy LND2." Paragraph 28

- 3.13. As will be outlined in greater detail within this Planning Statement, there have been no changes to the layout or scale of built-form that would result in a different view being taken on the development's landscape impact.
- 3.14. At paragraph 29, the Inspector confirmed that Gotherington contains a range of facilities including a village store and post office, primary school and a village hall. Furthermore, it was agreed that the Site was well located in relation to the settlement and that, in turn, there is reasonable access to other settlements which include higher order facilities.
- 3.15. At paragraph 49, the Inspector agreed with the Council's understanding that the proposed development could come forward without detrimentally affecting any nearby listed building. No issues were also raised by the Inspector in respect of the scheme's impact on the local highway network – given no objection was raised by the Highway Authority.

4.0 STATEMENT OF COMMUNITY INVOLVEMENT

- 4.1. Given the extensive planning history of the Site, local residents and occupiers have previously had opportunities to provide comments and feedback during the preparation and determination of the previous planning application and appeal.
- 4.2. All comments that have previously been received have been taken into consideration as part of the preparation of the current proposal. This includes the provision of Public Open Space in accordance with the aspirations of the Neighbourhood Plan, as well as the delivery of various on-site facilities.
- 4.3. As part of the current proposal, a meeting has been offered to Gotherington Parish Council to explain the development proposal in greater detail and discuss the additional provision of community facilities on-site.. However, it is the intention for the design and function of this use to evolve with feedback from the local community through input into the detailed design.

5.0 THE DEVELOPMENT PROPOSAL

- 5.1 The proposed development seeks the construction of up to 50 dwellings at land off Ashmead Drive, Gotherington. Vehicular access is to be formed from Ashmead Drive, which will service the development.
- 5.2 The proposed development will provide a mixture of market (60%) and affordable housing (40%), with the mix taking account of local housing need. An indicative housing mix has been provided as part of this outline application; however, the exact mix will be subject to consideration at the 'Reserved Matters' stage.
- 5.3 Public Open Space is to be provided throughout the Site with a 'Community Hub' located to the north. This will include a MUGA, area for Children's Play, a multi-purpose Community Area and. The final form and positioning of these uses will be agreed in consultation with local residents and the Parish Council at the Reserved Matters stage.
- 5.4 There are a number of existing PRow which run across the Site which are to be retained and enhanced as part of the development proposals. As such, the Illustrative Masterplan provides a number of pedestrian and cycle links into the surrounding residential areas.
- 5.5 In accordance with the submitted Drainage Strategy, an attenuation basin is to be provided along the south-east boundary of the Site.
- 5.6 Whilst the detailed design elements of the scheme will be approved through subsequent reserved matter submissions, the Illustrative Masterplan provides a framework for achieving a high degree of legibility through the development and ensure that the scheme will be in keeping with the scale and character of Gotherington.

6.0 THE DEVELOPMENT PLAN

6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004, requires that planning applications be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The Development Plan material to this application comprises of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (JCS), saved polices of the Tewkesbury Borough Local Plan to 2011 (the 'Borough Plan') and the Gotherington Neighbourhood Plan 2011-2031.

Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (adopted December 2017)

6.2 The JCS was formerly adopted on 11th December 2017 and covers the administrative area of Gloucester City Council (GCC), Cheltenham Borough Council (CBC) and Tewkesbury Borough Council (TBC).

6.3 Policy SP1 of the JCS confirms that approximately 35,175 dwellings will be delivered across the Joint Authorities over the Plan period 2011-2031. The housing requirement will include 'at least' 9,899 dwellings delivered within TBC.

6.4 Policy SP2 goes on to explain that at least 7,445 dwellings within Tewkesbury Borough will be provided through existing commitments, development at Tewkesbury Town in line with its role as a market town, smaller-scale development meeting local needs at Rural Service Centres and Service Villages, and sites covered by any Memorandum of Agreement. Gotherington has been identified as a Service Village which will accommodate 'in the order' of 880 dwellings over the Plan period.

6.5 Paragraph 3.2.17 therefore confirms that Tewkesbury Borough has an identified shortfall against the JCS requirement of approximately 2,450 dwellings. As such, paragraph 3.2.18 advises that an immediate review of the JCS will take place to allow the remaining shortfall to be addressed. However, despite an Issues and Options consultation taking place from November to January 2019, no further published information has been provided with no clear timescale for when the JCS Review will be adopted.

6.6 At Policy SD3, the JCS sets out the requirements for sustainable design and construction. In particular, development proposals will need to demonstrate how they contribute to the aims of sustainability by increasing energy efficiency, minimising waste and avoiding the unnecessary pollution of air, harm to the water environment, and contamination of land or interference in other natural systems.

- 6.7 The Design Requirements for new developments are set out at Policy SD4. The Policy explains that new developments will need to clearly demonstrate how the following principles have been incorporated:
- Context, Character and Sense of Place;
 - Legibility and Identity;
 - Amenity and Space;
 - Public Realm and Landscape;
 - Safety and Security;
 - Inclusiveness and Adaptability; and
 - Movement and Connectivity.
- 6.8 Policy SD6 explains that all applications for development will consider the landscape and visual sensitivity of the area in which they are located or which they may affect. Planning applications will be supported by a Landscape and Visual Impact Assessment where required.
- 6.9 At Policy SD7, the JCS establishes that all development proposals within the setting of the Cotswolds AONB will be required to conserve and, where appropriate enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities.
- 6.10 Policy SD8 sets out that development should make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment.
- 6.11 As set out at Policy SD9, the biodiversity and geological resource of the JCS area will be protected and enhanced in order to establish and reinforce ecological networks that are resilient to current and future pressures. Improved community access will be encouraged so far as is compatible with the conservation of special features and interests.
- 6.12 Policy SD10 sets out the approach towards housing development across the Joint Authorities. This includes the circumstances in which housing development on non-allocated sites will be permitted. Whilst the proposed development does not accord with these exceptions, as will be outlined in greater detail within Section 13.0, the weight which can be attached to this policy is considered to be limited.
- 6.13 Policy SD11 explains that housing development will be required to provide an appropriate mix of dwelling sizes, types and tenures in order to contribute to mixed and balanced communities and a balanced housing market. New housing should also either meet or, where possible, exceed appropriate minimum space standards.

- 6.14 Policy SD12 confirms that for residential developments of more than 11 dwellings within Tewkesbury Borough, a minimum provision of 40% affordable housing will be sought.
- 6.15 As set out at Policy SD14, high quality development should protect and seek to improve environmental quality. Development should not create or exacerbate conditions that could impact on human health or cause health inequality.
- 6.16 Policy INF1 explains that developments will be required to provide safe and accessible connections to the transport network to enable travel choice for residents and commuters. Planning permission will be granted only where the impact of development is not considered to be severe.
- 6.17 Policy INF2 advises that proposals must not increase the level of risk to the safety of occupiers of the site, the local community or the wider environment on the site or elsewhere. Guidance is provided as part of Policy INF2 for minimising the risk of flooding through development proposals.
- 6.18 At Policy INF3, the JCS explains that development proposals should consider and contribute positively towards green infrastructure, the wider landscape context and strategic corridors between main assets and populations.
- 6.19 Policy INF4 states that where new residential development will create, or add to, a need for community facilities, it will be fully met as on-site provision and/or contribution to facilities or services off-site. Social and community infrastructure should be centrally located to the population it serves and be easily accessible on foot and by bicycle. In the case of open space, 'easily accessible' means it is located within reasonable walking distance of the development it serves, New facilities should be accessible to all members of the community and be planned and phased in parallel within new development.
- 6.20 Policy INF6 advises that where infrastructure requirements are generated as a result of individual site proposals and/or having regard to cumulative impact, new development will be served and supported by adequate and appropriate on-and /or off-site infrastructure and services.
- 6.21 Policy INF7 sets out the requirements for developer contributions as part of new developments. These will be sought through the Section 106 and CIL mechanisms.

Saved Policies of the Tewkesbury Borough Local Plan to 2011 (adopted March 2006)

- 6.22 Upon the enactment of the Planning and Compulsory Purchase Act 2004, the policies of the adopted Tewkesbury Borough Local Plan to 2011 were automatically 'Saved' for a three-year

period under the terms of the Act. To ensure a continuing planning policy framework, the Secretary of State made provision for selected policies to be saved beyond this date until such time as they were replaced by policies within the Local Development Framework. Any policies which were not saved by the Secretary of State's Direction have been deleted and no longer comprise part of the Development Plan. Any policies referred to below, therefore, have been saved.

6.23 Policy GNL2 of the Local Plan sets out the design requirements for major development proposals within the Borough. In particular, the Council will require applicants to submit design statements setting out how the proposals will address the following key principles of urban design:

- Character;
- Continuity and Enclosure;
- Quality of the Public Realm;
- Ease of Movement;
- Legibility;
- Adaptability;
- Diversity; and
- Sustainability.

6.24 It is noted that a Design and Access Statement has been submitted in support of the development proposals, outlining how the proposed development accords with each of these criteria.

6.25 Policy GNL6 explains that, in appropriate cases, the provision of new works of art as part of development schemes will be encouraged.

6.26 At Policy GNL8, the Local Plan explains that development proposals will be encouraged to demonstrate a high level of energy efficiency in relation to the siting, orientation, respect for environmental conditions, built form, design and materials.

6.27 Policy HOU1 sets out several housing allocations to accommodate up to 3,579 dwellings. The Site does not form one of these allocations, however it is noted that the Policy was only intended to guide development up to 2011.

- 6.28 Policy HOU3 identifies Gotherington as an 'Other Village' in which residential development will be restricted to infilling. Similarly to Policy HOU1, it is noted that the Policy was only intended to guide development up to 2011 and should now be considered out of date.
- 6.29 At Policy HOU4, the Borough Plan explains that outside the existing residential development boundaries of settlement, new residential development will only be permitted where such dwellings are essential to the efficient operation of agriculture or forestry, involve the acceptable conversion of an existing building or the provision of affordable housing.
- 6.30 Policy HOU13 explains that the Borough Council will seek to negotiate with developers on allocated and unallocated housing sites to provide a provision of on-site affordable housing. As will be outlined in greater detail below, the scheme proposes to deliver 40% affordable housing (20 dwellings).
- 6.31 At Policy TPT1, the Local Plan sets out the access requirements for new development proposals. In particular, Policy TPT1 states that development proposals will be permitted where:
- Provision is made for safe and convenient access to the development by pedestrians and cyclists;
 - An appropriate level of public transport service and infrastructure is available or can be made available;
 - The traffic generated by and/or attracted to the development, together with that arising from other existing or planned development, would not impair the safety or satisfactory operation of the highway network; and
 - Highway access can be provided to an appropriate standard, which would not adversely affect the safety or satisfactory operation of the highway network, nor cause an unacceptable loss of amenity to users of adjacent land.
- 6.32 Policy TPT6 of the Local Plan sets out the cycle parking standards for new development proposals. For residential dwellings, a cycle space should be provided per dwelling.
- 6.33 Policy EVT9 explains that development proposals must demonstrate that appropriate provision has been made in their design for the on-site attenuation and treatment of surface water run-off in accordance with the Environment Agency's urban drainage systems criteria.

6.34 The Site is located wholly within a Special Landscape Area (SLA), as defined by the Proposals Map. In accordance with this designation, Policy LND2 states:

“The extent of the Special Landscape Area is shown on the Proposals Map. In the assessment of proposals for development special attention will be accorded to the protection and enhancement of the landscape character of the Special Landscape Area which are of local significance. Within this area proposals must demonstrate that they do not adversely affect the quality of the natural and built environment, its visual attractiveness, wildlife and ecology, or detract from the quiet enjoyment of the countryside.”

6.35 In determining the previous Appeal Scheme, the Inspector explained that whilst Policy LND2 reflects the general approach of the Framework in relation to the conservation and enhancement of the natural environment, it deals with adverse effect in absolute terms and does not allow for any benefits arising from the proposal to be taken into account. As such, the Inspector considered the policy could only be afforded moderate weight (paragraph 28).

6.36 Given that the policy was *“clearly relevant to the case”*, the Inspector confirmed at paragraph 55 that it was out of date and the tilted balance of the Framework should apply. It is considered that the same approach should be taken with the determination of this application.

6.37 At Policy LND7, the Local Plan explains that new development proposals will, where appropriate, require the provision of a high-quality landscaping scheme which will form an integral part of the overall development. Proposals may also require a Landscape Appraisal indicating existing landscape features and these should be integrated where appropriate into the landscaping scheme.

6.38 Whilst details of landscaping are to be determined as part of a subsequent reserved matters submission, a comprehensive Landscape Masterplan has been provided to demonstrate how a scheme for 50 residential dwellings could be appropriately accommodated within the Site.

6.39 Policy RCN1 of the Local Plan sets out the Council’s standards for open playing space within new residential developments. In particular, the Policy states:

“The Borough Council will aim to ensure that throughout the Plan area easily accessible outdoor playing space is available at a standard of 2.43ha per 1,000 population, generally sub-divided as follows:

- a. 1.6ha – 1.8ha Youth and Adult Use;
- b. 0.2ha – 0.3ha Children’s (Formal) Playspace; and
- c. 0.4ha – 0.5ha Children’s (Informal) Playspace.

Of which 1.2ha per 1,000 population should be playing pitches.

Within allocated sites for residential development or other proposed sites of 10 dwellings or more, provision of outdoor playing space will be expected to be made in accordance with this standard to cater for the needs of future residents. Provision of open space may be either on site or via a commuted sum, to be paid to the Borough Council, for upgrading existing facilities. Permission will not be granted for the change of use of existing outdoor playing space to other uses where there is an existing deficiency, or where the proposal would result in inadequate provision either in aggregate, or in respect of any of the three detailed categories.

The Borough Council will resist proposals for development which result in the loss of playing fields, without suitable alternative provision being secured."

- 6.40 It is noted that TBC are in the process of updating this guidance through the emerging Borough Plan, publishing the 'Social, Sport and Open Spaces Study Developer Contributions Toolkit' in August 2017. As set out within the Design and Access Statement, the provision of Open Space has been considered against both standards with the scheme delivering significantly in excess of the adopted and emerging guidance.
- 6.41 Policy NCN5 states that the Borough Council will seek to protect and enhance biodiversity when considering development proposals. In particular, the following natural habitats and features will be protected, where possible, from loss or significant detrimental alteration: ancient semi-natural woodlands, semi-natural grasslands, marshes, water courses, orchards, ponds, parklands, hedgerows and trees. Where development unavoidably necessitates the removal of such features, replacement features of equivalent value should be provided.

Gotherington Neighbourhood Plan 2011-2031 (made 19th September 2017)

- 6.42 Following the Independent Examination and Referendum, TBC brought the GNP into legal force, under Section 38A(4) of the Planning and Compulsory Purchase Act 2004 on 19th September 2017. The GNP now forms part of the statutory Development Plan for the Borough of Tewkesbury.
- 6.43 As set out at paragraph 14 of the NPPF (February 2019), in situations where the presumption in favour applies to applications involving the provision of housing (paragraph 11d), the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the criteria apply. However, given that the Neighbourhood Plan was made over two years ago, it does not comply with criterion (a) and (c) of paragraph 14. As will be outlined in greater detail below, the presumption in favour of sustainable development is therefore engaged.

6.44 This approach follows an appeal at Upper House, Richards Castle, dated 22nd October 2019 (Appeal Ref: APP/W1850/W/19/3221760). Whilst the appeal was dismissed, the Inspector made the following comments in respect of how paragraph 14 of the NPPF (February 2019) should be considered as part of the decision-making process. The Inspector stated:

“Paragraph 14 of the National Planning Policy Framework (2019) sets out that, in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits where certain criteria apply.

Criterion a) of Paragraph 14 requires that the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made. However, the NDP became part of the development plan more than two years before the date of the decision. Consequently, irrespective of the extent of new housing delivered within the Parish, conflict with Policies of the [Neighbourhood Development Plan] alone would be insufficient to significantly and demonstrably outweigh the benefits of the proposed development.” (Paragraph 22 and 23)

6.45 With this in mind, it is similarly considered that conflict with the GNP should not be considered to ‘significantly and demonstrably’ outweigh the benefits of the proposed development.

6.46 Policy GNDP02 sets out three allocations for residential development outside the existing settlement boundary to support wider strategic development needs. The Site does not form one of these three allocations. In the event that the future Development Plan identifies an additional, need for further strategic housing in Gotherington (as a service village) beyond the allocations in the Plan, Policy GNDP02 provides criteria which future allocations are ‘encouraged’ to accord with. This includes:

- a) Adjoin the defined settlement boundary;
- b) Maintain the village’s east-west linear form;
- c) Not have an adverse impact on the Area of Outstanding Natural Beauty;
- d) Maintain the separation of Gotherington village from Bishops Cleeve and Woolstone; and
- e) Not to be in conflict with any of the other policies and proposals in the Gotherington Neighbourhood Plan.

6.47 The Inspector for the Appeal Scheme confirmed that the above criteria are only triggered if the Plan led system requires that further sites are brought forward (paragraph 12 – **Appendix 2**). Whilst the Site has not been identified within the emerging Borough Plan, the proposed development is considered to accord with the general thrust of guidance set out at Policy

GNDP02. In any event, as outlined in greater detail below, given the Council's shortfall in housing land supply Policy GNDP02 is out-of-date.

6.48 The GNP goes on to explain that development proposals for housing outside the defined settlement boundary will only be permitted in the following circumstances set out at Policy GNDP03:

- 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.

6.49 Similarly to Policy GNDP02, the Inspector for the Appeal Scheme explained that criterion (f) relates to an evidenced need for additional housing stemming from the Development Plan (paragraph 13 – **Appendix 2**). Whilst the Site has not been identified within the emerging Development Plan, any conflict with Policy GNDP03 would again need to be considered in the context of the Council's significant housing land supply shortfall. Indeed, the emerging Borough Plan is considered to hold limited weight given its stage of preparation.

6.50 Policy GNDP04 explains that on sites of 5 or more dwellings, a range of tenures, house types and size of dwellings will be required.

6.51 Policy GNDP05 sets out that development of new community assets will be permitted when they preserve local character and distinctiveness, and do not harm the landscape or residential amenity.

6.52 At Policy GNDP07, the GNP sets out design principles that will be used for assessing planning applications. This includes preserving the setting and separate identity of the village as well as ensuring new buildings enhance the distinctive village character of Gotherington.

6.53 Policy GNDP09 states that to protect and enhance the landscape of the Neighbourhood Plan area, development proposals will have to demonstrate that they would not have a detrimental impact on the views to and from surrounding hills or the Area of Outstanding Natural Beauty. Separation between Gotherington and Bishop's Cleeve must also be preserved.

- 6.54 The GNP includes a number of significant views at Policy GNDP10 that will be given special consideration when assessing planning applications. It is noted that views 11, 12 and 13 are views across the Site.
- 6.55 Policy GNDP12 explains that development which is likely to have either a direct or indirect adverse impact upon areas of local biodiversity should be avoided.
- 6.56 The contents of Appendix 2 are noted, which set out the evidence in support of the Local Green Space (LGS) allocations. The Site was partially designated as an area of LGS within the submission version of the GNP. However, on review of the supporting evidence, the Examiner considered that the designation did not accord with national guidance and should be deleted – it therefore does not form part of Policy GNDP06. However, Appendix 2 remains within the GNP and sets out the community's aspiration for 'The Meadow'.
- 6.57 On page 64, it is noted that the GNP states the following at 'Item 11: Describe how the site is used by the community':

"The Site is used as a safe walking route to and from local facilities, particularly the school, the shop and the bus stop as well as for dog walking and general recreation (mainly walking) for all ages. It contains a non-road walking route bounded by footpath AG044 and a footpath from Aggs Lane to Longfurlong. The field is therefore favoured by families, especially those from Longfurlong and many use it on a daily basis, valuing it as a safe route – one which can take pushchairs as well as walkers. This safe route is combined with other valued aspects, notably plentiful wildlife and the open views which reinforce the rural nature of the village".

- 6.58 The GNP goes on to explain that the area of land has previously been used for a cricket match, as well as football matches in the 1950s. Later, it became the location for an annual horse show/gymkhana.
- 6.59 The land is however in private ownership and has since been used for agricultural purposes. The only public access to 'The Meadow' is via the existing footpaths that run across it. Delivery of the LGS as originally envisaged by the GNP has therefore been central to the proposed development and will make a significant area of land publicly available and once again form a central hub of the community.

7.0 OTHER MATERIAL PLANNING CONSIDERATIONS

7.1 The 'other material considerations' referred to in Section 38(6) of the Act include the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) and, in this case, the emerging Joint Core Strategy Review, emerging Tewkesbury Borough Plan and its supporting evidence base.

National Planning Policy Framework (published February 2019)

7.2 The National Planning Policy Framework (NPPF) (February 2019) sets out the Government's planning policies for England and how these are expected to be applied. Its focus is primarily on achieving sustainable development and the matters to be considered. As such, it is a material consideration that Paragraph 212 states should be taken into account immediately when dealing with planning applications.

7.3 Paragraph 7 confirms that the purpose of the planning system is to contribute to the achievement of sustainable development. As such, the objective of sustainable development is summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. Paragraph 8 goes on to identify the three overarching objectives of sustainable development: economic, social and environmental.

7.4 At the heart of the NPPF is a presumption in favour of sustainable development which, for decision-taking means "*approving development plans that accord with an up-to-date development plan without delay*" (Paragraph 11). For decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay. Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (as set out at Footnote 7), planning permission should be granted unless:

- 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
- 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.

7.5 Footnote 7 confirms that this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

7.6 Paragraph 14 sets out how the presumption in favour (set out at paragraph 11d) should be applied for applications for residential development in neighbourhood plan areas. The NPPF states:

"In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:

- a) **The neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;**
- b) **The neighbourhood plan contains policies and allocations to meet its identified housing requirement;**
- c) **The local planning authority has at least a three-year supply of deliverable housing sites (against its five-year housing supply requirement, including the appropriate buffer as set out in paragraph 73); and**
- d) **The local planning authority's housing delivery was at least 45% of that required over the previous three years." Our emphasis**

7.7 Criterion (a) has been highlighted above, given that the GNP was 'made' on 19th September 2017 and, as such, is now over two years old. In accordance with paragraph 14 of the NPPF (February 2019), therefore the 'presumption in favour' applies in this case.

7.8 We have also highlighted criterion (c) which requires the local planning authority to demonstrate a housing land supply position in excess of three years. A detailed five-year supply assessment has not been undertaken at Section 8.0 given that it is common ground that the Council cannot demonstrate a five year supply of housing. L&Q Estates however reserve the right to further consider this position if required. As outlined at Section 8.0, the Council's position would in fact be 2.52 years if 'oversupply' was removed from the calculation.

7.9 Paragraph 38 identifies that local planning authorities should approach decisions on proposed development in a positive and creative way. Decision-makers at every level should seek to approve applications for sustainable development where possible.

7.10 Paragraph 59 clearly highlights that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed.

7.11 Paragraph 62 outlines that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required.

- 7.12 With regard to the supply and delivery of housing, Paragraph 73 identifies that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of:
- a) 5% to ensure choice and competition in the market for land; or
 - b) 10% where the local planning authority wishes to demonstrate a five-year supply of deliverable sites through an annual position statement or recently adopted plan, to account for any fluctuations in the market during that year; or
 - c) 20% where there has been significant under delivery over the previous three years, to improve the prospect of achieving the planned supply.
- 7.13 Footnote 39 identifies that point (c) above will be measured against the Housing Delivery Test, where this indicates that delivery was below 85% of the housing requirement.
- 7.14 Paragraph 80 identifies that the Government places significant weight on the need to support economic growth.
- 7.15 Paragraph 91 of the NPPF stresses that planning should aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible and enable and support healthy lifestyles communities and to promote safe and accessible environments to discourage crime and disorder.
- 7.16 Section 9 (Paragraphs 102-111) of the NPPF relates to 'promoting sustainable transport' and requires all developments that generate a significant amount of movement to provide a Travel Plan and be supported by a Transport Statement or Transport Assessment. Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be unacceptable impacts on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.17 In addition to the above, Paragraph 103 states that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Furthermore, Paragraph 108 identifies that applications for development should ensure appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location.

- 7.18 Section 11 (Paragraphs 117-123) of the NPPF relates to 'making effective use of land' in meeting the need for new homes.
- 7.19 Section 12 (Paragraphs 124-132) relates to 'achieving well-designed places'. Paragraph 124 highlights that good design is a key aspect of sustainable development. Following on from this Paragraph 127 states that planning decisions should ensure that developments: function well; add to the overall quality of the area for the lifetime of development; are visually attractive; have appropriate and effective landscaping; are sympathetic to the local character including the surrounding built environment; and maintain a strong sense of place. Furthermore Paragraph 130 identifies that permission should be refused for development of poor design that fails to make opportunities available for improving the character and quality of an area and the way it functions.
- 7.20 Paragraph 163 states that, where appropriate, applications should be supported by a site-specific flood risk assessment. Footnote 50 of the NPPF advises that a site-specific flood risk assessment should be provided for proposals involving sites of 1 hectare or more. Furthermore, Paragraph 165 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.
- 7.21 The NPPF recognises the role of the planning system in contributing to and enhancing the natural and local environment (Paragraph 170) by protecting and enhancing valued landscapes, recognising the intrinsic character and beauty of the countryside, (and the wider benefits from natural capital and ecosystem services value and soils), minimising impacts on and providing net gains for biodiversity, preventing new and existing development from contributing to or being put at unacceptable risk from soil, air, water or noise pollution or land instability and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
- 7.22 Paragraph 181 identifies that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement.
- 7.23 Section 16 (Paragraphs 184- 202) seeks to conserve and enhance the historic environment. Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Furthermore, Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

7.24 Paragraph 215 sets out how the Housing Delivery Test will apply. For the purpose of Footnote 7 in the Framework, delivery of housing, which was substantially below the housing requirement, means where the Housing Delivery Test results published in:

- a) November 2018 indicate that delivery was below 25% of housing required over the previous three years;
- b) November 2019 indicate that delivery was below 45% of housing required over the previous three years;
- c) November 2020 and in subsequent years indicate that delivery was below 75% of housing required over the previous years.

Planning Practice Guidance

7.25 The DCLG published the Planning Practice Guidance (PPG), a web-based resource to reflect and support the NPPF, on 6th March 2014. The PPG has been continuously updated since it was originally published. The PPG is separated into individual topics, which have been taken into consideration through the preparation of this planning application.

Emerging Joint Core Strategy Review

7.26 The Joint Authorities are in the process of preparing a Joint Core Strategy Review, with an Issues and Options consultation taking place from November 2018 to January 2019. However, publication of the Preferred Options document has been delayed with no timetable available for when it will be published. As such, it is considered that the JCS Review should be afforded no weight at this stage.

Emerging Tewkesbury Borough Plan 2011-2031

7.27 The Council is in the process of preparing a new Borough Plan to replace the saved policies of the Tewkesbury Borough Local Plan to 2011. The Council undertook a Preferred Options consultation from October to November 2018 with a Pre-Submission version subject to consultation until 18th November 2019.

7.28 However, in accordance with paragraph 48 of the NPPF (February 2019), it is considered that limited weight should be attached to the draft policies.

Flood and Water Management SPD

7.29 The Flood and Water Management SPD supports existing policy and provides guidance to developers and decision makers on how to manage surface water and main river flood risk. The SPD was formerly adopted by TBC on 20th February 2018.

Landscape Assessment for Tewkesbury Borough Plan and Landscape and Visual Sensitivity Study Addendum

- 7.30 TBC instructed detailed landscape work to inform the emerging Tewkesbury Borough Plan – namely the Landscape Assessment for Tewkesbury Borough Plan (November 2014) and Landscape and Visual Sensitivity Study Addendum (November 2014), both of which were prepared by Toby Jones Associates. To meet housing need within the Borough, the JCS proposes to allocate a proportion of development at ‘Service Villages’ such as Gotherington. Accordingly, the landscape assessments review such settlements within the Borough to establish their ability to accommodate growth.
- 7.31 With regards to Gotherington, the settlement was subdivided into six parcels of land with the Site itself assessed under the reference ‘Goth-04’. In assessing the parcel’s landscape sensitivity, it is noted that the Assessment states:

“This land assessment parcel is characterised by the dominant arable field surrounded by strong visual influences from the surrounding settlement. 20th century residential properties back on the three sides of this parcel. Air photographs reveal evidence of old ridge and furrow system with a distinct left twist suggesting early origin (Possible Anglo Saxon). Little evidence remains on the surface since they have been ploughed out.

A residual sensitivity remains in the heritage value of the intact ridge and furrow systems.

To the west of the land assessment parcel is a small enclosed pasture with visible evidence of ridge and furrow. This too shows a slight sign of the reverse “S” form typical of early ridge and furrow systems.

The judgement as to landscape character sensitivity is based upon the relatively isolated position, the existing heavy influence from surrounding settlement and the relationship between the parcel and the existing settlement form or pattern.”

- 7.32 In terms of the parcel’s visual sensitivity, the Assessment made the following comments:

“A land assessment parcel that is relatively well screened from the surrounding area by the existing settlement and by mature hedges. The parcel is bounded on three sides by settlement and recedes into the existing settlement form. It is not prominent in terms of its relationship with the settlement pattern, nor is it prominent in terms of views from surrounding vantages such as roads or elevated recreational routes.

A key visual sensitivity remains in this parcel to protect the visual gap between Gotherington and Bishops Cleeve. There will remain a sensitivity relating to residential amenity of neighbouring properties. (Right to light, avoiding overbearing development and preserving privacy).”

7.33 In light of the above comments, the Assessment concluded that the parcel of land had a 'Low' landscape sensitivity and 'Low' visual sensitivity. For comparison against other parcels of land within Gotherington, an extract from the Landscape Sensitivity Study is provided at Table 7.1, below.

Table 7.1: Extract from Tewkesbury Borough Landscape and Visual Sensitivity Study: Gotherington Summary

Land Parcel	Landscape Sensitivity	Visual Sensitivity
Goth-01	Medium	High
Goth-02	Medium	High
Goth-03	High	Medium
Goth-04	Low	Low
Goth-05	Medium	Medium
Goth-06	Low	Low

7.34 As Table 7.1 demonstrates, the Site has the joint lowest landscape and visual impact of any parcel of land adjoining Gotherington.

Social, Sport and Open Spaces Study Developer Contributions Toolkit (August 2017)

7.35 TBC is in the process of updating the on and off-site contributions required towards open space as part of residential developments. Whilst the emerging Borough Plan is considered to be of limited weight at present, the scheme has been considered against both the adopted guidance contained at Policy RCN1 of the Local Plan as well as TBC published developer contributions toolkit.

7.36 As set out within the submitted Design and Access Statement and Section 10.0 below, the proposed development delivers significantly in excess of both adopted and emerging guidance.

8.0 FIVE YEAR HOUSING LAND SUPPLY POSITION

- 8.1 TBC published their latest Five-Year Housing Land Supply Statement in August 2019 (**Appendix 7**), covering the period 2019/20 to 2023/24. In accordance with the JCS housing requirement of 495 dwellings per annum (dpa), the Council considers that it can demonstrate a five-year housing land supply position of **4.33 years**, against a 5% buffer.
- 8.2 As it is common ground that the Council cannot demonstrate a five-year supply of housing, a comprehensive review of the position has not been provided as part of this Planning Statement. L&Q Estates however reserve the right to further review the Council's housing land supply position if required.
- 8.3 Indeed, it is noted that the Council continues to include 'oversupply' from previous monitoring years within their five-year housing land supply calculation. This is despite the Planning Inspectorate and Secretary of State agreeing that any oversupply from previous monitoring years should not be carried forward – as set out in an appeal decision at Oakridge, Highnam (Tewkesbury Borough Council Reference: 16/00486/OUT; Appeal Reference: APP/G1630/W/17/3184272). In a decision dated 20th December 2018, the Inspector's Report states:

"[Tewkesbury Borough Council] sought to make a case that the over-supply should not be "lost". However, the emphasis in the revised Framework is on determining the *minimum* number of homes and the requirement for local planning authorities is to demonstrate a *minimum* of 5 years' worth of housing against the requirement. Consequently, TBC's approach would run counter to that advocated in national planning policy and I do not therefore consider that an over-supply from previous years should be 'banked' so as to reduce the housing target in future years. This bears on the calculation of TBC's HLS which I address later on, but the surplus should not be counted in the calculations" (*Inspector's emphasis*), paragraph 203.

- 8.4 If 'over supply' was to be removed from the five-year housing land supply position, as required by the Planning Inspectorate and the Secretary of State, TBC would only be able to demonstrate a position of **2.52 years**, based upon their figures.
- 8.5 This represents a significant shortfall in the Council's five-year housing land supply. As such, in accordance with paragraph 11 of the NPPF (February 2019), planning permission should be granted unless 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.

9.0 AFFORDABLE HOUSING STATEMENT

- 9.1. In accordance with Policy SD12 of the JCS, it is proposed that 40% of the dwellings will be provided as affordable, equating up to 20 dwellings. These dwellings are proposed to be delivered on-site and will form part of the overall housing mix.
- 9.2. Whilst the exact mix of housing will not be a matter for determination as part of this outline application, it is noted that the JCS identifies the following classifications of affordable housing:
- Social rented housing;
 - Affordable rented housing; and
 - Intermediate housing.
- 9.3. L&Q Estates will look to work with Officers at TBC to ensure that the scheme provides a suitable mix of housing which meets the needs of local residents.
- 9.4. As set out within section 8.0 above, the Council cannot currently demonstrate a five-year supply of housing and, as such, the provision of up to 20 affordable dwellings should be afforded significant weight in the determination of this application.
- 9.5. Indeed, the Gloucestershire Strategic Housing Market Assessment (SHMA) 2014 and its 2015 update provides evidence relating to affordable housing needs in the JCS area. The 2015 SHMA update determines a need for 638 affordable houses per year across the JCS area. However, it is noted that the three allocations within the GNP will only deliver a total of 10 affordable dwellings – the remainder having been delivered through commuted sums.
- 9.6. As part of the proposed development, the affordable dwellings will be prioritised to those with a local connection to the area, in accordance with section 199 of the Housing Act 1996.

10.0 PLANNING ISSUES

10.1 Section 38(6) of the Planning and Compulsory Purchase Act, 2004 requires the determination of this application to be made in accordance with the Development Plan, unless material considerations indicate otherwise. This chapter considers the principal issues in the context of the Development Plan policies outlined in section 6.0 and other material planning considerations outlined at section 7.0.

Principle of Development

10.2 Policy SP2 of the JCS explains that development within Service Villages will be allocated through the emerging Tewkesbury Borough Plan and Neighbourhood Plans, proportional to their size and function, and also reflecting their proximity and accessibility to Cheltenham and Gloucester. Policy SD10 of the JCS goes on to states that proposals for development on unallocated sites will only be permitted in certain circumstances, none of which apply to the proposed development.

10.3 In accordance with the JCS, Gotherington has a made Neighbourhood Plan which allocates three sites for residential development at Policy GNDP02. The Site is located outside the designated settlement boundary and would therefore be considered against the requirements of Policy GNDP03.

10.4 Whilst the proposed development would not accord with criteria (a) – (f), in accordance with paragraph 11(d) of the NPPF (February 2019), the policy should be considered 'out of date' given that the Borough Council cannot demonstrate a five-year supply of housing.

10.5 Indeed, as confirmed by the Borough Council's latest Five-Year Housing Land Supply Statement (**Appendix 7**), a position of only 4.33 years can be achieved. As such, in accordance with paragraph 7 of the NPPF (February 2019) policies for the supply of housing contained within the JCS, GNP and saved policies of the Borough Plan should be considered out of date. For the avoidance of doubt, it is considered that both criterion (a) and (c) of paragraph 14 of the NPPF (February 2019) are applicable in this instance. As such, the presumption in favour should not be disengaged.

10.6 As such, planning permission should be granted unless:

- 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

- 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.

- 10.7 In the first instance, none of the policies referred to at criterion (i) are of relevance to the development proposals.
- 10.8 With regards to criterion (ii), in accordance with Gotherington's role as a designated Service Village, it is considered that an additional development of 50 dwellings can be sustainably accommodated without resulting in significant or demonstrably adverse effects. The Inspector for the previous Appeal Scheme confirmed that development could come forward without adverse landscape, highways, access, or heritage impacts. Moreover, L&Q Estates have sought to address the previous concerns raised in respect of the social role of sustainable development. This is presented at Section 11.0. The principal of residential is therefore considered to be acceptable with the benefits considered as part of the Planning Balance at Section 13.0 of this Planning Statement.

Landscape

- 10.9 In accordance with Policy LND2 of the adopted Local Plan, it is noted that the Site is located wholly within a 'Special Landscape Area' (SLA). The SLA is a locally defined designation which 'wraps-around' the northern, southern and eastern boundaries of Gotherington.
- 10.10 The approach which should be taken to Policy LND2 was outlined as part of the previous Appeal Scheme, in which the Inspector stated:

"Overall, the proposal would not cause significant harm to the intrinsic character of the countryside and would not harm the character and appearance of the surrounding area within the SLA, including the gap between Gotherington and Bishop's Cleeve. It would therefore not conflict with TBLP policy LND2. However, whilst this policy reflects the general approach of The Framework in relation to the conservation and enhancement of the natural environment, the policy deals with adverse effect in absolute terms and does allow for any benefits arising from proposals to be taken into account. In the light of Framework paragraph 215, I consider that this policy should only be accorded moderate weight in this case." Paragraph 28

- 10.11 It is therefore considered that a similar approach should be taken in the determination of the development proposal. Whilst the Site is located within the SLA, this needs to be considered in the context of the JCS which identifies Gotherington as a 'Service Village' and that development outside the existing boundaries will be needed to accommodate unmet housing need. As such, for the development proposals to be considered acceptable against Policy LND2, it is necessary to demonstrate that it does not 'adversely affect the quality of the natural and

built environment, its visual attractiveness, wildlife and ecology, or detract from the quiet enjoyment of the countryside’.

- 10.12 With this in mind, it is noted that the proposals have been landscape-led, to ensure that the schemes impact on the surrounding landscape character is minimised. Indeed, a LVIA has been submitted alongside the application which identifies the baseline conditions of the site and its surrounding area, informs the design layout and appearance and provides an assessment of the effects predicted to arise from the development on the baseline conditions.
- 10.13 The LVIA demonstrates that the embedded landscape mitigation (along with management measures to ensure that the landscape vision is achieved in the long term), means that the landscape has the capacity to accommodate new housing within this location.
- 10.14 Critically, the Site is relatively well contained, sitting as it does within a deep indent within the existing, southern settlement edge. The indent contains visibility from the west, north and lower ground to the east and ensures that the proposed development will relate well to the existing built-form. Notwithstanding, there are a limited number of open, long-ranging views into the Site from elevated vantages within the AONB from the east and south-east.
- 10.15 Furthermore, the LVIA demonstrates that development within the Site would not extend the existing southern extent of the settlement edge further south into the gap between Gotherington and Bishop’s Cleeve. Indeed, the submitted Illustrative Landscape Masterplan demonstrates how the southern edge could be designed to provide a ‘soft’ transition to the open countryside.
- 10.16 Considering Policy LND2 in particular, the illustrative landscape masterplan demonstrates that special attention has been given to the protection and enhancement of the landscape character and that the proposals would not significantly adversely affect the quality of the natural and built environment nor its visual attractiveness. Furthermore, the wildlife and ecology would be protected and mitigated and new public open space and permitted routes will enhance the quiet enjoyment of the countryside.
- 10.17 For the reasons outlined within the LVIA, the proposed residential development is considered to represent an appropriate scale and relatively discrete visual feature, which is designed to be in keeping with the local landscape character. It would result in a very limited number of material landscape or visual effects.
- 10.18 Indeed, the findings of the LVIA mirrors the Council’s own findings within the Landscape and Visual Sensitivity Study Addendum (November 2014) which found the Site to be the joint least sensitive site for residential development in terms of its landscape and visual impact.

10.19 To summarise, the submitted LVIA and Council's evidence base detail how the Site is a suitable location to accommodate residential growth. Indeed, the Council's Landscape Officer raised no objection to the provision of 90 dwellings as part of the determination of the previous application. Furthermore, the Inspector confirmed that development in this location "*would not amount to harm to the character and appearance of the area and would not represent environmental harm*" (paragraph 52). As such, it is equally considered that the proposed development can suitably come forward whilst according with the aims of Policy LND2 of the Local Plan as well as Policy SD6 and SD7 of the JCS and Policies GNDP07, GND09 and GNDP10 of the GNP.

Transport

10.20 In accordance with paragraph 109 of the NPPF, a Transport Assessment ('TA') has been submitted alongside the planning applications.

10.21 The TA explains that the proposed development has a wide range of facilities and services located within acceptable walking and cycling distance and is accessible by foot, cycle and public transport. As such, residents of the proposed development have realistic alternatives to the private car for their everyday travel needs.

10.22 Moreover, in terms of traffic generated in the surrounding area, traffic flow modelling confirms that the existing junctions have capacity to accommodate the additional development traffic without the need for mitigation.

10.23 A Travel Plan has also been provided and sets out sustainable transport methods to be achieved as part of the development.

10.24 As such, there are no grounds in highways and transportation terms to prevent the Site coming forward for development. Indeed, the impact of the development proposals would fall significantly short of "severe" in which paragraph 109 of the NPPF or Policy INF1 of the JCS would require the scheme to be refused. The scheme also fully accords with Policy TPT1 of the Local Plan.

Ecology

10.25 Ecology has been a key consideration on the Site throughout the design-phase and a Preliminary Ecological Appraisal has been submitted to set out the ecological considerations.

10.26 The baseline ecological investigations undertaken as part of the Ecological Appraisal included a desk study, Extended Phase 1 Survey and detailed (Phase 2) surveys relating to bats and reptiles.

- 10.27 The results of the desk study indicate that there are no statutorily or non-statutorily designated sites of nature conservation importance located within or immediately adjacent to the Site that are likely to be negatively affected by development.
- 10.28 In terms of protected species, surveys have most notably confirmed the presence of an assemblage of foraging/commuting bats of up to district value utilising the hedgerow boundaries. None of the protected species recorded during the course of the field and desk-based studies are considered to pose any in principle constraints to the development of the Site. However, appropriate mitigation and working methods will need to be adopted to safeguard breeding bird, bat, reptile and amphibian interests and ensure legal compliance.
- 10.29 Paragraph 170 of the NPPF looks for development proposals to minimise impacts on biodiversity and provide 'net gains for biodiversity'. Accordingly, habitat loss has been restricted to the loss of arable land and a small amount of boundary vegetation to facilitate access into the Site. Such impacts, including those on associated protected species (principally birds and bats), are proposed to be offset by the creation of new areas of wetland, meadow flower grassland and orchard habitat, in addition to wider tree planting. As a result of these improvements, the proposed development will deliver a net gain in valuable habitat within the Site.
- 10.30 As such, it is considered that the scheme can suitably come forward whilst meeting the requirements of paragraph 170 of the NPPF as well as Policy SD9 of the JCS, Policy NCN5 of the Local Plan and Policy GNPD12 of the GNP.

Flooding and Drainage

- 10.31 In the first instance, it is noted that the Site is located wholly within Flood Zone 1 (the lowest risk of flooding). As such, a Sequential Test is not required in support of the application in accordance with paragraph 163 of the NPPF. However, a detailed Flood Risk Assessment and Drainage Strategy has been submitted which demonstrates that the proposed residential development is at an acceptable level of flood risk, subject to the recommended flood mitigation strategies being implemented.
- 10.32 Surface water will be disposed via an infiltration basin or by discharging to the existing public sewer if further site investigation deems infiltration not suitable. A new on-site sewer network will be designed to collect run-off from hardstanding areas and convey it to the infiltration pond/attenuation feature. In accordance with the submitted Illustrative Masterplan, it is noted that a scheme for 50 dwellings can be delivered alongside an appropriate attenuation pond located along the south-west boundary of the Site.

10.33 In light of the above, it is considered that the scheme accords with national planning policy relating to flooding and drainage as well as local guidance provided by Policy INF2 of the JCS and Policy EVT9 of the Local Plan.

Arboriculture

10.34 An Arboricultural Baseline Assessment (incorporating an Arboricultural Impact Assessment and Tree Protection Survey) has been submitted alongside the planning application. This details the mitigation to be provided on site to minimise the effects on trees and hedgerows from the development.

10.35 The Report highlights that the main body of the Site contains very few trees. Indeed, the trees which are scheduled for removal, relate primarily to formation of the proposed vehicular access.

10.36 Those which are present are along the perimeter of the Site and lie off-site. Full attribute details for the 11 off-site items has been provided as part of the submitted Arboricultural Assessment. Whilst they remain outside of the direct control of the scheme, their above and below-ground constraints have been considered in the design process and their root protection scheme.

10.37 The submitted Illustrative Masterplan shows the addition of a large number of new trees within the development and open spaces. Allied to the low number of trees to be removed, there will be a substantial net gain of trees across the development site.

Archaeology and Heritage

10.38 An Archaeological and Heritage Assessment (AHA) has been submitted with the application which confirms that the Site does not contain any designated heritage assets, such as world heritage sites, scheduled monuments, registered parks and gardens, registered battlefields or listed buildings.

10.39 The historic and modern settings of each of the designated assets within the Site's wider zone of influence has been assessed, and it is determined that the significance of these assets would in no way be adversely affected by the form of the development proposed, either in terms of an effect on the physical form/fabric or through change to their settings.

10.40 There are no previously recorded non-designated heritage assets within the boundary of the Site, however National Mapping Programme (NMP) data indicates that the majority of the Site was utilised for arable cultivation from at least the medieval period onwards. Furthermore, extensive ridge and furrow earthworks were observed within the majority of the Site, in aerial photographs viewed at the Historic England archive. However, with the exception of the westernmost field of the Site, the earthworks were entirely ploughed-out by the 1970s.

- 10.41 Based on the available information, the Site has moderate potential to contain further archaeological remains of medieval to post-medieval date. However, if any archaeology is present, the AHA explains that it will most likely be the 'low value' remains of agricultural field systems.
- 10.42 Taking into account the presence of the known heritage assets identified, the AHA concludes that there is no reason to believe, or expect, that the Site contains archaeology of such significance that might require preservation in situ and prejudice delivery of the development proposals. As such, the scheme is considered to fully accord with Policy SD8 of the JCS.

Utilities

- 10.43 A Services and Utilities Report has been submitted alongside the application and considers the existing and proposed services for the proposed development. Impacts of the scheme on existing service have also been considered alongside the new infrastructure required to meet the demands of the new development.
- 10.44 In terms of the local gas supply, there is no existing supply to the Site. However, Wales & West Utilities have confirmed the existing local network has sufficient capacity to accommodate the demand for the new development.
- 10.45 With regards to electricity, Western Power Distribution has confirmed that the existing network has sufficient capacity to supply the new development. A new substation will be required which will connect into the existing HV network and supply the new development via a new LV network.
- 10.46 The development will also require a new domestic connection into the existing Severn Trent Water network. Severn Trent Water has confirmed the local network has sufficient capacity to supply the new development.

Ground Conditions

- 10.47 The submitted Geo-environmental and Geotechnical Desktop Study identifies only minor potential sources of contamination, primarily relating to the Site's use for agricultural purposes. Moreover, the identified geotechnical risks are not considered to be particularly high risk, and suitable engineering design should be able to overcome these, should they prove to be present.
- 10.48 The submitted Study provides further recommendations prior to development however, on the information provided, there are considered to be no constraints to development which would prejudice approval of this outline application.

Layout, Scale and Appearance of Residential Units

- 10.49 Whilst the application is made in outline, with access detailed and all other detailed matters of design reserved for subsequent approval, the accompanying Design and Access Statement outlines the proposed design principles for the development which takes into consideration adjoining residential dwellings.
- 10.50 The scheme is focused on creating a place and living environment to provide new and high-quality homes in a manner that integrates within the existing settlement and community, whilst protecting the identity of Gotherington and amenity of adjoining residential dwellings.
- 10.51 This will be achieved by:
- Maintaining and enhancing the village's network of publicly accessible paths, supporting convenience, leisure activities and opportunities to explore;
 - Delivering a range of high-quality family dwellings and the creation of new publicly accessible amenity spaces;
 - Preserving and enhancing the surrounding Green Infrastructure to maintain biodiversity and provide a well-defined settlement edge to the south of Gotherington;
 - Increase the provision of amenity greenspace and play-space for children within the Site;
 - Maintaining and enhancing the distinctive architectural character of the village;
 - Delivering new high-quality housing in a range of sizes and tenures, including affordable housing to support local housing demand;
 - Contributing towards the community's housing and social needs; and
 - Having a strong emphasis on the landscape character and the desirability to define the village's southern boundary that maintains its clear identity from Bishops Cleeve.
- 10.52 In addition, it is noted that a number of existing PRow extend across the Site. Wherever possible these have been maintained and enhanced as part of the Illustrative Masterplan. Where routes have been amended, the Illustrative Masterplan ensures that the 'direction of travel' is maintained and that accessibility across the Site will not be compromised as a result of the development.
- 10.53 The proposed development includes a large area of Public Open Space along the northern boundary, significantly in excess of the requirements set out by Policy RCN1 of the Local Plan

and Tewkesbury Borough’s ‘Social, Sport and Open Spaces Study Developer Contributions Toolkit’ (August 2017).

10.54 The purpose of the Toolkit is to ensure that planning contributions sought from an individual development is based on a tailored approach. This will help to clearly justify the needs arising from the development and how they are to be met. In terms of Tewkesbury Borough, the Toolkit subdivides the authority into five separate areas with Gotherington located within ‘Tewkesbury Area 3’.

10.55 For ease of reference, in accordance with the Toolkit, it is noted that the breakdown of open space as part of the proposed development will be as follows:

Table 10.1: Breakdown of Open Space

Social, Sport and Open Spaces Study: Developer Contributions Toolkit (August 2017)					
Outdoor Playing Space	Current standard by open space type (ha)				
	Parks & gardens	Natural & semi natural greenspace	Amenity greenspace	Provision for children & young people	Allotments
Tewkesbury Area 3 (ha per 1,000 population)	0.0	0.0	1.48	0.05	0.19
Development Requirement	0.0	0.0	0.17	0.01	0.02
To be provided as part of proposed development	0.0	0.0	2.88*	On-site LEAP and MUGA	**

** Consisting of Formal Open Space, Informal Amenity Open Space, Landscape Buffer and Wetland Park*

*** TBC guidance advises of minimum allotment size of 0.4ha. It is understood that a financial contribution will therefore be sought for schemes delivering below this requirement.*

10.56 Several community uses will be accommodated in the Public Open Space, including MUGA, Children’s Playspace and Multi-Purpose Community Area. Given the size of the open space in which these are to be located, it is considered that they can come forward whilst preserving local character and distinctiveness and without harming landscape or residential amenity as required by Policy GNPD05 of the GNP.

10.57 The Design and Access Statement establishes how the proposed development can mitigate against the impact of climate change. This includes improving the fabric performance of buildings and ensuring that the Site meets the prevailing Building Regulation standards relevant

at the time of construction. This approach follows the guidance contained within Policy SD3 of the JCS.

- 10.58 In light of the above, the Site has capacity to accommodate up to 50 dwellings whilst adhering to the design objectives set out within the NPPF (February 2019) as well as Policy SD4 and SD11 of the JCS, Policy GNL2 of the Local Plan and Policy GNDP04 of the GNP.

11.0 VITALITY AND SOCIAL WELLBEING OF GOTHERINGTON

- 11.1 In determining the previous Appeal Scheme, the Inspector explained that they *"share the concern of the Council and residents that the substantial number of new dwellings currently proposed would be hard to assimilate and I have not been provided with persuasive evidence that current facilities would be capable of expansion"* (paragraph 34). As such, the Inspector considered that the proposed development would not accord with the social role of sustainable development which was described as *"supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being"* (paragraph 37). In assessing the overall planning balance, the Inspector considered that the failure to meet the social role of sustainable development weighed heavily against the proposal (paragraph 53).
- 11.2 With this in mind, we have set out below how the revised scheme specifically addresses the concerns raised by the Inspector that additional development would have a detrimental impact on the vitality and social wellbeing of Gotherington, as well as other material changes since its determination.

Amendments to the Proposed Development

- 11.3 L&Q Estates have directly responded to the Inspector's concern with regards to the scheme according with the social role of sustainable development and that current facilities would be incapable of expansion (Para 34 of **Appendix 2**) by delivering a MUGA, Children's Playspace and Multi-Purpose Community Area on-site within the area of Public Open Space. These facilities will act as a 'focal point' for the development which will benefit both new residents and the existing community.
- 11.4 As set out above, the proposed Public Open Space would accord with the aspirations of the Neighbourhood Plan, in which the area was originally envisaged as a Local Green Space. The GNP confirms at Appendix 2 that the area of Public Open Space is used as a safe walking route to and from local facilities, particularly the school, shop and the bus stop as well as for dog walking and general recreation. The field was therefore considered by the GNP to be favoured by families who value it as a safe route. Delivery of 'The Meadow' from a tract of private agricultural land to an area of key Public Open Space should therefore be regarded as a significant social benefit to the local community. Indeed, the proposed development will result in the rationalisation and upgrading of public rights of way across the Site, allowing it to form an accessible route to all users, with additional facilities to use and enjoy.

- 11.5 With this in mind, the Public Open Space is considered to form a highly appropriate and sustainable location to deliver such key social benefits. Paragraph 2.10 of the GNP advises that *"Provision of more activities for young people (particularly teenagers)"* was an issue raised by local residents through the preparation of the Neighbourhood Plan. The provision of an on-site MUGA will not only ensure that this requirement is suitably achieved, it will also be provided on a key route to and from Gotherington Primary School.
- 11.6 Furthermore, the proposed Multi-Purpose Community Area can act as a dedicated place in which local residents can congregate. As set out in the submitted Design and Access Statement, this could be a Bandstand or shelter and Seating Area in which community events could be hosted. However, discussions with the Parish Council and local residents to deliver a use which fully meets the requirements of the community will be explored through the detailed design.
- 11.7 In determining the previous Appeal Scheme, the Inspector was not presented with persuasive evidence to suggest that existing facilities were capable of expansion (paragraph 34). L&Q Estates have therefore sought to ensure that the proposed development will provide services that fully reflect the community's needs. In doing so, the proposed development will have a significantly positive effect on the vitality and social well being of Gotherington and will support a strong and healthy community.

Community Infrastructure Levy payment to Gotherington Parish Council

- 11.8 In accordance with section 59A(3) of the Community Infrastructure Levy Regulations 2013 (as amended), the Borough Council must pass 25% of the relevant CIL receipts to Gotherington Parish Council as they have a made Neighbourhood Plan. As such, in addition to the on-site facilities that will be provided as part of the proposed development, the Parish Council will also receive a direct financial contribution to fund other infrastructure projects within the Parish.
- 11.9 Whilst the exact financial contribution will not be calculated until the reserved matters stage, **Appendix 3** confirms that the Parish Council can expect a financial contribution of approximately £131,000 as a result of the development.

Timing of other Major Development within Gotherington

- 11.10 At the time of determining the previous Appeal Scheme, TBC had recently approved an application for 50 dwellings at Malleson Road (Ref: 17/00922/APP). As such, if approved, the Appeal Scheme would have been delivered approximately over the same time period as the scheme on Malleson Road – i.e. over the three-year period 2018/19 – 2020/21.

Table 11.1: Housing Trajectory within Gotherington

	2015- 2016	2016 - 2017	2017 - 2018	2018 - 2019	2019 - 2020	2020 - 2021	2021 - 2022	2022 - 2023	2023 - 2024
Land at Shutter Lane, Gotherington (Ref: 14/00432/FUL)*	9	8	-	-	-	-	-	-	-
Land south of Malleson Road (Ref: 17/00922/APP)**	-	-	-	10	25	15	-	-	-
Land Adjoining 59 Gretton Road, Gotherington (Ref: 17/00922/APP)**	-	-	-	-	10	-	-	-	-
Land North of Malleson Road (Ref: 19/00476/FUL)***	-	-	-	-	-	9	-	-	-
Land off Ashmead Drive (The Site)***	-	-	-	-	-	-	-	25	25

* Delivery from Tewkesbury Borough Five Year Housing Land Supply Statement (March 2017)

** Delivery from Tewkesbury Borough Five Year Housing Land Supply Statement (August 2019)

*** Barton Willmore estimated delivery (subject to planning approval)

11.11 As Table 11.1 demonstrates, the previous Inspector would have determined the Appeal Scheme in the context of various other sites coming forward at the same time – thereby reducing the ability for new residents to assimilate with the existing community. However, through the submission of a revised planning application, the delivery of dwellings from the Site has been delayed by approximately three years. As a result, approval of the submitted scheme would result in a more gradual increase in residents than previously envisaged.

11.12 Indeed, no further major residential developments have come forward within the interim period. Therefore, whilst the percentage increase at Gotherington will remain unchanged at 27%, this will now be delivered over a nine-year period.

Planning Policy Context

11.13 When considering the impact of increasing the size of Gotherington by approximately 27%, the Inspector had regard to the disaggregated housing figure set out within TBC’s ‘Approach to Rural Sites Background Paper’ (ARSBP) (2015). The ARSBP was produced as a background paper for the emerging Borough Plan which envisaged an increase of approximately 15%.

11.14 However, the ARSBP has yet to be tested through Examination of the Borough Plan. Furthermore, the disaggregation contained within the ARSBP is based on Policy SP2 of JCS

which requires 'in the order' of 880 dwellings to be provided towards the Service Villages. Given that the housing requirement should be seen as a minimum, and that the Council currently has a significant shortfall in their housing land supply, it is considered that the weight which can be attributed to the ARSBP is now significantly reduced.

Approach to development at Coombe Hill, Tewkesbury

- 11.15 Members of TBC's Planning Committee resolved to grant outline planning permission for two residential developments at Coombe Hill on 10th June 2019 (Ref: 18/00173/FUL and 17/01337/OUT). Between the two schemes, a total of 65 dwellings would be provided at Coombe Hill.
- 11.16 As set out within the accompanying Report to Committee, Coombe Hill has an indicative minimum requirement of 22 dwellings (including dwellings which have already been committed in the village). However, as outlined within the ARSBP, the existing settlement contains 39 existing dwellings. As a result, the two developments would increase the existing settlement of Coombe Hill by 267% - significantly in excess of what is proposed at Gotherington. Furthermore, in the context of the ARSBP, Coombe Hill was only anticipated to deliver 2.4% of dwellings across the Service Villages in accordance with its size, services and accessibility to higher order settlements.
- 11.17 In determining the application, Officers note that **"whilst there is conflict with the development plan housing policies, these policies are considered out of date"** (Paragraph 7.9, 18/00173/FUL). We would consider a similar approach would be applicable in the determination of the proposed development at Gotherington.

Summary

- 11.18 For the reasons outlined above, the proposed development will deliver a number of on-site facilities that will directly mitigate the scheme's impact on the existing community of Gotherington, as well as supporting and enhancing the health, social and well-being of the community. Moreover, the impact of development will be further reduced by the timing of delivery over a nine-year period.
- 11.19 The approval of two applications at Coombe Hill by TBC demonstrate the need to bring forward non-allocated sites to contribute to the five-year housing land supply and, through the delivery of accompanying facilities, can sustainably accommodate development in excess of the disaggregated approach taken in the ARSBP.
- 11.20 It is therefore demonstrated that the submitted scheme can fully accord with the 'social' element of sustainable development, as defined by the NPPF (February 2019).

12.0 PLANNING OBLIGATIONS

- 12.1 The Borough Council adopted a Community Infrastructure Levy (CIL) Charging Schedule in October 2018, with the levy coming into effect on 1st January 2019. In accordance with the approved schedule, the Site falls within the Generic Sites in Tewkesbury and is subject to the levy of £200 per square metre on all market dwellings proposed.
- 12.2 Following the implementation of CIL across the JCS authorities, TBC's Regulation 123 list sets out the infrastructure projects or types of infrastructure that is intended will be, or may be, wholly or partly funded by CIL. The intention is to ensure that there is no duplication in the use of both CIL and Section 106 from the same application for development for the same infrastructure project.
- 12.3 On-site requirements (whether they are delivered on or off site), and specific infrastructure requirements that can be robustly justified as necessary to make the development acceptable in planning terms, will still be delivered via a Section 106 Agreement. The regulations explain that, where planning applications are capable of being charged the levy, they must comply with the tests set out in the CIL regulations. These tests are as follows:
- Necessary to make the development acceptable in planning terms;
 - Directly related to the development; and
 - Fairly and reasonably related in scale and kind to the development.
- 12.4 The contents of any Section 106 Agreement will be the subject of more detailed negotiation and discussion as part of the planning application process. However, we would anticipate that it would cover matters such as affordable housing, Public Open Space, MUGA, Community Facilities and Education.
- 12.5 Furthermore, in accordance with regulation 59A(3), the Borough Council must pass 25% of the relevant CIL receipts to Gotherington Parish Council by virtue of their 'made' Neighbourhood Plan.

13.0 SUMMARY AND PLANNING BALANCE

13.1 Barton Willmore has been instructed by L&Q Estates Ltd to prepare and submit an outline planning application to Tewkesbury Borough Council for the construction of up to 50 dwellings at Land off Ashmead Drive, Gotherington with all matters reserved except for access. The description of development is set out as follows:

“Outline planning application with means of access from Ashmead Drive to be determined (all other matters reserved for subsequent approval), for the erection of up to 50 dwellings (Class C3); earthworks; drainage works; structural landscaping; formal and informal open space; car parking; site remediation; and all other ancillary and enabling works.”

13.2 In accordance with the adopted Development Plan, the Site is located outside the defined settlement boundary of Gotherington and is therefore in conflict with Policy SD10 of the JCS and Policy GNPD03 of the GNP.

13.3 Whilst the development proposal does not fall within the guidance of these policies, it is noted that in the context of not being able to demonstrate a five-year supply of housing land, the existing settlement boundaries should not be considered ‘up-to-date’ as they are relevant to the supply of housing land.

13.4 Therefore, in accordance with footnote 7 of the NPPF (February 2019), it is considered that the application for housing should be considered in the context of the presumption in favour of sustainable development.

13.5 In defining sustainable development, the NPPF (February 2019) requires development proposals to be sustainable in terms of economic, social and environmental roles. As such, Table 13.1 outlines how the proposals accord with the definition of sustainable development.

Table 13.1: Key Economic, Social and Environmental Gains of the Proposed Development

Sustainable Development	Key Economic, Social and Environmental Benefits of the Proposed Development
An economic role/economic benefits	<ul style="list-style-type: none"> • The construction of the Proposed Development would support construction jobs directly related to the development. • The provision of up to 50 dwellings will generate additional convenience, comparison and leisure services expenditure in the local area. • The Council will gain a direct contribution through the New Homes Bonus, provided by the Department for Communities and Local Government.

	<ul style="list-style-type: none"> • The Proposed Scheme will generate additional Council Tax payments to the Council.
<p>A social role/social benefits</p>	<ul style="list-style-type: none"> • The provision of up to 50 new homes will support the creation of strong, vibrant and healthy communities. • The provision of 40% affordable housing will increase the District’s supply of affordable homes and help to reduce inequalities, amounting to circa 20 dwellings of the proposed maximum of 50 dwellings being delivered as affordable housing. • The development of the Site for residential uses would contribute towards the Council’s shortfall in the five-year supply of deliverable housing land, in a sustainable location. • The Proposed Development incorporates Public Open Space, a MUGA, LEAP and Multi-Purpose Community Area which are within easy walking distances of the new homes and will encourage the development of healthy communities as well as ensuring positive linkages with the existing community in Gotherington • The Site is in an accessible location with connections to pedestrian routes, which link to the key services and facilities located within Gotherington
<p>An environmental role/ environmental benefits</p>	<ul style="list-style-type: none"> • The Proposed Development includes retention of key existing ecological assets and the enhancement of biodiversity including the areas of planting and trees across the Site • The Site adjoins the existing built up boundary of Gotherington, which has been identified as a Service Village. In accordance with Gotherington’s designation as a Service Village, it is anticipated to deliver a proportion of growth over the Plan period. • A number of shops and services are located either within walking distance or via existing bus routes thus reducing the need for the private car. • The Site is well contained by existing built-form or permanent boundaries ensuring that the impact on the surrounding landscape is minimised • Provision of Sustainable Urban Drainage Systems (SUDs) including on-site attenuation ponds and no adverse impact on flood risk. • A commitment to sustainable waste management and construction during development and occupation.

13.6 The Site is demonstrated to be a suitable and sustainable location for residential development which will contribute to the current shortfall in housing land supply.

- 13.7 Notwithstanding the Council's five year housing land supply position, the Inspector for the previous Appeal Scheme confirmed that Policy LND2 does not fully comply with current national policy and that the policy was clearly relevant to the case as it was the only local policy that relates to landscape issues. As such, the Inspector stated that Policy LND2 was "*out of date and the tilted balance in paragraph 14 of the Framework therefore comes into play for that reason*" (paragraph 55). Whilst the Framework has been updated since the determination of the Appeal Scheme, Policy LND2 remains part of the Development Plan and, as such, is equally considered 'out of date'.
- 13.8 As such, it is considered that the 'presumption in favour of sustainable development' is engaged both through the Council's five-year housing land supply position and through Policy LND2 being out of date.
- 13.9 It is noted that the NPPF (February 2019) sets out criteria which must all apply for the presumption in favour to be 'disengaged' against a made Neighbourhood Plan. Given that the GNP is over two years old and that TBC can demonstrate no more than 2.52 years of housing land supply, it is considered that criterion (a) and (c) do not apply in this instance. As such, the presumption in favour should not be 'disengaged' by the provisions of paragraph 14 of the NPPF (February 2019).
- 13.10 This approach follows an appeal at Upper House, Richards Castle, dated 22nd October 2019 (Appeal Ref: APP/W1850/W/19/3221760). Whilst the appeal was dismissed, the Inspector made the following comments in respect of how paragraph 14 of the NPPF (February 2019) should be considered as part of the decision-making process. The Inspector stated:

"Paragraph 14 of the National Planning Policy Framework (2019) sets out that, in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits where certain criteria apply.

Criterion a) of Paragraph 14 requires that the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made. However, the NDP became part of the development plan more than two years before the date of the decision. Consequently, irrespective of the extent of new housing delivered within the Parish, conflict with Policies of the [Neighbourhood Development Plan] alone would be insufficient to significantly and demonstrably outweigh the benefits of the proposed development."
(Paragraph 22 and 23)

- 13.11 With this in mind, it is similarly considered that conflict with the GNP should not be considered to 'significantly and demonstrably' outweigh the benefits of the proposed development.

- 13.12 In light of the above, and in accordance with paragraph 7 of the NPPF (February 2019), planning permission should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 13.13 With this in mind, we have summarised at Table 13.2 below, the benefits of the proposed development against the adverse impacts and neutral factors, which demonstrates that the adverse impacts **do not significantly** and **demonstrably** outweigh the benefits.

Table 13.2: Planning Balance

Benefits	Adverse Impact	Neutral
Provision of 50 market and affordable dwellings within a sustainable location.	Site located outside the settlement boundary of Gotherington as defined by the Tewkesbury Borough Local Plan and Gotherington Neighbourhood Plan. The adverse harm is however considered to be limited given the Council’s five-year housing land supply shortfall.	Visual impact on local environment.
Delivery of Public Open Space that accords with the aspirations of the Gotherington Neighbourhood Plan, which is accessible to all residents of the community.	Quantum of development exceeds disaggregation envisaged within Tewkesbury Borough Council’s Evidence Base. However the weight to be attributed to the evidence base should be reduced given the Council’s five year housing land supply position and that it has not been subject to independent examination.	No identified impact on heritage assets.
On-site community facilities including MUGA, Children’s Playspace, Multi-Use Community Area.		Capacity within the surrounding highway network to accommodate the development.
Community Infrastructure Levy payment of approximately £131,00 to Gotherington Parish Council.		
Provision of additional employment during construction phase, including 37 direct and 33 indirect jobs.		

Increased retail expenditure within local area, estimated to be in the region of £1.1 million per annum.		
New Homes Bonus of £362,000 provided over four years.		
Additional Council Tax payments of £102,000 per annum.		
Delivery of net biodiversity gain.		

13.14 As Table 13.2 demonstrates, there is no technical harm from the development proposal (i.e. heritage, landscape and highway matters are all of 'neutral' impact). Harm is therefore limited to the development of housing outside the existing settlement boundary of Gotherington and that the overall quantum of development is more than envisaged within the evidence base for the emerging Borough Plan. This harm should however be considered very limited given the significant shortfall in the Borough Council's five-year housing land supply. Moreover, the scheme will deliver a number of substantial benefits to the community of Gotherington to ensure it does not have a detrimental impact on social, health and well-being of the settlement but in fact supports and strengthens the strong and vibrant community.

13.15 This very limited harm falls far short of 'significant' and 'demonstrable' as required by the NPPF for planning permission to be refused and would be outweighed by the significant economic and social benefits that would be provided. Indeed, even in the event that the Council could demonstrate a five-year housing land supply, the scheme could sustainably contribute to TBC's annual housing requirement.

13.16 It is therefore respectfully requested the outline planning permission is approved, subject to conditions and planning obligations.

APPENDIX 1

Site Location Plan

APPENDIX 2

Appeal Decision

APPENDIX 3

Economic Benefits Infographic, Prepared By Barton Willmore

APPENDIX 4

Illustrative Layout
(Ref: 16/00901/Out) – 90 Dwellings

APPENDIX 5

Report to Planning Committee
(Ref: 16/00901/Out)

APPENDIX 6

Extract from Update to Planning Committee
(Ref: 16/00901/Out)

APPENDIX 7

Tbc Five Year Housing Land Supply
Position Statement (August 2019)